CITY OF RYE

NOTICE

There will be a regular meeting of the City Council of the City of Rye on Wednesday, January 14, 2015, at 7:30 p.m. in Council Chambers at City Hall. *The Council will convene at 7:00 p.m. and it is expected they will adjourn into Executive Session at 7:01 p.m. to discuss collective bargaining.*

AMENDED AGENDA

1. Pledge of Allegiance.

2. Roll Call.

3. Appointment of two City Council Members for terms expiring January 1, 2016.

4. The State of the City Address by the Mayor.

5. General Announcements by the Council.

5A. Approval of the election of one new member to the Rye Fire Department.

6. Draft unapproved minutes of the Regular Meeting of the City Council held December 17, 2014.

7. Issues Update/Old Business.

8. Appointment of the 2015 Deputy Mayor by the Mayor.

9. Appointment of a Council Member as Trustee of the Police Pension Fund, by the Mayor with Council approval, for a one-year term.

10. Designation of the City Council's Audit Committee by the Mayor.

11. Designation of the City Council Liaisons by the Mayor.

12. Designation of official City newspaper.

13. 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.

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

15. Authorization for City Manager to enter into an Intermunicipal Agreement with the County of Westchester for an Employee Assistance Program.

16. Designation of the amounts of faithful performance bonds:

A.	City Comptroller	$ 1,000,000
B.	City Clerk	$ 500,000
C.	City Marshall	$ 100,000

17. Appointments to Boards and Commissions, by the Mayor with Council approval.

A) Three appointments to the Board of Appeals for a three-year term.
B) One appointment to the Board of Architectural Review for a three-year term.
C) One appointment to the Board of Ethics for a three-year term.
D) Three appointments to the Conservation Commission/Advisory Council for a three-year term.
E) Three appointments to the Finance Committee for a three-year term.
F) Two appointments to the Flood Advisory Committee for a three-year term.
G) Four appointments to the Landmarks Advisory Committee for a three-year term.
H) Two appointments to the Planning Commission for a three-year term.
I) Three appointments to the Recreation Commission for a three-year term.
J) Four appointments to the Rye Cable and Communications Committee for a three-year term.
K) One appointment to the Rye Playland Advisory Committee for a three-year term.
L) Three appointments to the Rye Town Park Advisory Committee for a three-year term.
M) Two appointments to the Traffic & Pedestrian Safety Committee for a three-year term.

18. Appeal of denial of FOIL request by Leon Sculti.

18A. Appeal of denial of FOIL request by Timothy Chittenden.

19. New Business.

20. Adjournment.

* *

The next regular meeting of the City Council will be held on Wednesday, January 28, 2015 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. 3 DEPT.: City Council DATE: January 14, 2015

CONTACT: Mayor Joseph A. Sack

AGENDA ITEM: Appointment of two City Council Members for terms expiring January 1, 2016.

FOR THE MEETING OF:
January 14, 2015

RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION:

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND: Two City Council seats were vacated as of January 1, 2014 as former Councilmember Joseph Sack assumed the role of Mayor, and former Councilwoman Catherine Parker assumed her position on the Westchester County Board of Legislators.

Councilmen Richard Mecca and Richard Slack were appointed to fill the second year of the vacated terms to serve through January 1, 2015. They both won re-election in November of 2014 and will complete the final year of the terms to serve through January 1, 2016.

CITY COUNCIL AGENDA

NO. 4 DEPT.: City Council DATE: January 14, 2015

CONTACT: Mayor Joseph A. Sack

AGENDA ITEM: The State of the City Address by the Mayor.

FOR THE MEETING OF:
January 14, 2015

RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION:

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND:

Mayor Sack will deliver his 2015 State of the City Address.

CITY COUNCIL AGENDA

NO. 5A DEPT.: Fire Department DATE: January 14, 2015

CONTACT: Chief Peter Cotter

AGENDA ITEM: Approval of the election of one new member to the Rye Fire Department.

FOR THE MEETING OF:
January 14, 2015
RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION: That the Council approve the election of Rex Gedney into the Fire Police Patrol Company.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND: The Board of Fire Wardens has advised that Rex Gedney was elected into membership to the Fire Police Patrol Company and was approved by the Fire Wardens at their last meeting.

See attached.

Dear City of Rye Council Members,

At the January monthly meeting of the Board of Fire Wardens, a new member has been approved into membership of the Rye Fire Department. Rex Gedney, owner of Gedney Architects, has been approved into the Fire Police Patrol Company. Rex is a lifelong resident of Rye and will be a great asset to the Department.

Very Respectfully,

Captain Dan Bochicchio
Department Secretary
Rye Fire Department

CITY COUNCIL AGENDA

NO. 6 DEPT.: City Clerk DATE: January 14, 2015

CONTACT: Dawn Nodarse

AGENDA ITEM Draft unapproved minutes of the Regular Meeting of the City Council held December 17, 2014, as attached.

FOR THE MEETING OF:
January 14, 2015

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 December 17, 2014, as attached.

DRAFT UNAPPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on December 17, 2014 at 7:30 P.M.

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

ABSENT: RICHARD MECCA
RICHARD SLACK
Councilmembers

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

Councilman McCartney read a statement on behalf of the Golf Club General Manager saying that Golf Club property cannot be used for sleigh riding or skating.

Mayor Sack noted the passing of Councilman Mecca's father, Daniel Mecca, and former Councilman James Flick's son, Thomas and called for a moment of silence for each.

3A. Approval of the election of two new members to the Rye Fire Department

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

RESOLVED, that the City Council of the City of Rye hereby approves the election of Andrew Wood to the Poningoe Hook and Ladder Co. as

approved by the Board of Fire Wardens and their December meeting.

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

RESOLVED, that the City Council of the City of Rye hereby approves the election of Lief Skodnick to the Poningoe Engine and Hose Co. as approved by the Board of Fire Wardens and their December meeting.

