CITY OF RYE

NOTICE

There will be a regular meeting of the City Council of the City of Rye on Wednesday, December 3, 2014, at 7:30 p.m. in Council Chambers at City Hall. *The Council will convene at 6:30 p.m. and it is expected they will adjourn into Executive Session at 6:31 p.m. to discuss personnel. It is anticipated that the Council will adjourn into Executive Session at the end of the meeting to discuss collective bargaining.*

AMENDED AGENDA

1. Pledge of Allegiance

2. Roll Call

3. General Announcements.

4. Draft unapproved minutes of the Budget Workshops held November 17, 2014 and November 19, 2014 and the Regular Meeting of the City Council held November 19, 2014.

5. Issues Update/Old Business.

6. Mayor and Council amendments to the proposed 2015 City of Rye Budget.
   Roll Call.

7. Public Hearing on the proposed 2015 Budget.

8. Continuation of the Public Hearing to add a proposed Local Law amending the Code of the City of Rye by creating a new chapter, Chapter 176, "Energy Conservation", to establish a Sustainable Energy Loan Program in the City of Rye in accordance with Article 5-L of the General Municipal Law.

9. Public Hearing to amend local law Chapter 191, "Vehicles and Traffic", of the Rye City Code by amending Section §191-20, "Parking time limited", Subsection (E) "Fifteen-minute limit" to designate three parking spaces on the west side of First Street as fifteen minute parking spaces.

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

11. Consideration of a request by the Rye Little League to approve a parade to kickoff Opening Day of the 58th Little League Season on Saturday, April 11, 2015 beginning at 12:00 p.m.

11A. Appeal of denial of FOIL request by Leon Sculti.

12. Miscellaneous communications and reports.

13. New Business.

14. Adjournment.

* *

The next regular meeting of the City Council will be held on Wednesday, December 17, 2014 at 7:30 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 jsack@ryeny.gov or contacting the City Manager’s Office at (914) 967-7404.

CITY COUNCIL AGENDA

NO. 4 DEPT.: City Clerk DATE: December 3, 2014

CONTACT: Dawn Nodarse

AGENDA ITEM Draft unapproved minutes of the Budget Workshops held November 17, 2014 and November 19, 2014 and the Regular Meeting of the City Council held November 19, 2014, as attached.

FOR THE MEETING OF:
December 3, 2014

RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION: That the Council approve the draft minutes.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND: Approve the minutes of the Budget Workshops held November 17, 2014 and November 19, 2014 and the Regular Meeting of the City Council held November 19, 2014, as attached.

DRAFT UNAPPROVED MINUTES of the Budget Workshop of the City Council of the City of Rye held in City Hall on November 17, 2014 at 7:30 P.M.

PRESENT:
JOSEPH A. SACK Mayor
KIRSTIN BUCCI
JULIE KILLIAN
TERRENCE McCARTNEY
RICHARD MECCA
RICHARD SLACK (arrived at 7:50 p.m.)
Councilmembers

ABSENT: LAURA BRETT, Councilmember

1. Pledge of Allegiance

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

2. Roll Call

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

3. Discussion of the FY 2015 Budget.

- Police Department Budget Review

Police Commissioner Pease and Tom Scappaticci answered questions regarding the Police Department budget. Commissioner Pease said the budget remained basically flat from last year but noted an increase in the budget of $335,800 related to the new contract agreement. There was a discussion regarding staffing levels in the department. City Manager Culross said that the increased number anticipated receiving authorization to fill the position of an expected retirement before it was vacated. After a brief discussion with Commissioner Pease on the Department's intention to step up its work on drug abuse prevention, Mayor Sack indicated that the Council might be receptive to an additional detective who would focus on drug work. The Commissioner was asked to provide the Council with a report after the budget process is completed on the crossing guard program including the turn-over ratio of guards and what works and what does not work about the program. There were also discussions on the use of overtime in the department the process involved in replacing an officer. Commissioner Pease indicated that it was his preference to replace someone with a transfer from another department rather than

a new candidate who must go through the Police Academy because the timeframe is much shorter to get the officer out in the field.

- Fire Department Budget Review

Fire Chief Peter Cotter and Lt. Kurt Tietjen answered questions regarding the Fire Department budget. City Manager Culross spoke outlined the reasons for his recommendations for additional staff in the department. It is suggested that four paid firefighters be hired in the last quarter of 2015 so that they will be trained and available by 2016. It is also suggested that new position of Assistant City Manager/Emergency Services Coordinator be added in July 2015. This position would have administrative oversight over the Fire Department and over all emergency response planning in the City. There was a discussion regarding staffing levels in the department over the years and the reasons for the request for additional paid firefighters. Chief Cotter spoke about increased training requirements and the difficulty in getting volunteers, especially those who can respond to fires during the day. There was also a discussion regarding the necessity for the proposed duel position. City Manager Culross said he believes it is, in order for the City to be prepared to deal with disasters. The mechanics of how mutual aid works; could the department function if one of the City's two firehouses was closed; or consolidating with the County were also discussed.

- Rye Free Reading Room Budget Review

Library Director Chris Shoemaker and Board Members Mary Sykes and Susan Jansen discussed the Library's budget request. Mr. Shoemaker made a presentation that outlined what the Library has accomplished over the last year and what they hope to do in 2015. The areas touched on included hours of operation, services provided, collections, programs offered, fund raising, and proposed new initiatives. Information comparing the Rye Free Reading Room with other libraries was also provided. It was noted that the City Manager's Proposed Budget included a $25,000 increase in funding for the Library but that the request is for an $80,000 increase over last year. Board Member Jansen indicated that receiving the additional $80,000 would allow the Library to be open an extra thee to five hours per week, as well as adding E-Books and expanding the collections.

- Boat Basin Budget Review

Boat Basin Supervisor Peter Fox and Boat Basin Commission members Greg Gavlik, George Szczerba, and Robert Rispoli discussed the Boat Basin budget. City Manager Culross discussed a proposed structural change which would reduce the number of permanent employees at the Boat Basin and return oversight of the Boat Basin back to the Recreation Department, with the Boat Basin Supervisor reporting to the Recreation Superintendent and not the City Manager. There was a lengthy discussion about the costs associated with dredging the Channel and the Marina, which is paid for by the membership of the Marina even though they are not the only ones who use the Channel. The Boat Basin cannot afford to keep the Channel open for everyone who uses it. City Manager Culross noted that that Marina was developed on the premises that the Federal Government would maintain the Channel, but this was no longer being done. There was a discussion about ways to get those who use the Channel to pay their fair share such as

increasing mooring fees; instituting a system for policing moorings; putting mooring fees into the Enterprise Fund; and creation of a special taxing district.

- Rye TV Budget Review

Rye TV Access Coordinator Nicole Levitsky discussed the Rye TV budget. Ms. Levitsky said that there have been two full-time employees of the Department for 17 years. The budget for part-timers for 2015 is $30,000 because they are not sure of what the demand will be to film meetings. There was also a discussion of the proposed capital project to create a studio in City Hall; how it would be staffed; franchise fees received from Cablevision and Verizon and trends for the increase or decrease of those fees when the contracts are up for renegotiation; and the possibility of the studio project being done for less than $850,000.

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Councilman Slack questioned the use of Fund Balance in the proposed budget and asked if this was a sustainable practice. He suggested that it might be prudent in a strong economy with a good revenue stream to add to the Fund Balance.

4. Adjournment

There being no further business to discuss Councilman Mecca made a motion, seconded by Councilman Slack and unanimously carried, to adjourn into executive session to discuss a personnel matter and not return to the budget workshop at 11:00 p.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk

DRAFT UNAPPROVED MINUTES of the Budget Workshop of the City Council of the City of Rye held in City Hall on November 19, 2014 at 7:00 P.M.

PRESENT:
JOSEPH A. SACK Mayor
LAURA BRETT
KIRSTIN BUCCI
JULIE KILLIAN
TERRENCE McCARTNEY
RICHARD SLACK
Councilmembers

ABSENT: RICHARD MECCA, Councilmember

1. Pledge of Allegiance

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

2. Roll Call

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

3. Discussion of the FY 2015 Budget

- Recreation Department Budget Review

Recreation Superintendent Sally Rogol made a presentation about the Department outlining the buildings, parks, and fields they maintain, as well as the programs, and special events that are provided with a goal of "providing something for everyone". She said there were over 5,000 users of recreations facilities over the year and the Department recovers 45% of their costs through fees and charges. The way that program fees are determined was also discussed. Ms. Rogol requested that the Council consider the request to add additional full-time staff to the Department including the position of Assistant Superintendent and a grounds keeper. She said she believed the Department was well equipped to oversee the Boat Basin that has been proposed by the City Manager. There was a discussion among the Council about how the recovery percentage for the department is calculated and how this rate will be affected by the addition of the new positions.

