

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Frank J. Culross, City Manager

SUBJECT: Enclosures - Council Packet

DATE: March 19, 2010

Enclosed with this memorandum are the following items:

- 3-16 Memo from Mayor French dated March 15, 2010 regarding parking recommendations for Rye Town Park.
- 3-17 The final application of the Bowman Upper Pond Study submitted to the Federal Emergency Management Agency (FEMA).
- 3-18 Letter from Senator Suzi Oppenheimer, dated March 9, 2010, announcing a Public Hearing to be held on Friday, March 19th at the Greenburgh Town Hall to discuss the Governor's Executive Budget.
- 3-19 Litigation Update from the Corporation Counsel dated March 19, 2010.
- 3-20 Letter from Lincoln Janus, Verizon Franchise Service Manager, dated March 12, 2010 regarding the addition of new channels.
- 3-21 Meeting notice for the week of March 22, 2010.

FJC/emm
Encs.

To: Rye Town Park Commission
From: Douglas French, Mayor – City of Rye
Date: March 15, 2010

RE: Parking Recommendations for Rye Town Park

Based on the discussions at our last Commission meeting, the conversations I have had with many of you, the work of the Rye Town Citizens Parking sub-committee, the recommendations of the City of Rye Finance Committee, high-level discussions with traffic and parking professionals as well as the recommendations of the Rye Town staff, below is a summary of the objectives, strategies and policy actions that I believe are before the Commission to either act upon or evaluate further.

From the City of Rye perspective, we are a co-partner of the park that shares in half of its financial risk and liability, 40% of the capital funding, and takes on the full responsibility when it comes to the surrounding neighborhood and City impacts. While we all want open and affordable access to the park and beach, we also want a facility that restores its quality of life as a park, improves its safety and environmental conditions, and operates breakeven at a minimum so as to not add additional financial burdens to our resident taxpayers. All of this is attainable but will require clear and demonstrated changes that are very important to the City and our residents.

Operating Objectives and Supporting Strategies and Actions

1. Objective: Restore the quality of life of the park land during the Summer months by creating more open green space for users and less parking for cars as a parking lot
 - Strategy: Restrict selected areas of the park for parking
 - a. Action: Restrict sections along Rye Beach Ave. Explore restricting as many cars as possible along NW section of Duck pond along Forest Ave.
 - b. Action: Explore the financial potential of eliminating all parking restrictions during the 3 peak Summer Holiday weekends (9 days)
 - c. Action: Promote and coordinate public transportation access (Bus 76)
 - d. Action: Re-investigate resident on-street parking permits
2. Objective: Increase pedestrian safety within park and reduce traffic risks
 - Strategy: Improve traffic flow in and out of and within park
 - a. Action: Conduct traffic engineer study on traffic routes and directions upon entry into park
 - b. Action: Obtain engineering report on the safety of the pedestrian bridge structure for traffic flow

- c. Action: Utilize staff, cones and stanchions to regulate traffic flow
 - d. Action: Incorporate lighting fixtures that balance the aesthetic needs of the neighbors with increased safety for users
- 3. Objective: Institute a breakeven budget so the park pays for itself and is not reliant on taxpayers to make-up for revenue shortfalls/expense overruns
 - Strategy: Institute policy changes and operational controls
 - a. Action: Incorporate significant differentiated pricing between residents and non-residents that equates value to price. The proposed pricing by staff only allows for a \$2 difference on weekdays and a \$3 difference on weekends. Should also allow for restaurant and evening allowances (tbd)
 - b. Action: Institute tighter management controls and technology to reduce cash slippage (ticket-spitters, credit cards, on-line registration). The average cash business traditionally loses up to 20%.
 - c. Action: Explore shared services and private maintenance contracts for park
 - d. Action: Increase collection, reporting and transparency of data and information for long-term planning
- 4. Objective: Reduce the risk of having the high-volume of cars backed-up and blocking Rye City roadways (Dearborn Ave. and Forest Ave.) in order to get entry into the park
 - Strategy: Improve efficiency of entry into park
 - a. Action: Institute ticket-spitters as entry into park (similar to Mall operations) in order to get cars into park faster and track number of cars. 2 ticket-spitters set 20-feet into park would allow up to 6 cars at a time to be off the road.
 - b. Action: Open up the gate exit that is currently chained off and have cars pay on the way out. Residents need to show resident parking permit for discounted fee. Note: The current entrance with booth could be flopped with this exit or vice versa
- 5. Objective: Protect environment to reduce negative impacts
 - Strategy: Leverage Friends of Rye Town Park master plan
 - a. Action: Work with Friends committee and the City of Rye Conservation Committee to develop a sustainability environmental plan and recommendations