4. Draft unapproved minutes of the Regular Meeting of the City Council held December 3, 2014

Councilwoman Brett made a motion, seconded by Councilman McCartney and unanimously carried, to approve the minutes of the regular meeting of the City Council held on December 3, 2014.

5. Issues Update/Old Business

There was nothing discussed under this Agenda item.

5A. Resolution to transfer $50,000 from the 2015 Contingency account to fund expenses associated with the hiring of staff for the Fire Department
Roll Call

Mayor Sack noted that the City Manager's original proposed budget proposed four additional new firefighters. The Council was not in agreement with that proposal but is prepared to add one firefighter. The new firefighter will be added in March, not October, and, upon completion of Fire Academy training in July, a current firefighter can be promoted to lieutenant. The lieutenant will be a day time position, in order for a lieutenant to be on duty seven days a week, and will add a new layer of oversight over the department.

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

WHEREAS, additional staffing needs have been identified for the Rye Fire Department including the hiring of a Firefighter and a Fire Lieutenant; and

WHEREAS, it is anticipated that the Firefighter will have a starting date of March 1, 2015 and the Fire Lieutenant a starting date of July 1, 2015; and

WHEREAS, City staff has determined that the amounts required to fund salaries associated with these additional Fire Department Staff were not

anticipated and were not provided for in the proposed budget, now, therefore be it:

RESOLVED, that the City Comptroller is authorized to transfer $50,000 from the General Fund Contingent Account to the Fire Protection Account.

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

The Resolution was adopted by a 5-0 vote.

6. Continuation of the Public Hearing on the proposed 2015 Budget

No one from the public wished to comment on the proposed 2015 budget.

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

7. Resolution to adopt the 2015 Budget and establish the 2015 tax levy and 2015 tax rate
Roll Call

Deputy Comptroller Fazzino said that the proposed tax increase is 3.14% or $155.11 per $1,000 of assessed value. The tax levy is $77,500 under the tax cap.

Councilwoman Killian said that she had voted against the 2014 Budget because she did not agree with the increase suggested for mortgage tax revenues and noted that the mortgage tax revenues for 2014 have come in even lower than the original estimate. She said she was happy with this budget. Mayor Sack explained that 2/3 of the revenue comes from property taxes and 1/3 comes from elastic revenues which include mortgage tax revenue, building permit fees and sales tax revenue, which are estimated.

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

WHEREAS, on November 5, 2014 the 2015 Tentative Budget was presented to the City Council, and,

WHEREAS, since November 5, 2014 the City Council has discussed possible amendments to the 2015 Tentative Budget, now, therefore be it

RESOLVED, that the tentative budgets and fee schedules as amended for the General Fund, Cable TV Special Revenue Fund, K.T. Woods Permanent Fund, Debt Service Fund, Capital Projects Fund, Boat Basin Enterprise Fund, Golf Club Enterprise Fund, Risk Retention

Internal Service Fund and Building and Vehicle Maintenance Internal Service Fund, are hereby adopted for the fiscal year ending December 31, 2015, and be it further

RESOLVED, that the City Council does hereby certify to the City Comptroller the 2015 City of Rye tax rate of $155.11 per $1,000 taxable assessed valuation and the 2015 City of Rye tax levy of $21,531,492 and be it further

RESOLVED, that the City Council does hereby direct the City Comptroller to apportion and extend against each taxable property listed upon the assessment roll at the tax rate certified in this resolution to produce the tax levy certified in this resolution, and to render tax notices for, and receive and collect, the several sums so computed and determined, with interest as provided by law, and any special assessments heretofore authorized and approved.

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

The Resolution was adopted by a 5-0 vote.

8. Resolution authorizing the City Comptroller to make the necessary year-end closing transfers
Roll Call

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

RESOLVED, that the City Comptroller is hereby authorized to make the necessary 2014 fiscal year-end budget transfers in City accounts, provided a list of such transfers over $10,000 is furnished to the City Council after completion of such transfers.

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

The Resolution was adopted by a 5-0 vote.

9. Resolution to amend the Administrative Pay Plan
Roll Call

Mayor Sack said that in recent years, this item has not come before the Council, but in order for there to be more transparency, and, at the recommendation of the City Manager, the Council wants to bring back the practice of passing resolutions with regard to the Administrative Pay Group that is made up of those employees who are not members of bargaining units. The Mayor said the resolution not only provides for salary increases but also for a 1% increase in the health care contributions made by current employees and an amount up to 9.5% for any new employees hired to this group from this date forward. Additionally, all new hires will be required to pay 50% of their health care upon retirement.

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

> **WHEREAS**, the administrative pay plan encompasses all full time employees of the City of Rye who are not represented by one of four collective bargaining units with the exception of the City Manager and the Corporation Counsel; and
>
> **WHEREAS**, Administrative employees receive merit increases determined by the City Manager based on performance and accomplishment of identified objectives during the previous year; be it
>
> **RESOLVED**, that the City Manager be authorized to make adjustments to the salaries of the 27 persons in this group at a total maximum cost of $80,000; and be it further
>
> **RESOLVED**, that the City Council increase the employee health insurance contribution for this group to the lesser of 25% of premium or 5% of salary; and be it further
>
> **RESOLVED**, that the City Council determine that all persons hired by the City of Rye after December 17, 2014 and subsequently assigned to the Administrative Pay Group, pay 25% of health premiums up to 9.5% of their base salary and for such persons, the City would pay 50% of health premiums for the retiree and family upon their retirement during the lifetime of the retired employee; and be it further
>
> **RESOLVED**, that the City Manager be directed to notify the City Council within 30 days of any salary adjustments to members of the Administrative Pay Group.

ROLL CALL:

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

The Resolution was adopted by a 5-0 vote.