- Rye Golf Budget Review

Golf Club Manager Jim Buonaiuto and members of the Golf Commission including Mack Cunningham, Patrick Dooley, Charley Davies, John Duffy, T.J. Hanson and Leon Sculti represented the Golf Club. Mr. Buonaiuto made the presentation about the Golf Club which is a City-owned membership based club that is required to be fully self-sustaining from dues and fees for services provided. A $400,000 profit margin is projected for 2014 which was achieved without an increase in fees and the removal of the $300 food and beverage minimum. Golf revenues were up in 2014 by over $156,000 but pool revenues were down. However, there were more prorated pool membership sales in 2014 than in 2012 and 2013 combined. Changes that were made to the pool operation during the season and proposed changes for improvements were also discussed. The 2015 Budget is the most transparent ever presented and reduces operating expenses by over $1.8 million by reducing the expenses in revenue associated with operation of the food and beverage business. The 2015 Budget covers all of the Club's expenses and should result in a surplus that can be used to further replenish the Reserve Fund or fund capital projects at the Club, which will be celebrating its 50th anniversary in 2015. Several members of the Council commented on the quality of the facility and praised the members of the Golf Commission and General Manager Buonaiuto for their work over the last year in turning the club around. Members of the Commission said the Commission is very engaged in looking to reduce costs in areas where they have control and they are also looking to have a stable long-term plan. There was also a discussion of the interfund service costs that are charged against the Golf Club in the Budget and if they are fairly allocated, and flexibility on the deadline for the Club's annual budget submission.

4. Adjournment

The Budget Workshop portion of the meeting ended at 8:10 p.m. when the Council began the regular meeting.

Respectfully submitted,

Dawn F. Nodarse
City Clerk

DRAFT UNAPPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on November 19, 2014 at 8:00 P.M.

PRESENT:
JOSEPH A. SACK Mayor
LAURA BRETT
KIRSTIN BUCCI
JULIE KILLIAN
TERRENCE McCARTNEY
RICHARD SLACK
Councilmembers

ABSENT: RICHARD MECCA, Councilmember

The meeting began at 8:10 p.m. at the conclusion of a Budget Workshop.

1. Pledge of Allegiance

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

2. Roll Call

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

3. General Announcements by the Council

Announcements were made regarding various events that may be of interest to the public. Mayor Sack noted the retirements of Alice Evangelista, who has provided administrative support to the Police Department for 27 years.

4. Draft unapproved minutes of the regular meeting of the City Council held November 5, 2014 and the Budget Workshop held November 12, 2014

Councilman McCartney made a motion, seconded by Councilwoman Killian and unanimously carried, to approve the minutes of the regular meeting of the City Council held on November 5, 2014, as amended.

Councilman McCartney made a motion, seconded by Councilwoman Killian and unanimously carried, to approve the minutes of the budget workshop of the City Council held on November 12, 2014.

5. Issues Update/Old Business.

There was nothing discussed under this topic.

6. Continuation of the Public Hearing to change the zoning designation of County-owned property located on Theodore Fremd Avenue and North Street to the RA-5 District to provide for the construction of affordable senior housing

Mayor Sack said that the Council has been working on this proposal for almost a year and commended the subcommittee comprised of Councilmembers Bucci, McCartney and Slack for their hard work. City Planner Miller summarized the process the application has gone through since it was first submitted in December 2013. The Planning Commission provided the Council with an advisory recommendation and the Council has diligently reviewed the environmental issues and the conditioned negative declaration reflects what they have heard during the public hearing process. Members of the Council expressed their appreciation to the public for their participation in the public hearing process saying it had helped them frame the issues and spurred them to do a detailed and specific job, which included engaging an environmental consultant whose recommendations they have adopted, as well as addressing concerns related to traffic, height and density.

Public Comment:

Greg Wilson spoke in opposition to the proposed zoning change. He said that the change will not be good for the residents and taxpayers of Rye; there is no evidence of remediation on the site; and he believes that school aged children will live in the development. It was pointed out that many of his concerns have been addressed in the draft Resolutions and that the County would be paying for off-site improvements that will benefit the taxpayers. *Walter Suarack* asked the Council to add conditions that address construction related issues to the Resolution. City Planner Miller said that the applicant will be required to retain an environmental consultant as part of the site plan review process before the Planning Commission in order to assist them in confirming that the construction is consistent with the requirements in the Resolution. *Joseph Murphy* asked if any preference could be given to Rye Seniors.

Councilwoman Brett made a motion, seconded by Councilwoman Killian and unanimously carried, to close the public hearing.

7. Resolution adopting a conditional negative declaration of environmental significance pursuant to the New York State Environmental Quality Review Act for the zoning petition submitted by Lazz Development/Pawling Holdings to rezone the property at 150 North Street to a RA-5 Senior Citizen Apartment District

Councilwoman Brett made a motion, seconded by Councilman McCartney, to adopt the following Resolution:

RESOLUTION ADOPTING A CONDITIONAL NEGATIVE DECLARATION FOR THE

ZONING PETITION SUBMITTED BY LAZZ DEVELOPMENT/PAWLING HOLDINGS TO REZONE PROPERTY AT 150 NORTH STREET TO RA-5 SENIOR CITIZEN APARTMENT DISTRICT

WHEREAS, Lazz Development/Pawling Holdings (hereinafter "Applicant") petitioned the City Council to rezone property located at 150 North Street (the "Property") to the RA-5Senior Citizen Apartment district (the "Zoning Petition"); and

WHEREAS, the City Council reviewed the proposed Zoning Petition and referred same to the Rye Planning Commission pursuant to the Rye City Code; and

WHEREAS, the City Council declared its intent to be Lead Agency and circulated the Zoning Petition to other involved and interested agencies; and

WHEREAS, no other agency objected to the City Council declaring its intent to be the Lead Agency; and

WHEREAS, the proposed RA-5 zone permits the Property to be used for affordable senior housing units; and

WHEREAS, the proposed RA-5 zone is consistent with the City's Master Plan and has been vetted by the City as a potential site for affordable housing for decades; and

WHEREAS, a duly noticed public hearing was opened in February 2014 and all members of the public wishing to be heard were given the opportunity to be heard; and

WHEREAS, the public hearing was continued from month to month while providing the public the opportunity to be heard; and

WHEREAS, the City Council retained experts to address potential environmental concerns including, but not limited to, water quality and wetlands; and

WHEREAS, the City Council had Tenen Environmental present their findings regarding water quality during a public hearing and allowed the public to ask questions regarding same; and

WHEREAS, the City Council reviewed the Applicant's wetland report as well as its own expert's report addressing impacts to the wetlands; and

WHEREAS, the public hearing was closed on November 19, 2014; and

WHEREAS, the City Council reviewed the Short Environmental Assessment Form at its November 19, 2014 City Council meeting and finds that a Conditional Negative Declaration is appropriate given the nature of the proposed mitigation measures; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council considered the criteria listed in Section 617.7(c) of the State Environmental Quality Review Act and the complete

record, and finds that the proposed conditions made part of the attached Conditional Negative Declaration will mitigate any significant adverse environmental impacts

AND, BE IT FURTHER RESOLVED, that the Rye City Council hereby adopts the attached Conditional Negative Declaration and any subsequent changes must be approved by the City Council

ROLL CALL:

AYES:	Mayor Sack, Councilmembers Brett, Bucci, Killian, McCartney, and Slack
NAYS:	None
ABSENT:	Councilman Mecca

The Resolution was adopted by a 6-0 vote.

8. Resolution adopting a Local Law to amend the "Zoning Map of the City for Rye, New York" to Change the Zoning Designation of a Property Known on the City of Rye Tax Map as Section 146.10, Block 1, Lot 66 from B-6, General Business, District and B-1, Neighborhood Business, District to RA-5, Senior Citizens Apartment, District

Councilwoman Brett made a motion, seconded by Councilman McCartney, to adopt the following Resolution:

RESOLUTION ADOPTING LOCAL LAW # 9 OF 2014

WHEREAS, Lazz Development/Pawling Holdings (hereinafter "Applicant") petitioned the City Council to rezone property located at 150 North Street (the "Property") to the RA-5 Senior Citizen Apartment district (the "Zoning Petition"); and

WHEREAS, the City Council reviewed the proposed Zoning Petition, declared its intent to be Lead Agency pursuant to the State Environmental Quality Review Act ("SEQRA") and referred same to the Rye Planning Commission pursuant to the Rye City Code; and

WHEREAS, the City Council circulated the Zoning Petition to other Involved and Interested agencies; and

WHEREAS, no other agency objected to the City Council declaring its intent to be the Lead Agency; and

WHEREAS, the proposed RA-5 zone permits the Property to be used for affordable senior housing units; and

WHEREAS, the proposed RA-5 zone is consistent with the City's Master Plan and has been vetted by the City as a potential site for affordable housing for decades; and

WHEREAS, the Zoning Petition furthers the intent of the City Council to provide affordable housing within the City of Rye; and

WHEREAS, the Planning Commission provided a memo to the City Council with a positive recommendation regarding the proposed zoning change and advised the City Council to take a closer look at some of the identified areas of concern; and

WHEREAS, some members of the City Council conducted a site walk of the Property with the Applicant; and

WHEREAS, a duly noticed public hearing was opened in February 2014 and all members of the public wishing to be heard were given the opportunity to be heard; and

WHEREAS, the public hearing was continued from month to month while providing the public the opportunity to be heard; and

WHEREAS, the City Council retained experts to address potential environmental concerns including, but not limited to, water quality and wetlands; and

WHEREAS, the public hearing was closed on November 19, 2014; and

WHEREAS, the City Council adopted a Conditional Negative Declaration pursuant to the New York State Environmental Quality Review Act (SEQRA); and

NOW, THEREFORE, BE IT RESOLVED, that the City Council finds that the Zoning Petition is consistent with the City's Master Plan and furthers the City's intent to provide a wide range of housing stock; and

AND, BE IT FURTHER RESOLVED, that the Rye City Council hereby approves Local Law # 9 of 2014, subject to the following condition(s):

1. Each condition of the Conditional Negative Declaration is incorporated herein and each and every condition is made an explicit condition of this approval.

