

## CITY OF RYE

### NOTICE

There will be a regular meeting of the City Council of the City of Rye on Tuesday, August 22, 2017, at 6:00 p.m. in Council Chambers at City Hall.

### AGENDA

1. Pledge of Allegiance.
2. Roll Call.
3. General Announcements.
4. Draft unapproved minutes of the regular meeting of the City Council held July 12, 2017 and the special meeting of the City Council held July 17, 2017.
5. Issues Update/Old Business.
6. Residents may be heard on matters for Council consideration that do not appear on the agenda.
7. Authorization for the City Manager to enter into an agreement with Sive, Paget & Riesel, P.C. to represent the City in an appeal proceeding against Westchester County regarding Rye Playland.  
Roll Call.
8. Authorization for the City Manager to enter into an agreement with Best Best & Krieger LLP to represent the City in cable franchise agreement negotiations.  
Roll Call.
9. Authorization for the City Manager to enter into an Intermunicipal Agreement with the Town of Scarsdale for the Board of Assessment Review of the City of Rye to hear a Tax Assessment Grievance for a property located in Scarsdale.  
Roll Call.
10. Consideration of a request by the Rye Free Reading Room for use of the Village Green on select Friday mornings in the summer from 10:00 a.m. to 11:00 a.m. for *Musical Fridays with Graham Clark*.
11. Resolution to transfer \$4,520 from the Cable TV Unassigned Fund balance to the Cable TV Operating Budget for the relocation of the RyeTV control room at the Rye High School.  
Roll Call.
12. Adoption of the 2017/2018 tax levy and tax rate for the Rye Neck Union Free School District.  
Roll Call.

13. Acceptance of donation to the Rye Sustainability Committee from Sustainable CUNY in the amount of Two Hundred and Fifty (\$250.00) Dollars.  
Roll Call.
14. Resolution to declare certain City of Rye equipment as surplus.  
Roll Call.
15. Miscellaneous communications and reports.
16. New Business.
17. Adjournment.

\* \* \* \* \*

The next regular meeting of the City Council will be held on Wednesday, September 13, 2017 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](http://www.ryeny.gov) under “RyeTV Live”.

\* Office Hours of the Mayor by appointment by emailing [jsack@ryeny.gov](mailto:jsack@ryeny.gov) or contacting the City Manager’s Office at (914) 967-7404.



# CITY COUNCIL AGENDA

NO. 4

DEPT.: City Clerk

DATE: August 22, 2017

CONTACT: Carolyn D'Andrea, City Clerk

**AGENDA ITEM:** Draft unapproved minutes of the regular meeting of the City Council held July 12, 2017 and the special meeting of the City Council held July 17, 2017.

**FOR THE MEETING OF:**

August 22, 2017

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** That the Council approve the draft minutes.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** Approve the minutes of regular meeting of the City Council held July 12, 2017 and the special meeting of the City Council held July 17, 2017, as attached.

***DRAFT UNAPPROVED MINUTES*** of  
the Regular Meeting of the City Council of the  
City of Rye held in City Hall on July 12, 2017, at  
7:30 P.M.

PRESENT:

JOSEPH A. SACK Mayor  
KIRSTIN BUCCI  
EMILY HURD  
JULIE KILLIAN  
TERRENCE McCARTNEY  
RICHARD MECCA  
DANIELLE TAGGER-EPSTEIN  
Councilmembers

ABSENT:

None

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.

Mayor Sack announced that the Rye High School Boys Crew Team was present at the meeting, being recognized for their outstanding achievement and had received a gold medal the 2017 U.S. Rowing Youth Nationals. The team was presented with a proclamation from Mayor Sack.

Bill Daley, representative for the parents of the Rye High School Boys Crew Team, talked about the strength of the team throughout the season. He discussed their travels and practices at length. He thanked Coach Stan Nelson for his great leadership.

Councilwoman Killian congratulated the team and the rowers in Rye.

11. Public Hearing to amend local law Chapter 161, "Sewers", of the Rye City Code by amending Article II, "Sewer Rents", to order costs for infrastructure maintenance and access to be charged to all customer classes located in such municipality.

Items 11, 12 and 13 were taken together. These items as a whole were taken out of order.

Councilman McCartney made a motion to open the public hearing, seconded by Councilman Mecca.

City Manager Serrano explained that the process of initiating a sewer rent fee would offset taxes and dedicate funds specifically for maintenance of infrastructure for the sewer system. This rent would be collected and distributed into a separate sewer rent fund. He said that Comptroller Fazzino had provided estimates of costs to the City Council. He also said that the fee would be determined based on water usage.

City Comptroller Fazzino presented some findings to the Council. He said that annually, the City budgets approx. \$702,000, which amounts to \$112/ year per home. This figure would be moved to the sewer rent fund if this were adopted. The water usage amounts to less than 1% of the taxes per home per year. He further explained that the fund would be based on use.

Councilwoman Killian recommended exploring this idea further before voting. She brought up capital improvements that need to occur. There was general discussion among the Council about the possible sewer rent.

Mayor Sack made a motion, seconded by Councilman Mecca, to adjourn the matter to October 4, 2017.

12. Consideration of a Resolution to petition the Public Service Commission (PSC) to order costs for infrastructure maintenance and access to be charged to all customer classes located in such municipality.

Mayor Sack made a motion, seconded by Councilman Mecca, to adjourn the matter to October 4, 2017.

13. Consideration of a Resolution to petition the Westchester Joint Water Works (WJWW) Transportation Corporation Board to order costs for infrastructure maintenance and access to be charged to all customer classes located in such municipality.

Mayor Sack made a motion, seconded by Councilman Mecca, to adjourn the matter to October 4, 2017.

10. Public Hearing on a November, 2017 Referendum to the qualified voters of the City of Rye a proposition for charitable gaming.

This item was taken out of order.

Councilwoman Hurd made a motion, seconded by Councilwoman Tagger-Epstein, to open the public hearing. Councilwoman Hurd invited members of the NYS Gaming Commission to attend the meeting. She stated in New York, it is illegal for anyone to hold

games of chance, unless the local municipality has a local games of chance ordinance. To do this, the municipality must have the issue on a referendum for a public vote.

Senior Investigator Gary Grigalus, of the NYS Gaming Commission, was available for questions from the Council. He stated that a referendum would still be needed to pass local legislation on games of chance, despite recent changes in the Gaming Law. He said that individual raffles in the future would not require a license, unless the collection was \$30,000 or greater. He stated that 5% of the proceeds would be due to the City Clerk for that type of raffle. Mr. Grigalus also said that credit cards would not be accepted to purchase raffle tickets.

There was general discussion among the Council on the prospect of adopting a local law with regard to charitable gaming.

John Leonard, 1 Apawamis Avenue, addressed the Council. He said that he understood the genesis of the proposal, to clarify the legality of raffles and games of chance. He questioned the draft being loosely drawn in its current state. He expressed concern over the draft as proposed. He felt that the proposal may not be appropriate for this specific community.

Mayor Sack and Councilwoman Hurd both agreed that the issues on this item needed more consideration. Councilwoman Hurd made a motion, seconded by Councilwoman Tagger-Epstein, to close the public hearing and reopen it at a later date.