Memo

To: Scott Pickup
From: David Weiss
Date: Tuesday, March 16, 2010
Re: Bowman LPDM - Upper Pond

Attached is the following information for the Upper Pond final application:

- 1) Detailed Scope of Work
- 2) Detailed Cost
- 3) Cost-Effectiveness Analysis Statement
- 4) Borings Location Map

Upon your approval we will forward to FEMA.

Sincerely,

David Weiss

WSP ■ SELLS
555 Pleasantville Road, South Building
P.O. Box 2650
Briarcliff Manor, NY 10510
T: 914.747.1120
F: 914.747.1956

**Cost-Effectiveness Analysis Statement for the City of Rye
Subapplication LPDM-PJ-02-2008-009**

SUBAPPLICATION INFORMATION	
Subapplicant	City of Rye
Project Location	Bowman Avenue
Project Title	Bowman Avenue Dam Site Study. Resize the Upper Pond Reservoir
Estimated Project Cost	\$104,000
POINT OF CONTACT	
Name	Scott Pickup
Title	Assistant City Manager
Address	1051 Post Road, Rye, NY 10580
E-mail	spickup@ryeny.gov
Phone	(914) 967-7404
Fax	(914) 967-4604
COST-EFFECTIVENESS	
Project Description	Preparation of a subsurface investigation and engineering study. The purpose of the study is to analyze the benefit/impact of increasing the storage volume at the Bowman Dam Upper Pond site on reduction of flow and water surface elevation downstream during significant storm events.
Benefits of Proposed Project	<p>There are known records quantifying extreme flood records on Blind Brook in the last 40 years. These storms produced extensive damage to residential structures, yards and streets. Flooding in the Blind Brook watershed typically results in substantial damage especially between Purchase Street and Highland Road. This segment is roughly 135 acres in size with approximately 140 structures located within the 100 year floodplain. Notable storm events include:</p> <ul style="list-style-type: none"> • June 1972 (Hurricane Agnes)-18 year storm • September 1975 (Hurricane Eloise)-18 year storm • November 1977-5 year storm • November 1978-5 year storm • January 1979-12 year storm • April 1980-10 year storm • April 1984-4 year storm • April 2007 Nor'easter produced approximately 8" of runoff <p>The 2007 storm event caused \$83,230,000</p>

	<p>private and \$2,231,000 public property city wide damages. The private damage amounts were based on building assessed values as presented in the CEDAR report for the Westchester County, NY.</p> <p>This project will allow the City of Rye to assess the feasibility and cost-effectiveness of resizing the Upper Pond to allow for increased storage capacity. This includes rock probing and soil contamination assessment. If found cost effective, the project will provide added flood protection for a greater number of downstream properties.</p>
Alternative Project	An alternative project would be to resize the upper pond without performing the necessary subsurface exploration and engineering study. This option would not allow for the feasibility of the pond resizing to be determined. Cost of rock removal; mitigation of contaminated materials; and hydraulic performance could not be ascertained under this alternative.
No Action Option	No feasible and cost-effective mitigation actions will be studied at the Upper Pond site. As a result the community will continue experiencing damages due to flooding.
ADDITIONAL INFORMATION	
Flooding Source	Blind Brook
Area Map	Attached
Hydrologic and Hydraulic Modeling (H&H)	H&H will be part of the engineering study. The study will include storage/discharge curves at the dam for the resized pond, flood routing using NRCS TR-20 hydrologic model, and development of water surface profiles.
Other Alternatives	Improvements upstream and downstream of Bowman dam were investigated in previous studies.

Project Objective:

Quantify and study the impact of resizing the Bowman Avenue Dam reservoir on Blind Brook discharges and water surface profiles downstream of the dam between Interstates I-95 and I-287.

