

APPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on July 11, 2012 at 8:00 P.M.

PRESENT:

DOUGLAS FRENCH Mayor
LAURA BRETT
RICHARD FILIPPI
PETER JOVANOVIK
JULIE KILLIAN
CATHERINE F. PARKER
JOSEPH A. SACK
Councilmembers

ABSENT: None

The Council convened at 7:30 p.m. Councilman Jovanovich made a motion, seconded by Councilman Filippi and unanimously carried to immediately adjourn into executive session to discuss real estate matters related to the sale of 1037 Boston Post Road and pending tax certiorari matters. Councilman Jovanovich made a motion, seconded by Councilman Sack and unanimously carried to adjourn the executive session at 8:34 p.m. The regular session began at 8:44 p.m.

1. Pledge of Allegiance

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

2. Roll Call

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

3. General Announcements

Announcements were made regarding recent and upcoming events in the City.

4. Acceptance of donation to the Rye Police Department from the Crowley family in the amount of one thousand (\$1,000.00) dollars

Roll Call.

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

WHEREAS, the Crowley family desires to donate one thousand (\$1,000.00) dollars to the Rye Police Department; and

WHEREAS, the fiscal 2012 General Fund budget did not anticipate this donation; 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 amend the fiscal 2012 General Fund budget as follows:

Increase Deferred Revenues – Police Donations \$1,000.00

ROLL CALL:

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

The Resolution was adopted by a 7-0 vote.

5. Draft unapproved minutes of the regular meeting of the City Council held June 13, 2012, the Workshop on the Bond Referendum held June 20, 2012, and the special meeting with the Rye Golf Club Commission held June 27, 2012

Councilman Jovanovich made a motion, seconded by Councilman Filippi and unanimously carried, to approve the minutes of the regular meeting of the City Council held on June 13, 2012, as amended.

There was a brief discussion with Ted Carroll who had requested that the minutes be amended to add language to a summary of what he had said at the June 13th meeting. Corporation Counsel Wilson said it is not standard procedure for the Clerk to take comment from the public on the minutes because the minutes are the Clerk's document.

Councilman Jovanovich made a motion, seconded by Councilman Filippi and unanimously carried, to approve the minutes of the Workshop meeting of the City Council held on June 20, 2012, as submitted.

Councilman Jovanovich made a motion, seconded by Councilman Filippi and unanimously carried with Mayor French and Councilwoman Brett abstaining, to approve the minutes of the special meeting with the Rye Golf Club Commission held on June 27, 2012, as submitted.

Agenda item 11 was taken out of order.

6. Mayor's Management Report

- Update on the Sharrows project

City Manager Pickup, City Planner Christian Miller and City Engineer Ryan Coyne reported on the project that has received funding support for the painting of Sharrows on Forest Avenue through a \$20,000 grant received by the Rye YMCA. The City has done preliminary field work and will do some paving work on Forest Avenue from Green Avenue to Cornell Place. After the paving is completed, the painting project will begin which will include striping Forest Avenue with a white line for a ten-foot travel lane and installation of Sharrows approximately every 250 feet. Sharrows, a permitted form of lane marking under the Manual for Uniform Traffic Control Devices, are a "share the road" sign. The white striping will serve as a traffic calming device and help to keep vehicles away from the edge of the roadway where people walk. A white line will not be painted in the area around Playland Market due to the volume of activity, but dedicated parking spaces will be created. Improvements will also be made to the crosswalk at Hewlett Avenue during the paving process.

- Update on the Central Avenue Bridge and the Old Post Road Bridge

City Engineer Ryan Coyne made the following reports:

- Old Post Road Bridge – The County has poured the concrete and will pave after it has strengthened. Con Edison is dealing with gas leaks that will require the entire main to be relined. The new gas line has been ordered from Germany and Con Edison workers are presently on strike. When the gas line work is completed, the County will come in and complete their work. If Con Ed cannot finish their work by mid-August, the County may put steel plates over Con Ed's work in order to open the road. The City will try to avoid having the project extend into the school year.
- Central Avenue Bridges – (1) The City responded to comments from the Department of Transportation (DOT) and approvals are still awaited. Mr. Coyne has been told approval is imminent and the City still believes it is on target for its construction schedule of September-October. (2) The Thruway Authority is working on the bridge over I-95. Their schedule is to be finished by the first week of August.

- Summary of the Rye Golf Club Workshop

Members of the Council who had attended the workshop reported on the recent meeting with the Golf Commission. They called it a good meeting that was well attended by the membership and a good way to open up communication. There was a great deal of discussion on the financial operation of the Club and what could be done to create a sustainable operating plan. It was noted there seems to be a split in the membership on the direction the club should move in and the responsiveness of the Commission to the membership. The new on-line voting procedures and a requested candidate forum prior to the elections were supported by the Council. Members of the Golf Commission raised questions regarding the date of their budget submission and the amount they are required

to contribute to the City. Mayor French suggested that members of the Commission and City staff should come up with ideas for strategic long-term operation of the Club.

- Legal update

Corporation Counsel Wilson reported on the following items:

- *Westchester Joint Water Works v. City of Rye* – Judge LaCava’s clerk called and indicated that the Judge would need another couple of weeks to issue a decision in this matter. The decision should come by mid-August.
- Human Rights Complaint against Golf Club – A complaint has been received from the Division of Human Rights involving an employee at the Golf Club. The Corporation Counsel and Labor Counsel Vincent Toomey have spoken with the individuals involved at the Club and are doing a preliminary investigation.
- *Butler v. Mathisson, et al* – The City has filed a request for Appellate Division intervention in this matter to protect the rights of the Planning Commission and the City if a decision is made to perfect the appeal.