6. Continuation of the Public Hearing to amend the Rye City Code: (a) local law Chapter 133, "Noise", by amending Section §133-4, "Points and method for measuring intensity of sound" to regulate placement and noise of telecommunication devices; (b) local law Chapter 167, "Streets and Sidewalks", to add a new 196, "Wireless Telecommunications Facilities", by amending Sections §196-3 through §196-8, §196-14, §196-17, §196-18, and §196-22 to regulate wireless facilities and structures regarding size, visual impact and permit process.

This item was taken out of order. Mayor Sack made a motion, seconded by Councilman Mecca, to continue the public hearing to September 2017.

7. Public Scoping Meeting on the Crown Castle application pursuant to the New York State Environmental Quality Review Act (SEQRA).

This item was taken out of order. Councilman Mecca made a motion, seconded by Councilman McCartney, to open the public hearing.

Corporation Counsel Wilson explained that while a public hearing is not required in this matter, it was her recommendation that the City Council hold the hearing as it has been a topic of public interest.

Councilman McCartney asked the speakers to focus on the issues starting on page 2 of the draft scoping document.

The public commented on the following draft:

**DRAFT SCOPING DOCUMENT FOR THE PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT STATEMENT**

**PROPOSED ACTION:**

Crown Castle's Request To Amend the Existing Right-of-Way Use Agreement and install Approximately 64 new nodes throughout the City of Rye on Existing Utility Poles and Other City Owned Infrastructure.

**PROJECT LOCATION:**

City of Rye, New York 10580

**SEQRA CLASSIFICATION:**

Unlisted

**LEAD AGENCY AND CONTACT:**

Rye City Council  
Marcus Serrano, City Manager  
Rye City Hall  
1051 Boston Post Road  
Rye, New York 10580

**APPLICANT:**

Crown Castle NG East, LLC

**Description of Proposed Action:**

Crown Castle NG East, LLC ("Crown" or the "Applicant") seeks to install an additional sixty plus DAS nodes throughout the City of Rye on existing utility poles and other City owned infrastructure. The proposal includes an amendment to the existing Right of Way Use Agreement ("RUA") to allow for a different size equipment box to house nodes provided by the Applicant and/or the Applicant's wireless client. In addition to the equipment box, an antennae will be located on the top or within the "communication zone" of the utility poles/infrastructure.

**SEQR Process:**

The basic purposes of the State Environmental Quality Review Act (SEQR) is to incorporate the consideration of environmental facts into the existing planning, review and decision-making processes of state, regional and local government agencies at the earliest possible time. To accomplish this goal, SEQR requires a determination of whether a proposed action may have a significant impact on the environment, and if it is determined that the action may have a significant adverse impact, prepare an Environmental Impact Statement (EIS). It is

not intention of SEQR that environmental factors be the sole consideration in decision-making.

#### Draft Environmental Impact Statement Content

- Introductory Material – Cover Sheet, list of consultants, Table of Contents
- Executive Summary
- Description of Proposed Action – Location and sites, Project Purpose, Need and Benefits, Project Description, Involved Agencies and Required Approvals
- Impact Issues (described below)

#### Potential Impacts and Mitigation

##### **I. Areas of Study**

##### **A. Noise**

###### Existing Conditions:

- The DEIS will describe the existing noise levels in areas where no DAS nodes are located and those areas where DAS nodes are currently located.

###### Potential Impacts:

- Sound levels greater than those permitted by the City of Rye City Code

###### Mitigation Measures:

- The DEIS will discuss alternative designs that include potential buffering material that can be used to mitigate the sound from the cooling fans

##### **B. Aesthetic Impacts**

###### Existing Conditions:

- Description of existing visual conditions throughout the City of Rye. Existing conditions will be documented through the use of captioned photographs and an accompanying map.

###### Potential Impacts:

- Description and analysis of the infrastructure within the surrounding residential context and description of any change in the visual character of the area as a result of the project. This analysis will include photographs and graphic depictions showing the proposed deployments from various vantage points (street view and adjoining property), possible use of balloon tests for visual impact comparison.
- Description of the new equipment, illustrating the potential height, design and overall size of the infrastructure.

###### Mitigation Measures:

- Description of measures undertaken to mitigate impacts to residential neighborhoods, historical properties and other areas of public interest (parks, schools, etc.). Discussion will include use of different architectural features, color, materials, etc.

##### **C. Community Character**

Existing Conditions:

- Inventory of existing land uses throughout the various areas of the City and a description of the character of the surrounding community.

Potential Impacts:

- Description of the compatibility of the proposed development with adjacent land uses and the effect of the project on the general land use pattern and community character within the study area.
- Discussion of updated/new Comprehensive Plan

Mitigation Measures:

- Discussion of any possible measures to mask the appearance of the infrastructure including architectural features, scale, color and use of materials.

D. Construction

- Description of extent of construction activities, including overall schedule, equipment that would be used to install infrastructure.

E. Economic Conditions (Impact on Property Values)

Existing Conditions:

- Describe the existing demographic and economic conditions that currently exist in the City. Include the current real property valuation.

Potential Impacts

- Provide expanded information on the impact on property values for residential properties.

Mitigation Measures

**II. Alternatives**

SEQRA mandates that environmental impact statements analyze a “range of reasonable alternatives,” including the No Action alternative, to a proposed action that are feasible, considering the objectives and capabilities of the project sponsor (6 NYCRR Part 6717.9(5)(v)).

The alternatives analysis section of the DEIS will examine a number of alternatives for the deployment of DAS, small cells, macro sites (roof top sites and towers) and other forms of infrastructure to provide capacity and coverage of wireless service within the City of Rye. Specifically, the DEIS will examine the following alternatives:

- A. No Action – no new deployments of any infrastructure takes place.
- B. DAS – Plan A deployment as submitted by Crown – with single, double and triple ion equipment boxes.

- a. With Co-Location impacts
- C. DAS – Plan B deployment as submitted by Crown – with single, double and triple ion equipment boxes.
  - a. With Co-Location impacts
- D. DAS – Plan C deployment as submitted by Crown – with single, double and triple ion equipment boxes.
  - a. With Co-Location impacts
- E. Single monopole alternatives (100' or taller)
  - Publicly owned land
    - Disbrow Park
    - Rye Golf Club
- F. Macro-site alternatives –
  - Publicly owned structures (roof top)
  - Privately owned structures (roof top)
- G. Stealth monopole alternatives (less than 100') – including scale and architectural designs (flag pole, spire, or other architectural feature)
- H. Stealth monopole alternatives (less than 70') - – including scale and architectural designs (flag pole, spire, or other architectural feature)

### **III. Mitigation**

This section will include a summary of all proposed mitigation for significant impacts identified in the DEIS. Because these measures, if practicable, will become part of the Proposed Action, their formulation and analysis of their effectiveness will be undertaken in coordination with the lead, if necessary. Any mitigation measure which the Applicant will not either undertake directly or fund should be clearly identified as such.

### **IV. Unavoidable Adverse Impacts**

Significant adverse environmental impacts identified in the DEIS that cannot be mitigated will be designated as unavoidable environmental impacts and summarized in this section. Such impacts may be either short-term or long-term in nature.

### **V. Additional Impact Evaluations**

The DEIS will include analyses of additional potential effects of the Proposed Action on:

- Growth Inducing and Cumulative Aspects – potential impacts related to the growth of the infrastructure in physical dimension and number. This analysis will include how these facilities can expand under the Telecommunications Act without any further approval or review from the City.