Scope of Work:

Task 1: Subsoil Investigation at the Bowman Avenue dam reservoir.

Borings at the Upper dam Reservoir

WSP-SELLS will coordinate with the City of Rye and the contractor chosen by the City the necessary work required for developing of rock profiles in the northern area of the reservoir along Bowman Avenue. The work will include:

- Development of a probe and boring layout plan necessary for subsoil investigation bidding. Approximately 60 probes and 6 borings are anticipated.
- Field reconnaissance with the successful subcontractor bidder.
- Respond to questions raised by the boring contractor during his work.
- Provide a WSP-SELLS representative during boring process.
- Analyze boring and probe logs furnished by the boring contractor.

Survey

- Stake out all probe/boring locations per boring plan.
- Locate all probes and borings.

Development of Rock Profiles

- Rock profiles and 1 or 2 foot contour map at the rock level will be developed.

Laboratory Analysis

Samples of soil will be collected from 6 different areas of the pond and analyzed in a laboratory for contamination.

Task 2: Hydraulics & Hydrology and Report

The hydraulics and hydrology analysis will include:

- Develop storage/discharge curves for various dam outlet openings and resized reservoir.
- Develop NRCS TR-20 type of hydrologic models and perform flood routing runs through the resized reservoir.
- Analyze, prorate and adjust, as necessary, the discharges developed at the U.S.G.S. gauging station 01300000 based on various flood routing runs.
- Develop water surface profiles between Interstates I-95 and I-287 using previously developed discharges and City approved resized Bowman reservoir.
- Investigate the impacts of the newly resized reservoir upstream of Bowman Avenue on Blind Brook and East Branch Blind Brook.
- Hydraulics and Hydrology report.

Task 3: Construction Cost Estimate

Construction cost estimate will be included in the report.

Task 4: Community Outreach

WSP-SELLS will attend a maximum of two (2) meetings with project stakeholders, community groups and City boards.

DRAFT

Bowman Avenue Dam Site Study. Resize the Upper Pond Reservoir
 City of Rye, N.Y.

Direct Technical Labor

WSPSells, Inc.

10 March, 2010

Task Description	Project Manager	Project Engineer	Hydraulics Engineer	Structural Engineer	Cadd Operator	Party Chief	Instrument Person	Subcontractor	Totals
Task 1 - Subsurface Investigation at Upper Dam Reservoir	12			40	30	50	50	*	
Task 2 - Hydraulics & Hydrology and Report	24		360		80				
Task 3 - Construction Cost Estimate	10			50	24				
Task 4 - Community Outreach	12		8						
Total Hours	58	0	368	90	134	50	50		750
Hourly Rates (including overhead and profit)	\$183.47	\$163.11	\$110.65	\$114.11	\$91.21	\$99.78	\$60.83		
Direct Technical Labor	\$10,641.12	\$0.00	\$40,721.41	\$10,270.26	\$12,221.90	\$4,989.20	\$3,041.66		\$81,885.55
Total Say									\$82,000.00

*Task 1 - Out of Pocket Expense:
 - Borings at the Upper Dam Reservoir

Task Description	Number	Number/Day	Number Days	Cost/Day	Cost
Probes	60	15	4	2200	8800
Borings	6	3	2	2200	4400
Backhoe			3	2000	6000

Task Description	Number	Feet/Each	Total Feet	Cost/Feet	Cost
Corings into Rock	6	4	24	34	816