10. Resolution to authorize participation in Westchester County contracts
Roll Call

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

WHEREAS, by Act No. 8-1983, The County Board of Legislators authorized the County Purchasing Agent to act as Purchasing Agent for any city, town, village, school district or other unit of local government within the County of Westchester County, provided that said unit of local government by act, ordinance or resolution authorizes the County Purchasing Agent to act as its Purchasing Agent for items purchased by the County, and empowering designated officers and employees to sign requisitions, and further directing the proper official of local government to audit and pay County bills for the cost of County services within thirty (30) days after the receipt of said bill by the local government, and to provide the County with such insurance coverage as may be required by the County's Director of Risk Management, NOW, THEREFORE, be it

RESOLVED, that the County Purchasing Agent is hereby authorized to act as Purchasing Agent for the City of Rye, New York on a continuing basis, and be it further

RESOLVED, that the City Manager, the Assistant City Manager, the City Comptroller, and/or the City Engineer are hereby authorized to sign appropriate requisitions, and be it further

RESOLVED, that the City Comptroller is hereby authorized and directed to audit and pay County bills for the cost of County services within thirty (30) days after receipt of said bills, and be it further

RESOLVED, that the City Comptroller is hereby authorized to secure and provide to the County of Westchester any and all insurance required by the County's Director of Risk Management, in Accordance with County Act No. 8-1983.

ROLL CALL:

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

The Resolution was adopted by a 5-0 vote.

11. Resolution authorizing the City Manager to engage an independent audit firm to perform the examination of the City's Comprehensive Annual Financial Report for the fiscal years ending December 31, 2014, 2015, and 2016
Roll Call

Mayor Sack said that the City has used the same auditing firm for many years and the Council believes it is time to change firms as a matter of good practice. They believe auditors should be changed at least every six years with the principal partners being changed every three years. Deputy Comptroller Fazzino and City Manager Culross received seven responses to an RFP for auditing services. After telephone interviews conducted by City staff one company was invited to be interviewed in person. The City Council Audit Committee reviewed the proposals and endorses the recommendation of City staff.

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

> **RESOLVED,** that the City Council of the City of Rye hereby authorizes the City Manager to engage the firm of SaxBST LLP to perform the examination of the City's Comprehensive Annual Financial Report for the fiscal years ending December 31, 2014, 2015 and 2016.

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

The Resolution was adopted by a 5-0 vote.

12. Resolution to transfer $50,000 from the Contingency account to fund expenses associated with the recruitment of the next City Manager
Roll Call

Mayor Sack said that the Council sub-committee consisting of Councilwomen Killian and Bucci and Councilman Mecca were asked to locate a search firm for the recruitment of the next City Manager. Ten firms across the country were identified and written proposals were received from five firms. The Council spoke with all five firms and the consensus is to retain S. Renée Narloch & Associates, a professional executive recruitment firm based in Florida.

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

> **WHEREAS**, City staff has determined that the amounts required to fund expenses associated with the recruitment of the next City Manager were not anticipated and were not provided for in the adopted 2014 budget, and;

WHEREAS, the General Fund Contingent Account has a balance of $140,000, now therefore be it;

RESOLVED, that the City Comptroller is authorized to transfer $50,000 from the General Fund Contingent Account to the City Manager's Consultant Account.

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

The Resolution was adopted by a 5-0 vote.

12A. Resolution authorizing Mayor Sack to enter into an agreement with S. Renée Narloch & Associates to provide services in connection with the recruitment of the next City Manager
Roll Call

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

RESOLVED, that the City Council of the City of Rye hereby authorized Mayor Sack to enter into an agreement with S. Renée Narloch & Associates to provide services in connection with the recruitment of the next City Manager.

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

The Resolution was adopted by a 5-0 vote.

13. Resolution authorizing the Mayor to execute an agreement with the Rye Free Reading Room to furnish library services for 2015
Roll Call

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

RESOLVED, that the Mayor is hereby authorized to finalize an agreement

with the Rye Free Reading Room to furnish library services for 2015.

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

The Resolution was adopted by a 5-0 vote.

14. 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

Mayor Sack made a motion, seconded by Councilwoman Brett and unanimously carried to continue the public hearing to the January 14, 2015 meeting.

Councilman McCartney suggested some changes to the language in the proposed local law so the Farmers Market would not be impacted.

15. Resolution designating the days and time of regular meetings of the City Council for 2015 setting January 14, 2015 as the first regular meeting

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

RESOLVED, that January 14, 2015 is hereby fixed as the first regular and the organizational meeting of the City Council; and be it further

RESOLVED, that the following dates are designated for the regular meetings of the City Council in 2015:

January 14
January 28
February 11
February 25
March 11
March 25
April 8
April 22
May 6
May 22
June 10
July 8
August 3 - Presentation of the CIP

August 5
September 16
October 7
October 21
November 4
November 18
December 2
December 16

16. Consideration to set a Public Hearing for January 28, 2015 to amend local law Chapter 117, Landmarks Preservation, of the Rye City Code by amending Section §117-5, "Designation of Preservation Districts or Protected Sites and Structures", Subsection E, to add (9) Protected site and structures: 600 Milton Road, the Bird Homestead, and 624 Milton Road, the Rye Meeting House as landmarks

Councilwoman Brett said that the Landmarks Committee recommended this change, which was sent to the Board of Architectural Review and Planning for comment. Both boards are in agreement with the recommendation.

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

WHEREAS, the Council wishes to consider amending Chapter 117, "Landmarks Preservation" of the Code of the City of Rye by amending §117-5; 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 January 28, 2015 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 117, Landmarks Preservation, of the Rye City Code by amending §117-5, "Designation of Preservation Districts or Protected Sites and Structures" Subsection E, by adding: (9) Protected site and structures: 600 Milton Road, the Bird Homestead, and 624 Milton Road, The Rye Meeting House, as landmarks

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 28th day of January 2015 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 §117-5 to add: (9) Protected site and structures: 600 Milton Road, The Bird Homestead, and 624 Milton Road, The Rye Meeting House, as landmarks.

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

Dawn F. Nodarse
City Clerk
Dated: January 21, 2015

17 Consideration of a request by the Midland Elementary School PTO to approve a parade to precede the Midland Elementary School Fair on Saturday, April 18, 2015 from 9:00 a.m. to 10:15 a.m.