A vote was taken regarding representation of the City in two active tax certiorari proceedings regarding the taxability of two locations. One involves the Tiki Bar at Playland and the other involving Seaside Johnnie’s at Rye Town Park.

Councilman Sack made a motion, seconded by Councilman Filippi, to adopt the following Resolution:

RESOLVED, that the City Council of the City of Rye, hereby retains the firm of Harris Beach PLLC to represent the City in connection with two Article 7 Tax Certiorari proceedings involving the taxability of properties owned by the County of Westchester (Tiki Bar) and Town of Rye and Rye Town Park Commission (Seaside Johnnie’s) at the rate of \$215.00 per hour.

ROLL CALL:

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

The Resolution was adopted by a 6-0 vote.

7. Continuation of Public Hearing to discuss potential capital projects to be included in a November, 2012 Bond Referendum

The public hearing remained open from the June 13th meeting. City Manager Pickup said that draft Bond Resolutions have been prepared. For ballot purposes there will be one ballot question for public building improvements for approximately \$1.5 Million and another for public improvements for roads, sidewalks and pedestrian safety for approximately \$3.5 Million.

There were only two members of the public who commented. *Bob Zahm* suggested that the amount included in a bond for sidewalks should be increased and that it was not realistic to assume that the bond would be paid for within the 2% tax cap. *Ted Carroll* spoke about public concerns about a bond being necessary due to economic conditions, although some public safety aspects might be supported in a smaller bond

The Council discussed each of the potential projects in order to determine which projects would be included in a bond.

Smith Street Reconstruction and Intersection Improvements – City Manager Pickup said that the \$800,000 estimate should cover all the improvements talked about including full reconstruction of the street, drainage improvements, sidewalks, street-scaping and redesign of the intersection. There is a 10% to 20% contingency to cover unforeseen issues and off-hour construction.

Purchase/Purdy/Theodore Fremd Intersection Improvements – This project would involve replacing the existing traffic signal to a State-mandated signal; include a traffic study to look at traffic flow; widen the street to provide for a dedicated turning lane; and put in a sidewalk. The goal of the project is better traffic flow and easier pedestrian crossing at the intersection.

Locust Avenue Sewer Siphon Replacement – City Manager Pickup said that this is a project that must be done and must be funded even if a bond fails. Mr. Pickup was asked to provide figures for fines that might be incurred if the sewer fails.

Boston Post Road Retaining Wall – The proposed project would only extend the sidewalk down to Holly Lane and include pedestrian phases for the train crossing. Some preliminary survey work has been done and the face of the wall is probably at the property line but the rock it sits on encroaches into the City right-of-way. Slope easements may be needed to do the work. There was a suggestion of cutting back on the amount of sidewalk installed to reduce the cost of the project.

Sidewalk and Pedestrian Improvements – It was suggested that more money should be included for these projects. There are no road repair projects currently included in this option but projects such as repaving of the Boston Post Road from Parsons Street to City Hall could be included.

MTA Parking Lot Improvements – City Manager Pickup said there have been discussions with the MTA regarding the parking lot but until the City has a long term lease it is not a project to consider.

Bowman Avenue Upper Pond Flood Mitigation Improvements – The Flood Advisory Committee recommended that until additional studies are done, projects to expand the capacity of flood storage at the Upper Pond should not be included at this time.

Rye Free Reading Room Improvements – The Library requested that certain building improvements for fire safety, ADA compliance and security be included in the bond. The City is not allowed to bond for the Library without receiving some consideration in return from the Library. Corporation Counsel Wilson said that she met with the Library Board and they offered three suggestions of consideration they would be willing to offer: (1) a guarantee that they would remain open on Saturdays; (2) a guarantee to be open for “special events”; and (3) an obligation to maintain the capital improvements through their lifetime. It was noted that people in the community have raised questions regarding including the Library in a City bond referendum.

Police/Courthouse Upgrades – Since a decision was made that the cost of relocating the current facility was too high, modifications have been made in the existing structure to make it more habitable. The proposed project is the next logical step to secure efficiencies in prisoner transport and handling in order to make the facility more secure. The Office of Court Administration (OCA) has also raised concerns about the lack of facilities and the proposal is a compromise approach to address many of their concerns. OCA approval may be necessary before going ahead with the projects.

There was a suggestion that this may not be the right year for a Bond Referendum and maybe the Charter should be changed to increase debt limits for bonding without a referendum. It was also noted that the historically low interest rates together with the City’s Aaa bond rating make it an ideal time to bond. A suggestion was made that it would be beneficial for the public to understand the consequences of projects not being done.

At the end of the discussion the list was reduced to the following projects: Smith Street Reconstruction and Intersection Improvements; Purchase/Purdy/Theodore Fremd Intersection Improvements; Locust Avenue Sewer Siphon Replacement; Boston Post Wall Retaining Wall; Sidewalk and Pedestrian Safety Improvements; and Police/Court Upgrades. The projected amount for bonding these projects would be between \$3 and \$4 Million. There are still some issues with including the Library. The City Manager will update the project list and circulate it and modify the bonding amounts.

The public hearing remained open.

8. Consideration to set a Public Hearing for August 6, 2012 to adopt bond resolutions for the November, 2012 Referendum for capital projects

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

WHEREAS, the Council wishes to adopt Bond Resolutions for capital projects to be included in a November 2012 Bond Referendum; and

WHEREAS, it is now desired to call a public hearing to discuss said Bond Resolutions, now, therefore, be it

RESOLVED, by the Council of the City of Rye as follows:

Section 1. Pursuant to Section 20 of the Municipal Home Rule Law and the Charter of the City of Rye, New York, a public hearing will be held by the Council of said City on August 6, 2012 at 8:00 P.M. at City Hall, Boston Post Road, in said City, for the purpose of affording interested persons an opportunity to be heard concerning Bond Resolutions for capital projects to be included in a November 2012 Bond Referendum.