Total Cost Borings \$20,016

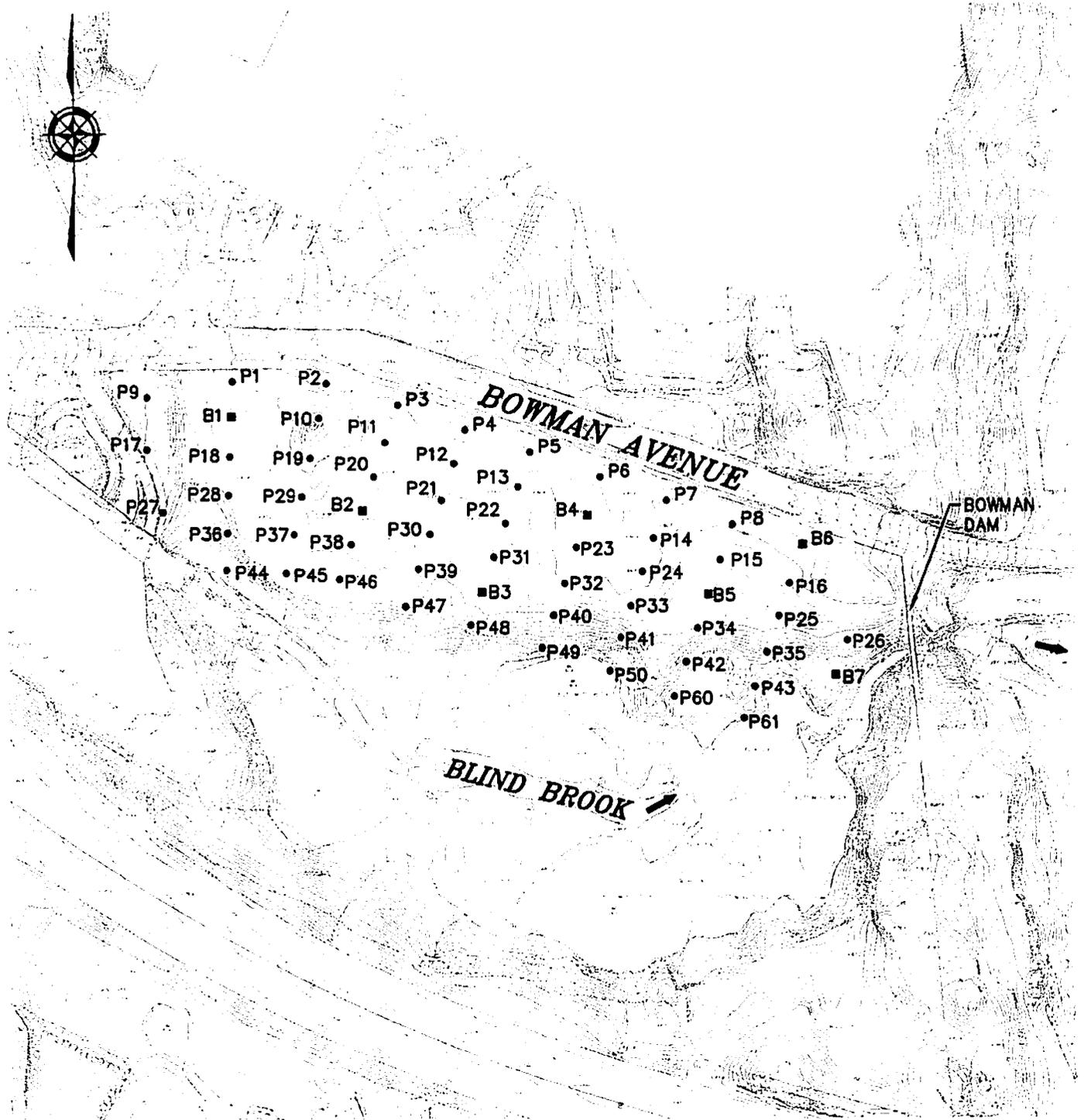
- Soil Sample Testing

Task Description	Number	Number/Day	Number Days	Cost/Day	Cost
Samples	6	3	2	1000	2000

Total Cost Soil Testing \$2,000

TOTAL COST \$104,016.00





LEGEND

- P## = PROBE
- B## = BORING

City of Rye
 Westchester County, New York
 USGS Glenville, Ct Quad Map
 Latitude - 41-00-13 N
 Longitude - 73-41-16 W