Mayor Sack made a motion, unanimously approved by the Council, to adopt the following Resolution:

> **RESOLVED**, that the City Council of the City of Rye hereby approves the request of the Midland Elementary School PTO for use of City streets for a parade to precede the Midland Elementary School Fair on Saturday, April 18, 2015 from 9:00 a.m. to 10:15 a.m.

18. Appeal of denial of FOIL request by Leon Sculti

Corporation Counsel Wilson said that the original request was for "the Breen Report", and it was denied under Public Officers Law §87(2)(g) as an inter or intra-agency document and §87(2)(a) as being exempt under a federal or state statute (New York CPLR §4503 – attorney/client privilege). An appeal was submitted challenging the provisions under which the records were withheld. Mayor Sack said that the report was issued in February 2014 as a result of an investigation conducted by the firm of Brune and Richard, who were hired by the Council to assist in the investigation of the Golf Club. Brune and Richard retained the Breen forensic

accounting firm to assist in the investigation. The Breen firm was retained by Brune and Richard in order to preserve the attorney/client privilege. Councilman McCartney said he believed that the attorney/client privilege was waived when the information was shared with an outside party. Leon Sculti said that much of the information in the report was subject to FOIL and that some of the information in the report had already been made public. Ms. Wilson indicated that she believed Mr. Sculti was seeking additional records than those already made public on the City website when she issued her denial. Mayor Sack asked Mr. Sculti to provide him with the case law that he referred to so the Council could review it in connection with the attorney/client privilege issue prior to issuing a decision on his appeal. Councilwoman Brett said that the issue is that the Council is considering litigation and the documents were prepared in anticipation of potential litigation. Disclosing them at this time would compromise the City's ability to pursue that litigation and disclosing them to the City's insurance carrier may not have waived attorney/client privilege. The appeal was adjourned to the January 14, 2015 meeting.

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Mayor Sack asked Corporation Counsel Wilson regarding an email from Timothy Chittenden regarding a possible FOIL appeal. Ms. Wilson said she reviewed the original FOIL where he was provided documents and the reasons for redactions and that he subsequently requested CAD reports and County Police files. The CAD reports were provided and he was informed of how to obtain the County records. She said she did not believe this was not a valid appeal.

19. Miscellaneous Communications and Reports

There was nothing reported under this Agenda item.

20. New Business

There was nothing discussed under this Agenda item.

21. Adjournment

There being no further business to discuss Councilwoman Brett made a motion, seconded by Councilwoman Killian and unanimously carried, to adjourn the meeting at 8:55 p.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk

CITY COUNCIL AGENDA

NO. 7 DEPT.: City Council DATE: January 14, 2015

CONTACT: Mayor Joseph A. Sack

AGENDA ITEM: Issues Update/Old Business

FOR THE MEETING OF:
January 14, 2015

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. 8 DEPT.: City Council DATE: January 14, 2015

CONTACT: Mayor Joseph A. Sack

AGENDA ITEM: Appointment of the 2015 Deputy Mayor by the Mayor.

FOR THE MEETING OF:
January 14, 2015

RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION: that the following resolution be adopted:

RESOLVED, that _____ be appointed the Deputy Mayor for a one-year term commencing January 1, 2015, to serve as Acting Mayor in the Mayor's absence.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: Section § C7-2, "Deputy Mayor" of the City Charter stipulates that "On or before the tenth day of January following his election, and within ten (10) days after any vacancy in the office of Deputy Mayor shall occur, the Mayor shall appoint a member of the Council as Deputy Mayor, to hold office as long as he remains such member and at the pleasure of the Mayor.

CITY COUNCIL AGENDA

NO. 9 DEPT.: City Council DATE: January 14, 2015

CONTACT: Mayor Joseph A. Sack

ACTION: Appointment of a Council Member as Trustee of the Police Pension Fund, by the Mayor with Council approval, for a one-year term.

FOR THE MEETING OF:
January 14, 2015

RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION: that the following resolution be adopted:

RESOLVED, that a Council member be appointed as Trustee of the Police Pension Fund for a one-year term commencing January 1, 2015.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND: The Police Pension Fund was established by the City Council on 1-21-1942. Chapter 31 of the City Code outlines the rules for the Fund. Section § 31-4, “Trustees and other officers of fund” stipulates that “The Mayor, the Chief of Police and a member of the Council to be appointed by the Mayor with the approval of the Council in January of each year, except the year 1942, shall constitute the Trustees of the fund.” The Trustees have charge of and administer the Fund and are empowered to make all necessary contracts and take all necessary and proper actions and proceedings in connection, including making payments of pensions from this fund. There is one recipient of the Police Pension Fund.

CITY COUNCIL AGENDA

NO. 10 DEPT.: City Council DATE: January 14, 2015

CONTACT: Mayor Joseph A. Sack

AGENDA ITEM: Designation of the City Council's Audit Committee by the Mayor.

FOR THE MEETING OF:
January 14, 2015

RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION: that the following resolution be adopted:

RESOLVED, that two Council members be appointed to the City Council's Audit Committee for a one-year term commencing January 1, 2015.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: The Audit Committee was established at the January 19, 1977 City Council Meeting to facilitate Council participation in the City audits. The resolution stipulated that the Audit Committee consist of the Mayor and two Council members, appointed by the Mayor, to meet at least once yearly after completion of the independent audit.

CITY COUNCIL AGENDA

NO. 11 DEPT.: City Council DATE: January 14, 2015

CONTACT: Mayor Joseph A. Sack

AGENDA ITEM: Designation of the City Council Liaisons by the Mayor.