AND, BE IT FURTHER RESOLVED, that the local law shall have an effective date of December 15, 2014.

CITY OF RYE
LOCAL LAW NO. 9 2014

A Local Law to Amend the "Zoning Map of the City of Rye, New York" to Change the Zoning Designation of a Property Known on the City of Rye Tax Map as Section 146.10, Block 1, Lot 66 from B-6, *General Business,* District and B-1, *Neighborhood Business,* District to RA-5, *Senior Citizens Apartment,* District.

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

<u>Section 1:</u> **The Zoning Map of the City of Rye, New York is hereby amended to change the zoning district designation of a property known on the City of Rye Tax Map as Section 146.10, Block 1, Lot 66 from B-6, *General Business,* District and B-1, *Neighborhood Business,* District to RA-5, *Senior Citizens Apartment,* District.**

<u>Section 2:</u> **Severability**

The invalidity of any work, section, clause, paragraph, sentence, part or provision of this Local Law shall not affect the validity of any other part of this Local Law that can be given effect without such invalid part or parts.

<u>Section 3:</u> **Effective Date**

This Local Law shall take effect on December 15, 2014.

ROLL CALL:

AYES:	Mayor Sack, Councilmembers Brett, Bucci, Killian, McCartney, and Slack
NAYS:	None
ABSENT:	Councilman Mecca

The Local Law was adopted by a 6-0 vote.

9. <u>Continuation of Public Hearing to amend local law Chapter 165 , "Signs", of the Rye City Code by adding Section §165-10, "Regulation of banners", to establish regulations for banners on City owned ball field fences and utility poles on City property</u>

Public Comment:

Frankie Rowland representing Down to Earth Farmers Markets, the company that operates the Farmers Market in Rye, spoke about the banners that have been hung in the City for the last nine seasons. She said they are very important to the company and usually remain up for the entire season and asked the Council to "grandfather" these banners into the proposed amendment to the Sign law.

Mayor Sack said the Council was seeking to regulate and standardize a process and that the impetus for the proposed local law was to allow banners on the Little League Field. He added that the law still needs work and a decision would not be made at this meeting.

Councilman McCartney made a motion, seconded by Councilwoman Killian and unanimously carried to hold the public hearing open until the December 17, 2014 meeting.

10. Public Hearing to add a proposed Local Law amending the Code of the City of Rye by creating a new chapter, Chapter 176, "Energy Conservation", to establish a Sustainable Energy Loan Program in the City of Rye in accordance with Article 5-L of the General Municipal Law

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

Corporation Counsel Wilson said that she had spoken with the attorney for the Energy Improvement Corporation (EIC), who indicated that the intent language in the draft local law must remain consistent with what is in the model local law. Alyssa Roth, Director of EIC Membership at Energize NY added that the language must remain the same so that all member contracts are the same. Ms. Roth summarized the Energize NY Program, a non-profit local development corporation that runs outreach programs for energy efficiency. She outlined the reasons for the creation of the Energize NY finance program and the benefits to applicants who wish to make effective energy efficiency upgrades to their buildings; the requirements for filing an application and receiving financing; the mechanism for repayment of loans through property taxes; benefits to the community; and, the operation of the Municipal Loss Reserve Fund. Members of the Council raised questions regarding the ability to restrict those applying for financing to not-for-profits or a specific class of properties; problems with credit risk; the assumption of what the saving might be; the method of collecting on defaults; and, a possible deadline for adopting the local law. Ms. Roth was asked to provide documents containing exclusions that have been adopted by other New York communities.

Public Comment:

Judy Martin and Carol Craig representing Wainwright House spoke about what has been done by that organization to identify energy saving changes that could be made to their buildings and the proposed cost savings. They said that passing the proposed local law would benefit many organizations in Rye allowing them to cut energy consumption and improve energy efficiency. *Carolyn Cunningham*, Chair of the Conservation Commission/Advisory Council (CC/AC) said that the proposed local law has the unanimous support of both the CC/AC and the Sustainability Committee. She said the Council was wise to consider the risks but many entities in the City would benefit if it was adopted.

Mayor Sack made a motion, seconded by Councilwoman Brett, and unanimously carried to adjourn the public hearing until the December 3, 2014 meeting.

11. Consideration to set a Public Hearing for December 3, 2014 to amend local law Chapter 191, "Vehicles and Traffic", of the Rye City Code by amending Section §191-20, "Parking time limited", Subsection (E) "Fifteen-minute limit" to designate three parking spaces on the west side of First Street as fifteen minute parking spaces.

City Manager Culross said that this request came before the Traffic and Pedestrian Safety Committee and they recommend the proposed change in the law.

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

WHEREAS, the Council wishes to consider amending Chapter 191, "Vehicles and Traffic" of the Code of the City of Rye by amending §191-20 (E); 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 December 3, 2014 at 7:30 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 191, Vehicles & Traffic of the Rye City Code by amending §191-20, "Parking time limited" Subsection (E) "Fifteen-minute limit" to designate three parking spaces on the west side of First Street as fifteen minute parking spaces

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 3rd day of December 2014 at 7.30 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 §191-20, "Parking time limited" Subsection (E) "Fifteen-minute limit" to designate three parking spaces on the west side of First Street as fifteen minute parking spaces.

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

Dawn F. Nodarse
City Clerk

Dated: November 26, 2014

12. Consideration of request from the Ceres Garden Club of Rye to install a Blue Star Memorial By-Way Marker in the City of Rye

Ann Moller, representing the Ceres Garden Club (the Club), made a presentation regarding the Blue Star Memorial Program that honors service men and women who have, are and will be serving in the military. The Cub would like to install a monument in the City and will raise the funds to purchase it. The suggested location is the "parkette" at the corner of Central Avenue and Boston Post Road. Mayor Sack said the Council views the request positively and suggested that the club speak with the Veterans organization, the Recreation Commission (to discuss a possible location) and the Landmarks Committee and come back to the Council for further discussion.

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

There were no residents who wished to speak under this Agenda item.

14. Appeal of denial of FOIL requests by Timothy Chittenden

Corporation Counsel Wilson spoke about information she had provided to the Council about options when a diligent search for records has been performed and no records have been discovered, including an opinion from Robert Freeman to Mr. Chittenden regarding his option for certification in such a situation. Ms. Wilson recommended denying the appeals. Councilman Slack suggested including all the appeals of requests where no documents were located and there were no exclusions or redactions into one Resolution.

Councilwoman Killian made a motion seconded by Mayor Sack to adopt the following Resolution:

> **RESOLVED** that the City Council of the City of Rye hereby denies the following FOIL Appeals submitted by Timothy Chittenden: (Appeal #1) "Copy of Robbie Falk's High School diploma or a copy of a GED"; (Appeals #3 through 6 and 8 through 9) "All requests for secondary employment submitted by Robbie Falk from 1981-1986, 1987-1991, 1992-1996, 1997-2001, 2007-2011, 2012-2014; (Appeals # 10 through 16) "All reports submitted by Robby Falk for all of his off duty and one duty firearm discharges from 1981-1986, 1987-1991, 1992-1996, 1997-2001, 2002-2006, 2007-2011, 2012-2014.

ROLL CALL:

AYES: Mayor Sack, Councilmembers Brett, Bucci, Killian, McCartney, and Slack
NAYS: None
ABSENT: Councilman Mecca

The Resolution was adopted by a 6-0 vote.