### **VI. Appendices to Accompany DEIS**

The following elements will be included in the Appendices to the DEIS

All SEQRA documentation

References

Maps

Studies

Reports

The following public comments were made:

Steven Agosta, 4 Ridgewood Drive, stated that he felt that the proposed installations would negatively impact the neighborhood. He said it was imperative that the Council consider the negative effects within the SEQRA considerations.

Ben Stacks, 15 Sonn Drive, addressed the Council. He urged the Council to consider the SEQRA document and to declare that the installations would be detrimental to the City as a whole. He felt the analysis should include the negative visual impacts.

Josh Cohn, 24 Green Avenue, felt it was important to study each individual installation with respect to environmental impacts. He said that mitigation efforts should be considered on a site-by-site basis. He said that he felt that Crown failed to prove need and had a credibility issue. He discussed specific mitigation ideas and the draft of the scoping document. He asked that the City continue the public hearing.

Sam Burruano, 290 North, commented that the Crown Castle application should be outright denied, as there is no coverage gap and that it will have negative environmental impacts on the City.

Diana Page, 86 Halstead Place, read a statement submitted by Michele Flood, who was concerned about the impact on property values in the City. Ms. Page then submitted letters from Hilary Keating and Cheryl Gellar, Rye residents.

Kelly Murdock Solon, 170 Soundview Drive, stated she felt that an analysis should be made on a case-by-case basis. She felt concerned about aesthetics and community character. She felt that the visual impacts were out of place for Rye.

Stephanie Spierings, 30 Fairway, spoke on behalf of the Milton Point Association. She said that there were 12 nodes proposed in their area. She felt that a monopole would be a better alternative to DAS nodes.

Carolyn Cunningham, 18 Soundview Avenue, expressed concern over noise and aesthetics with regard to the proposal. She asked the Council to consider the cumulative effect throughout the community. She asked the Council to add hazardous materials to the scoping document.

Kate Emmanuel, 12 Sharon Lane, expressed her opposition to the proposal, due to a potential negative effect on property values. She provided a petition of 56 Rye real estate agents.

Bjorn Tuypens, 717 Forest Avenue, reiterated his earlier comments about the property values and his concerns of DAS nodes.

Susana Hubr, 110 Oakland Beach Avenue, stated opposition to the Crown Castle application with respect to the negative aesthetic impacts.

Callie Erickson, Rye resident, read a letter from Paul Shamberg, architect, stating concern over aesthetics and community character. She also provided letters from Greenwood Union and Apawamis Club to host structures.

Catherine Ernest, Rye resident, asked the Council to consider the nodes on a case-by-case basis with regard to the SEQRA review.

Mayor Sack made a motion, seconded by Councilwoman Hurd, to continue the public hearing to the September 2017 meeting.

Mayor Sack stated that the City has denied the Crown Castle application.

The Council took a five minute recess.

3. General Announcements.

Councilman McCartney announced that the Rye Little League won the District 20 Championship. He congratulated the team on their big success and wished them luck moving forward.

Councilwoman Tagger-Epstein announced that the Sustainability Committee has expanded with its Healthy Yard sign campaign throughout the City. She also said that there is an opportunity with Sustainable Westchester for a discount on a 2017 Nissan Leaf.

Councilman Mecca announced there was a fire at Playland at the carousel, and he thanked the Fire Department for their quick response. That response saved the historic structure.

Councilman McCartney announced that Rye Golf Club had a movie night recently. There will be another on August 12, 2017 for members or guests. He also said that the course has been in great shape and the club championship is underway. There will be a ladies member/guest tournament on July 13, 2017. Further, the Rye Nature Center will be holding a golf outing on August 1, 2017. In Recreation news, Councilman McCartney announced that the Food Truck Festival was a major success this year, and that summer camps have been going well. Councilman McCartney reminded the community that the next meeting for the Rye Recreation Commission will be held on July 17, 2017 at 6:30 P.M. The Rye Recreation will also sponsor a disco night, hosted by the Women's Club of Rye.

Councilwoman Hurd congratulated the City staff for successfully completing the downtown project. She invited all to enjoy the Sidewalk Sale on July 27-29, 2017. She commented on the New York Rising project, which will be discussed at the September Council meeting. She said the summer is underway at the Boat Basin, but reminded all to check the tides.

4. Draft unapproved minutes of the regular meeting of the City Council held June 7, 2017.

Councilman Mecca made a motion, seconded by Councilman McCartney and unanimously carried, to adopt the minutes of the regular meeting of the City Council held June 7, 2017.

5. Issues Update/Old Business.

Mayor Sack stated that the City received an adverse ruling from the trial court on the Playland litigation. No decision has been made, but the City's appeal rights have been preserved. Mayor Sack felt it might be prudent to take a vote on whether the Council should authorize the City's outside counsel to begin to prepare the appeal documents.

Mayor Sack made a motion, seconded by Councilman Mecca, to authorize Arnold & Porter to proceed in preparing appeal papers.

ROLL CALL

AYES: Mayor Sack, Councilmembers Bucci, McCartney, Mecca  
NAYS: Councilmembers Hurd, Killian, Tagger-Epstein  
ABSENT: None

Councilwoman Hurd asked if the Master Plan meetings will be open to the public. Mayor Sack responded that they are always open to the public.

There was general discussion over Disbrow Park and the City's Listserv program.

14. Consideration of the proposed addition to the Rules and Regulations of the City of Rye Police Department General Order #113.21 regarding an Immigration Enforcement Policy.

Councilman McCartney thanked Commissioner Corcoran for his work with the policy. Councilman Mecca echoed that sentiment and thanked Councilwoman Tagger-Epstein for her efforts on this policy.

Councilman McCartney made a motion, seconded by Councilman Mecca, to approve the proposed addition to the Rules and Regulations of the City of Rye Police Department General Order #113.21 regarding an Immigration Enforcement Policy.

ROLL CALL

AYES: Mayor Sack, Councilmembers Bucci, Hurd, Killian, McCartney, Mecca and  
Tagger-Epstein  
NAYS: None  
ABSENT: None

The policy was approved as follows:

**I. PURPOSE**

To establish procedures to be followed by Sworn Members of the City of Rye Police Department when encountering persons who actually or are suspected to have entered or remained in the United States unlawfully.

**II. POLICY**

Members of the City of Rye Police Department shall not engage in enforcement activities solely for the purpose of enforcing federal immigration law nor detain persons based solely upon the suspicion that such person has entered or remained in the United States unlawfully except as provided for herein.

**III. PROCEDURE**

**A. Enforcement actions and community interactions.**

1. Members shall not stop, question, interrogate, investigate, or arrest an individual based solely on any of the following:
  - a. Actual or suspected immigration or citizenship status; or
  - b. A "civil immigration warrant," administrative warrant, or an immigration detainer (collectively, "Immigration Detainers") in the individual's name, including those identified in the National Crime Information Center (NCIC) database.

**NOTE: Immigration Detainers are not criminal warrants issued by a judge and may not provide sufficient basis to detain an individual or to prolong the detention of an individual detained for other reasons.**

2. Members shall not inquire about the immigration status of an individual, including a crime victim, a witness, or a person who calls or approaches the police seeking assistance, unless necessary to investigate criminal activity by that individual.
3. Members shall not perform the functions of a federal immigration officer or otherwise engage in the enforcement of federal immigration law--whether pursuant to Section 1357(g) of Title 8 of the United States Code or under any other law, regulation, or policy.