FOR THE MEETING OF:
January 14, 2015

RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION: That the Council approve the appointments as presented by the Mayor.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND: Designation of the City Council Liaisons by the Mayor for the following Boards and Committees:

Audit Committee
Board of Appeals
Board of Architectural Review
Boat Basin Commission
Conservation Commission/Advisory Council
Emergency Medical Services
Finance Committee
Flood Advisory Committee
Government Policy & Research Committee
Landmarks Advisory Committee
Legal Case Management Committee
Planning Commission
Police Pension Fund
Recreation Commission
Rye Cable and Communications Committee
Rye City School Board
Rye Free Reading Room
Rye Golf Commission
Rye Merchants Association
Rye Playland Advisory Committee
Rye Town Park
Sustainability Committee
Traffic & Pedestrian Safety Committee

CITY COUNCIL AGENDA

NO. 12 DEPT.: City Manager's Office DATE: January 14, 2015
CONTACT: Frank J. Culross, City Manager

ACTION: Designation of the official City newspaper.

FOR THE MEETING OF:
January 14, 2015

RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION: That the Mayor and City Council designate the Journal News as the official City newspaper for purposes of publishing legal notices.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: The Rye City Charter requires that the Council designate a newspaper circulated regularly at least once a week in the city as the official newspaper of the city. A daily newspaper provides the City staff with the most flexibility in meeting notice deadlines. Each of the newspapers covering the City provides different types of coverage but working with a weekly paper is much more difficult in meeting notice deadlines and a monthly paper cannot meet the notice needs of the City.

CITY COUNCIL AGENDA

NO. 13 DEPT.: City Manager's Office DATE: January 14, 2015

CONTACT: Frank J. Culross, City Manager

AGENDA ITEM: 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.

FOR THE MEETING OF:
January 14, 2015

RYE CITY CODE,
CHAPTER 165
SECTION 10

RECOMMENDATION: That the City Council hold a Public Hearing to amend Chapter 165, "Signs".

IMPACT: ☐ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

BACKGROUND: Council is asked to consider amendments to Chapter 165, "Signs" of the Rye City Code to allow for the display of banners at City of Rye ball fields and utility poles on City property.

See attached Draft Local Law.

CITY OF RYE
LOCAL LAW NO. 2014

A local law to amend Chapter 165 "Signs" of the Code of the City of Rye by adding a new §165-10 to establish regulations for banners on City owned field fences and utility poles located on City property and to renumber the remaining section of the Chapter as follows:

Section 1: Chapter 165, Signs.

§ 165-10. Banners on City owned field fences and utility poles.

A. Banners are permitted on City owned field fences upon approval from the Board of Architectural Review. All permits will be issued by the City Clerk's office and are seasonal and will be approved for the spring, summer and/or fall season. No banners shall be displayed during the winter season.

(1) When reviewing applications for the display of banners on field fences, the Board of Architectural Review shall take into consideration the size of the banner, the design, and the colors to ensure that such are in harmony are appropriate for the placement on the field fences.

(2) In no event shall banners on field fences be larger than 32 square feet.

(3) The Board of Architectural Review will consider applications for banners on a first come/first serve basis and has the authority to limit the number of banners at any given time depending on the availability of fence space.

(4) The Board of Architectural Review may consult with the Recreation Commission to determine whether a particular banner is consistent with the type of activities performed on a given field area.

(5) Applications for the spring season must be received on or before February 1, for the summer season by May 1, and the fall season by August 1.

(6) The City reserves discretion as to the exact placement of the banners on the field fences.

(7) All banners shall be hung with the advertisement facing inside the playing field area.

B. Banners are permitted on City utility poles in the Central Business District upon receipt of a permit from the Board of Architectural Review.

(1) All banners to be placed on the utility poles shall be approximately 30" by 60".

(2) Banners supporting or advertising <u>any</u> organizations shall be considered by the Board of Architectural Review.

(3) When reviewing applications, the Board of Architectural Review shall take into consideration the design and colors of the banners to ensure that such are appropriate for display in the Central Business District.

DRAFT

(4) The Board of Architectural Review will consider applications for banners on a first come/first serve basis.

(5) The maximum permitted time for display is twenty-one (21) days; The Farmer's Market may display their signs for up to nine months but shall be removed prior to the City's holiday banners being displayed.

C. Once a permit is issued, the permittee is required to provide the banner(s) to the Department of Public Works for display. The City shall display and remove all banners.

D. If an application for a banner is disapproved, the applicant may appeal the decision pursuant to Chapter 53, § 53-10 as set forth in § 165-2(D) of this Chapter.

E. The permit fees shall be set annually by resolution of the City Council.

§ 165-101. Severability.

If any phrase, sentence, part, section, subsection, or other portion of this chapter or any application thereof to any person or circumstance is declared void, unconstitutional or invalid for any reason, then such word, phrase, sentence, part, section, subsection or other portion, or the proscribed application thereof, shall be severable, and the remaining provisions of this chapter, an all applications thereof, not having been declared void, unconstitutional or invalid, shall remain in full force and effect.

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

DRAFT

CITY COUNCIL AGENDA

NO. 15 DEPT.: City Manager DATE: January 14, 2015

CONTACT: Frank J. Culross, City Manager

AGENDA ITEM: Authorization for the City Manager to enter into an Intermunicipal Agreement with the County of Westchester for an Employee Assistance Program.

FOR THE MEETING OF:
January 14, 2015

RYE CITY CODE,
CHAPTER
SECTION

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

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND:

The Agreement is for a three-year period commencing January 1, 2015 through December 31, 2019. Under the agreement the County operates an Employee Assistance Program which provides services to various municipalities and school districts within Westchester and Putnam counties.

See attached documentation.