Section 2. Such notice of public hearing shall be in substantially the following form:

**PUBLIC NOTICE
CITY OF RYE**

**Notice of Public Hearing to adopt Bond Resolutions
for capital projects to be included in a
November 2012 Bond Referendum**

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 6th day of August, 2012 at 8:00 P.M. at City Hall, Boston Post Road, in said City, at which interested persons will be afforded an opportunity to be heard concerning bond resolutions for capital projects to be included in a November 2012 Bond Referendum.

Copies of said bond resolutions may be obtained from the office of the City Clerk.

Dawn F. Nodarse
City Clerk
Dated: July 25, 2011

City Manager Pickup said that at the last meeting the Council had asked for additional feedback on a couple of charges:

- Mooring fees – because of challenges in the current legislation this will not be able to be updated in time to be included in the 2013 fees and charges.
- Street Opening Permits – The City Engineer will update the process with all of the utilities but due to the Con Edison strike this cannot be done for 2013.

There was a discussion about the proposed increase in the fee for Merchant Parking Permits. One suggestion was to increase it to match the fee for commuter parking and another to leave the fee unchanged. A compromise suggestion was made to increase the fee by \$10.00

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

10. Resolution to adopt the 2013 Budgeted Fees and Charges

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

RESOLVED, that the 2013 fees and charges, are hereby adopted:

FEE DESCRIPTION	2012
<u>ASSESSOR'S OFFICE</u>	
GENERAL	
Standard Photocopy Fee	
Letter/Legal per page	0.25
MAPS	
City Maps 3'x5"	15.00
Aerial Map	15.00
Drain & Sewer map from blueprints (blue on white)	60.00
Standard Tax Map	15.00
Tax index map (40"x64")	15.00
Topographical maps	60.00
<u>BOARD OF APPEALS</u>	
GENERAL	
Multi & Commercial Appeals	500.00
Single Family Appeals	300.00
Adjourned Applications	100.00
Revised Plans	75.00
<u>BUILDING</u>	
ELECTRICAL	

Electrical permits in existing building where a building permit is not required: for multiple residences, commercial or industrial buildings	100.00
Electrical Permits in existing buildings where a building permit is not required: for one & two family dwellings with contracts valued at \$500 or more	70.00
GENERAL	
Building Permits (1) - minimum fee	75.00
Building Permits (2) - add'l charge per \$1,000 est. work (residential)	17.00
Building Permits (3) –add'l charge pre \$1,000 est. work (commercial)	30.00
Building Permit (3) - penalty for work begun without permit	1,000.00
Certificate for Commercial Buildings	175.00
Certificate of Occupancy: to be paid with application for building permit	100.00
Changes in Approved Plans	100.00
Demolition Permits - Commercial and residential structures	2,000.00
Demo Pmts - In-ground pools tennis crts detached garages	750.00
Demo Pmts - Sheds, above ground pools, pool decks, gazebo	200.00
New Certificate for old buildings	100.00
Search for Municipal Records / Pre-date letters	80.00
PLUMBING	
<i>Oil or gas heating permits in existing building w/o building permit required:</i>	
New heating equipment installation or replacement	150.00
Plumbing - No building permit required (min)	70.00
Plumbing - for each fixture above 5	5.00
Sewer or storm drain connection (per)	70.00
<u>CITY CLERK</u>	
ALARMS	
Alarms permit - Fire/Burglar	35.00
False alarm: 2nd call per annum	50.00
False alarm: 3rd, 4th call each per annum	100.00
False alarm: over 4 per annum	200.00
FIRE PREVENTION	
Explosive Inspection Fee	115.00
Fireworks Display (each)	750.00

Installation of liquefied petroleum gas	57.00
Place of assembly 100 or more people	115.00
Storage of Flammable liquids (permits & insp.)	115.00
Storage of lumber (in excess of 100,000 bd. ft.)	57.00
Storage of underground tanks <1100 gal.(permits & insp.)	57.00
Storage of underground tanks >1100 gal. (permits & insp.)	115.00
Welding & cutting	55.00
GENERAL	
Auctioneer	500.00
Birth Certificate	10.00
Blasting Permit	300.00
Cabaret	200.00
Christmas Tree Sale Refundable Bond	45.00
Christmas Tree Sales: Inspection	100.00
Code of the City of Rye	300.00
Code of the City of Rye - Supplement	n/a
Codes: Zoning	n/a
Coin operated Dry Cleaning Establishment	n/a
Coin operated Laundry: Establishment	n/a
Death Transcript	10.00
Dog License: Neutered Dog - Owner's Cost	
Breakdown of Owner's Cost:	
City of Rye Fee	13.00
NYS Fee	1.00
Dog License: Non-Neutered Dog - Owner's Cost	
Breakdown of Owner's Cost:	
City of Rye Fee	19.00
NYS Fee	3.00
Dog Redemption: with current license	n/a
Dog Redemption: without current license	n/a
Dry Cleaning Establishment	90.00
Debris Collection Container:	40.00
Filming: Private Property	450.00
Filming: Public Property (Maximum)	25,000.00
Filming: Public Property (Minimum)	1,600.00
Junk Merchant: Establish place of business	n/a
Junk Peddler	n/a
Laundromat	n/a
Marriage License	40.00
Marriage Transcript	10.00
Non-refundable Bid fee (per every \$50 of bid)	15.00-100.00
Other Pamphlet Codes	8.00