**B. U.S. Immigration and Customs Enforcement ("ICE") or Customs and Border Protection ("CBP") detainer requests.**

The City of Rye Police will not detain individuals for extended periods of time. To the extent any request is made regarding an individual in the custody of the City of Rye Police, our officers may respond affirmatively to a "civil immigration detainer" from ICE or

CBP to detain or transfer an individual for immigration enforcement or investigation purposes for a reasonable period ONLY IF:

- a. the request is accompanied by a judicial warrant,
- b. there is probable cause to believe that the individual has illegally re-entered the country after a previous removal or return as defined by 8 U.S.C. § 1326 or
- c. there is probable cause to believe that the individual has or is engaged in terrorist activity

**C. ICE or CBP requests for certain non-public, sensitive information or CBP detainer requests.**

1. The City of Rye Police may respond affirmatively to an ICE or CBP request for non-public information about an individual- including but not limited to non-public information about an individual's release, home address, or work address- ONLY IF the request is accompanied by a judicial subpoena or judicial warrant:

EXCEPT THAT nothing in this order prohibits City of Rye Police Command Level staff (Commissioner of Public Safety, Patrol Commander, Detective Division and Special Investigations Commander) in coordination with Corporation Counsel:

1. Sending to or receiving from any local, state, or federal agency as per 8 U.S.C. § 1373-(i) information regarding an individual's country of citizenship or (ii) a statement of the individual's immigration status; or
2. Disclosing information about an individual's criminal arrests or convictions, where disclosure of such information about the individual is otherwise permitted by state law or required pursuant to subpoena or court order; or
3. Disclosing information about an individual's juvenile arrests or delinquency or youthful offender adjudications, where disclosure of such information about the individual is otherwise permitted by state law or required pursuant to subpoena or court order.

All review and response to requests for information from ICE or CBP shall be handled by Command Level personnel in coordination with Corporation Counsel.

**IV. SEVERABILITY**

If any clause, sentence, paragraph, section or part of any section of this General Order 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.

15. Resolution to transfer \$50,000 from the Contingency account to the Legal Department to fund legal services.  
Roll Call.

Mayor Sack made a motion, seconded by Councilman Mecca, to transfer \$50,000 from the Contingency account to the Legal Department to fund legal services.

ROLL CALL

AYES: Mayor Sack, Councilmembers Bucci, Hurd, McCartney, Mecca and Tagger-Epstein  
NAYS: Councilwoman Killian  
ABSENT: None

16. Resolution to amend the 2017 Adopted Fees and Charges for the Rye Golf Club to add a pilot program for a new limited membership category, "Early Morning Swim".  
Roll Call.

Councilwoman Bucci and Councilman McCartney explained that this program began several years ago and allows members and guests to swim early in the morning, just to try for this year.

Councilwoman Killian explained that her concern was that allowing non-members to swim has the chance of crowding the pool for those who have paid for memberships.

ROLL CALL

AYES: Mayor Sack, Councilmembers Bucci, Hurd, Killian McCartney, Mecca and Tagger-Epstein  
NAYS: None  
ABSENT: None

17. Bid Award for the Kirby Lane Culvert & Guiderail Replacement contract (Contract #2017-03).  
Roll Call.

City Manager Serrano explained that the original apparent lowest bidder withdrew their bid. Mayor Sack made a motion, seconded by Councilman Mecca, that Contract #2017-03 be awarded to the low bidder, Con-Tech Construction Technology, Inc., in the amount of Ninety Nine Thousand, Two Hundred Sixty Three dollars and ninety cents (\$99,263.90) as recommended by the City Engineer.

ROLL CALL

AYES: Mayor Sack, Councilmembers Bucci, Hurd, Killian McCartney, Mecca and Tagger-Epstein  
NAYS: None  
ABSENT: None

- 17A. Bid Award for the Rye Golf Club Greens Renovation Phase I contract (Contract #2017-02).  
Roll Call.

Councilman McCartney made a motion, seconded by Councilwoman Bucci, That Contract #2017-02 be awarded to the low bidder, XGD Systems, in the amount of Three Hundred Twenty Thousand, Six Hundred Sixty One dollars and seventy six cents (\$320,661.76) as recommended by the Rye Golf Club Manager.

ROLL CALL

AYES: Mayor Sack, Councilmembers Bucci, Hurd, Killian McCartney, Mecca and  
Tagger-Epstein  
NAYS: None  
ABSENT: None

18. Acceptance of donation to the Rye Fire Department from The Woman's Club of Rye, Inc. in the amount of Two Hundred (\$200.00) Dollars.  
Roll Call.

City Manager Serrano explained that the Women's Club included a letter with their donation, thanking the Fire Department for their hard work.

Mayor Sack made a motion, seconded by Councilman McCartney, to adopt the following resolution:

**WHEREAS**, The Woman's Club of Rye, Inc. desires to donate Two Hundred (\$200) Dollars to the Rye Fire Department; and

**WHEREAS**, the fiscal 2017 General Fund budget did not anticipate these donations; now, therefore be it

**RESOLVED**, that the City Council of the City of Rye accepts the aforementioned donations; and be it further

**RESOLVED**, that the City Comptroller is authorized to amend the fiscal 2017 General Fund budget as follows: Increase Designated Fire Donations by \$200.00.

ROLL CALL

AYES: Mayor Sack, Councilmembers Bucci, Hurd, Killian McCartney, Mecca and  
Tagger-Epstein  
NAYS: None  
ABSENT: None

19. Acceptance of donation to the Rye Senior Advocacy Committee from The Woman's Club of Rye, Inc. in the amount of Two Hundred and Fifty (\$250.00) Dollars.  
Roll Call.

Councilman McCartney made a motion, seconded by Councilwoman Hurd, to adopt the following resolution:

**WHEREAS**, The Woman's Club of Rye, Inc. desires to donate Two Hundred Fifty (\$250) Dollars to the Senior Advocacy Committee; and

**WHEREAS**, the fiscal 2017 General Fund budget did not anticipate these donations; now, therefore be it

**RESOLVED**, that the City Council of the City of Rye accepts the aforementioned donations; and be it further

**RESOLVED**, that the City Comptroller is authorized to amend the fiscal 2017 General Fund budget as follows: Increase Designated Senior Advocacy Donations by \$250.00.

ROLL CALL

AYES: Mayor Sack, Councilmembers Bucci, Hurd, Killian McCartney, Mecca and Tagger-Epstein  
NAYS: None  
ABSENT: None

20. Acceptance of the donation of a boat to the Rye Boat Basin Marina.  
Roll Call.

City Manager Serrano stated that an anonymous person had donated a boat to the Rye Boat Basin, and the Council needed to formally accept the donation.

Councilman Mecca made a motion, seconded by Councilman McCartney, to adopt the following resolution:

**WHEREAS**, an anonymous donor desires to donate a 20-foot Continental boat to the Rye Boat Basin Marina; and

**WHEREAS**, the Marina staff has been without a work boat since the last one was approved for surplus at the July 13, 2016 City Council meeting; and

**WHEREAS**, the 20-foot Continental boat has an estimated value of \$2,500; now, therefore be it

**RESOLVED**, that the City Council of the City of Rye accepts the aforementioned donation; and be it further

**RESOLVED**, that the City Comptroller is authorized to add the boat to the list of City assets.

ROLL CALL

AYES: Mayor Sack, Councilmembers Bucci, Hurd, Killian McCartney, Mecca and  
Tagger-Epstein  
NAYS: None  
ABSENT: None

21. Six appointments to the Commission of Human Rights for a three-year term, by the Mayor with Council approval.

Mayor Sack made a motion, unanimously carried by the Council, to appoint the following individuals to the Commission of Human Rights for a three-year term:

Emily Dorin  
Kelly Grayer  
Robert Marrow  
Adrienne Mecca  
Alison Cupp Relyea  
Judith Secon

22. Consideration of request for permission to close a section of Purchase Street for the 65<sup>th</sup> annual celebration of the Halloween Window Painting Contest.