THIS AGREEMENT made the _____ day of _____, 2015, by and between

THE COUNTY OF WESTCHESTER, a municipal corporation of the State of New York having its principal place of business in the Michaelian Office Building, 148 Martine Avenue, White Plains, New York 10601 (hereinafter referred to as the "County"),

Acting by and through its Department of Community Mental Health (hereinafter referred to as the "Department"),

and

CITY OF RYE, having an office and place of business at 1051 Boston Post Road, Rye, New York 10580 (hereinafter referred to as the "Agency")

W I T N E S S E T H

WHEREAS, the County and Agency desire to enter into an agreement to provide services under Article 25 (Funding For Substances Abuse Services) and Article 41 (Local and Unified Services) of the New York Mental Hygiene Law; and

WHEREAS pursuant to the provisions of Articles 25 and 41 of the New York Mental Hygiene Law, the County receives funding from the State and local municipalities, among others, for preventive, rehabilitative and treatment service programs for the mentally ill, the mentally retarded, the developmentally disabled and those suffering from alcohol and substance abuse. Pursuant to Article 41, the County also operates an Employee Assistance Program, which provides services to various municipalities and school districts within Westchester and Putnam counties; and

WHEREAS, the Agency has indicated it would like to receive these services.

NOW, THEREFORE, the parties hereto in consideration of the premises and of the covenants, agreements, terms and conditions herein contained do agree as follows:

Section 1. The Department shall provide services under Article 25 (Funding For Substances Abuse Services) and Article 41 (Local and Unified Services) of the New York Mental Hygiene Law to the Agency and shall also render Employee Assistance Program services (hereinafter collectively the "Services") to the Agency as more particularly described in Schedule "A" which is attached hereto and made a part hereof.

Section 2. In consideration of the Services to be provided to the Agency by the Department pursuant to Paragraph "1" above, the Agency shall pay to the County a fee of $45 per employee per year as more fully set forth in Schedule "B" which is attached hereto and made a part hereof.

Any and all payments to be made, including any partial payment made in proportion to the provision of Services, shall be made on a monthly basis within 15 days of submission of an invoice submitted by the Department.

Section 3. All records compiled by the Department in completing the work described in this Agreement, including but not limited to evaluation, progress notes, written reports, studies, drawings, computer printouts, graphs, charts, and all other similar recorded data, shall become and remain the property of the Department.

Section 4. This Agreement shall commence on January 1, 2015 and shall expire on December 31, 2019.

Section 5. The Agency agrees to procure and maintain insurance naming the County as additional insured, as provided and described in Schedule "C", entitled "Standard Insurance Provisions", which is attached hereto and made a part hereof. In addition to, and not in limitation of the insurance provisions contained in Schedule "C", the Agency agrees:

(a) that except for the amount, if any, of damage contributed to, caused by, or resulting from the negligence of the County, the Agency shall indemnify and hold harmless the County, its officers, employees, agents, and elected officials from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorney's fees or loss arising directly or indirectly out of the performance or failure to perform hereunder by the Agency or third parties under the direction or control of the Agency; and

(b) to provide defense for and defend, at its sole expense, any and all claims, demands or causes of action directly or indirectly arising out of this Agreement and to bear all other costs and expenses related thereto.

Section 6. Confidentiality of Records:

(a) The Department and the Agency shall observe and require the observance of applicable Federal and State requirements relating to confidentiality of records and information. The Department and the Agency agree not to allow examination of records or the disclosure of information except as herein set forth or as may be required by applicable Law.

(b) The Department and the Agency shall fully inform their own staff members to observe and require the observance of applicable Federal and State requirements relating to confidentiality of records and information.

(c) The Department and the Agency shall implement the following procedures for the purpose of safeguarding information and ensuring the protection and confidentiality of said information.

(1) Records containing individually identifiable information shall be marked "confidential" and kept in locked files or in rooms that are locked when the records are not in use.

(2) When in use, records shall be maintained in such a manner as to prevent exposure of individual identifiable information to anyone other than the authorized party directly utilizing the case record.

(3) Records shall be transmitted from one location to another in a sealed envelope stamped "confidential" and a receipt shall be obtained documenting delivery of said records. Records may be removed from Department's work locations only with the prior written permission of the Commissioner.

(4) Interviews with clients shall be conducted at a location and in a manner which maximizes privacy.

(5) The Agency consistent with applicable statute and regulation shall have access to the following:

- All identifiable information released with client's consent.
- Information released is usually within the context of a supervisor's referral.
- Released information normally includes information regarding compliance with Employee Assistance Program services and treatment and client's medical clearance to return to work

Section 7. The Agency expressly agrees that neither it nor any contractor, subcontractor, employee, or any other person acting on its behalf shall discriminate against or intimidate any employee or other individual on the basis of race, creed, religion, color, gender, age,

national origin, ethnicity, alienage or citizenship status, disability, marital status, sexual orientation, familial status, genetic predisposition or carrier status during the term of or in connection with this Agreement, as those terms may be defined in Chapter 700 of the Laws of Westchester County. The Agency acknowledges and understands that the County maintains a zero tolerance policy prohibiting all forms of harassment or discrimination against its employees by co-workers, supervisors, vendors, contractors, or others.

Section 8. Either party may cancel this Agreement upon ten (10) days prior written notice to the other by certified mail.

Section 9. All notices, requests, demands or other communications required or permitted to be given hereunder shall be in writing and shall be deemed given when delivered by hand or mailed postage prepaid, certified mail, return receipt requested, addressed as follows:

To the County:	Commissioner Westchester County Department of Community Mental Health 112 East Post Road - Second Floor White Plains, New York 10601
with copy to:	County Attorney Michaelian Office Building, Room 600 148 Martine Avenue White Plains, New York 10601
To the Agency:	City of Rye 1051 Boston Post Road Rye, New York 10580

Section 10. This Agreement may not be assigned by the Agency without the prior written consent of the County.

Section 11. This Agreement shall not be enforceable until signed by all parties and approved by the Office of the County Attorney.

Section 12. This Agreement shall be construed and enforced in accordance with the Laws of the State of New York.

IN WITNESS WHEREOF, the County and the Agency have caused this Agreement to be executed.

THE COUNTY OF WESTCHESTER

By: _____
Name: Sherlita Amler, M.D.
Title: Acting Commissioner

CITY OF RYE

By: _____
Name: Frank J. Culross
Title: City Manager

Duly adopted by the Board of Legislators of the County of Westchester on the 27th day of October, 2014 by Act No. 2014-190.

Approved by the Board of Acquisition and Contract of the County of Westchester on the 11th day of December, 2014.

Approved as to form and
manner of execution:

_____
Assistant County Attorney
The County of Westchester
K:O/CMH/2014 EAP agr.doc

ACKNOWLEDGMENT

STATE OF NEW YORK)
) ss.:
COUNTY OF WESTCHESTER)

On the _____ day of _____ in the year 2014 before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Date: _____ _____

Notary Public

RPL § 309-a; NY CPLR § 4538

CERTIFICATE OF AUTHORITY
(CORPORATION)

I, _____,
(Officer other than officer signing contract)

certify that I am the _____ of
(Title)
the _____
(Name of Corporation)

a corporation duly organized and in good standing under the _____ (Law under which organized, e.g., the New York Business Corporation Law) named in the foregoing agreement; that
_____
(Person executing agreement)

who signed said agreement on behalf of the _____
(Name of Corporation)

was, at the time of execution
_____
(Title of such person)

of the Corporation and that said agreement was duly signed for and on behalf of said Corporation by authority of its Board of Directors, thereunto duly authorized and that such authority is in full force and effect at the date hereof.

_____
(Signature)

STATE OF NEW YORK)
) ss.:
COUNTY OF WESTCHESTER)

On the _____ day of _____ in the year 2014 before me, the undersigned, a Notary Public in and for said State, _____ _____ personally appeared, personally known to me or proved to me on the basis of satisfactory evidence to be the officer described in and who executed the above certificate, who being by me duly sworn did depose and say that he/she resides at
_____, and he/she is an officer of said corporation; that he/she is duly authorized to execute said certificate on behalf of said corporation, and that he/she signed his/her name thereto pursuant to such authority.

_____
Notary Public
Date

SCHEDULE "A"
SCOPE OF SERVICES
CITY OF RYE

The local jurisdiction will receive the following services from the Department of Community Mental Health (DCMH) Employee Assistance Program:

1. Program consultation and design including technical assistance for development of policies and procedures.

2. Staff development services:

   a. Program facilitator (s) training for appropriate jurisdictions;

   b. Labor/Management orientation and training;

   c. Supervisory training

   d. Employee Orientations

3. Program Administration

a) Data collection;

b) Statistical analysis;

c) Reporting services for labor and management, as required.

4. Program Maintenance:

a) On-going training and education;

b) Collection and dissemination of appropriate program data and material;

c) On-going training and support for program facilitators;

d) Appropriate corrective action for local programs, as required.

5. Client Evaluation and Referral:

Upon contact from a supervisor or a self-referred employee, the local Employee Assistance Program coordinator will contact the County Employee Assistance Program;

a) County Employee Assistance Program staff will make an appointment for the employee and assign a counselor for the contact;

b) The Counselor will interview the employee and complete appropriate assessment and referral services;

c) County Employee Assistance Program staff will monitor the employee's progress in treatment;

d) The counselor will provide appropriate follow-up to the local Employee Assistance Program coordinator or other designated supervisory staff.

SCHEDULE "B"

BUDGET

CITY OF RYE

The Inter-Municipal Agreement ("IMA") will be for a term of five years commencing on January 1, 2015 and shall expire on December 31, 2019.

City of Rye shall pay to the County a fee of $45 per employee for all five years.

For the purpose of this Agreement, City of Rye represents that as of the date hereof City of Rye has 145 employees and the total amount for 2015 is $6,525. The fee for 2015 shall be paid upon acceptance of this agreement. The total amount billed by Westchester County Department of Community Mental Health for years 2016 through 2019 shall be based on a head count supplied by City of Rye in December of the preceding year and shall be paid in January of each subsequent year.

SCHEDULE "C"
STANDARD INSURANCE PROVISIONS

1. Prior to commencing work, the Agency shall obtain at its own cost and expense the required insurance from insurance companies licensed in the State of New York, carrying a Best's financial rating of A or better, and shall provide evidence of such insurance to the County of Westchester, as may be required and approved by the Director of Risk Management of the County. The policies or certificates thereof shall provide that thirty days prior to cancellation or material change in the policy, notices of same shall be given to the Director or Risk Management of the County of Westchester by registered mail, return receipt requested, for all of the following stated insurance policies. All notices shall name the Agency and identify the Agreement.

If at any time any of the polices required herein shall be or become unsatisfactory to the County, as to form or substance, or if a company issuing any such policy shall be or become unsatisfactory to the County, the Agency shall upon notice to that effect from the County, promptly obtain a new policy, submit the same to the Department of Risk Management of the County of Westchester for approval and submit a certificate thereof. Upon failure of the Agency to furnish, deliver and maintain such insurance, the Agreement, at the election of the County, may be declared suspended, discontinued or terminated. Failure of the Agency to take out, maintain, or the taking out or maintenance of any required insurance, shall not relieve the Agency from any liability under the Agreement, nor shall the insurance requirements be construed to conflict with or otherwise limit the contractual obligations of the Agency concerning indemnification. All property losses shall be made payable to and adjusted with the County.

In the event that claims, for which the County may be liable, in excess of the insured amounts provided herein are filed by reason of any operations under the Agreement, the amount of excess of such claims or any portion thereof, may be withheld from payment due or to become due the Agency until such time as the Agency shall furnish such additional security covering such claims in form satisfactory to the County of Westchester.

2. The Agency shall provide proof of the following coverage (if additional coverage is required for a specific agreement, those requirements will be described in the "Special Conditions" of the contract specifications):

(a) Workers' Compensation. Certificate form C-105.2 (9/07) or State Fund Insurance Company form U-26.3 is required for proof of compliance with the New York State Workers' Compensation Law. State Workers' Compensation Board form DB-120.1 is required for proof of compliance with the New York State Disability Benefits Law. Location of operation shall be "All locations in Westchester County, New York."

Where an applicant claims to not be required to carry either a Workers' Compensation Policy or Disability Benefits Policy, or both, the employer must complete NYS form CE-200, available to download at: www.wcb.state.ny.us (click on Employers/Businesses, then Business Permits/Licenses/Contracts to see instruction manual).

If the employer is self-insured for Worker's Compensation, he/she should present a certificate from the New York State Worker's Compensation Board evidencing that fact (Either SI-12, Certificate of Workers' Compensation Self-Insurance, or GSI-105.2, Certificate of Participation in Workers' Compensation Group Self-Insurance).

(b) Employer's Liability with minimum limit of $100,000.00.

(c) Commercial General Liability Insurance with a minimum limit of liability per occurrence of $1,000,000.00 for bodily injury and $100,000.00 for property damage or a combined single limit of $1,000,000.00 (c.s.l.), naming the County of Westchester as an additional insured. This insurance shall include the following coverages:

(i) Premises - Operations
(ii) Broad Form Contractual
(iii) Independent Contractor and Sub-Contractor
(iv) Products and Completed Operations

(d) Automobile Liability Insurance with a minimum limit of liability per occurrence of $1,000,000.00 per occurrence for bodily injury and a minimum limit of $100,000.00 per occurrence for property damage or a combined single limit of $1,000,000.00 unless otherwise indicated in the contract specifications. This insurance shall include for bodily injury and property damage the following coverages:

(i) Owned automobiles.
(ii) Hired automobiles.
(iii) Non-owned automobiles.

(e) Professional Liability. The Agency shall provide proof of such insurance (limits of $1,000,000.00 per occurrence/$3,000,000.00 aggregate).

3. All policies of the Agency shall be endorsed to contain the following clauses:

(a) Insurers shall have no right to recovery or subrogation against the County of Westchester (including its
employees and other agents and agencies), it being the intention of the parties that the insurance policies so effected shall protect both parties and be primary coverage for any and all losses covered by the above-described insurance.

(b) The clause "other insurance provisions" in a policy in which the County of Westchester is named as an insured, shall not apply to the County of Westchester.

(c) The insurance companies issuing the policy or policies shall have no recourse against the County of Westchester (including its agents and agencies as aforesaid) for payment of any premiums or for assessments under any form of policy.

(d) Any and all deductibles in the above described insurance policies shall be assumed by and be for the account of, and at the sole risk of, the Agency

CITY COUNCIL AGENDA

NO. 16 DEPT.: City Manager's Office DATE: January 14, 2015

CONTACT: Frank J. Culross, City Manager

ACTION: Designation of the amounts of faithful performance bonds.

FOR THE MEETING OF:

January 14, 2015

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Mayor and City Council designate faithful performance bonds for the City Comptroller, City Clerk and City Marshal.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: Section § C23-3, "Surety bonds" of the City Charter stipulates that "The City Comptroller, City Clerk, City Judge, Acting City Judge, City Marshal and such other officers and employees as may be specified by the Council shall give bond for the faithful performance of their duties. The bond shall be in such sum and with such corporate sureties as may be approved by the Council. The premium of all such surety bonds shall be paid by the city."

Faithful performance bonds will be designated in the following amounts:

A. City Comptroller $1,000,000
B. City Clerk $ 500,000
C. City Marshal $ 100,000

CITY COUNCIL AGENDA

NO. 17 DEPT.: City Council DATE: January 14, 2015

CONTACT: Mayor Joseph A. Sack

ACTION: Appointments to Boards and Commissions, by the Mayor with Council approval.

FOR THE MEETING OF:
January 14, 2015

RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION: that the City Council approve the appointments.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND:

A) Three appointments to the Board of Appeals for a three-year term.
B) One appointment to the Board of Architectural Review for a three-year term.
C) One appointment to the Board of Ethics for a three-year term.
D) Three appointments to the Conservation Commission/Advisory Council for a three-year term.
E) Three appointments to the Finance Committee for a three-year term.
F) Two appointments to the Flood Advisory Committee for a three-year term.
G) Four appointments to the Landmarks Advisory Committee for a three-year term.
H) Two appointments to the Planning Commission for a three-year term.
I) Three appointments to the Recreation Commission for a three-year term.
J) Four appointments to the Rye Cable and Communications Committee for a three-year term.
K) One appointment to the Rye Playland Advisory Committee for a three-year term.
L) Three appointments to the Rye Town Park Advisory Committee for a three-year term.
M)Two appointments to the Traffic & Pedestrian Safety Committee for a three-year term.

CITY COUNCIL AGENDA

NO. 18 DEPT.: City Manager DATE: January 14, 2015
CONTACT: Frank J. Culross, City Manager

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

FOR THE MEETING OF:
January 14, 2015
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

CITY COUNCIL AGENDA

NO. 18A DEPT.: City Manager DATE: January 14, 2015
CONTACT: Frank J. Culross, City Manager

AGENDA ITEM: Appeal of denial of FOIL request by Timothy Chittenden.

FOR THE MEETING OF:
January 14, 2015
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: All records of the Motor Vehicle Accident that occurred on the night of May 2, 2014, on Boston Post Road at or near the intersection with Sonn Drive including but not limited to all incident reports, all accident reports, photos and diagrams from all agencies, all cad dispatch reports, all reports and cad dispatch reports for all other involved agencies dispatched and all supplementary reports.

FOIL Status: Responsive records were sent to requestor with the notation that "Redactions were made pursuant to POL 87(2)(b) - unlawful invasion of personal privacy."

FOIL Appeal Reason: Requestor feels that additional records are available.

See attached documentation.

Work Order Form

FOIL

Tracking Number: 8047751706
Date Time Received: 11/05/2014 5:06PM
Created By: Timothy Chittenden (Citizen)

Contact Information

First Name: Timothy
Last Name: Chittenden
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.
All records of the Motor Vehicle Accident that occurred on the night of May 2, 2014, on Boston Post Road at or near the intersection with Sonn Drive including but not limited to all incident reports, all accident reports, photos and diagrams from all agencies, all cad dispatch reports, all reports and cad dispatch reports for all other involved agencies dispatched and all supplementary reports.

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