Peddler, Hawker, Solicitor	300.00
Additional Peddler, Hawker or Solicitor Permit Issued	75.00
Lost Peddler, Hawker or Solicitor Permit Replacement	5.00
Sign posting @ Boston Post Road & Cross Street	35.00
Tourist Park or Camp App. 5 units or less	n/a
Tourist Park or Camp App. 6 units or less	n/a
Tourist Park or Camp license (per unit)	n/a
MECHANICAL INSTALLATION LICENSE	
Gas Heat	150.00
Oil Heat	150.00
MISCELLANEOUS LICENSES	
Bowling Alleys	n/a
Circus	n/a
Driving Range	n/a
Miniature Golf	n/a
Moving Picture House	n/a
Public Exhibition	90.00
Public Hall	90.00
Shooting Gallery	n/a
Skating Rink	n/a
Taxi Cab License	130.00
Taxi Driver License	75.00
Theater	n/a
<u>PARKING</u>	
Non-Resident Commuter (Includes Tax)	720.00
Resident Commuter (Includes Tax)	720.00
Merchant Parking (Non-Taxable)	456.00*
Taxi Stall Rental (Plus tax)	700.00
Guest Parking Overnight (max. 14 days per night)	10.00
Replacement Sticker (without old sticker)	60.00
Replacement Sticker (with old sticker)	10.00
Resident All Day/All Night	684.00
Resident All Night	342.00
Special Permits (Theo. Fremd Lot)	n/a
Commuter Parking Waitlist Fee (Per Year)	50.00
Commuter Meters - Daily Rate (12 hours)	5.00
Paystation rate per hour	1.00
<u>PARKING VIOLATIONS</u>	
No Handicapped Permit (including NYS Surcharge)	150.00
Parking in Front of a Fire Hydrant	150.00
Beach Area Parking	75.00

Parking on the Street During the Snow Ordinance	75.00
Parking in a Crosswalk	75.00
<u>ENGINEERING</u>	
GENERAL	
Constructed or Replaced Curb	30.00
Constructed or Replaced Depressed Curb (min)	30.00
Constructed or Replaced Driveway (min)	30.00
Constructed or Replaced Sidewalks (min)	30.00
Construction Debris Containers (per day)	50.00
Street Obstructions, Storage of Materials, Operating Machinery, loading & unloading, scaffolding & bridging	100.00
Street Opening: Curbing-Asphalt/Concrete/Flag	180.00
Street Opening: Sidewalk Area-Asphalt/Concrete/Flag	180.00
Street Opening: Street Area-Asphalt	180.00
Street Opening: Street Area-Concrete	180.00
Street Opening: Test Holes (keyhole method) (each)	60.00
Street Opening: Unpaved Areas	180.00
Street Opening Permit Surcharge	175.00
Street Opening Public Service Fee (per LF, over 72 FT length)	2.50
Surface Water Control Application fee (Stand Alone)	200.00
STREETS/SIDEWALKS	
Construction Manhole/Catch Basin (min)	180.00
Driving Pipes (min)	100.00
Install Underground Tank/Vault (min)	110.00
Plumbing Connection to Structures:	
Manholes/Catch Basin (min)	45.00
Plumbing Connection to Structures:	
Sewer or Drain Line (min)	35.00
<u>FIRE</u>	
GENERAL	
Inspection Fee (per inspection)	135.00
Return Inspection	50.00
Tank Removal Inspection	100.00
<u>PLANNING</u>	
COASTAL ZONE MANAGEMENT	
Waterfront Consistency Review Application	825.00
GENERAL	
Copies of Subdivision or site plans - complete	

sets only (per sheet)	12.00
SITE PLAN REVIEW	
Informal review	n/a
Preliminary Application (up to 10 parking spaces)	1,000.00
Preliminary Application - Add'l charge per required parking space over 10 spaces	n/a
Modification or Extension of Preliminary Application	825.00
Final Application (up to 10 parking spaces)	1,225.00
Final Application - Add'l charge per required parking space over 10	30.00
Modification or Extension of Preliminary Application	n/a
Inspection Fee (Fee + 7.0% cost of improvement)	550.00
Construction and Use without prior approval	2,800.00
Modification of Tree Preservation Plan by the City Planner	500.00
Tree Replacement, fee in lieu of	1,900.00
SUBDIVISION REVIEW	
Informal Review	675.00
Preliminary Application	825.00
Preliminary Application - Add'l charge per lot	390.00
Waiver of Preliminary Application - Add'l charge per lot	n/a
Modification or Extension of Preliminary Application	n/a
Final Application	1,120.00
Final Application - Add'l charge per lot	385.00
Modification or Extension of Final Application	n/a
Waiver of Penalty Application	n/a
Inspection Fee - 7% of cost of improvement plus \$50 per lot, or \$500, whichever is greater	550.00
Modification of Tree Preservation Plan by City Planner	500.00
Tree Replacement, fee in lieu of	1,900.00
Fee in lieu of Parkland - In trust-minimum (dollars per square foot of lot area)	
<i>R-1 One Family District</i>	0.14
<i>R-2 One Family District</i>	0.25
<i>R-3 One Family District</i>	0.35
<i>R-3 One Family District (Floodplain)</i>	0.25
<i>R-4 One Family District</i>	0.40
<i>R-4 One Family District (Floodplain)</i>	0.25
<i>R-5 One Family District</i>	0.49
<i>R-5 One Family District (Floodplain)</i>	0.25
<i>R-6 One Family District</i>	0.57
<i>R-6 One Family District (Floodplain)</i>	0.25
<i>RT Two-Family district (1 and 2 Family Residence)</i>	0.57