Proposed Probe &
 Boring Location Plan
 March 2010
 1" = 200'
 Figure 3



ALBANY OFFICE
ROOM 806
LEGISLATIVE OFFICE BUILDING
ALBANY, NEW YORK 12247
518-455-2031
FAX: 518-426-6860

DISTRICT OFFICE
222 GRACE CHURCH STREET
PORT CHESTER, NEW YORK 10573
914-934-5250
FAX: 914-934-5256

email: oppenhei@senate.state.ny.us

NEW YORK
STATE
SENATE
ALBANY, NEW YORK 12247

SUZI OPPENHEIMER
SENATOR, 37TH DISTRICT

CHAIR
EDUCATION
COMMITTEES
AGING
CITIES
ENVIRONMENTAL CONSERVATION
ETHICS
FINANCE
HIGHER EDUCATION
LOCAL GOVERNMENT
SPECIAL COMMITTEES
ARTS & CULTURAL AFFAIRS
LIBRARIES SUBCOMMITTEE
LONG ISLAND MARINE DISTRICT
SUBCOMMITTEE

March 9, 2010

Received

MAR 15 2010

City Manager's Office
Rye, New York

The Honorable Douglas French
City of Rye
1051 Boston Post Road
Rye, NY 10580

Dear Mayor French,

In an effort to more effectively advocate for the needs and concerns of our constituents, the five senators representing Westchester County have formed the Westchester Delegation of the New York State Senate. I am proud to serve as the Chair of this delegation.

Governor Paterson recently presented the State Legislature with his proposed Executive Budget for the coming year (SFY 2010-11). The Westchester Delegation is holding a public hearing to examine the impact of the proposed budget on our districts and Westchester Country as a whole. Given the tough fiscal and economic times our State continues to face, your input on the key matters affecting our region is more vital than ever. I would like to invite you to attend these hearings to voice your priorities, comments and concerns on the issues of greatest importance to you in this year's budget process.

The hearing will be held on **Friday, March 19th from 9:30 am to 12:30 pm at the Greenburgh Town Hall, 177 Hillside Avenue, Greenburgh, New York.** It will address the priorities for, and impacts of, the Executive's proposed budget on the residents, communities, organizations, and elected officials of Westchester County. Full details of the hearings can be found on the enclosed Public Notice and Reply Form. If you have any questions regarding the hearing, please feel free to contact Katie Kincaid of my district office at (914) 934-5250 or kincaid.nysenate@gmail.com.

I strongly encourage you to attend this hearing to make your voice heard and to ensure that we protect and preserve what is most important to Westchester County. In the event that you are unable to attend, I encourage you to send a representative or submit written testimony to be entered into our records.

Sincerely,

A handwritten signature in black ink that reads "Suzi Oppenheimer". The signature is written in a cursive style with a large initial 'S'.

Suzi Oppenheimer
State Senator

SO:dl

Enclosure
Notice of Public Hearing

NEW YORK STATE SENATE

Notice of Public Hearing



Westchester Delegation

Sen. Suzi Oppenheimer, Chair

Sen. Ruth Hassell-Thompson

Sen. Jeff Klein

Sen. Vincent L. Leibell

Sen. Andrea Stewart-Cousins

SUBJECT: To allow local organizations, elected officials, residents, and communities of Westchester County to provide input on priorities for, and impacts of, the Executive Budget for SFY 2010-2011.

March 19, 2010

9:30 AM - 12:30 PM

Greenburgh Town Hall
177 Hillside Avenue, Greenburgh, NY 10607

Contact: Katie Kincaid at (914) 934-5250 or
Kincaid.nysenate@gmail.com

In an effort to more effectively advocate for the needs and concerns of their constituents, the five senators representing Westchester County will convene this public hearing to assess the priorities and impacts of the Executive's proposed SFY 2010-2011 budget on the residents, communities, organizations and elected officials of Westchester County.

Persons who wish to testify should so indicate on the reply form attached. The Senators will accommodate as many witnesses as possible. Persons wishing to attend or testify at this hearing should complete and return the reply form as soon as possible, but **no later than Tuesday, March 16th**. It is important that the reply form be fully completed and returned so that persons may be notified in the event of postponement or cancellation of the hearing.

We also encourage the submission of written testimony, which will be fully considered by the delegation and be made part of its record. **Written testimony may be e-mailed as an attachment in any common format to the Westchester Senate Delegation in care of:**

Katie Kincaid at Kincaid.nysenate@gmail.com

Witnesses are asked to keep oral testimony to *no more than three minutes in length*. In preparing the order of witnesses, the Westchester delegation will attempt to accommodate individual requests to speak at particular times in view of special circumstances. This request should be made on the attached reply form or to the delegation staff as soon as possible. If you are testifying, please submit **ten copies** of any prepared statement at the hearing registration table.

Accommodations will be provided for individuals with disabilities, upon reasonable request, to afford such individuals access and admission to Senate facilities and activities.

**NY STATE SENATE
Westchester Delegation
Public Hearing Reply Form**

Persons wishing to present testimony at the March 19 public hearing are requested to complete this reply form and return by mail, fax or email to:

Katie Kincaid
Senator Suzi Oppenheimer
222 Grace Church Street
Port Chester, NY 10573
(914) 934-5250
(914) 934-5256 (fax)
Kincaid.nysenate@gmail.com

NAME:

TITLE:

ORGANIZATION:

ADDRESS:

E-MAIL:

TELEPHONE:

FAX:

I will require assistance and/or handicapped accessibility information. Please specify the type of assistance required:

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council
FROM: Kristen K. Wilson, Interim Corporation Counsel
SUBJECT: Litigation Update
DATE: March 19, 2010

LITIGATION

OSBORN v. CITY OF RYE

No new developments.

BEAVER SWAMP BROOK – (DEC Administrative proceeding)

No new developments.

151 PURCHASE STREET ASSOCIATES V. CITY OF RYE, ET AL.

No new developments

SCHUBERT V. CITY OF RYE, ET AL.

No new developments

R.B. CONWAY V. CITY OF RYE

No new developments

DELLI PAOLI V. ZONING BOARD OF APPEALS

No new developments

SHEW v. CITY OF RYE

No new developments.

MOLLOY v. PLANNING COMMISSION, et al

No new developments.

CITY COURT

Routine calendar with no unusual dispositions.

Respectfully submitted,

Kristen K. Wilson

Kristen K. Wilson
Interim Corporation Counsel

KKW/dfn

Received

MAR 16 2010

City Manager's Office
Rye, New York

Lincoln V. Janus
Franchise Manager
Verizon Video



1415 W 22nd St., Tower Floor
Oak Brook, IL 60523
630-645-3801
lincoln.v.janus@verizon.com

March 12, 2010

Dear Sir or Madam:

Please see the messages on the following page which Verizon will make available electronically to all FIOS TV customers beginning March 15, 2010. The messages announce the fact that several channels are being added to the Prime HD package at no increase in cost to the customers. These channel additions will be available on a rolling basis over the next few weeks to our customers.

If you have any questions regarding these additional channels being made available to FIOS TV customers, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Lincoln V. Janus".

Franchise Service Manger

SCREEN MESSAGE:

“More channels coming soon in the Prime HD package! For details, refer to message center”

MESSAGE CENTER:

“Great News! The following channels will be added to the Prime HD package beginning on or after March 15, 2010 at no additional cost:

**Centric – Channel 220
Discovery Health – Channel 161
LOGO – Channel 187
MTV2 – Channel 211
MTV Tr3s – Channel 273
Nicktoons – Channel 254
VH1 Classic – Channel 218
Turner Classic Movies – Channel 230**

These channels are already included in Extreme HD, Ultimate HD, Premier and Essentials packages. You can access your local line up by visiting us at www.verizon.com/fiostvchannels, and entering your home ZIP code.”

**CITY OF RYE
MEMORANDUM**

TO: Department Heads
FROM: City Clerk's Office
SUBJECT: Weekly Meeting Notice
DATE: March 22, 2010

Meetings scheduled to be held during the week of March 22, 2010.

MONDAY, MARCH 22, 2010

Board of Architectural Review
8:00PM
Council Chambers
Mayor's Conference Room

TUESDAY, MARCH 23, 2010

Planning Commission
Council Chambers
Mayor's Conference Room

WEDNESDAY, MARCH 24, 2010

City Council Meeting
8:00 PM
Council Chambers
Mayor's Conference Room

Rye Golf Club Commission
7:00 PM
Whitby Castle Board Room

Landmarks Advisory Committee
8:00 PM
Employee Lounge

THURSDAY, MARCH 25, 2010

Traffic and Pedestrian Safety Committee
7:30 PM
Mayor's Conference Room