The Council approved the request for permission to close a section of Purchase Street for the 65<sup>th</sup> annual celebration of the Halloween Window Painting Contest.

23. Consideration of a request by the Rye YMCA for the use of City streets for the 30<sup>th</sup> Annual Rye Derby on Sunday, April 28, 2018 from 9:00 a.m. to 2:00 p.m.

The Council approved the request by the Rye YMCA for the use of City streets for the 30<sup>th</sup> Annual Rye Derby on Sunday, April 28, 2018 from 9:00 a.m. to 2:00 p.m.

24. Consideration of a request by Ivy Rehab Physical Therapy for the use of the Village Green for free yoga classes.

The Council approved the request by Ivy Rehab Physical Therapy for the use of the Village Green for free yoga classes.

25. Resolution to declare certain City of Rye equipment as surplus.  
Roll Call.

City Manager Serrano explained that in order for items and equipment to be officially declared as surplus, the City Council must approve the items as such to be disposed in a manner that will serve the best interests of the City.

Councilman Mecca made a motion, seconded by Councilman McCartney, to adopt the following resolution:

**WHEREAS**, the City has been provided with a list of City equipment identified as being obsolete or will become obsolete during 2017, and,

**WHEREAS**, the City Engineer has recommended that said equipment from the departments of Public Works, Police, Recreation, and Fire be declared surplus, now, therefore, be it

**RESOLVED**, that said equipment are declared surplus, and, be it further

**RESOLVED**, that authorization is given to the City Comptroller to sell or dispose of said equipment in a manner that will serve in the best interests of the City.

ROLL CALL

AYES: Mayor Sack, Councilmembers Bucci, Hurd, Killian McCartney, Mecca and Tagger-Epstein  
NAYS: None  
ABSENT: None

26. Miscellaneous communications and reports.

None

27. New Business.

None

**\*\* Please note that the Public Hearing regarding a proposition on an investment in fields is ministerial only; the Hearing will be opened and closed and no action will be taken by the City Council.**

9. Public Hearing on a November, 2017 Referendum to the qualified voters of the City of Rye a proposition for an investment in fields.

This item was taken out of order.

Mayor Sack made a motion, seconded by Councilman Mecca, to open the public hearing. Mayor Sack made a motion, seconded by Councilman Mecca, to close the public hearing.

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

John Glickenhause, Rye resident, addressed the Council. He talked about Disbrow Park and asked the Council to consider environmental remediation.

Meg Cameron, Rye resident, expressed concern over the City Listserv program.

Steve Iorio, 24 Crescent, briefly discussed a letter he sent to the Council on Disbrow Park.

Pamela McGuire, 260 North Street, stated concern over decisions of policy of the City Council.

Beth Seidell, Rye resident, asked about the process with which the Disbrow Park issue would be heard.

Holly Kennedy, Rye resident, asked about the process with which the City's consultant on Disbrow Park would be presenting to the public. Councilman McCartney responded that there would be a presentation by the consultants and a public hearing on the matter.

Ryan Prime, Milton Road, stated his support of the Mayor in his letter to the Governor.

28. Adjournment.

There being no further business to discuss, Mecca made a motion at 11:38, seconded by Councilman McCartney, to adjourn the regular meeting of the City Council.

Respectfully submitted,

Carolyn E. D'Andrea  
City Clerk

***DRAFT UNAPPROVED MINUTES*** of the  
Special Meeting of the City Council of the City of Rye  
held in City Hall on July 17, 2017, at 8:30 P.M.

**PRESENT:**

JOSEPH A. SACK Mayor  
KIRSTIN BUCCI  
EMILY HURD  
JULIE KILLIAN  
Councilmembers

**ABSENT:**

TERRENCE McCARTNEY  
RICHARD MECCA  
DANIELLE TAGGER-EPSTEIN  
Councilmembers

Mayor Sack called the meeting to order at 8:32 P.M. Corporation Counsel Wilson called the roll; a quorum was present to discuss official City business. The special meeting was scheduled to consider the application of an out-of-state person to be designated as a marriage officer for the City of Rye.

**RESOLUTION**

On Motion of Councilwoman Bucci, seconded by Councilwoman Killian, the following resolution was adopted by the City Council of the City of Rye, New York:

WHEREAS, under the New York Domestic Relations Law §11-c, the City can designate marriage officers to officially solemnize marriages within the City of Rye; and

WHEREAS, the City Council received a request to designate Marian T. Ryan as a marriage officer within the City; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Rye now declares that Marian T. Ryan of Middlesex County, MA a designated marriage officer within the City.

**ROLL CALL**

AYES: Mayor Sack, Councilmembers Bucci, Hurd, Killian,  
NAYS: None  
ABSENT: Councilmembers McCartney, Mecca and Tagger-Epstein

There being no further business to discuss, Councilwoman Killian made a motion at 8:40 P.M., seconded by Councilwoman Hurd, to adjourn the Special Meeting of the City Council.

Respectfully submitted,

Carolyn E. D'Andrea  
City Clerk



# CITY COUNCIL AGENDA

NO. 5      DEPT.: City Council      DATE: August 22, 2017  
CONTACT: Mayor Joseph A. Sack

**AGENDA ITEM:** Issues Update/Old Business

**FOR THE MEETING OF:**

August 22, 2017

**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. 7

DEPT.: City Manager

DATE: August 22, 2017

CONTACT: Marcus Serrano, City Manager

**AGENDA ITEM:** Authorization for the City Manager to engage Sive, Paget & Riesel, P.C. to represent the City of Rye in an in an appeal proceeding against Westchester County regarding Rye Playland.

**FOR THE MEETING OF:**

August 22, 2017

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** That the Council authorize Sive, Paget & Riesel, P.C. to represent the City of Rye.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** In March, 2017 the City received an adverse ruling from the trial court in the litigation *City of Rye, et al. v. County of Westchester, et al.* The City filed a Notice of Appeal on April 24, 2017 with the Appellate Division, Second Department and have six (6) months to perfect their appeal. The City Council is asked to approve the firm of Sive, Paget & Riesel, P.C. to represent the City of Rye to perfect the appeal and argue the proceeding against Westchester County regarding Rye Playland for an amount not to exceed \$20,000 (not including costs, printing, service, etc.)



# CITY COUNCIL AGENDA

NO. 8

DEPT.: City Manager's Office

DATE: August 22, 2017

CONTACT: Marcus Serrano, City Manager

**AGENDA ITEM:** Authorization for the City Manager to enter into an agreement with Best, Best & Krieger LLP to represent the City in cable franchise agreement negotiations.