<i>RS School & Church District (1 Family Residence)</i>	0.35
<i>RA-1 District (1 Family Residence)</i>	0.57
<i>RA-1 District (2 Family Residence)</i>	0.41
<i>RA-2 District (1 Family Residence)</i>	0.57
<i>RA-2 District (2 Family Residence)</i>	0.49
<i>RA-3 District (1 and 2 Family Residence)</i>	0.57
<i>RA-4 District (1 and 2 Family Residence)</i>	0.57
<i>B-1 Business District (1 and 2 Family Residence)</i>	0.57
Apportionment Application	650.00
Construction and Use without prior approval	2,730.00
RE-ZONING APPLICATIONS	1,300.00
WETLANDS/WATER COURSES	
Application Fee	985.00
Inspection Fee	550.00
Appeal of Determination	550.00
Extension of Prior Approval	600.00
Outdoor Dining Fee	500.00
<u>POLICE</u>	
GENERAL	
Auxiliary Police Services Event Fee	200.00
Defensive Driving Course	50.00
Fingerprinting Fees	100.00
Good Conduct Certificates	75.00
Mooring Permits (per permit)	150.00
Police report copies (per copy)	0.25
Redemption of Shopping Carts	50.00
Reprints of Photographs	30.00
Subpoena Fees for Records (min)	30.00
LOCAL ORDINANCE	
Failure to shovel snow after a storm	50.00
<u>PUBLIC WORKS</u>	
GENERAL	
Collection of bulky metals at curbside (minimum)	35.00
Collection of bulky waste in excess of 2 cubic yards (min)	35.00
Penalty for amounts not paid within 60 days	25.00
Penalty for amounts not paid within 90 days	25.00
Add'l penalty for amounts not paid if collection by levy is required	25.00

<u>RECREATION</u>	
ATHLETIC FIELD USE SURCHARGE (per person/per prog)	15.00
BUILDING FEES	
Auditorium (per hour)	100.00
Other Rooms (per hour)	75.00
Auditorium: Non-Profit/Co-Sponsor Rate (per hour)	75.00
Other Rooms: Non-Profit/Co-Sponsor Rate (per hour)	50.00
New Multi Purpose Room (4 Hours)	575.00/675.00
Birthday Party: Basic Program (two hours)	200.00/300.00
Private Party: Other rooms (each)	475.00/575.00
Maintenance Coverage (per hour) Full-time	50.00
Maintenance Coverage (per hour) Part-time	35.00
Alcohol Permit Fee	50.00
Security Deposit (Refundable)	100.00
<u>DAY CAMP</u>	
Day Camp - ½ day program (resident)	585.00
Day Camp – 2 week session (resident)	515.00
Day Camp – 6 week basic (non-resident)	1,510.00
Day Camp – 6 week basic (resident)	745.00
Day Camp – 6 week extended program (resident)	n/a
Day Camp – Swim group	80.00
Day Camp – Swim lessons (with group)	115.00
Kiddy Camp (resident)	680.00
Kiddy Camp – 2 week session (resident)	n/a
Registration fee after deadline	180/30 wk
Camp 78 – 6 weeks	1,260.00
Camp 78 – 2 weeks	n/a
Camp 78 – 1 week	210.00
Camp Withdrawal Fee	25/wk
INDOOR RECREATION	
Daily Fees (resident & non-resident)	5.00/10.00
OUTDOOR RECREATION	
All day field permit (10am-6pm)	700.00
Field permit (2 hrs.)	200.00
Field/Facility Use - Basketball - Outdoor lights (2hrs)	160.00
Softball - Men's Adult (per team)	360.00
Softball - Woman's Adult (per team)	315.00
PICNIC	
Non-profit/Police/Fire	50.00
Refundable Deposit (Part of Fee)	50.00

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Weekday Picnic (4-Dark)	165.00
Up to 75 (Resident/Non Resident)	200.00/300.00
75 to 150 (Resident/Non Resident)	400.00/500.00
TENNIS	
Permit - Adult (19 & over)	110.00
Permit - Family (max. 5)	285.00
Permit - Individual (non-resident)	220.00
Permit - Junior (6-13 /14-18 years)	60.00
Permit - Senior (60+)	75.00
Clinic - Adult Tennis (4 classes)	\$90/115
Clinic - Youth Tennis (4 classes)	\$80/\$90
Daily Fee (resident only)	13.00/7.00
Guest of Permit Holder - Hourly fee	13.00/7.00
Private lessons: Per half hour	38.00
Private lessons: Per hour	52.00
Non-Resident Senior	145.00
<u>RYE TV</u>	
DUPLICATION FEES	
Dubbing Fee (per tape)	20.00
DVD Dubbing Fee (per DVD)	20.00
DUPLICATION STOCK FEES	
Mini DV 60	6.00
Mini DV 80	10.00
DVD-R	4.00
CD-R	1.00
EQUIPMENT RENTAL	
Camcorder – per day (Misc. Equipment Extra)	100.00
Camcorder Canon XHA1 per day (misc extra)	250.00
Tripod per day	50.00
Light kit: Arri or Lowell per day	100.00
Shotgun mic and cables per day	30.00
Digital Editing Suite without Personnel (per hour)	150.00
Studio without RTV personnel (per hour)	200.00
PERSONNEL	
Staff Audio/Graphics In-Studio (per hour)	35.00
Staff Cameraperson In-studio (per hour)	50.00
Staff Cameraperson On-Location (per hour)	75.00
Staff Editor (per hour)	125.00
Staff Other On-Location (per hour)	75.00
Staff Producer/Director In-studio (per hour)	150.00

Staff Technical Supervisor (per hour)	150.00
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* See subsequent Resolution that decreased adopted rate for Merchant Parking Permits to \$420.00 per year.