Corporation Counsel Wilson said that cell phone records with the last four digits of the number redacted were provided to Mr. Chittenden for the period of time that he had not already received. The City only receives the number of text messages sent and received but not the content or the number to which it was sent or received. Email records did turn up in the search but they were denied as either inter-agency communications or attorney/client privileged communications. There was a discussion among the Council regarding the reasons for redacting or not redacting the phone numbers of calls made to and from a police officer and whether the City has the burden of reviewing all calls to determine if they are exempt under FOIL. A suggestion was made that the City could redact everything but the calls between Lt. Falk and Corporation Counsel Wilson and then review the remaining records to determine which additional calls could be redacted.

Mayor Sack made a motion, seconded by Councilwoman Killian, to adopt the following Resolution:

> **RESOLVED** that the City Council of the City of Rye hereby denies the FOIL Appeal submitted by Timothy Chittenden for "All communications between Robby Falk and Kristen Wilson including but not limited to all text messages, all phone calls, all phone calls and test messages made with any City of Rye provided cell phone, all e-mails and all other communications since 1/1/2009".

ROLL CALL:
AYES: Mayor Sack, Councilmembers Bucci, Killian, and McCartney
NAYS: Councilmembers Brett and Slack
ABSENT: Councilman Mecca

The Resolution was adopted by a 4-2 vote.

Corporation Counsel Wilson said that unredacted records responsive to the request were sent to Mr. Chittenden, who believes that additional records exist.

Councilwoman Killian made a motion, seconded by Councilman McCartney, to adopt the following Resolution:

> **RESOLVED** that the City Council of the City of Rye hereby denies the FOIL Appeal submitted by Timothy Chittenden for "All requests for secondary employment submitted by Robbie Falk from 2002-2006".

ROLL CALL:

AYES:	Mayor Sack, Councilmembers Brett, Bucci, Killian, McCartney, and Slack
NAYS:	None
ABSENT:	Councilman Mecca

The Resolution was adopted by a 6-0 vote.

15. Miscellaneous Communications and Reports

There was nothing discussed under this Agenda item.

16. New Business

There was nothing discussed under this Agenda item.

17. Adjournment

There being no further business to discuss Mayor Sack made a motion, seconded by Councilwoman Brett and unanimously carried, to adjourn into executive session to discuss personnel and not return to the regular meeting at 10:40 p.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk

CITY COUNCIL AGENDA

NO. 5 DEPT.: City Council DATE: December 3, 2014

CONTACT: Mayor Joseph A. Sack

AGENDA ITEM: Issues Update/Old Business

FOR THE MEETING OF:
December 3, 2014

RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION: That an update be provided on outstanding issues or Old Business.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND:

CITY COUNCIL AGENDA

NO. 6 DEPT.: City Council DATE: December 3, 2014

CONTACT: Mayor Joseph A. Sack

ACTION: Mayor and Council amendments to the proposed 2015 City of Rye Budget.

FOR THE MEETING OF:

December 3, 2014

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Mayor and the Council review and act on the proposed Budget modifications.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND:

RESOLUTION OF THE CITY OF RYE
AMENDING THE PROPOSED 2015 BUDGET
AS PRESENTED BY THE CITY MANAGER

RESOLVED, that the preliminary 2015 General Fund Budget be amended as follows:

- Estimated Building Permit Revenues be increased by $100,000 to $1,550,000;
- The proposed transfer of $333,500 from the Building and Vehicle Fund balance for personnel expenses is eliminated;
- The projected additions of an Assistant City Manager, Emergency Services Director and 4 firefighters are eliminated;
- The City Comptroller is directed to make decreases in various Recreation Department expenditures of $67,500 permitting with the above adjustments, the addition of the proposed Assistant Recreation Superintendent and Groundskeeper without use of any fund balance; and be it further

RESOLVED, that the Building and Vehicle Maintenance Fund be amended as follows:

- The City Hall TV Studio project is eliminated;
- The $333,500 transfer to the General Fund is eliminated; and be it further

RESOLVED, that the Rye Golf Club Employee Benefits and Taxes Budget be increased by $12,000 to $592,890 to incorporate an adjustment made by the Rye Golf Club Commission.

CITY COUNCIL AGENDA

NO. 7 DEPT.: City Manager's Office DATE: December 3, 2014

CONTACT: Frank J. Culross, City Manager

ACTION: Public hearing on the proposed 2015 City Budget.

FOR THE MEETING OF:

December 3, 2014

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Mayor and the Council conduct the Public Hearing on the proposed 2015 Rye City Budget.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND:

The City Manager presented the budget on November 5th. The Council held Workshops on November 12th , 17th and 19th.

The proposed 2015 Budget is available on the City website www.ryeny.gov under City News: 2015 Proposed Budget.

The Budget adoption is scheduled for December 17, 2014.

CITY COUNCIL AGENDA

NO. 8 DEPT.: City Council DATE: December 3, 2014

CONTACT: Mayor Joseph A. Sack

AGENDA ITEM: Continuation of the Public Hearing to add a proposed Local Law amending the Code of the City of Rye by creating a new chapter, Chapter 176, "Energy Conservation", to establish a Sustainable Energy Loan Program in the City of Rye in accordance with Article 5-L of the General Municipal Law.

FOR THE MEETING OF:
December 3, 2014
RYE CITY CODE,
CHARTER
SECTION 176

RECOMMENDATION: That the City Council hold a Public Hearing to consider adding a new Chapter to the Rye City Code as outlined.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: The Sustainability Committee has made a request for the City to join the Energy Improvement Corporation (EIC) which provides financing for energy efficiency improvements under the Energize NY program. EIC is a local development corporation and a New York State non-profit which was established specifically to assist municipalities and property owners achieve long-term energy savings. In order to join the EIC the City must adopt a local law as specified, fill out the EIC agreement, and notify EIC of the City's intent by letter. Local non-profit organizations, such as the Wainwright House, have expressed interest in participating in the program.

Information on the Energy Improvement Corporation is attached; additional information is available at: www.energizeny.org/energy-improvement-corporation

See attached: Draft Local Law
EIC Agreement
Letter to EIC
Background information on EIC

(cont.)

Energy Improvement Corporation (EIC)

Why Join?
The EIC enables property owners within participating municipalities to access Energize NY financing, an alternative to traditional equity or unsecured loans. The Program uses a form of financing called Property Assessed Clean Energy (PACE) financing. Under the PACE mode, a property owner opts to pay for energy improvements by authorizing the municipality to add a special tax charge to the property (a "Financing Charge") for that purpose.

Who is Eligible?
Commercially-owned existing buildings (*****) within a municipality that is a member of EIC within three categories:
(1) non-residential commercial, industrial, institutional, and not-for-profit non-residential facilities
(2) small multifamily (1 to 4 unit) buildings
(3) large multifamily (5+ unit) buildings

Commercially-owned buildings include: offices, retail, multifamily buildings, industrial, schools, Hospitality, medical, healthcare facilities, houses of worship, nonprofit -owned buildings, commercially-owned single family (1-4 units)
***** New construction is not eligible

What Types of Projects are Eligible?
Financing is available for energy efficiency and renewable energy projects that install permanent improvements to reduce energy costs, in existing buildings that participate in a NYSERDA or utility upgrade program. Eligible measures include:

- High Efficiency lighting
- Heating, ventilation & air conditioning (HVAC) upgrades
- High efficiency chillers, boilers, furnaces, heat pumps, water heating systems and pumps
- Building enclosure/envelope improvements
- Building automation (energy management) systems/smart controls
- Renewable energy systems such as on-site solar PV, solar thermal or geothermal installations

What are the Project Requirements?

- The estimated annual energy savings/energy generation must be greater than the annual finance payments
- The improvements must have a savings-to-investment ratio (SIR) > 1

What are the Financial Requirements for Participants?

- The property's loan-to-value ratio must not exceed 80%-20%
- Financing is available for up to 10% of the appraised value of the building
- No history of bankruptcy within the last 7 years
- 3+ year history of timely property tax payments
- Existing lenders must complete a Lender Consent Form.
- There is a maximum term of 15-20 years
- The building must have a certified appraisal completed within the last year

(cont.)

What is the process are the Financial Requirements for Participants?

- The Building owners apply through EIC
- The scope of work eligible for that property is determined by NYSERDA through an energy audit
- Once the approvals are in place, the City collects the special assessment as part of the regular tax collection process and transfers payment to the EIC

Note: the City would have the final sign-off before a loan program is put into place

What Municipalities are current EIC Members?

- Bedford, Town☐
- Croton-on-Hudson, Village☐
- Cortlandt, Town
- Greenburgh, Town☐
- Lewisboro, Town☐
- New Rochelle, City☐
- North Salem, Town☐
- Orange County (excludes: cities of Middletown, Port Jervis & Newburgh)
- Ossining, Town☐
- Peekskill, City☐
- Pound Ridge, Town☐
- Somers, Town☐
- White Plains, City☐
- Yorktown, Town

Additional Funding under The Westchester Project

Buildings in Westchester County that meet affordable housing guidelines or are owned by a not for profit corporation may qualify for reduced cost financing under a Energize NY Finance program called *The Westchester Project.* Under this program, the County utilizes its federally allocated Qualified Energy Conservation Bond (QECB) authority to align with Energize NY's goal to promote energy efficiency and renewable energy projects. This program is only available until January 16, 2015.