**FOR THE MEETING OF:**

August 22, 2017

**RYE CITY CODE,**

CHAPTER

SECTION

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

**IMPACT:**  Environmental  Fiscal  Neighborhood Other:

**BACKGROUND:** The City will begin negotiations with Altice (Cablevision) and Verizon regarding the cable franchise agreements. The franchise agreement with Verizon expires in December, 2017 and the franchise agreement with Altice (Cablevision) expires in February, 2018. The City Council is asked to approve the firm of Best, Best & Krieger LLP to represent the City in the cable franchise agreement negotiations with Cablevision and Verizon for an amount not to exceed \$20,000.

See attached Agreement.



**BEST BEST & KRIEGER**  
**ATTORNEYS AT LAW**

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(760) 568-2611

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(949) 263-2600

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(213) 617-8100

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2000 Pennsylvania Avenue N.W., Suite 5300, Washington, D.C. 20006  
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**Joseph Van Eaton**  
(202) 370-5306  
Joseph.vaneaton@bbklaw.com

August 17, 2017

Marcus Serrano  
City Manager  
1051 Boston Post Road  
Rye, New York 10580

Dear Mr. Serrano:

**ABOUT OUR REPRESENTATION**

Best Best & Krieger LLP would be pleased to represent the City of Rye, New York (the “City”) in connection with the renewal of cable franchises held by Verizon and by Altice (formerly Cablevision). If retained, this letter would be included as an addendum to our current contract for work on wireless facilities, and the fees and general terms and conditions for this work would be the same as the general terms and conditions governing that work.

The renewal process can be expensive, and may involve both legal and technical questions. Costs can exceed \$100,000, depending on what studies (if any) the City wishes to commission, and the position taken by the companies with respect to the franchise. For example, as part of the renewal process, some communities undertake audits to ensure that the full franchise fee owed has been paid. Other communities study the need for public, educational and government channels, and requirements for financial support for those channels, or for improvements to the channels (high definition, for example). Others require providers to offer capacity on “dark fiber” for government or educational use. What you can and should request is a function of community, cable-related needs and interests.

We propose to perform work for the City in two phases. In Phase I, we would

- Review the current franchise and code, and identify major issues, if any, raised by those documents
- Brief the City, either by telephone or in person as to options for moving the formal process forward. As part of that process, we would expect to discuss the City’s concerns with cable services; and what can and cannot be obtained through the formal process. Based on that briefing, we can outline a strategy for moving forward (options could range from extension of the franchise as is; or conducting comprehensive analyses of cable-related needs and interests).



**BEST BEST & KRIEGER**  
ATTORNEYS AT LAW

Mr. Marcus Serrano  
City of Rye, New York  
August 17, 2017  
Page 2

- Provide any necessary resolutions required to ensure that the renewal process is proceeding in accordance with federal and state law.

The cost of this initial work would be between \$3,000-\$6,000, representing between 10-20 hours of work.

In Phase II, we would work with the City to identify any other outside consultants (auditors, for example) that may be required to conduct studies the City determines it wishes to conduct before proceeding with renewal negotiations. We would then work with the City to identify renewal goals, and assist the City in negotiations. Should those negotiations fail, we would be prepared to work with the City to bring the proceeding to a close, and to assist the City in navigating the federal renewal process. A two-page summary of that process is attached. While it is impossible to predict the cost of the process at this stage, we will of course keep you apprised of those costs and provide estimates for particular tasks as the matter moves forward, as you may request.

We note that none of the lawyers currently in or associated with the firm is a member of the bar of the State of New York. Accordingly, the scope of representation by the firm's lawyers under this retainer is limited to matters as to which we are permitted to represent you by law, regulations or custom.

CONFIDENTIALITY AND ABSENCE OF CONFLICTS

In our initial retention letter, we advised you that we maintain a conflict of interest index, and that the City's name was included in our list of clients to ensure we comply with the Rules of Professional Conduct.

We have checked the following names against our client index: Altice, Cablevision and Verizon. Based on that check, we can represent your City on renewal issues. Please review the list to see if any other persons or entities should be included. If you do not tell us to the contrary, we will assume that this list is complete and accurate. We request that you update this list for us if there are any changes in the future.

THANK YOU

On a personal note, we look forward to continuing to work with the City of Rye. If this proposal is acceptable to you as an addendum to our existing agreement, please countersign it below and return it to me. If you have any questions at any time about our services or billings, please do not hesitate to call me.



**BEST BEST & KRIEGER**  
ATTORNEYS AT LAW

Mr. Marcus Serrano  
City of Rye, New York  
August 17, 2017  
Page 3

Sincerely,



Joseph Van Eaton  
of BEST BEST & KRIEGER LLP

AGREED AND ACCEPTED:

By: \_\_\_\_\_  
Dated: \_\_\_\_\_

AGREED AND ACCEPTED:

By: \_\_\_\_\_  
Dated: \_\_\_\_\_



## Federal Law and Cable Renewals

Communities can obtain valuable benefits through the cable renewal process, including:

- Cable system upgrades to support advanced cable services
- Service quality improvements
- Public, educational and governmental channels, facilities and funding
- Low-cost broadband facilities that enable schools, libraries and government buildings to communicate more efficiently
- A franchise fee equal to 5 percent of gross revenues derived from the operation of the cable system to provide cable service

A successful cable franchise renewal is never a matter of chance. The key for many communities is to carefully develop and implement a process that reviews the cable operator's past performance; and identifies the community's future cable-related needs and interests.

In recent years, several states have adopted cable franchising laws that limit local authority to negotiate cable franchise terms. Communities in these states must carefully analyze the state laws and should consider the possibility that portions of the laws – particularly those related to renewal – are preempted by the federal Cable Act.

### The Cable Act and the Renewal Process

The federal Cable Act allows communities and cable operators to renew a cable franchise informally — through negotiations — or through a formal process. The formal and informal processes can, and often do, go forward at the same time. The formal process only begins if the

community or the cable operator activates it during the six-month period 30-36 months before the scheduled date for franchise expiration. If the process is not activated, the operator loses the formal Cable Act protections. Communities will rarely want to start the process on their own in states where state law does not dictate franchise terms.

Once the formal process starts, the community must review the operator's past performance and identify its future cable-related needs and interests. The community can then require the operator to submit a proposal for renewal that satisfies the community's identified needs and interests. Should the community not be satisfied with the proposal, it can issue a preliminary assessment that it intends to deny renewal, and must then conduct an administrative proceeding to make a final decision to deny or grant renewal. The operator can appeal the decision to a court, but the court decides the appeal based on the record before the local government—and the burden is on the operator to show that the local government's decision was wrong.

While that process is moving forward, the community and the operator can negotiate. If negotiations are successful, the formal process ends. But the two processes work together: The information obtained through the formal process often bolsters the community's negotiating position by helping it support demands and identify past errors for which damages may be owed.

### The Law

The key renewal provision is 47 U.S.C. § 546, which defines a four-step formal process for renewal. Very few communities go through the whole process - usually the community and operator settle. But cities that have gone

*continued*

continued

through the process have successfully denied renewal. See *Union CATV, Inc. v. City of Sturgis*, 107 F.3d 434 (6th Cir. 1997)).

Other provisions of the Cable Act establish substantive limits on a community's franchising authority. For example, a community cannot require that an operator provide specific programs, and it does not have unlimited authority to regulate a cable operator's rates.

The FCC has issued rules that interpret the Cable Act. The rules are not well-written and often misrepresented by operators, but they must be reviewed.