ROLL CALL:

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

The Resolution was adopted by a 6-0 vote.

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

RESOLVED, that the 2013 fee for Merchant Parking Permits adopted in the prior Resolution at \$456 per year is hereby changed to \$420.00 per year.

ROLL CALL:

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

The Resolution was adopted by a 6-0 vote.

This agenda item was taken out of order

11. Discussion of Flood Committee Recommendations on the Bowman Avenue Upper Pond

Rafael Elias-Linero, Chair of the Flood Advisory Committee, provided an overview of the studies conducted by the WPS Sells (Sells) Engineering Company over the last few months on the Upper Pond behind the Bowman Avenue Dam in order to evaluate a potential project to add additional retention capacity to the pond by dredging. Due to discrepancies in the current reports and reports done several years ago regarding water volumes in the flooding area, the Committee believes that Sells should be asked to further explain their conclusions and methodology and reconcile the differences. Until reliable data that has been verified and vetted is received, the Committee does not recommend going forward with a dredging project on the Upper Pond at this time. Dredging alone would not be enough and alternative options must also be explored that will require a County-wide approach. The Committee suggested that since the Dam will be up for review, the City should investigate an option to raise the Dam by two feet, which could potentially increase the storage capacity more than the dredging projects. They also suggested the City should consider the installation of two additional rain gauges for the collection of data.

City Manager Pickup reported that work has begun on site for the Sluice Gate and the project is on schedule for completion by mid-September.

12. Update and Discussion of the Purchase and Sale Agreement between the City of Rye and Lester's of Rye, LLC for the right of first refusal for the purchase of the property located at 1037 Boston Post Road.

City Manager Pickup said there is a draft Purchase and Sale Agreement with the current tenant that requires a "due diligence" period. The idea is to bring the proposed agreement to the public for input and discussion. If the Council decides to go forward with the proposed agreement, some of the background information regarding the "due diligence" period would be updated to reflect when the action is taken. Mayor French said that the Council can decide to go with a broker or consider the proposed agreement. Council action may be taken in September. Corporation Counsel Wilson said that if the Council decides to go with a broker, prior to the Council taking action, the public would be made aware of the terms of the agreement.

Ted Carroll asked if the 90 day due diligence period had already begun. Corporation Counsel Wilson said that the due diligence period would change depending on if and when the Council signs an Agreement. Mr. Carroll also asked if there was a Council consensus on hiring a broker. Mayor French said the Council is working through concerns and issues regarding an agreement with a broker. No decisions have been made at this point. Mr. Carroll also asked if the appraisal would be made public. Corporation Counsel Wilson said the 2006 appraisal has been made public but any additional appraisals are in draft form and will not be disclosed. She said that releasing the document to the public could hurt the City's negotiating position. When an agreement is reached the document will be made public.

13. Resolution to transfer \$25,000 from Contingency to Code Maintenance Services for the General Code update project
Roll Call.

City Manager Pickup said that the last time the City updated its Code was 1994. Corporation Counsel Wilson said that General Code will update everything and then the Code will come before the Council for a vote.

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

WHEREAS, City staff has determined that the amounts required for the General Code update project were not anticipated and were not provided for in the adopted 2012 budget by \$25,000; and

WHEREAS, the General Fund Contingent Account has a balance of \$230,000; now, therefore, be it

RESOLVED, that the City Comptroller is authorized to transfer \$25,000 from the General Fund Contingent Account to the Code Maintenance Services Account.

ROLL CALL:

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

The Resolution was adopted by a 6-1 vote.

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

Arthur Stampleman, 720 Milton Road asked if the Council had transmitted the Resolution adopted at the last Council meeting regarding restoration of bus service to the County Executive. Mayor French said that it has been forwarded to the County Executive.

15. Consideration of a resolution amending the voting procedures for the Rye Golf Club Commission

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

RESOLVED, that the City Council hereby approves the amended voting procedures adopted by the Rye Golf Club Commission:

**Rye Golf Club
Nominations, Elections and Voting Eligibility**

1) Commission

- a) The Rye Golf Club Commission will consist of nine adult Club members in good standing elected by the eligible voting Club members. The Commission shall at no time have more than one non-resident member.
- b) The term of each Commission member shall be three years, commencing January 1 of the year following a regular election year. There is no limit to the number of terms a Commission member may serve.
- c) The Commission members will select a chairperson from their group for a one-year term (the "Chairperson") at the first regular Commission meeting in an applicable calendar year. A Chairperson may serve as Chairperson for an unlimited number of terms. The

Chairperson will appoint a Vice Chairperson who will act as Chairperson in his/her absence.

- d) Commission vacancies shall be filled at the next regular election following the vacancy for the remainder of the vacant term. In the event the Commission falls below eight members, the person(s) with the next number of highest votes from the previous election shall, if such person is otherwise eligible and willing to fill such vacancy, be appointed to the Commission to maintain eight Commission members until the next regular election. In the event there is no one to fill the vacancy a special election will be held to fill the vacancy and maintain eight Commission members until the next regular election.

