

CITY OF RYE

NOTICE

There will be a regular meeting of the City Council of the City of Rye on Wednesday, January 10, 2018, at 7:30 p.m. in Council Chambers at City Hall. *The Council will convene at 6:30 p.m. and it is expected they will adjourn into Executive Session at 6:31 p.m. to discuss personnel.*

AMENDED AGENDA

1. Pledge of Allegiance.
2. Roll Call.
3. The Annual Message by the Mayor.
4. Draft unapproved minutes of the Regular Meeting of the City Council held December 20, 2017.
5. Residents may be heard on matters for Council consideration that do not appear on the agenda.
6. Designation of the days and time of regular meetings of the City Council.
7. Appointment of the 2018 Deputy Mayor by the Mayor.
8. Designation of the City Council's Audit Committee by the Mayor.
9. Designation of the City Council Liaisons by the Mayor.
10. Designation of the official City newspaper.
11. Designation of the amounts of faithful performance bonds:

A.	City Comptroller	\$ 1,000,000
B.	City Clerk	\$ 500,000
C.	City Marshall	\$ 100,000
- 11A. Resolution to amend the City of Rye's FOIL procedures.
12. Acceptance of donation to the Rye Police Department from the Beyer family in the amount of Two Hundred and Fifty (\$250.00) Dollars.
Roll Call.
13. Miscellaneous communications and reports.
14. Old Business.
15. New Business.
16. Adjournment.

* * * * *

The next regular meeting of the City Council will be held on Wednesday, January 24, 2018 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 jjohn@ryeny.gov or contacting the City Manager's Office at (914) 967-7404.



CITY COUNCIL AGENDA

NO. 3

DEPT.: City Council

DATE: January 10, 2018

CONTACT: Mayor Josh Cohn

AGENDA ITEM: The Annual Message by the Mayor.

FOR THE MEETING OF:

January 10, 2018

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION:

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

Mayor Cohn will deliver his 2018 Annual Message.



CITY COUNCIL AGENDA

NO. 4

DEPT.: City Clerk

DATE: January 10, 2018

CONTACT: Carolyn D'Andrea, City Clerk

AGENDA ITEM: Draft unapproved minutes of the regular meeting of the City Council held December 20, 2017.

FOR THE MEETING OF:

January 10, 2018

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 20, 2017, as attached.

DRAFT UNAPPROVED MINUTES
of the Regular Meeting of the City Council of
the City of Rye held in City Hall on December
20, 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 (RICHARD MECCA PRESENT, LEFT AT 9:00 P.M.)

The Council convened at 7:30 P.M.

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. Draft unapproved minutes of the Regular Meeting of the City Council held December 6, 2017.

Councilman McCartney made a motion, seconded by Councilman Mecca and unanimously carried, to adopt the minutes of the Regular Meeting of the City Council held December 6, 2017.

4. Continuation of the Public Hearing on the proposed 2018 Budget.

Bertrand de Frondeville, 19 Hook Road, thanked the Council for coming back under the tax cap in its proposed budget. He said it was important to see how budgets differed from the actuals in the past years. He asked the City to not go over the tax cap this year and in the future.

Kelsey Johnson, 31 Centre Street, stated that she strongly supported the Forest Avenue capital improvement project to be included in the 2018 Budget. She discussed the Stantec report given to the City in 2016. She said that 200 Rye students walk the

subject corridor to school each day. She said that the Stantec report showed that in 10 days, they recorded 59,000 cars in that corridor, with over half driving above the speed limit. She said that over 900 cars per day are driving above 40 miles per hours. Ms. Johnson asked about email support for the project received by the City. Councilwoman Hurd responded that over 200 emails were received. Ms. Johnson asked why this program would be cut from the budget.

Councilman McCartney explained that there is not a consensus among the Council or the residents that a \$1 to 3 million dollar project on one corridor would benefit the entire community.

Councilwoman Killian agreed with Councilman McCartney and said that this Council should not be deciding capital projects for the next Council. Further, she felt that spending \$150,000 on a study when there is not a consensus that the next step of \$2 million is necessary could be problematic.

David Ulrich, 10 Eve Lane, stated that he felt Forest Avenue was in great need of capital improvements with pedestrian safety. He stated statistics of traffic and pedestrian related deaths. He felt that walkways could greatly reduce the chance for pedestrian injuries and fatalities. He asked the Council to fund the Forest Avenue capital project as there was widespread support for the project.

Chris Watson, 1 Beary Court, stated his support for the Forest Avenue sidewalk capital project. He felt it would significantly improve conditions for drivers and pedestrians alike. While the City may not want to be involved in the business of sidewalks, the benefit would outweigh the risk of tragedy.

Caitlin Layng, 4 Fieldstone Road, asked the Council to consider keeping the Forest Avenue capital project in the budget. She felt that sidewalks were the safest way to get to school.

Councilman Mecca gave some history on sidewalks within the City. Typically, he said that sidewalks are the product of development projects, with the burden on the homeowner or developer. For example, he said that in the 1990s, there was a Johnson Place subdivision, with sidewalks as the last thing to deal with. With changed circumstances, sidewalks were never added, as they are the responsibility of the owner to maintain. He said that if the City's policy is to change to start providing sidewalks, then it needs to be discussed in an open forum. The new Council will be charged with that responsibility. Questions that need to be raised, according to Councilman Mecca, are whether the City burdens the property owner, whether the City pays for it, how the project is funded, etc.

Councilwoman Kilian said that she has lived on Forest Avenue for over 18 years, with five children who walked up and down Forest to school each day. She said that she understood the concerns. Councilwoman Killian then said that one of the things that she did not accomplish when she was on the Council was putting in speed bumps or other

traffic mitigating tools. She stated that while she saw emails of support, what would be helpful would be people sending emails that state support and that they are in favor of the taxpayers being burdened with a project that could cost up to \$3 million. Also, she would want to see a consensus of Forest Avenue homeowners who might be burdened with maintaining the sidewalks.

Councilwoman Tagger-Epstein stated that there is a trend in a desire for walkability throughout the city. She said that this project has generated real interest.

Councilwoman Hurd stated that sidewalks in that area could save a life.

Councilman McCartney thanked Ms. Johnson for letting the Council know about the costs stated in the Stantec report. He remembered those being only for the pedestrian sidewalk improvements, but there might be costs to move polls, etc. He said that he was not against sidewalks, especially dealing with them on a personal level with his own children. He said that with an unlimited budget, he would want sidewalks on every single street. Unfortunately, the Council needs to be responsible to pass a balanced budget.

Mack Cunningham, Rye resident, stated that there was a survey done several years ago of all the school districts, which indicated concern over lack of sidewalks. He said that by way of history, certain sidewalks were put into the city as a result of federal funding. Mr. Cunningham said that he received information from the City this year about the Dearborn Seawall project. He expressed concern that \$40,000 was still not reimbursed for this project from FEMA. On a different level, Mr. Cunningham discussed some of the new federal tax implications on individuals. He stated that the function of municipal financing has changed. He discussed mortgage limitations and highlighted that home equity interest is no longer deductible. With respect to the budget, Mr. Cunningham stated his opposition to the proposed adjustments in revenues to avoid going over the tax cap. He said that the City had unsustainable health insurance and retirement costs. He said he was against building department revenues increasing with the federal tax regulation changes. Mr. Cunningham also said that he was concerned over lack of parking enforcement in the downtown area on Saturdays and asked enforcement to go longer during the week. He said that property taxes account for 70% of revenues. He then stated opposition for the firefighters that were hired. He said he had hoped that the hiring could have waited until the budget was adopted. Mr. Cunningham said he agreed with cutting Rye Town Park funding, as there is money left over from other years. He asked that groups such as the Rye Youth Council be brought in to defend the money they receive from the City. With regard to capital projects, he urged the next Council to bond while interest rates were low. He said that people will support this. He said that he lived at 502 Forest Avenue, where beyond sidewalks, the road also needs to be improved. Lastly, Mr. Cunningham said that the Council should find a way that there is no tax increase.

Councilwoman Bucci said that Mr. Cunningham is absolutely right about the healthcare costs for current and retired employees. However, those benefits are

contractual and need to be negotiated. She hoped that there would be future relief on the healthcare side.

Councilwoman Killian said that the increase in employee healthcare is \$500,000 for clarification purposes.

There was lengthy discussion over the firefighter positions that had been added in 2017.

Sam Burruano, North Street, asked if there was any money in the budget dedicated to the Crown Castle litigation. Mayor Sack and Corporation Counsel Wilson explained that now that litigation has commenced, it is covered by the City's insurance policy. Insurance coverage is \$1 million with excess liability of up to \$10 million. Mr. Burruano urged that City to maximize any revenues that might be gained should Crown Castle be required to install in the City.

Mayor Sack announced that the City's recent motion prevailed in federal court. He thanked Corporation Counsel Wilson and outside counsel Joseph Van Eaton for their hard work in protecting the City and its residents.

Councilwoman Hurd made a motion, seconded by Councilwoman Tagger-Epstein, to add the Forest Avenue engineering studying to the budget, taking the money from the general fund.

ROLL CALL

AYES: Councilmembers Hurd and Tagger-Epstein

NAYS: Mayor Sack, Councilmembers Bucci, Killian, McCartney, Mecca

ABSENT: None

There being no one left to speak, Councilwoman Mecca made a motion, seconded by Councilwoman Killian, to close the public hearing on the proposed 2018 budget.

5. Continuation of the Public Hearing to adopt a Local Law to override the State enacted tax levy limitation.

There being no one to speak on the adoption of the Local Law to override the State-enacted tax levy limitation, Councilman Mecca made a motion, seconded by Councilwoman Killian, to close public hearing.

No action on the item was taken.

6. Resolution to adopt the 2018 Budget and establish the 2018 tax levy and 2018 tax rate.

Roll Call.

Councilwoman Hurd said that she thought this was an irresponsible budget. She said there were known expenses that were not taken into account for the future.

Mayor Sack stated that if the next Council wants to prioritize certain projects, they have that right. However, this was a thoughtful, responsible budget.

Councilwoman Tagger-Epstein said she wanted people to be aware that there is still an increase of 3.03%.

Mayor Sack made a motion, seconded by Councilman Mecca, to adopt the 2018 Budget and establish the 2018 tax levy and 2018 tax rate.

ROLL CALL

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

There was a five minute recess, at which time Councilman Mecca left the meeting.

7A. Residents may be heard on items not appearing on the agenda.

Ralph Vellone, Rye resident, thanked the current Council for their service.

Henry King, 76 Coolidge Avenue, thanked that outgoing Councilmembers and Mayor Sack for their service for the community.

Sanjay Patel, 64 Claremont Avenue, stated that he was upset that he did not renew his commuter parking permit timely, and as a result, did not receive a permit from the City clerk's office.

Mack Cunningham, Rye resident, thanked Mayor Sack, Deputy Mayor Killian, Councilman McCartney and Councilwoman Bucci for their service. He thanked them for specific issues that occurred over the years, including Rye Golf Club.

Bob Zahm, 7 Ridgewood Drive, expressed concern over the broken pedestrian crosswalk light at the corner of Theodore Fremd intersection of Playland Access where Gabelli's is located. He also said that there had been no clearance of the snow by residents on Theodore Fremd between North and the Playland access road. He said that the sidewalk there needs to be maintained and repaired. Mr. Zahm then said the he appreciated that there was a budget that was approved. He lastly thanked the Council for their service.

10. Resolution to waive parking restrictions and parking fees in all downtown parking lots and Purchase Street for the period between December 18, 2017 and December 24, 2017.

Roll Call.

Mayor Sack stated that the City received a request from the Chamber of Commerce to waive the parking fees and enforcement during the holiday week for residents and shoppers in the downtown utilize the central business district for their holiday needs.

Margaret Ricketts, Chamber of Commerce, presented the Council with a partial payment for the lost revenue for parking for the holiday week.

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

WHEREAS, the City Council seeks to support the Central Business District local businesses during the 2017 Holiday Season, and;

WHEREAS, the City Council encourages residents to shop and dine downtown during the holiday season as buying locally helps all of us while strengthening our local economy, now therefore be it

RESOLVED, the City Council will provide free parking for the period between December 18, 2017 and December 24, 2017 by waiving parking restrictions and parking fees in all downtown lots (Car Parks 1-5) and Purchase Street at the City's expense.

ROLL CALL

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

10. Resolution to waive parking restrictions and parking fees in all downtown parking lots and Purchase Street for the period between December 18, 2017 and December 24, 2017.

Mayor Sack stated that the City received a request from the Chamber of Commerce to waive parking fees for the holiday week of December 18, 2017 to December 24, 2017 in an effort to welcome shoppers into the central business district.

Margaret Ricketts, Chamber of Commerce President, presented the Council with a donation from the Chamber of \$2,000 in an effort to offset the revenues lost by the free parking.

Mayor Sack made a motion, seconded by Councilwoman Killian, to waive parking restrictions and parking fees in all downtown parking lots and Purchase Street for the period between December 18, 2017 and December 24, 2017.

ROLL CALL

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

10a. Resolution to accept \$2,000 from the Rye Chamber of Commerce as a donation for free holiday parking.

Mayor Sack made a motion, seconded by Councilwoman Killian, to accept \$2,000 from the Rye Chamber of Commerce as a donation for free holiday parking.

ROLL CALL

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

6a. Resolution to roll over unspent funds for Rye Town Park through December 31, 2017.

Mayor Sack made a motion, seconded by Councilwoman Hurd, to roll over unspent funds budgeted for the purpose of funding Rye Town Park operations from 2017 to 2018.*

*Per the Finance Office, \$70,918 will remain after all expenses have been paid.

7. Resolution authorizing the City Comptroller to make the necessary year-end closing transfers.

Roll Call.

City Manager Serrano explained that while at the fund level total actual expenditures do not exceed the total budgeted amount, there may be several detailed budget lines that show various over and under expended amounts. Funds that are not encumbered or reserved for a specific expense will be moved to Fund Balance from individual financial lines. This resolution authorizes the City Comptroller to make the necessary year-end budget adjustments to ensure that the line item budgets are properly allocated.

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

RESOLVED, that the City Comptroller is hereby authorized to make the necessary 2017 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 Bucci, Hurd, Killian, McCartney, and
Tagger-Epstein
NAYS: None
ABSENT: Councilman Mecca

8. Public Hearing to amend local law Chapter 197, "Zoning" of the Rye City Code by amending Section §197-3, "Zoning Map", Subsection "a", to change the zoning designation of a property at 280 Purchase Street from RA-2, Apartment, District to B-1, Neighborhood Business, District designation.

Councilman McCartney made a motion, seconded by Councilwoman Tagger-Epstein, to open the public hearing to amend local law Chapter 197, "Zoning" of the Rye City Code by amending Section §197-3, "Zoning Map", Subsection "a", to change the zoning designation of a property at 280 Purchase Street from RA-2, Apartment, District to B-1, Neighborhood Business, District designation.

Joseph Malara, attorney for 280 Purchase Street, stated that this proposed zoning change would allow the property located at 280 Purchase Street to have uniform zoning. Years ago, when the lot lines were re-plotted, a small portion of the lot was located in the RA-2 District, while the remainder of the lot was located in the B-1 District.

There being no one left to speak on the item, Councilman McCartney made a motion, seconded by Councilwoman Killian, to close the public hearing.

Councilman McCartney made a motion, seconded by Councilwoman Killian, to amend local law Chapter 197, "Zoning" of the Rye City Code by amending Section §197-3, "Zoning Map", Subsection "a", to change the zoning designation of a property at 280 Purchase Street from RA-2, Apartment, District to B-1, Neighborhood Business, District designation.

ROLL CALL

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

9. Public Hearing to amend local law Chapter 35, "Traffic Violations Bureau" of the Rye City Code by amending provisions related to the disposition of parking violations.

Councilwoman Killian made a motion, seconded by Councilman McCartney to open the public hearing to amend local law Chapter 35, "Traffic Violations Bureau" of the Rye City Code by amending provisions related to the disposition of parking violations.

Corporation Counsel Wilson stated that this revision would allow the City Council to appoint someone to authorize dispositions for parking tickets received within the City of Rye.

There being no one else to speak, Councilwoman Tagger-Epstein made a motion, seconded by Councilwoman Hurd, to close the public hearing.

Councilwoman Tagger-Epstein made a motion, seconded by Councilwoman Hurd, to amend local law Chapter 35, "Traffic Violations Bureau" of the Rye City Code by amending provisions related to the disposition of parking violations.

CITY OF RYE
LOCAL LAW NO. 2017

A local law to amend Chapter 35 "Traffic Violations Bureau" by amending provisions related to the disposition of parking violations:

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

Section 1:

Chapter 35. Traffic Violations Bureau

§35-1. Statutory authority.

The City Court of the City of Rye, New York, is hereby authorized to establish a Traffic Violations Bureau to assist the Court in the disposition of offenses in relation to traffic violations, pursuant to Article 14-B of the General Municipal Law.

§ 35-2. Personnel.

The City Council shall designate the person or persons who shall be in charge of the Traffic Violations Bureau and the days and hours that the Bureau shall be open for the transaction of its official business.

§ 35-3. Jurisdiction.

The Traffic Violations Bureau is hereby authorized to dispose of violations of traffic laws, ordinances, rules and regulations of the City of Rye, New York, except for speeding offenses or misdemeanors or felonies.

§ 35-4. Answering charges; fines.

A. A person may appear in person or by written power of attorney in such form as shall be prescribed by the City Court by paying a fine established by the City Court and, in writing, waiving a hearing in Court, pleading guilty of the charge and authorizing the person in charge of the Bureau to make such a plea and pay such a fine.

B. The Bureau shall accept such designated fines and issue receipts therefor.

C. The Bureau shall cause a complaint to be entered against each person who does not answer within the designated time and a warrant to be issued for his arrest and appearance before the Court.

D. Any person who shall have been, within the preceding 12 months, guilty of a number of parking violations in excess of such maximum number as may be designated by the court or of three or more violations other than parking violations shall not be permitted to appear and answer to a subsequent violation at the Traffic Violations Bureau but must appear in Court at a time specified by the Bureau.

E. Nothing contained in this chapter shall authorize the Traffic Violations Bureau to deprive a person of his right to counsel or to prevent him from exercising his right to appear in Court to answer to, explain or defend any charge of a violation of any traffic law, ordinance, rule or regulation.

§35-5. Form of waiver and power of attorney.

The waiver and power of attorney referred to in § 371 of the General Municipal Law shall be in substantially the following form:

I, the undersigned, hereby waive a hearing in the City Court of the City of Rye, New York, and plead guilty to the charge specified on the reverse side hereof. I authorize the person in charge of the Traffic Violations Bureau to make such a plea and pay the prescribed fine in Court.

Dated the _____ day of _____, 19_____.

§35-6. Records and reports.

The Bureau shall keep records of all notices or summonses issued and disposed of by said Bureau and such other information as may be prescribed by the City Court of Rye by law.

Section 2: Severability.

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

Section 3: Effective date.

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

ROLL CALL

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

9a. Designate Corporation Counsel to Handle Traffic Violations Under Local Law Chapter 35.

Councilman McCartney made a motion, seconded by Councilwoman Hurd, to appoint the Corporation Counsel as the designated person to authorize dispositions for parking tickets received within the City of Rye.

ROLL CALL

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

11. Resolution to approve a new retainer agreement with the Corporation Counsel.
Roll Call.

Mayor Sack said that the Corporation Counsel has had the same retainer for the past eight years, with no increase to date. Many more hours have been expended over that timeframe, but the retainer has remained that same. Mayor Sack thanked Corporation Counsel Wilson for her service.

Councilman McCartney stated that Corporation Counsel Wilson had saved the City hundreds of thousands of dollars in legal fees. He said that the Crown Castle recent motion was won largely because of Corporation Counsel Wilson's hard work. Councilman McCartney said that she deserve to be treated above associate level counsel.

Councilwoman Hurd asked about the advanced waiver notice about adverse representation within the retainer. It was explained among the Council that this provision is standard legal language.

Mayor Sack made a motion, seconded by Councilwoman Bucci, to adopt the following resolution:

WHEREAS, Kristen K. Wilson was appointed the Corporation Counsel of the City of Rye effective January, 2010, and;

WHEREAS, the City Council is supportive of her role and performance and has considered a new retainer agreement with Ms. Wilson, and;

RESOLVED, that the City Council of the City of Rye hereby authorizes the Mayor to sign an employment agreement for the Corporation Counsel effective January 1, 2017 including a retroactive increase budgeted in the 2017 Budget.

ROLL CALL

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

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

City Manager Serrano explained that the City of Rye participates in contracts awarded by the County of Westchester on an annual basis. The County of Westchester requires a resolution from the City's governing board for the City's continued participation in County purchase contracts.

Councilman McCartney made a motion, seconded by Councilwoman Tagger-Epstein, 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 Bucci, Hurd, Killian, McCartney, and Tagger-Epstein
NAYS: None
ABSENT: Councilman Mecca

13. Resolution authorizing the Mayor to execute an agreement with the Rye Free Reading Room to furnish library services for 2018.
Roll Call.

City Manager Serrano explained that each year, the City of Rye financially supports the operations of the Rye Free Reading Room (RFRR). In FY 2017, the contribution was in the amount of \$1,230,000. The proposed agreement for FY 2018 includes an appropriation of \$1,285,000. The agreement stipulates the specific rights and obligations of both parties, pursuant to section 256 of the Education Law of the State of New York.

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

RESOLVED, that the Mayor be and hereby is authorized to execute an agreement with the Rye Free Reading Room to furnish library services for 2018.

ROLL CALL

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

6B. Warrant to Accept Taxes for the City of Rye.

Mayor Sack stated that with recent federal tax regulations, the City wanted to be able to execute the warrant to allow residents to pre-pay their city taxes for the coming year.

With the 2018 Budget being passed earlier in the evening, Mayor Sack signed the warrant to accept city taxes for the coming year.

14. Resolution to appropriate \$9,135 of the Police Department's 1033 account and transfer to the Building and Vehicle Fund for the detailing of three police vehicles acquired through the NYS LESO 1033 program for use in the specialized and auxiliary enforcement units.

Roll Call.

Deputy Mayor Killian explained that the Police Department has acquired three vehicles through the NYS LESO 1033 program which will be used to replace some of their aging equipment. The vehicles will be assigned to the Police specialized units and auxiliary units. The City Council is asked to approve the transfer of monies from the Police Department's 1033 account to fund the detailing of these vehicles to continue with uniformity in the Police Department marked fleet.

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

WHEREAS, the Rye Police Department has determined that the amounts required for the detailing of three police vehicles obtained through the NYS LESO program for specialized and auxiliary enforcement was not provided for in the adopted 2017 budget by \$9,135, and;

WHEREAS, the Police Department's 1033 account has enough funds to be appropriated for this purchase, now, therefore be it;

RESOLVED, that the City Comptroller is authorized to transfer \$9,135 from the Police Department's 1033 account to the Building and Vehicle Fund, for the detailing of three police vehicles obtained through the NYS LESO program for specialized and auxiliary enforcement.

ROLL CALL

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

15. One appointment to the Boat Basin Commission, by the Council, to fill a term expiring on January 1, 2019.

Councilwoman Hurd stated that Mr. Joseph Pecora had been active in attending the Boat Basin meetings and was willing to fill an unexpired term.

Mayor Sack made a motion, unanimously carried, to appoint Joseph Pecora to the Boat Basin to fill the remainder of a term expiring on January 1, 2019.

16. Resolution designating January 10, 2018 as the first regular meeting of the City Council for 2018.

Councilwoman Hurd made a motion, seconded by Councilwoman Tagger-Epstein and unanimously carried, to designate January 10, 2018 as the first regular meeting of the City Council for 2018.

- 16a. Closing Remarks

Councilwoman Hurd stated that having served for two years, it has been a learning experience and quite a journey. She thanked the outgoing members for their professionalism and experience with their time on the Council.

Councilwoman Tagger-Epstein stated that for the most part, there were many items that the Council agreed on. She said that she had learned a lot from the current Council, such as the Fire Department issues. She said she was grateful for the outgoing members and considers them friends and colleagues.

Councilwoman Bucci stated it has been an honor and privilege to serve Rye on the City Council. She said that she was proud of the progress of the Council. She said that the best part of being a Councilmember was getting to know residents, City staff and other Councilmembers. She said that was proud to say that everyone sitting on the dais was a friend. Councilwoman Bucci thanked her family for their patience and

generosity during these years. Lastly, she stated that she was so impressed with the caliber of person of each city staff member.

Councilman McCartney stated that his time on the City council was a proud phase of his life. He said he loves this town and people in it. He said it was his great pleasure to work with everyone up here. Looking back, Councilman McCartney said that when he arrived on the Council, the City faced problems with the Rye Golf Club, labor union contracts outstanding, and other items. He said that the Council pulled together and accomplished a lot of things. He thanked the incoming Council for their dedication to the City. He said that the current Council tried to leave the City as best they could and did what was right in their hearts. He said that preparation for a City Council meeting takes longer than the actual meeting. He also said that he hopes Disbrow Park improvements will continue, the Thruway property issue will yield a fair shared use agreement, and that the City will prevail in other issues such as Crown Castle. He thanked his family and friends for their support as he made City Council a priority. Councilman McCartney also said that City staff was like a family. He thanked his fellow councilmembers for their efforts in working together. He then gave a message to each outgoing member. He thanked Councilwoman Killian for her unfailing dedication to the children in the community with the drug epidemic. He said that Councilwoman Killian always speaks her mind. He then thanked Councilwoman Bucci for her quiet expertise. To Mayor Sack, Councilman McCartney said that nobody knows how much time it takes to be a good mayor of Rye. Councilman McCartney said that Mayor Sack loved teaching, loved the history of Rye, the people, and Rye government. He thanked Mayor Sack for dedicating ten years of his life to serving this city. Lastly, Councilman McCartney sent a message to the community as a whole, which he felt succeeded due to the volunteers who raise this community up.

Councilwoman Killian said that serving the City for six years had been amazing. She was thankful for all of the wonderful people she met along the way. She thanked the City staff and said that they were incredibly talented. She then thanked the people of Rye who make it a truly amazing community. She gave a special thank you to all the people who expressed their gratitude for the service of the councilmembers. She said that their kind words of encouragement have meant a lot. Councilwoman Killian thanked Henry King, a Rye resident who had been present for every meeting. She said that she had served on three different councils. While there have been ups and downs, she said she was very proud of the work the Council had done. Councilwoman Kilian said that she was certain that they were leaving the City a better place than they found it. She thanked her family and husband for their constant support. Lastly, she thanked the City for allowing her to serve. She said it had been a deep honor to do so.

Mayor Sack read the following statement into the record:

“In the history of Rye, new streets were often named for prominent individuals, including former mayors and council members who had made significant contributions to the community.

There are no more new streets to name. But if there were, they could be named for the upstanding colleagues I have served with. And that's why we have honorary street signs to present tonight – Bucci Street, McCartney Street and Killian Street. Kirstin, Terry and Julie, thank you for being such great teammates. It has been an honor to serve with you.

Last night, I attended a meeting of the Zoning Board of Appeals. And as my public service comes to an end, it was fitting and appropriate for me to do so. Because it was on that august body that my public service first began 14 years ago. Many of the same folks who were on the board then, are still on the board today – so they've all outlasted me! And thank goodness for that. Because their wisdom and experience are an invaluable asset to our City.

Of course, the folks who provide the continuity to keep our City running on a day-to-day basis are the City Manager and his staff. So Marcus, Eleanor, Kristen, Carolyn, Joe, and all the department heads and all City employees, thank you for being at the top of your profession.

As I collected my thoughts for this moment, I realized that I am in an enviable position. Because over time, I have mostly said everything I wanted to say, and done everything I wanted to do up to this point. I have no real regrets to speak of. And I have had the time of my life, getting every ounce of fun anyone could possibly get from this wonderful opportunity.

My father-in-law has a characteristic way of asking the grandkids after a meal – “have you had a complete sufficiency?” And, posing that question to myself at the conclusion of 10 years on the City Council, I must resoundingly answer – “Yes. Yes I have.”

In looking back on the past four years, during my term as mayor, I am especially proud of what my colleagues and I have been able to accomplish. We were met from the outset with a whole host of daunting issues. And a successful outcome was never automatically guaranteed. But we rose to the occasion, and in an understated, common-sense, hard-working manner, we met every challenge that presented itself.

Along the way, we certainly encountered some folks who had a different way of conducting themselves. Despite this, we never failed to do the right thing. Because times may change, and people may come and go. But in the long run, I firmly believe that integrity never goes out of style.

I am so grateful to all the residents who have had kind words to say in recognizing our contributions to the City. Perhaps the most meaningful compliment I have received, and one that has been repeated, is that my teammates and I have left Rye in a better place than where we found it.

And looking ahead, I can think of no better wish for the new Council members, than for them to be in a position one day to receive that same compliment. Mayor Cohn, good luck to you and your team.

For the past 14 years, I have lived a very public life. But it was my family behind the scenes who gave me the strength and support necessary to make the numerous sacrifices in this role.

After many a late-night Council meeting, I would return home to a dark house, with everyone asleep. But I would turn on the TV, and the cable box would be set to Channel 75. So I always knew that my biggest supporters had tuned in to say goodnight to me. Thank you Kerri, Katie, Allie and Mary. I love you all so much.

I could not part without also again recognizing my parents. I am so glad that my mother, Randi, was able to see me sworn in as mayor four years ago. I would also add that my father, Joe Senior, has recently moved to Rye, and with his two Norfolk terriers, is quickly becoming the mayor of Purchase Street!

I have always been keenly aware of the history of Rye. And I have always felt the strong presence of those who have come before us. In this room particularly, where we conduct City business, there is not a single action or vote that escapes the watchful eyes of my predecessors.

Therefore, I could not be more pleased and honored that, having done my duty, my portrait now also hangs on the wall of these chambers, as Mayor of the great City of Rye, New York.

And so one last time, is there a motion to adjourn? And a second? All in favor say "aye"! The motion carries unanimously. Good night, good luck, and God Bless the City of Rye."

17. Adjournment.

There being no further business to discuss, Councilwoman Killian made a motion, seconded by Councilman McCartney and unanimously carried, to adjourn the meeting of the City Council at 10:04 P.M.

Respectfully submitted,

Carolyn E. D'Andrea
City Clerk



CITY COUNCIL AGENDA

NO. 6

DEPT.: City Manager's Office

DATE: January 10, 2018

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Resolution designating the days and time of regular meetings of the City Council for 2018.

FOR THE MEETING OF:

January 10, 2018

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Mayor and City Council schedule the 2018 meeting dates.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The Rye City Charter stipulates that the City Council meet within the first two weeks of January in each year and shall hold stated meetings at least twice a month, except for the months of June through September when only one stated meeting per month need be held.

See attached schedule for regular meetings of the City Council for 2018.

2018 City Council Meetings Calendar

January 2018						
Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

February 2018						
Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28			

March 2018						
Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

April 2018						
Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

May 2018						
Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

June 2018						
Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

July 2018						
Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

August 2018						
Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

September 2018						
Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

October 2018						
Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

November 2018						
Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

December 2018						
Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					



Council Meeting Dates

Budget Workshops

Mayor & Council Inauguration

Joint City Council/School Board Meeting

February 19-23

April 2-6

November 6

School Mid-Winter Recess

School Spring Break

Election Day



CITY COUNCIL AGENDA

NO. 7

DEPT.: City Council

DATE: January 10, 2018

CONTACT: Mayor Josh Cohn

AGENDA ITEM: Appointment of the 2018 Deputy Mayor by the Mayor.

FOR THE MEETING OF:

January 10, 2018

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, 2018, 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. 8

DEPT.: City Council

DATE: January 10, 2018

CONTACT: Mayor Josh Cohn

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

FOR THE MEETING OF:

January 10, 2018

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, 2018.

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. 9 DEPT.: City Council DATE: January 10, 2018
CONTACT: Mayor Josh Cohn

<p>AGENDA ITEM: Designation of the City Council Liaisons by the Mayor.</p>	<p>FOR THE MEETING OF: January 10, 2018 RYE CITY CODE, CHAPTER SECTION</p>
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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	Recreation Commission
Board of Appeals	Rye Cable and Communications Committee
Board of Architectural Review	Rye Chamber of Commerce
Boat Basin Commission	Rye City School Board
Commission on Human Rights	Rye Free Reading Room
Conservation Commission/Advisory Council	Rye Golf Club Commission
Emergency Medical Services	Rye Playland Advisory Committee
Finance Committee	Rye Town Park Commission
Flood Advisory Committee	Sustainability Committee
Landmarks Advisory Committee	Traffic & Pedestrian Safety Committee
Planning Commission	



CITY COUNCIL AGENDA

NO. 10

DEPT.: City Manager's Office

DATE: January 10, 2018

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Designation of the official City newspaper.

FOR THE MEETING OF:
January 10, 2018

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. 11 DEPT.: City Manager's Office DATE: January 10, 2018
CONTACT: Marcus Serrano, City Manager

<p>ACTION: Designation of the amounts of faithful performance bonds.</p>	<p>FOR THE MEETING OF: January 10, 2018</p> <p>RYE CITY CODE, CHAPTER SECTION</p>
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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. 11A DEPT.: Corporation Counsel DATE: January 10, 2018
CONTACT: Kristen K. Wilson, Corporation Counsel

AGENDA ITEM: Resolution to amend the City of Rye's FOIL procedures.

FOR THE MEETING OF:

January 10, 2018

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the City Council amend the current FOIL procedures per the proposed change.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The current City's FOIL Procedures stipulates that FOIL Appeals are heard by the City Manager. A proposal to change these FOIL Procedures outlines that "If the City Manager's position is the subject matter involved in the original FOIL request that is being appealed or if the City Manager otherwise has a conflict of interest, any such appeal shall be heard by the City Council".

See attached revised FOIL Procedures.



Procedures for Public Access to the Records of the City of Rye
(Effective January 10, 2018 ~~November 4, 2015~~)

Section 1. Purpose and Scope

- (a) These regulations are established pursuant to Article 6 of the Public Officers Law, known as the Freedom of Information Law.
- (b) These regulations provide the procedures by which records of the City of Rye may be obtained.
- (c) Personnel of the City of Rye shall furnish to the public the information and records required by law and those which were furnished to the public prior to the enactment of the Freedom of Information Law, subject to the conditions contained in subdivision 2 of Section 87 of the Freedom of Information Law, or other provisions of Law.

Section 2. Designation of records access officer.

- (a) The City Clerk shall be the Records Access Officer responsible for assuring compliance with the FOIL regulations.
- (b) The records access officer shall be responsible for assuring appropriate responses to public requests for access to records. The records access officer shall assure that appropriate personnel are adequately instructed in and properly perform the functions described in Sections 6 and 7 of these regulations and shall supervise the administration of these regulations.

Section 3. Designation of fiscal officer.

The City Comptroller is designated the fiscal officer, who shall certify the payroll and respond to requests for an itemized record setting forth the name, address, title and salary of every officer or employee of the City of Rye.

Section 4. Location.

Records shall be available for public inspection and copying at the office of the records access officer at City Hall, Boston Post Road, Rye, New York, or at the location where they are kept.

Section 5. Hours for public inspection.

Requests for public access to records shall be accepted and records produced during all hours City Hall is regularly open for business except that all records must be returned to their proper custodian at least 30 minutes before closing time.

Section 6. Request for public access to records.

- (a) Requests for records shall be in writing (hard copy or electronically) in accordance with New York Public Officers Law. The custodian of the records has discretion to waive the requirement for written requests in appropriate circumstances.
- (b) If records are maintained on the internet, the requestor shall be informed that the records are accessible via the internet and in printed form either on paper or other information storage medium.
- (c) Officials shall respond to a request for records no more than five (5) business days after receipt of the request. This response will acknowledge receipt of request and indicate that the requestor will receive a response within twenty (20) business days unless otherwise noted. Any electronic requests received after 5:00 P.M. will be considered received by the City on the next business day.
- (d) A request for access to records should be sufficiently detailed to identify the records. Where possible, the requestor should supply information regarding dates, titles, file designations or other information which may help identify the records.
- (e)
 - 1. A current list, by subject matter, of all records produced and retained in accordance with the Department of Education's State Archives Schedule MU-1, shall be maintained by the City Clerk and shall be available for public inspection and copying. The list shall be sufficiently detailed to permit the requestor to identify the file category of the records sought.
 - 2. The subject matter list shall be updated periodically and the date of the most recent updating shall appear on the first page. The updating of the subject matter list shall not be less than semiannual.
 - 3. A duplicate copy of such current subject matter list shall be filed by each department with the City Clerk who shall consolidate and maintain all such current lists.
- (f) Appropriate personnel of the City of Rye shall assist the requestor in identifying requested records.
- (g) Upon locating the requested records, the appropriate personnel of the City of Rye shall, as promptly as possible, and within the time limits set in subsection (b) above, either:

(1) Make the records available by either, (i) indicating a time and date when the records are available for review and inspection, or (ii) send the records electronically if the request was for electronic copies and the records can be sent electronically, or

(2) Deny access in whole or in part, and explain in writing the reasons therefore.

(h) Upon failure to locate records, the appropriate official shall certify that:

1. The City of Rye is not the legal custodian of the requested records; or,
2. The requested records, after diligent search, cannot be found.

Section 7. Inspection and copying of records.

(a) A person who has requested access to the public records of the City of Rye shall be given full opportunity to see and inspect such records unless access is denied as provided in Section 8 herein.

(b) The requestor may also make a copy of the records he/she inspects. No record may be removed from the office where it is located without written permission of the person in charge of the office at that time.

(c) Upon request and payment of the established fee, if any, the appropriate officer or employee shall prepare and deliver a transcript of such records.

(d) Upon request and payment of the established fee, if any, an appropriate official of the City of Rye shall certify as correct a transcript prepared by the custodian of the records.

Section 8. Denial of access to records.

(a) Denial of access to records shall be in writing stating the reason(s) therefore and advising the requestor of the right to appeal to the City Manager within thirty (30) days of the denial. Appeals heard by the City Manager are final determinations.

(b) If requested records are not provided promptly, as required in Section 6 (c) of these regulations, such failure shall also be deemed a denial of access. In such cases, appeals must be filed within thirty (30) days of the date by which the records were to be made available.

(c) The time for deciding an appeal by the City Manager shall commence upon receipt of a written appeal identifying:

1. The date of the appeal.
2. The date and location of the original record request.

3. The records to which the requestor was denied access.
 4. Whether the denial of access was in writing or by failing to provide records in accordance with the applicable time periods.
 5. A copy of the written denial, if any.
 6. The name and return address (or email address) of the requestor.
- (d) The appeal shall be determined by the City Manager within ten (10) business days of the receipt of the appeal. If the appeal is submitted via email, any emails received after 5:00 P.M. will be considered received on the next business day. Written notice of the determination shall be served upon the person requesting the record and the Committee on Open Government.
- (e) If the City Manager's position is the subject matter involved in the original FOIL request that is being appealed or if the City Manager otherwise has a conflict of interest, any such appeal shall be heard by the City Council.
- (e) A person requesting an exception from disclosure, or an agency denying access to record, shall in all appeal proceedings have the burden of proving entitlement to the exception.
- (f) A proceeding to review an adverse determination upon appeal may be commenced pursuant to Article 78 of the Civil Practice Law and Rules in accordance with all applicable provisions of the law.

Section 9. Fees.

- (a) Except as otherwise specifically authorized by law, or by established practice prior to September 1, 1974, there shall be no fee charged for:
1. Inspection of records;
 2. Search for records;
 3. Any certification pursuant to this part.
- (b) The fee for a photocopy transcript of records shall be 25 cents per single sided page for pages not exceeding 9 by 14 inches. The City has the authority to redact portions of a paper record in accordance with the Public Officers Law and does so prior to the disclosure of the record by making a photocopy from which the proper redactions are made.
- (c) The fee for photocopies of records exceeding 9 by 14 inches per page or any non-paper format (such as computer disk, microfilm, etc.) shall be the actual costs of reproduction, which shall be deemed to be the average unit cost for making such a photocopy, excluding fixed costs such as operator salaries, except when a different rate is otherwise prescribed by statute.

- (d) The fee for a transcript that is typed, handwritten, or otherwise prepared by hand shall cover the clerical time involved in making the transcript, including comparison for accuracy.
- (e) The fee the City may charge for a copy of any other record is based on the actual cost of reproduction and may include only the following:
 - (1) an amount equal to the hourly salary attributed to the lowest paid employee who has the necessary skill required to prepare a copy of the requested record, but only when more than two hours of the employee's time is necessary to do so; and
 - (2) the actual cost of the storage devices or media provided to the person making the request in complying with such request; or
 - (3) the actual cost to the agency of engaging an outside professional service to prepare a copy of a record, but only when an agency's information technology equipment is inadequate to prepare a copy, and if such service is used to prepare the copy.
- (f) The City shall inform a person requesting a record of the estimated cost of preparing a copy of the record if more than two hours of an agency employee's time is needed, or if it is necessary to retain an outside professional service to prepare a copy of the record.
- (g) A person requesting a record shall pay the City the required fee for copying or reproducing the record in advance of the City preparing such copy.

Section 10. Public Notice.

A notice containing the job title or name and business address of the records officer and the appeal body shall be posted in the Office of the City Clerk. A copy of these rules will be kept in the custody of the records officer and be made available for inspection upon request.

Section 11. Severability.

If any provision of these regulations or the application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of these regulations or the application thereof to other persons and circumstances.



CITY COUNCIL AGENDA

NO. 12 DEPT.: Police Department DATE: January 10, 2018
CONTACT: Michael C. Corcoran, Jr., Commissioner of Public Safety

AGENDA ITEM: Acceptance of donation to the Rye Police Department from the Beyer family in the amount of Two Hundred Fifty (\$250.00) Dollars.

FOR THE MEETING OF:

January 10, 2018

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council adopt the following resolution:

Whereas, the Beyer family desires to donate Two Hundred and Fifty (\$250) Dollars to the Rye Police Department; and

Whereas, the fiscal 2018 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 2018 General Fund budget as follows:

Increase Deferred Revenues - Police Donations \$250.00

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

The Beyer family, by letter dated December 23, 2017, advised the Police Department that they would like to make a donation of \$250.00 in recognition of the Police Department's dedication to the Rye community. The Commissioner of Public Safety recommends acceptance of this donation.