CITY OF RYE
LOCAL LAW NO. 2014

A local law to add a new Chapter 176 "Energy Conservation" of the Code of the City of Rye to create a program to assist property owners in financing clean energy systems as follows:

Section 1: Chapter 176, Energy Conservation

§ 176-1. Legislative findings; intent and purpose; statutory authority.

A. It is the policy of both the City of Rye and the State of New York to achieve energy efficiency and renewable energy goals, reduce greenhouse gas emissions, mitigate the effect of global climate change, and advance a clean energy economy. The City finds that it can fulfill this policy by providing property assessed clean energy financing to property owners for the installation of renewable energy systems and energy efficiency measures. This article establishes a program that will allow the Energy Improvement Corporation (EIC), a local development corporation, acting on behalf of the City, to make funds available to qualified property owners that will be repaid by such property owners through charges on the real properties benefited by such funds, thereby fulfilling the purposes of this article and fulfilling an important public purpose.

B. The City of Rye is authorized to implement this Energize NY Benefit Financing Program pursuant to Article 5-L of the New York General Municipal Law.

C. This article shall be known and may be cited as the "Energize NY Benefit Financing Program Law of the City of Rye."

§ 176-2. Definitions.

For purposes of this article, and unless otherwise expressly stated or unless the context requires, the following terms shall have the meanings indicated:

AUTHORITY

The New York State Energy Research and Development authority, as defined by Subdivision 2 of § 1851 of the Public Authorities Law, or its successor.

EIC

The Energy Improvement Corporation, a local development corporation, duly organized under § 1411 of the Not-for-Profit Corporation Law, authorized hereby on behalf of the City of Rye to implement the Energize NY Benefit Financing Program by providing funds to qualified property owners (as defined in this article) and providing for repayment of such funds from monies collected by the City Comptroller as a charge to be levied on the real property and collected in the

same manner and same form as the City taxes.

ENERGY AUDIT

A formal evaluation or "assessment" of the energy consumption of a permanent building or structural improvement to real property, conducted by a contractor certified by the authority, or certified by a certifying entity approved by the authority, for the purpose of identifying appropriate energy efficiency improvements that could be made to the property.

ENERGY EFFICIENCY IMPROVEMENT

Any renovation or retrofitting of a building to reduce energy consumption, such as window and door replacement, lighting, caulking, weatherstripping, air sealing, insulation, and heating and cooling system upgrades, and similar improvements, determined to be cost effective pursuant to criteria established by the authority, not including lighting measures or household appliances that are not permanently fixed to real property.

QUALIFIED PROPERTY OWNER

An owner of residential or commercial real property located within the boundaries of the City of Rye that is determined to be eligible to participate in the Energize NY Benefit Financing Program under the procedures for eligibility set forth under this article.

RENEWABLE ENERGY SYSTEM

An energy generating system for the generation of electric or thermal energy, to be used primarily at such property, by means of solar thermal, solar photovoltaic, wind, geothermal, anaerobic digester gas-to-electricity systems, fuel cell technologies, or other renewable energy technology approved by the authority, not including the combustion or pyrolysis of solid waste.

RENEWABLE ENERGY SYSTEM FEASIBILITY STUDY

A written study, conducted by a contractor certified by the authority, or certified by a certifying entity approved by the authority, for the purpose of determining the feasibility of installing a renewable energy system.

§ 176-3. Establishment of program.

A. An Energize NY Benefit Financing Program is hereby established by the City of Rye, whereby EIC, acting on its behalf, may provide funds to qualified property owners in accordance with the procedures set forth under this article, to finance the acquisition, construction and installation of renewable energy systems and energy efficiency improvements and the verification of the installation of such systems and improvements.

B. The funds provided shall not exceed the lesser of 10% of the appraised value of the real property where the renewable energy systems and/or energy efficiency improvements will be located, or the actual cost of installing the renewable

energy systems and/or energy efficiency improvements, including the costs of necessary equipment, materials, and labor and the cost of verification of such systems and improvements.

§ 176-4. Procedures for eligibility.

A. Any property owner in the City may submit application to EIC on such forms as have been prepared by EIC and made available to property owners on the website of EIC and at the City Clerk's office.

B. Every application submitted by a property owner shall be reviewed by EIC acting on behalf of the City, which shall make a positive or negative determination on such application based upon the criteria for making a financing enumerated in Subsection **A** of § **176-5** of this article. EIC may also request further information from the property owner where necessary to aid in its determination.

C. If a positive determination on an application is made by EIC acting on behalf of the City, the property owner shall be deemed a qualified property owner and shall be eligible to participate in the Energize NY Benefit Financing Program in accordance with the procedure set forth under § **176-6** of this article, provided that in no case shall a property owner that has received funds from another municipal corporation for the acquisition, construction and installation of energy efficiency improvements and/or renewable energy systems be deemed a qualified property owner.

D. At no one time shall the total of all payments being collected for this program by the City exceed $50,000 per annum.

§ 176-5. Application criteria.

A. Upon the submission of an application, EIC, acting on behalf of the City, shall make a positive or negative determination on such application based upon the following criteria for the making of a financing:

(1) The proposed energy efficiency improvements and/or renewable energy systems are determined to be cost effective by the authority;

(2) The proposed energy efficiency improvements and/or renewable energy systems will generate an estimated annual cost savings greater than the annual charge payments;

(3) Sufficient funds are available to provide to the property owner;

(4) The property owner is current in payments on any existing mortgage;

(5) The property owner is current in payments on any existing real property taxes and has been current on real property taxes for the previous three years; and

(6) Such additional criteria, not inconsistent with the criteria set forth above, as the City, or EIC acting on its behalf, may set from time to time.

§ 176-6. Energize finance agreement.

A. A qualified property owner may participate in the Energize NY Benefit Financing Program through the execution of an energize finance agreement made by and between the qualified property owner and EIC, acting on the behalf of the City.

B. Upon execution of the energize finance agreement, the qualified property owner shall be eligible to receive funds from EIC, acting on behalf of the City, for the acquisition, construction, and installation of qualifying renewable energy systems and energy efficiency improvements, provided that the requirements of § **176-7** of this article have been met.

C. The energize finance agreement shall include the terms and conditions of repayment set forth under § **176-8** of this article.

§ 176-7. Energy audit; renewable energy system feasibility study.

A. No funds shall be made available for energy efficiency improvements unless determined to be appropriate through an energy audit as defined in § **176-2**.

B. No funds shall be made available for a renewable energy system unless determined to be feasible through a renewable energy system feasibility study as defined in § **176-2**.

C. The cost of such energy audit and/or renewable energy system feasibility study shall be borne solely by the property owner but may be included in the financed amount if the work is approved.

§ 176-8. Terms and conditions of repayment.

The energize finance agreement between the qualified property owner and EIC, acting on behalf of the City, shall set forth the terms and conditions of repayment in accordance with the following:

A. The principal amount of the funds paid to the qualified property owner hereunder, together with the interest thereon, shall be paid by the property owner as a charge on his or her property tax bill and shall be levied and collected at the same time and in the same manner as City property taxes, provided that such charge shall be separately listed on the tax bill. The City shall make payment to EIC or its

designee, in the amount of all such separately listed charges within 30 days of the City property tax due date.

B. The term of such repayment shall be determined at the time the energize finance agreement is executed by the property owner and EIC, provided that in no case shall the term exceed the weighted average of the useful life of the systems and improvements as determined by EIC acting on behalf of the City.

C. The rate of interest for the charge shall be fixed by EIC, acting on behalf of the City, at the time the energize finance agreement is executed by the property owner and EIC.

D. The charge shall constitute a lien upon the real property benefited by the Energize NY Benefit Financing Program and shall run with the land. A transferee of title to the benefited real property shall be required to pay any future installments, including interest thereon.

§ 176-9. Verification and report.

A. EIC shall be responsible for verifying and reporting to the City on the installation and performance of renewable energy systems and energy efficiency improvements financed by such program.

B. The City shall verify and report on the installation and performance of renewable energy systems and energy efficiency improvements financed by the Energize NY Benefit Financing Program in such form and manner as the authority may establish.

Section 2: This local law will take effect immediately on filing in the office of the Secretary of State.

ENERGY IMPROVEMENT CORPORATION
MUNICIPAL AGREEMENT

This Agreement made as of this __ day of _____, 20_ (the "Agreement"), by and between the _____ (the "Municipality") and the Energy Improvement Corporation ("EIC") (both the Municipality and EIC may hereinafter be referred to individually as a "Party" and collectively as the "Parties"), sets forth the duties and obligations of each Party in connection with the Municipality's participation in the Energize New York Benefit Finance Program (the "Program").

WHEREAS, EIC is a local development corporation duly formed under Section 1411 of the Not-For-Profit Corporation Law of the State of New York, for the purpose of promoting, facilitating and financing energy audits and renewable energy system feasibility studies, energy efficiency improvements and alternative or renewable energy generating systems (as such terms are defined in Section 119-ff of the General Municipal Law of the State of New York) (collectively, the "Energy Improvements") on properties within its Participating Municipalities (as defined below), thereby promoting the public good by reducing greenhouse gas emissions, mitigating the effect of global climate change and lessening the burdens of government; and

WHEREAS, Participating Municipalities are those municipalities within the State of New York that have established by local law, pursuant to Article 5-L of the General Municipal Law of the State of New York, a sustainable energy loan program for the issuance of financing to the owners of real property located within the Participating Municipality to finance Energy Improvements, and have authorized EIC to act on behalf of the Participating Municipality to carry out the Program through, among other things, the issuance of financing to property owners within such Participating Municipality, and have met the minimum criteria established by EIC to admit new Participating Municipalities; and

WHEREAS, the Municipality adopted Local Law ____ on _____ __, 20__, pursuant to Article 5-L of the General Municipal Law of the State of New York, which Local Law also authorized EIC to act on its behalf in carrying out its Program;

Now, THEREFORE, in consideration of the mutual promises contained in this Agreement, the Parties agree as follows:

1. Duties of EIC

   It is understood by the Parties that EIC will be responsible for the performance of the following duties:

a) Receive and review applications submitted by property owners within the Municipality for financing of Energy Improvements ("Property Owner(s)"), and approve or disapprove such applications in accordance with underwriting procedures and requirements established by EIC.

b) Review the applications, energy assessments and scopes of work prepared for and by the Property Owners to establish the amount of financings to be approved pursuant to the requirements of the Program.

c) Execute finance agreements (the "Finance Agreement") by and between EIC (on behalf of the Municipality) and the Property Owners for financing of Energy Improvements, which shall set forth the terms and conditions for the disbursement and repayment of financing and the duties and obligations of each Property Owner and EIC with respect to the acquisition, construction and installation of Energy Improvements (upon execution of the Finance Agreement by the Property Owner and EIC, the property that is the subject of the Finance Agreement shall be deemed a "Benefited Property"). Copies of all executed Finance Agreements for all Benefited Properties within the Municipality shall be provided to the Municipality by EIC upon execution.

d) Receive and review the certificates of completion submitted by the Property Owners of Benefited Properties (or the contractor hired by the owner of a Benefited Property) following installation or construction of Energy Improvements on such Benefited Property, and disburse funds to the Property Owner of the Benefited Property or his/her/its agent upon approval of such certificate in accordance with the terms of the Finance Agreement and the Program.

e) Deliver to the Municipality an annual report (the "Annual Report") three months prior to when Municipal Taxes are due which shall contain information related to each Benefited Property within the Municipality through the end of the immediately preceding calendar year, including:

   i. A list of each newly approved Benefited Property for which the Property Owner or previous Property Owner of the Benefited Property executed a Finance Agreement within the annual time period covered by such report (for which a charge shall be added by the Municipality to its tax rolls in accordance with Paragraph 2b below). All Benefited Properties shall be identified in the Annual Report by address and Tax Map Identification (i.e. section, block and lot);

   ii. A list of each existing Benefited Property for which the Property Owner or previous Property Owner of such Benefited Property executed a Finance Agreement. All Benefited Properties shall be

identified in the Annual Report by address and Tax Map Identification (i.e. section, block and lot);

iii. A list of each Benefited Property within the Municipality where all obligations under the Finance Agreement have been satisfied or paid in full during the calendar year including the satisfaction date and a copy of the notice of satisfaction;

iv. For each non-satisfied Benefited Property (including each newly approved Benefited Property):

   a. the date of the Financing Agreement,
   b. the notional amount of the financing,
   c. the total principal balance and accrued interest outstanding,
   d. the annual payment due to EIC (which shall include principal and accrued interest) associated with such Benefited Property (including the amount of accrued interest on the initial payment, if different);

v. the total annual payment due to EIC from all Benefited Properties in the Participating Municipality (which shall include principal and accrued interest), which shall be paid by the Municipality within thirty (30) days of the date upon which payment is due to the Municipality as part of the municipal tax bill in accordance with Paragraph 2(c) and the balance of any delinquent charge payment reported by the Municipality during the term of the Financing Agreement pursuant to Paragraph 2(d) and;

vi. All other information EIC may deem to be relevant to each Benefited Property within the Municipality.

f) Create an account (the "EIC Trust Account") held by a trustee that will accept payments from the Municipality made in accordance with Paragraph 2(d) below, and create a separate account (the "EIC Administrative Fee Account") to receive the transfer of those funds deposited within the EIC Trust Account that constitute payment of EIC administrative fees;

g) Provide customer service by telephone to the Municipality during the hours of 9:00 a.m. through 5:00 p.m. Monday through Friday, Eastern Standard Time, excluding state and federal holidays;

h) Upon EIC's receipt of payment in full under a particular Finance Agreement, send a letter of satisfaction by email to the Municipality notifying it that such Property Owner or subsequent owner of the Benefited Property has satisfied his/her/its obligations under the terms of the Financing Agreement;

2. Duties of the Municipality

It is understood by the Parties that the Municipality will be responsible for the performance of the following duties:

a) Maintain copies received from EIC of each Finance Agreement for a Benefited Property throughout the term of the Finance Agreement relating to such Benefited Property, which shall be maintained until all obligations of the owner of such Benefited Property that are set forth in the Finance Agreement have been satisfied.

b) Within thirty (30) days of receipt of the Annual Report, add a charge to its tax rolls for each newly approved Benefited Property listed therein, and include such charge in the next ensuing tax levy so that such charge shall be included on and due in the same manner and at the same time and in the same installments as the municipal taxes on real property are due within the Municipality and shall become delinquent at the same times, shall bear the same penalties and interest after delinquency, and shall be subject to the same provisions for redemption and sale as the general municipal taxes on real property of the Municipality.

c) Within thirty (30) days of the due date of the municipal taxes, including the charge pursuant to a Finance Agreement, remit payment to the EIC Trust Account in the amount equaling the total annual payments due to EIC from each Benefited Property within the Municipality, regardless of whether the Municipality actually has received such payments from the owner of the Benefited Property. Failure to deliver payments to EIC would be considered an event of default hereunder.

d) Deliver to EIC an annual delinquency report (the "Delinquency Report") no later than (90) days after the due date for the municipal taxes, including the charge, which shall: (i) list each Benefited Property that is delinquent in charge payments owed for such Benefited Property, (ii) provide the amount owed to the Municipality by the owner of such Benefited Property (including penalties and interest on delinquent charge payments), and (iii) outline the steps taken or to be taken and progress made in recovering delinquent charge payments from the owner of such Benefited Property.

e) Make all reasonable efforts to assist EIC in carrying out the Program within the Municipality.

3. Program Modification

The Municipality may modify the Program by limiting the types of properties which may receive financing for Energy Improvements and/or the amount of financing available within the Municipality. The Municipality shall provide written notice to

EIC of such proposed modification. The proposed modification shall only become effective upon written approval from EIC provided to the Municipality, which shall not be unreasonably withheld. Such approval shall have no effect on the duties and obligations owed by each Party hereto in connection with this Agreement and any Benefited Property for which a Finance Agreement was executed prior thereto.

4. Non – Payment
   a) Failure of a Participating Municipality to deliver payments to EIC within thirty (30) days of when due shall be considered an event of default and EIC shall be entitled to pursue any one or more of the remedies set forth below.

   b) No Participating Municipality shall be responsible for the deficient payment of another Participating Municipality.

5. Terms of Membership

   The Municipality understands and agrees that membership in EIC is at the discretion of the Board of Directors of EIC and is conditional upon satisfying the membership criteria established by the EIC Board, as may be amended from time to time at the sole discretion of the Board, as well as compliance with the terms of the By-Laws of EIC. If a Participating Municipality's bond credit rating drops below "A" as rated by Standard and Poors and/or "A2" as rated by Moodys and/or "A" by Fitch Ratings Service, EIC will no longer provide financings to Properties within such Municipality.