- Report and Order and Further Notice of Proposed Rulemaking, 22 FCC Rcd. 5101 (2007)
- Second Report and Order, 22 FCC Rcd. 19,633 (2007)
- BB&K attorneys successfully challenged portions of the Second Report and Order in the 6th Circuit, preserving critical local franchising power. See *Montgomery County v. FCC*, 863 F.3d 485 (6th Cir., 2017)

State law, including state franchising laws, may affect the renewal process or limit what can be included in a franchise agreement. The expiring franchise agreement or local law may also establish some renewal requirements.

### What to Watch Out For

To be successful in the renewal process, communities must ask:

- Does my community have a plan? The operator will often try to benefit by delaying. The community should adopt a schedule and a franchising strategy, and stick to it.
- Have I involved key groups within the community, accurately identified the community's cable-related needs and interests, and evaluated those needs in light of my legal rights? Don't rely on the operator for information about the law, or what your community needs. Consider conducting surveys, focus groups, engineering analyses, and financial audit.

- Did the operator comply with its obligations in the past? A community often will be more successful at the negotiating table if it holds the operator responsible for past non-compliance
- Does the franchise agreement protect the community? A cable franchise is worth thousands of dollars per subscriber to the operator, and is often one of the most valuable long-term deals a community negotiates. The franchise agreement's phrasing may determine whether a community can continue to receive franchise fees when technology changes.

### Where franchising has moved to the state, ask:

- Has the operator complied with state law requirements? If not, the community may have valuable contract or tort claims against an operator.
- Is the state law consistent with the federal renewal requirements? Note that under the federal law, even informal renewals must provide an opportunity for public participation.

### About Us

Best Best & Krieger attorneys represent local governments on telecommunications, cable television and rights-of-way issues before state and federal legislators and regulators, and in the courts. In the area of Cable Television Law, we provide services including regulatory ordinances, franchise agreements, negotiation and award of franchises, overbuilds, municipal ownership, transfers, operator bankruptcy, "informal" renewal negotiation, "formal" renewal proceedings, hearings and court reviews.

For more information, visit

[www.bbklaw.com/telecommunications](http://www.bbklaw.com/telecommunications)



# CITY COUNCIL AGENDA

NO. 9

DEPT.: City Manager

DATE: August 22, 2017

CONTACT: Marcus Serrano, City Manager

**AGENDA ITEM:** Authorization for the City Manager to enter into an Intermunicipal Agreement with the Town of Scarsdale for the Board of Assessment Review of the City of Rye to hear a Tax Assessment Grievance for a property located in Scarsdale.

**FOR THE MEETING OF:**

August 22, 2017

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** That the Mayor and Council authorize the City Manager to enter into the agreement with the Town of Scarsdale.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** City of Rye Assessor Noreen Whitty received a request from the Scarsdale Town/Village Assessor Nanette J. Albanese that the City of Rye BAR hear the grievance concerning the property located at 7 Hamilton Road, Scarsdale, NY due to a conflict. The property owner, Jane C. Curley, is a member of the Town of Scarsdale Board of Assessment Review.

See attached.

**AGREEMENT PURSUANT TO SECTION 523 OF THE NEW YORK STATE REAL  
PROPERTY TAX LAW BETWEEN THE CITY OF RYE AND THE TOWN OF  
SCARSDALE FOR THE BOARD OF ASSESSMENT REVIEW OF THE  
CITY OF RYE TO HEAR TAX ASSESSMENT GRIEVANCE FILED BY A CURRENT  
MEMBER OF THE BOARD OF ASSESSMENT REVIEW OF THE TOWN OF  
SCARSDALE**

THIS AGREEMENT (the “Agreement”) is made this \_\_\_\_ day of \_\_\_\_\_ 2017, by and between the City of Rye (“Rye”), a municipal corporation organized and existing under the laws of the State of New York, with its principal place of business located at 1051 Boston Post Road, Rye, New York, and the Town of Scarsdale (“Scarsdale”), a municipal corporation organized and existing under the laws of the State of New York, with its principal place of business located at 1001 Post Road, Scarsdale, New York with regard to the hearing and determination of an assessment challenge filed by a current member of the Scarsdale Board of Assessment Review.

**WHEREAS**, a member of the Board of Assessment review has a direct or indirect interest in a property for which a complaint has been filed and New York State Real Property Tax Law § 523 authorizes the execution of inter-municipal agreement with another municipality in the county to permit the hearing of the complaint in the other municipality, and;

**WHEREAS**, Jane C. Curley, a Scarsdale resident was appointed and has served as a member of the Town of Scarsdale Board of Assessment Review since July, 2016, and;

**WHEREAS**, Jane C. Curley filed a complaint to challenge the 2017 tentative assessment for the property she owns, located at 7 Hamilton Road, Scarsdale, New York (“property”), and;

**WHEREAS**, pursuant to New York State Real Property Tax Law § 523, Jane C. Curley, in her role as a member of the Town of Scarsdale Board of Assessment Review, has a direct interest in said complaint as the owner of the property, and;

**WHEREAS**, to avoid a conflict of interest or the appearance of impropriety on the part of the Scarsdale's Board of Assessment Review, City of Rye's Board of Assessment Review has agreed to hear the complaint of Jane C. Curley and render a decision on such complaint which will be upheld by the Scarsdale Board of Assessment Review, now therefore be it;

**RESOLVED**, in exchange of the mutual covenants expressed the City of Rye and Scarsdale agree as follows:

1. The 2017 designated chairman of the Scarsdale Board of Assessment Review shall refer any assessment challenge or complaint made by Jane C. Curley to the City of Rye Board of Assessment Review for determination.
2. Scarsdale grants the City of Rye Board of Assessment Review the authority to hear, review and determine the 2017 assessment complaint filed by Jane C. Curley, who has challenged the 2017 tentative assessed value of her property located at 7 Hamilton Road, Scarsdale, New York.
3. Scarsdale shall abide by the City of Rye's Board of Assessment Review's determination of this challenge or complaint as though such determination were made by the Scarsdale Board of Assessment Review.

4. The term of this Agreement shall commence after the Agreement is fully executed, and shall expire once a final determination of the Jane C. Curley's complaint challenging the 2017 tentative assessment is made by the City of Rye Board of Assessment Review. However, in the event that a small claims assessment review petition is filed against the decision of the City of Rye Board of Assessment Review, the matter shall be defended and handled by the City of Rye Assessor until a final determination on such petition is made. If City of Rye's Board of Assessment Review deems an appraisal to be necessary, the City of Rye shall order such appraisal and the Town of Scarsdale shall reimburse the City of Rye for the cost of such appraisal. The Town of Scarsdale shall also pay the City of Rye for any and all costs in connection with the assessor's time, and for additional appraisals, if needed. Additionally, should Jane C. Curley challenge the determination made by the City of Rye's Board of Assessment Review either by small claim assessment review proceeding or a certiorari proceeding brought pursuant to Article 7 of the Real Property Tax Law, the Town of Scarsdale shall reimburse the City of Rye for any expenses incurred thereto.
5. The respective representatives of each municipality, who execute this Agreement on behalf of their respective municipal corporations, are duly authorized and empowered to execute this Agreement.
6. Any and all notices, communications, payments and demands required under this Agreement shall be made in writing, addressed as follows, or to such other address as may be hereafter designated, in writing, by each party hereto.

- a. To City of Rye:

City Manager  
City of Rye  
1051 Boston Post Road  
Rye, New York 10580

b. To Scarsdale:

Town/Village Manager  
Town/Village of Scarsdale  
1001 Post Road  
Scarsdale, New York 10591

7. This Agreement contains the entire understanding of the parties who hereby acknowledge that there has been and are no representations, warranties, covenant or understandings other than those expressly set forth herein.
8. Neither this Agreement nor any provision hereof, shall be amended or modified, or deemed amended or modified, except by an agreement in writing duly subscribed and acknowledged by all parties to this Agreement with the same formality as this Agreement.
9. This Agreement shall be binding upon, and for the benefit of, the parties, their heirs, successors and assigns.
10. All matters affecting the interpretation of this Agreement and the rights of the parties hereto shall be governed by the laws of the State of New York.

**IN WITNESS THEREOF**, City of Rye and Scarsdale have agreed to the terms and conditions set forth therein.

\_\_\_\_\_  
Stephen M. Pappalardo, Village Manager

\_\_\_\_\_  
Date

\_\_\_\_\_  
Marcus Serrano, City Manager

\_\_\_\_\_  
Date



# CITY COUNCIL AGENDA

NO. 10

DEPT.: City Manager

DATE: August 22, 2017

CONTACT: Marcus Serrano, City Manager

**AGENDA ITEM:** Consideration of a request by the Rye Free Reading Room for use of the Village Green on select Friday mornings in the summer from 10:00 a.m. to 11:00 a.m. for *Musical Fridays with Graham Clark*.

**FOR THE MEETING OF:**

August 22, 2017

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** That the City Council approve the request for the Rye Free Reading Room for the event *Musical Fridays with Graham Clark*.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** The Rye Free Reading Room has requested use of the Village Green on select Friday mornings in the summer from 10:00 a.m. to 11:00 a.m. for *Musical Fridays with Graham Clark*. The dates would include Friday July 28, August 4, August 11, and August 18. The program starts at 10 a.m. and runs for approximately 30 minutes. The City Council is asked to approve the Rye Free Reading Room's request for use of the Village Green.

See attached.

Graham Clarke's Musical Summer Fridays at the Rye Library

**\*ONE SESSION - 10:00 AM ONLY! FAMILIES ARE WELCOME!**



Recommended - Ages 12 months & up.

Rock out at the Rye Free Reading Room this summer when popular children's musician Graham Clarke returns for a Special Summer Series:

***"Graham Clarke's Musical Summer Fridays @ the Rye Library"***  
**on July 7, 14, 21, & 28. and August 4, 11, and 18 at 10:00 A.M.**

Kids love Graham's silly humor and fun songs and will move and groove to the beat with this energetic performer.

**This event is sponsored by the Auxiliary Board of the Rye Free Reading Room**





# CITY COUNCIL AGENDA

NO. 12

DEPT.: FINANCE

DATE: August 22, 2017

CONTACT: Joseph S. Fazzino, Deputy City Comptroller

**AGENDA ITEM:** Adoption of the 2017/2018 tax levy and tax rate for the Rye Neck Union Free School District.

**FOR THE MEETING OF:**

August 22, 2017

**RYE CITY CODE,**

§C22-9(A)

**RECOMMENDATION:** That the City Council adopt the following resolution:

WHEREAS, the Rye Neck Union Free School District (District) has certified to the City of Rye Comptroller taxes in the amount of \$11,986,923 to be raised on property within the District located in the City of Rye, with established tax rates of \$928.701269 per \$1,000 of taxable assessed value on homestead property and \$1,198.930523 per \$1,000 taxable assessed value on non-homestead property, for the fiscal year beginning July 1, 2017 and ending June 30, 2018, now, therefore, be it

RESOLVED, that in accordance with the provisions of the City Charter, the City Comptroller is commanded to levy and collect said taxes, subject to any further amendments or approvals required by the Rye Neck Union Free School District.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**

The Rye Neck Union Free School District has provided the City with the allocation of the tax levy and tax rates for the Town of Rye and City of Rye. A portion of the City's share of the tax levy is attributable to STAR exemptions, which will be paid by the State to the district. The above amounts and rates are subject to adjustments and adoption by the District at their next Board of Education meeting.



# CITY COUNCIL AGENDA

NO. 13      DEPT.: City Manager      DATE: August 22, 2017  
CONTACT: Marcus Serrano, City Manager

**AGENDA ITEM:** Acceptance of donation to the Rye Sustainability Committee from Sustainable CUNY in the amount of Two Hundred and Fifty (\$250.00) Dollars.

**FOR THE MEETING OF:**

August 22, 2017

**RYE CITY CODE,**

CHAPTER  
SECTION

**RECOMMENDATION:** That the Council adopt the following resolution:

Whereas, Sustainable CUNY desires to donate Two Hundred and Fifty (\$250.00) Dollars to the Rye Sustainability Committee; and

Whereas, the fiscal 2017 General Fund budget did not anticipate these donations; now, therefore be it

Resolved, that the City Council of the City of Rye accepts the aforementioned donations; and be it further

Resolved that the City Comptroller is authorized to amend the fiscal 2017 General Fund budget as follows:

Increase Designated Senior Advocacy Donations by \$250.00

**IMPACT:**     Environmental     Fiscal     Neighborhood     Other:

**BACKGROUND:** Members of the Rye Sustainability Committee attended the 10<sup>th</sup> Annual Solar Summit on June 20, 2016, where it was announced that the NY Solar Map and Portal, developed by CUNY was now “live” (<https://nysolarmap.com/>). The website assists NY State communities by allowing them to see properties and provide estimated costs and savings for solar rooftop installations. Summit attendees were challenged to spread the word about the Map on social media and were offered a \$250 donation for the most “likes” and “shares”. The Friends of Rye Sustainability Committee was the winner of the \$250 donation. The City Manager recommends acceptance of this donation.



# CITY COUNCIL AGENDA

NO. 14

DEPT.: City Manager

DATE: August 22, 2017

CONTACT: Marcus Serrano, City Manager

**AGENDA ITEM:** Resolution to declare certain City of Rye vehicles and equipment as surplus.

**FOR THE MEETING OF:**

August 22, 2017

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** That the City Council adopt the following resolution:

WHEREAS, the City has been provided with a list of City equipment identified as being obsolete or will become obsolete during 2017, and,

WHEREAS, RyeTV staff has recommended that said equipment be declared surplus, now, therefore, be it

RESOLVED, that said equipment is declared surplus, and, be it further

RESOLVED, that authorization is given to the City Comptroller to sell or dispose of said equipment in a manner that will serve in the best interests of the City.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other

**BACKGROUND:** RyeTV has provided a list of equipment that is either currently obsolete or will become obsolete during calendar year 2017. The City Council is asked to approve that this equipment be declared as surplus.

See attached.

## RyeTV Surplus, August 8 2017

1. Yamaha 01V 96 Audio Board # 08679289140
2. Dell PC power Edge 2900 # 00089-181-720-704
3. Surge protector # 766842
4. Scan Do # CRA2000150
5. Knox Video router # CO-037254-1-004
6. Sony DVD # 44401121-2008713
7. Sony DVD # 44401121-2008707
8. Sony DVD # 6018080
9. Sony monitor # 6016615
10. Sony GV-DV000 # 332317
11. Sony GV-DV000 # 332322
12. Trendnet TK 401B # UN08224010560
13. Sony GV-HD700 # 328771
14. Sony Monitor # 2521396
15. Tightrope Carousel # 70045-558-469-437
16. JVC svhs deck # 14211096
17. Sony monitor # 6002100