2) Nominating Committee and Nominations

- a) For each election, a Nominating Committee shall be formed and comprised of three adult Club members in good standing, comprised as follows:
 - i) One club member appointed by the Commission (this member shall not be a current Commission member); and
 - ii) One current Commission member who is not standing for re-election shall be appointed by the Commission Chairperson. This member will serve as chairperson of the Nominating Committee; and
 - iii) One club member elected by the membership in the previous regular election.
- b) The Nominating Committee will review all submissions for Commission candidacy and Nominating Committee candidacy as described in Paragraph 2(e). The Nominating Committee shall provide a ballot with at least one more candidate than the number of members being elected. If the Nominating Committee receives fewer submissions by the submission deadline date than the number of members that will be elected, the Nominating Committee shall provide a ballot with at least as many candidates as the number of Commission members to be elected.
- c) No member of the Nominating Committee shall be eligible for election as a candidate for the Commission for the regular election for which the Nominating Committee member is providing nominations.
- d) The term of each Nominating Committee member shall be for one year, commencing January 1 of the year following the regular election. There is no limit to the number of terms a Nominating Committee member may serve.
- e) Nominations
 - i) The Nominating Committee shall not be required to include more than the minimum number of candidates as provided in Paragraph 2(b);
 - ii) A proposed candidate for election to the Commission or Nominating Committee shall

be an adult member in good standing. The Golf Club Member Handbook shall indicate membership categories and members entitled to be considered for candidacy.

- iii) A Club member may request to be considered as a candidate for election to the Commission or the Nominating Committee in the next regular election by submitting a written request to the Nominating Committee chairperson on or after January 1 and prior to May 15 of such year. Any such request must be submitted by email to nomination@ryegolfclub.com or in person to the membership office during regular business hours in a sealed envelope addressed to the “Nominating Committee Chairperson” indicating whether such person wishes to be considered as a candidate for the Commission or the Nominating Committee and such other information as a member may wish to provide the Nominating Committee for its consideration. The Nominating Committee may in its sole discretion select or reject any such submissions or select one or more other eligible Club members, subject to the minimum candidate requirements set forth in Paragraph 2(b). The proposed slate of candidates shall be posted on the Club website by July 1.

- iv) Any eligible member submitting a valid request for consideration as a candidate that is not selected by the Nominating Committee may be included as a candidate on the ballot by fulfilling each of the following requirements:
 - (1) Completing a petition for candidacy form available from the Club Manager for the period July 1 to July 20 of such year;
 - (2) Receiving and submitting signatures of fifty (50) eligible voting members in support of the petition for candidacy (see Golf Club Member Handbook for eligible voting members).
 - (3) Submitting a complete petition form in accordance with the instructions supplied therewith to the Club Manager prior to July 21.

The Club Manager shall verify the status of members signing in support of such petition. Any submitted petition form not complying with the foregoing requirements shall not be considered and such member shall not be included on the ballot.

- v) The final ballot form will be posted on the Club website at least one week prior to the start of the annual election.

3) Election

- a) Voting will take place over a two-week period online through a secure online service approved by the Nominating Committee and/or Commission that suits our needs.
- b) An invitation email will be sent to all eligible voters with instructions on how to cast your vote online.
- c) For those members wishing to cast their vote onsite, a computer kiosk will be available at

the club during normal business hours throughout the voting time period.

- d) Votes will be tallied in accordance with the instructions provided therewith and will not be counted as a result of any of the following:
 - i) Vote is not cast within the specified time period; or
 - ii) Vote is not cast in accordance with specified instructions; or
 - iii) Vote is rejected for any reason by the online service being used.
- e) Valid ballots shall be tallied for each Commission candidate and Nominating Committee candidate by the online service. The results will be forwarded to the City Clerk who shall submit a list of election results to the City Council for approval no later than November.

4) Voting eligibility

- a) An invitation email shall be sent (to the email on file) to each eligible voting member. The Golf Club Member Handbook shall indicate the membership categories and members entitled to voting privileges.
- b) To receive an invitation email and vote in an election, the voting member must have an email on file and have a member logon account established prior to the election.
- c) No Club member shall be entitled to vote more than once in an election.

Rye Golf Club Commission Responsibilities

1) The Commission.

- a) *Role.* The Commission shall serve in an advisory capacity on behalf of the members of the Golf Club and shall have the responsibilities set forth in Section 1(c) below. Neither the Commission, any Committee of the Commission nor any member of the Commission or member of any Committee thereof, shall have any direct authority or responsibility for execution, implementation or management of any activity, program, employment matter, or contract involving the Golf Club. The Golf Club Manager (who reports to the City Manager) shall be responsible for the execution, implementation and management of the authorized operation of the Golf Club.
- b) *Advisory Recommendations.* The Commission shall make such recommendations as it deems proper in respect of the current and proposed activities, programs, policies and other matters related to the Golf Club, the Commission shall also make recommendations concerning the duties and responsibilities of independent contractors (e.g., Golf

Professional), including recommendations concerning employment of prospective individuals to fill those positions, and any other areas the Commission deems appropriate; such recommendations shall be made directly to the Golf Club Manager. The Commission shall also make recommendations concerning the duties and responsibilities of the Golf Club Manager, including recommendations concerning employment of prospective individuals to fill the position, and any other areas the Commission deems appropriate; such recommendations shall be made directly to the Rye City Manager.

c) *Responsibilities.* The Commission shall:

- i) Adopt, interpret, apply and enforce such rules and regulations relating to the use of the Golf Club as it deems appropriate, which rules and regulations shall not be inconsistent or conflict with any agreement of the City of Rye or any published policy of the Rye City Council;
- ii) review, advise on and approve an annual budget for the Golf Club provided and prepared by Golf Club staff and finance committee. Annual budgets shall include proposed annual membership categories and fees and proposed charges for other services provided by the Golf Club, prior to timely submission of such annual budget to the Rye City Manager;
- iii) select a Commission Chairperson; and
- iv) decide such matters as may be properly brought before the Commission for a decision.

d) *Commission Chairperson.* The responsibilities of the Commission Chairperson shall be:

- i) to appoint a chairperson to each Standing Committee of the Commission;
- ii) to organize limited duration Ad Hoc Committees of the Commission as may be necessary from time to time for the purpose of making recommendations to the Commission in respect of matters not properly within the scope of the usual and customary advisory role of a Standing Committee of the Commission;
- iii) to appoint a chairperson to each Ad Hoc Committee of the Commission;
- iv) to serve as an ex-officio member on each Committee of the Commission;
- v) to appoint a Vice-Chairperson of the Commission who shall serve as Chairperson during the absence of the Chairperson; and
- vi) to direct such matters as the Chairperson deems necessary and appropriate to a Committee of the Commission for the advice and recommendation of such Committee.