6. Reserve Funds and Permanent Loss

   (a) EIC shall maintain one or more reserve funds (each a "Reserve Fund", collectively, the "Reserve Funds") to protect and compensate EIC, Participating Municipalities, lenders of funds to EIC, and other third parties approved by EIC against potential losses, including without limitation losses suffered by a Participating Municipality resulting from defaulted charge payments only in the event of a Permanent Loss (defined below) with respect to a Benefited Property. Certain Reserve Funds may be restricted in that they may only be used in conjunction with financings made to properties located within one or more designated Participating Municipalities. All Reserve Funds will be held at a bank or trust company located and authorized to do business in NYS. Reserve Funds will be invested in accordance with the investment guidelines approved by EIC (the "Investment Guidelines") as may be amended from time to time.
   (b) EIC reserves the right to refuse to make a financing to a property located within a Member Municipality in the event EIC determines, in its sole discretion, that there are inadequate reserve funds.
   (c) A loss shall not be deemed a permanent loss until the Participating Municipality has exhausted all remedies at law in an effort to collect the defaulted charge payments, including but not limited to the redemption and sale of the Benefited

Property where the proceeds are not sufficient to recover all amounts paid by the Municipality to EIC after the proceeds of such sale have been proportionately applied to all amounts owed to the Municipality at the time of such sale as a result of the non-payment of taxes ("Permanent Loss") . In order to collect from the Reserve Fund in the event of a Permanent Loss, the Municipality must provide EIC with all documentation as may be reasonably requested by EIC to document such Permanent Loss and must not be in default to EIC, including having made all payments to EIC when due.

7. Remedies Upon Default

Should the Municipality default in any of its obligations hereunder, including but not limited to failure to make payments to EIC as required hereunder, EIC shall be entitled to any remedy it may have at law and as set forth below. EIC may utilize any one or all of these remedies at EIC's sole discretion.

a) If the Municipality fails to make a required payment to EIC and the Municipality collects penalties or interest from the Property Owner for late payment, the Municipality shall pay to EIC all such penalties or interest attributable to the charge collected by the Municipality on behalf of EIC.

b) EIC shall have the right to discontinue providing any new financings to Properties located within the Municipality.

c) EIC may suspend the Municipality's membership in EIC.

8. Formation; Authority

Each Party represents and warrants to the other that it has complied with all laws and regulations concerning its organization, its existence and the transaction of its business and that all necessary steps have been taken to authorize it to execute, deliver and perform its respective obligations under this Agreement, and no consent or approval of any third party is required for either Party's execution of this Agreement or the performance of its obligations contained herein. The individual executing this Agreement on behalf of each Party has been and is duly authorized to bind his/her respective Party.

9 No Violation or Litigation

The performance by each Party of its respective obligations contained in this Agreement will not and do not conflict with or result in a breach of or a default under any of the terms or provisions of any other agreement, contract, covenant or security instrument or any law, regulation or ordinance by which the Party is bound. There is no litigation, action, proceeding, investigation or other dispute pending or threatened against either Party which may impair its ability to perform its respective

duties and obligations hereunder.

10. Notices

Any and all notices, demands, or other communications required or desired to be given hereunder by either Party shall be delivered electronically and in writing by certified mail, return receipt requested as follows:

EIC:
Thomas Bregman
Energy Improvement Corporation
321 Bedford Rd,
Bedford Hills, NY 10536

Joseph Del Sindaco
Energy Improvement Corporation
321 Bedford Rd,
Bedford Hills, NY 10536

Attention: Tom Bregman
Joseph Del Sindaco

E-mail: tom@energizeny.org
Treasurer@energizeny.org

With a copy to:

James Staudt, Esq.
McCullough, Goldberger & Staudt, LLP
1311 Mamaroneck Avenue, Suite 340
White Plains, N.Y. 10605
E-mail: jstaudt@mgslawyers.com

MUNICIPALITY: _____

With a copy to:

Either Party hereto may change its address for purposes of this paragraph by providing written notice to the other party in the manner provided above.

11. Governing Law.

This Agreement shall be construed and governed in accordance with the laws of the State of New York. Any legal action to be brought under this Agreement must be instituted in State or Federal Courts having jurisdiction located in Westchester County, New York.

IN WITNESS WHEREOF, the undersigned have executed this Agreement as of the day and year first written above. The Parties hereto agree that facsimile signatures shall be as effective as if originals.

Date: _____, 20__ Energy Improvement Corporation

By:_____

PRINT NAME:

_____

Date: _____, 20__ Municipality Name: _____

By:_____

PRINT NAME:

_____

ENERGIZE NY FINANCE PROGRAM

Energize NY Finance is a program developed by The Energy Improvement Corporation (EIC), a New York State Not-for-Profit Local Development Corporation, to offer financing for energy improvements in commercially owned properties within Member Municipalities*.

Energize NY Finance brings many benefits to local communities

- Lower energy expenses for local businesses mean more dollars go into the local economy
- More projects with deeper upgrades improve economic competitiveness that attracts new employers
- Energy improvements create local skilled construction jobs
- Quality control requirements increase the integrity and value of the building stock
- Reduced greenhouse gas emissions improve air quality and create a healthier environment

Energize NY Finance features low interest rates, long repayment terms, and automatic transferability to succeeding property owners, enabling positive cash flow and extensive energy improvements.

Energize NY Finance is available to owners of the following types of existing buildings

◆ Commercial Office ◆ Retail ◆ Medical ◆ Industrial ◆ Multifamily ◆
◆ Non-Profit Owned Buildings ◆ Commercially Owned Residential ◆

Energize NY Finance advantages include

- Long repayment terms up to 15 years and low interest costs facilitate robust energy improvements
- Property Owners have access to financing for energy improvements that preserves existing credit lines
- Repayment is made through a charge on the real estate tax bill that remains with the property if sold

Energize NY Finance qualifications are based on property value, not credit. Lending criteria include

- ☑ Estimated energy cost savings from improvements must be greater than annual finance payments
- ☑ Improvements must have a Savings-to-Investment ratio >1
- ☑ Property's existing Loan-to-Value no greater than 80%
- ☑ Financing up to 10% of the value of the benefitted property
- ☑ No bankruptcy within last 7 years
- ☑ At least 3 year history of timely property tax payments
- ☑ Existing lender consent required
- ☑ Maximum 15 year financing terms

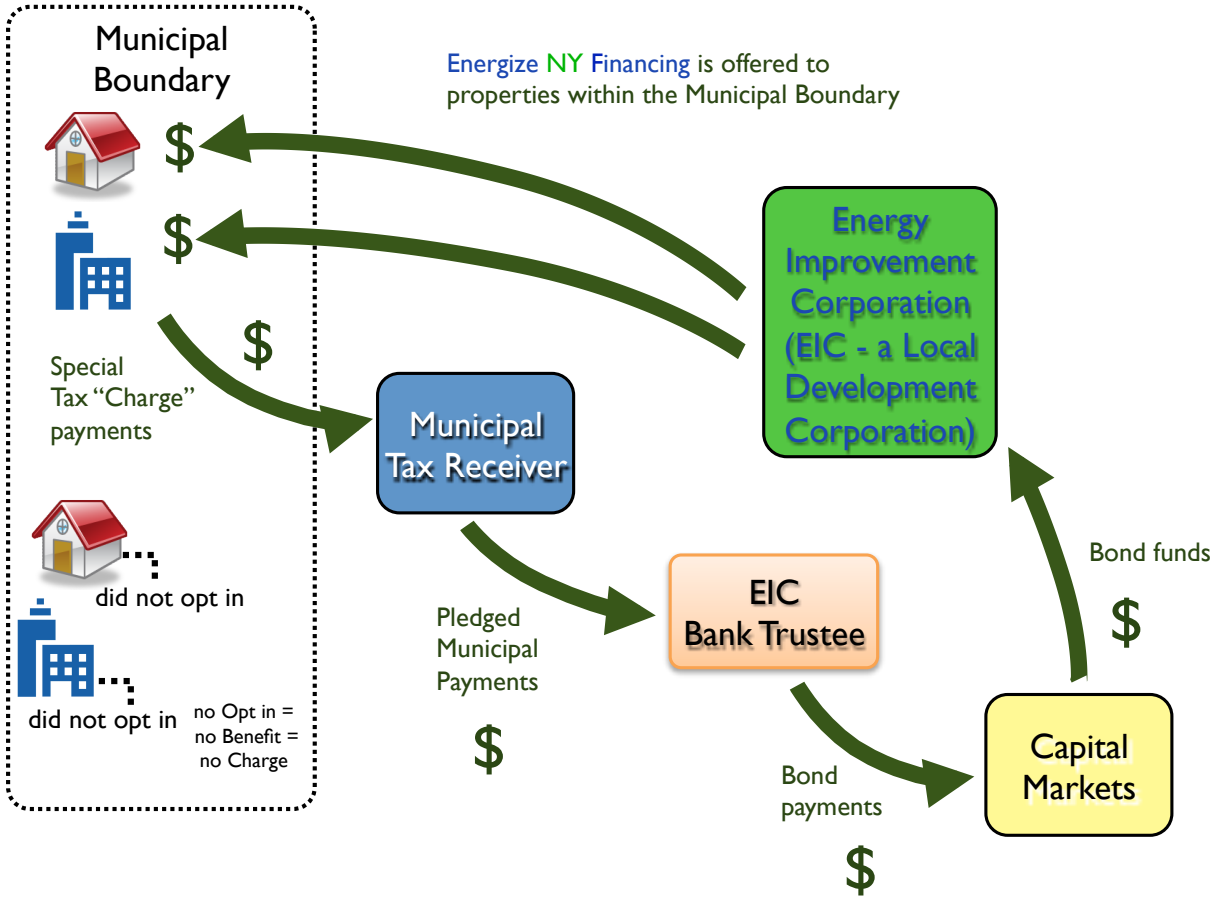
Energize NY Finance Program Handbooks outline the steps to securing financing for energy improvements

Visit **www.energyimprovementcorp.org** to access the **Energize NY Finance** Program Handbooks
or call *(914) 302-7300* to speak with
Joe Del Sindaco, Managing Director of Energize NY Commercial Programs
Robert Fischman, Director of Energize NY Commercial Programs

ENERGIZE NY FINANCE PROGRAM

ENERGIZE NEW YORK™

How does Energize NY Finance Work?



Visit **www.energyimprovementcorp.org** to access the **Energize NY Finance** Program Handbooks
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**The Energy Improvement Corporation (EIC), a New York State Not for Profit Local Development Corporation, offers a range of services under the brand "Energize NY" including the promotion, facilitation and financing of qualifying energy efficiency improvements among property owners in participating Counties and Cities in the State of New York and Cities, Towns and Villages in Westchester County (the "Members"). EIC was formed to save money, energy and reduce greenhouse gas emissions by maximizing the number of buildings that undergo efficiency and renewable energy improvements as offered by NYSERDA through innovative community based outreach and marketing efforts and alternative forms of financing.*

CITY COUNCIL AGENDA

NO. 9 DEPT.: City Manager's Office DATE: December 3, 2014

CONTACT: Frank J. Culross, City Manager

AGENDA ITEM: Public Hearing to amend local law Chapter 191, "Vehicles and Traffic", of the Rye City Code by amending Section §191-20, "Parking time limited", Subsection (E) "Fifteen-minute limit" to designate three parking spaces on the west side of First Street as fifteen minute parking spaces.

FOR THE MEETING OF:
December 3, 2014

RYE CITY CODE,
CHAPTER 191
SECTION 20

RECOMMENDATION: That the City Council hold a Public Hearing to approve the changes on First Street as outlined by the Traffic and Pedestrian Safety Committee.

IMPACT: ☐ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

BACKGROUND: The Traffic and Pedestrian Safety Committee has made the recommendation to make the following change regarding parking on First Street to assist merchants and residents:

- Amend Section §191-20, "Parking time limited", Subsection (E) "Fifteen-minute limit" to designate the three parking spots on the west side of First Street that are parallel to the building and the curb into 15 minute spaces.

See attached Draft Local Law.

CITY OF RYE
LOCAL LAW NO. 2014

A local law to amend the City Code of the City of Rye Chapter 191 "Vehicles and Traffic" Part 1, Article III "Parking Regulations" Section 191-20 "Parking time limited" to establish a 15 minute parking limit along the west side of First Street as follows:

Section 1:
Article III, Parking Regulations, of the Code of the City of Rye is hereby amended:

§ 191-20. Parking time limited.

E. Fifteen-minute limit. The parking of vehicles is hereby prohibited in the following locations for a period longer than 15 minutes between the hours of 7:00 a.m. and 7:00 p.m., except on Sundays:

Name of Street	Side	Location
Boston Post Road	East	From Central Avenue to Rectory Street
Elm Place	North	3 spaces on the north side closes to Theodore Fremd Avenue
First Street	**West**	**3 spaces along the west side of First Street parallel to the building and the curb**
Forest Avenue	West	From the southwest driveway of the service station to Elmwood Avenue
Purchase Street	East	From Elizabeth Street southerly for 140 feet
Purdy Avenue	North	From the east side of the post office property to Third Street
Sylvan Avenue	South	2 spaces on the south side closest to Midland Avenue
Third Street	East	From Purdy Avenue to the post office driveway
Third Street	West	From Purdy Avenue to a point 100 feet north thereof

Section 2.
If any clause, sentence, paragraph, section or part of any section of this title shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy and in which such judgment shall have been rendered.

Section 3: This local law will take effect immediately upon filing of with the Secretary of State.

NOTE: Proposed additions are shown in **underline and bold** and proposed deletions are shown in ~~strikethrough~~.

SUNRISE PIZZA
SUNRISE PIZZA
967-8696
1st St
© 2014 Europa Technologies

CITY COUNCIL AGENDA

NO. 11 DEPT.: City Manager DATE: December 3, 2014

CONTACT: Frank J. Culross, City Manager

AGENDA ITEM: Consideration of a request by the Rye Little League to approve a parade to kickoff Opening Day of the 58th Little League Season on Saturday, April 11, 2015 beginning at 12:00 p.m.

FOR THE MEETING OF:
December 3, 2014

RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION: That the Council consider granting the request.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND:
The Rye Little League is requesting the Council approve a parade to kickoff Opening Day of the 58th Little League Season on Saturday, April 11, 2015 beginning at 12:00 p.m.

See attached request from Nancy Lavelle, Parade Coordinator.

-----Original Message-----
From: Nancy Lavelle
Sent: Monday, June 30, 2014 11:20 AM
To: Militana, Eleanor M.
Subject: Rye Little League Parade April 11th 2015

Hi Eleanor,

Hope all is well with you. The Rye Little League would like to have our parade next April on the 11th 2015. Can we please be considered for hosting the parade on this day. Please let me know.

Thanks so much,

Nancy Lavelle

CITY COUNCIL AGENDA

NO. 11A DEPT.: City Manager DATE: December 3, 2014
CONTACT: Frank J. Culross, City Manager

AGENDA ITEM: Appeal of denial of FOIL request by Leon Sculti.

FOR THE MEETING OF:
December 3, 2014
RYE CITY CODE,
CHAPTER
SECTION

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

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: The following FOIL Request was appealed by the requestor:

FOIL 8095271143: The forensic accounting report prepared by Breen & Associates for Rye Golf Club, in relation to the massive amount of fraud committed by city employee Scott Yandrasevich.

FOIL Status: Response sent to requestor: "This FOIL is denied under POL 87(2)(g) as inter/intra agency communications and under 87(2)(a) as being exempt under the NY CPLR. If you wish to do so you may appeal this denial to the City Council by way of the City Clerk."

FOIL Appeal Reason: Requestor feels that according to the exemptions portion of the FOIL law that at least portions of the requested document should have been released.

See attached documentation.

Work Order Form

FOIL

Tracking Number: 8095271143
Date Time Received: 11/24/2014 11:43AM
Created By: Leon Sculti (Citizen)

Contact Information

First Name: Leon
Last Name: Sculti
Business Name:
Email: [redacted]
Daytime Phone: [redacted]
Fax:
Address: [redacted]
City: Rye
State: NY
Zip: 10580
Country:

Issue Location

Street:
Unit:
City: Rye
State: NY
Zip: 10580
Comments:

Request Details

Is this a request for commercial purposes?
No

Describe records being sought - One request per submission.
The forensic accounting report prepared by Breen & Associates for Rye Golf Club, in relation to the massive amount of fraud committed by city employee Scott Yandrasevich.

Please indicate your preference:
Electronic Copies

Please note, if more than two hours are spent in preparing records, the requestor will be charged for the additional time at the hourly rate of the lowest paid employee who has the skill level required to accomplish the task. You will be informed of any charges exceeding $10.00. Any charges due must be paid within five (5) business days of the City notifying you. If you fail to pay fees from prior FOILs, any future FOIL requests will not be processed until all outstanding fees are paid. By submitting this request, I agree to pay costs related to this FOIL request up to $10 without further notification.

Request Activity

11/24/2014 1:00 PM – Rye Foil - RESOLVED
——Note to Citizen: This FOIL is denied under POL 87(2)(g) as inter/intra agency communications and under 87(2)(a) as

Work Order Form

FOIL

Tracking Number: 8095271143
Date Time Received: 11/24/2014 11:43AM
Created By: Leon Sculti (Citizen)

being exempt under the NY CPLR. If you wish to do so you may appeal this denial to the City Council by way of the City Clerk.

——Internal Note: This FOIL is complete. The request has been denied.

11/24/2014 12:33 PM – Preflight Foil - INPROGRESS

——Internal Note: This FOIL is denied under POL 87(2)(g) as inter/intra agency communications and under 87(2)(a) as being exempt under the NY CPLR.
 This item has been re-assigned to Rye Foil.

11/24/2014 11:49 AM – Rye Foil - INPROGRESS

——Note to Citizen: Your FOIL request has been forwarded to the pertinent department for response.

——Internal Note: Please respond to this FOIL request.
 This item has been re-assigned to Law Foil.

11/24/2014 11:43AM – Leon Sculti (Citizen) - SUBMITTED