2) Committees of the Commission.

- a) *Standing Committees.* The Commission shall have Standing Committees to advise and make recommendations to the Commission on such matters that properly come before a Standing Committee or as may be directed to such Committee by the Commission or the Commission Chairperson. The Standing Committees of the Commission initially shall include Committees relating to Golf, Pool, House and Finance.
 - b) *Ad Hoc Committees.* The Commission shall have such Ad Hoc Committees as may be constituted from time to time pursuant to Section 1(d)(ii) above.
 - c) *Nominating Committee.* The Nominating Committee shall not be considered a Standing Committee or Ad Hoc Committee and shall be subject solely to the rules set forth in the **Rye Golf Club Nominations, Elections and Voting Eligibility** Section 2 concerning Nominating Committee and Nominations.
 - d) *Committee Members and Chairpersons.*
 - i) Each Standing Committee and Ad Hoc Committee of the Commission shall be constituted with no fewer than three members and no more than seven members; provided that a Committee may be constituted with two members and up to nine members in appropriate circumstances with the approval, by majority vote, of the Commission.
 - ii) A Committee member shall be a member of the Golf Club holding a valid current membership entitling such member to voting privileges.
 - iii) The Chairperson appointed to each Standing Committee shall be a Member of the Commission, other than the Chairperson of the Commission.
 - iv) The Chairperson of an Ad Hoc Committee may be a Member of the Commission.
 - v) The Chairperson of a Committee shall make efforts to seek out qualified members to serve as members of such Committee. The Committee Chairperson will then make recommendations to the Commission of any such qualified members it believes should serve on such Committee. Such nominees shall serve as Committee members upon approval by majority vote of the Commission. Such nominees will serve as Committee members at the convenience of the Commission and can be removed from such Committee service at any time and for any reason at the sole discretion of the Commission. A Committee member shall serve until the earlier of the end of the Golf Club year for which he or she serves as a member or the date a Committee terminates, or the date on which such member is removed by the Commission.
16. Consideration of proposed revision of the Rules and Regulations of the City of Rye Police Department

This agenda item was adjourned to a future meeting.

17. Designation of three members to the Boat Basin Nominating Committee

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

RESOLVED, that the City Council of the City of Rye hereby designates Ford Winters (Permit Holder elected to the Nominating Committee in August 2011); George Defilippo (Commission Member not running for re-election); and Dominic Vitiello (Permit Holder appointed by the Commission) as the Rye Boat Basin Nominating Committee for the 2012 Rye Boat Basin Commission elections.

Mayor French designated Councilwoman Brett to serve as City Council Liaison to the Boat Basin Commission.

18. Designation of the City Council Liaison to the Finance Committee by the Mayor

Mayor French designated Councilwoman Killian to serve as City Council Liaison to the Finance Committee.

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

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

20. Resolution to grant permission to the Rye Historical Society to hold a free public event on the Village Green to launch the Walk Rye History Heritage Trail on Saturday, September 8, 2012 at 9:30 a.m.

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

RESOLVED, that the City Council of the City of Rye hereby authorizes the Rye Historical Society to use the Village Green on Saturday, September 8, 2012 from 9:00 a.m. to 3:00 p.m. to

hold a free public event to launch the Walk Rye
History Heritage Trail.

21. Bid Award for Solid Waste Container Service at the Department of Public Works (Contract # 2012-02).
Roll Call.

Councilwoman Parker made a motion, seconded by Councilman Filippi, to adopt the following Resolution:

RESOLVED, that Contract #2012-02, Solid Waste Container Service, is hereby awarded to City Carting, Inc. in the amount of \$52,500.

ROLL CALL:

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

The Resolution was adopted by a 7-0 vote.

CONTRACT 2012-02

Solid Waste Container Service Contract

Contractor				City Carting		
#	Item No.	Items	Quantity		Unit	Total
1	1	20 Cubic Yard Container For Street Sweepings	40	PULLS	\$150.00	\$6,000.00
2	2	Price per Ton for Disposal of Material From ITEM 1	500	TON	\$78.00	\$39,000.00
3	3	30 CY Container for Garbage	50	PULLS	\$150.00	\$7,500.00
Contractor's Total					\$52,500.00	
Engineer's Total					\$52,500.00	
Position					1	
% Above Low Bidder					0.00%	

22. Miscellaneous Communications and Reports

Councilwoman Parker reported that Jack Zahringer and Richard Hourahan of the Landmarks Advisory Committee had attended the June meeting of the Chamber of Commerce and made a presentation on a proposal to create an historic district in the downtown. One landlord came to hear the presentation. Messrs. Zahringer and Hourahan will send something out through the Chamber of Commerce and will come up with a timeline. City Manager Pickup was asked to come up with a list of landlords. Councilwoman Brett said that Mr. Zahringer would like the Council to create a tax incentive system for maintaining historic buildings.

23. Old Business

Councilman Sack said that since the Board of Ethics has issued their report, the Council must decide if any action will be taken as a result of the report.

24. New Business

There was nothing discussed under this topic.

25. Adjournment

There being no further business to discuss Councilman Filippi made a motion, seconded by Councilman Jovanovich and unanimously carried, to adjourn the meeting at 12:16 a.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk