

CITY OF RYE

NOTICE

There will be a regular meeting of the City Council of the City of Rye on Wednesday, December 16, 2009, at 8:00 p.m. in the Council Room of City Hall.

AMENDED AGENDA

1. Pledge of Allegiance.
2. Roll Call.
3. Residents may be heard who have matters to discuss that do not appear on the agenda.
4. Public hearing to designate the three parking spaces on the north side of Elm Place closest to Theodore Fremd Ave as fifteen minute parking spaces.
5. Public hearing to amend Chapter 53, "Architectural Review" of the Code of the City of Rye by amending §53-3 "Meetings and Procedures of Board" regarding noticing requirements for applications and to rescind Chapter 68-8(G) "Building and Demolition Permits".
6. Public hearing to amend the Code of the City of Rye Chapters and Sections: §170-6(F) "Subdivision of Land, Procedures for Tentative Approval of Preliminary Layout"; §170-7(C) "Procedures for Approval of Subdivision Plat"; §197-7 "Zoning, Site Development Plan"; §197-10 "Zoning, Uses Permitted Subject to additional Standards"; §197-81(F) "Zoning Appellate Jurisdiction of Board"; §195-5(C) "Wetlands and Watercourses, Public Hearings and Public Notification by Applicant"; §196-15 "Wireless Communications Facilities, Public Hearings Required", regarding noticing requirements.
7. Resolution to adopt the 2010 Budget and establish the 2010 tax levy and 2010 tax rate.
Roll Call
- 7A. Resolution repurposing the 2002 Recreation Bond funds in accordance with the adopted Building & Vehicles budget for 2010.
Roll Call
8. Resolution establishing accounting for gross and net revenues generated from the Central Business District parking pay stations and use of City funds for capital projects in the Central Business District.
Roll Call
9. Resolution authorizing the City Comptroller to make the necessary year-end closing transfers.
Roll Call
10. Resolution to authorize participation in Westchester County contracts.
Roll Call

11. Resolution authorizing the Mayor to execute an agreement with the Rye Free Reading Room to furnish library services for 2010.
Roll Call
12. Resolution to amend changes to local law amending Chapter 191, Vehicles and Traffic, of the Rye City Code by amending Section 191-20, Subsections D and E, to temporarily change public parking on Theodore Fremd Road, from a one-hour limit to a fifteen-minute limit for the duration of the construction on Elm Place.
Roll Call
13. Consideration to set a public hearing to restrict parking on Midland Avenue.
Roll Call
14. Acceptance of grant award from the State of New York in the amount of \$10,000 for Fire Department equipment.
Roll Call
15. Resolution fixing January 6, 2010 as the first regular meeting and the organizational meeting of the City Council for 2010.
16. Miscellaneous communications and reports.
17. Old Business.
18. New Business.
19. Draft unapproved minutes of the Budget Workshop held on November 30, 2009 and the regular meeting of the City Council held on December 2, 2009.
20. Adjournment.

The next regular meeting of the City Council will be held on Wednesday, January 6, 2010.



CITY COUNCIL AGENDA

NO. 4

DEPT.: City Council

DATE: December 1, 2009

CONTACT: Councilman Mack Cunningham

AGENDA ITEM: Public hearing to designate the three parking spaces on the north side of Elm Place closest to Theodore Fremd Ave as fifteen minute parking spaces.

FOR THE MEETING OF:

December 16, 2009

RYE CITY CODE,

CHAPTER 191

SECTION 20

RECOMMENDATION:

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The City of Rye provides for a limited number of fifteen-minute parking spaces where special circumstances make provision of such spaces is needed and where other alternatives are not available.

This proposal adds three spaces in front of a local dry cleaner on Elm Place where alternative access to short-term parking is currently limited and upcoming wall construction will make the situation worse. Currently parking is limited at the west end of Elm Place and cars often utilize the 1-hour term to visit office buildings on Elm, a restaurant on Elm, or Elm and Theodore Fremd real estate offices.

Unlike requests in the core of the central business district, this request is in an outlying commercial area as is the case with a number of the existing fifteen-minute spaces. Parking options are more limited.

Please see attached Draft Local Law

**LOCAL LAW
CITY OF RYE NO. ___ OF 2009**

**A Local law to amend Chapter 191 “Vehicles and Traffic” by amending Article III
“Parking Regulations” to the City Code of the City of Rye.**

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

Section 1. Chapter 191 “Vehicles and Traffic” is hereby amended by amending Article III “Parking Regulations” as follows:

§ 191-20. Parking time limited.

D.

One-hour limit. The parking of vehicles is hereby prohibited in the following locations for a period longer than one hour between the hours of 7:00 a.m. and 6:00 p.m., except on Sundays:

Name of Street	Side	Location
Cowles Avenue		
Elm Place	South	
Elm Place	North	Entire North side except three spaces closest to Theodore Fremd Avenue
Haviland Lane	West	
Hillcrest Lane	Both	
Locust Avenue	Both	From easterly end of Mead Place to Theodore Fremd Avenue
Mead Place	Both	Westerly portion off Locust Avenue
Mead Place	East	Easterly portion off Locust Avenue
Purchase Street	Both	From Boston Post Road to Natoma Street
Purdy Avenue	Both	From Third Street to First Street
School Street	West	
Theodore Fremd Avenue	South	From Elm Place to the entrance to Car Park No. 2
Third Street	Both	From Commuter Parking Area to a point 100 feet north of Purdy Avenue

E.

Fifteen-minute limit. The parking of vehicles is hereby prohibited in the following locations for a period longer than 15 minutes between the hours of 7:00 a.m. and 7:00 p.m., except on Sundays:

Name of Street	Side	Location
Boston Post Road	East	From Central Avenue to Rectory Street
Elm Place	North	Three spaces on North side closest to Theodore Fremd Avenue

Forest Avenue	West	From southwest driveway of service station to Elmwood Avenue
Purchase Street	East	From Elizabeth Street southerly for 140 feet
Purdy Avenue	North	From the east side of the post office property to Third Street
Theodore Fremd Avenue	South	From Elm Place to the entrance to Car Park No. 2
Third Street	East	From Purdy Avenue to the post office driveway
Third Street	West	From Purdy Avenue to a point 100 feet north thereof

Section 2. Severability

If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder thereof.

Section 3.

This local law shall take effect immediately upon filing in the Office of the Secretary of State.

To: Mayor and Council

From: Brian Dempsey, Traffic and Transportation Committee Chair

Date: December 2, 2009

Re: T & T Recommendations for Elm Street and Midland Avenue

Theodore Fremd/Elm Place Parking - it is the T&T's opinion that the 15 minute parking could be installed during the reconstruction of the bridge/wall. However, from a long-term standpoint, the T&T has some concerns. First, the T&T feels that it should be discussed with the other tenants in the building and adjacent building. Second, it could set a precedent for other requests. While there is a 15 minute parking area at the UPS facility and at the Post Office, these facilities do not have the same adjacent uses. There have been other requests for 15 minute parking, including by the Smoke Shop, which was denied by the City Council and by Sunrise Pizza (the two spots adjacent to the building so that people could run in and pick up their pizza), which is currently being reviewed by the T&T in conjunction with the request from Fong's. If these are granted, there could be similar requests from other facilities such as Longford's, and the other pizza store on Elm, the Yogurt store opposite Sunrise, Subway, etc.

Midland Avenue Parking - there has been a request to the T&T, supplemented by a petition, to prohibit parking on the east side of Midland Avenue from Ellis Court to Goldwyn Street, extending the existing "No Parking" Zone on the east side. The request was that the on-street parking there, which generally only occurs on Soccer Saturdays and during school events, and sometimes at night, blocks sight distance for the streets and driveways. The T&T was generally acceptable to this based upon the limited impact and the narrowness of the road at this point. However, while this does help the sight distance, there are also negatives. The on-street parking does provide a benefit in that it does keep the road narrow and thus slows vehicles driving by. In addition, the removal of this parking will force more cars to park on the side streets, including drivers destined to the nearby restaurant, which could then force patrons to park further away from the restaurant (which could affect the business of the restaurant) and force residents to park further from their residences. Another factor that must also be considered is that the T&T has also recently received a request from the resident at 393 Midland Avenue to prohibit parking in front of their neighbor's house along Midland Avenue because of sight distance limitations while backing out of her driveway. However, while one of the negatives of any on-street parking is that it limits sight distance, the T&T is not in favor of eliminating this on-street parking at this time as it would set a precedent along this street, the on-street parking is needed for the various residences as well as the restaurants and pizza place, and the on-street parking helps keep traffic slower in this area. The T&T will look at this further. The No Parking near Ellis should be performed when the other Midland Avenue work is performed. The T&T also suggests that Rye Youth Soccer encourage drivers on Saturdays to park at Midland School, including the parking spaces behind the school.

cc: F. Culross, City Manager
S. Pickup, Assistant City Manager

CC Mtg
2-1-06

21A. Discussion of 15 minute parking

Councilman Seitz discussed his proposal to create 9 spaces along Purchase Street and wrapping around Elm Place (near the Smoke Shop) with a 15 minute parking limit. He said most of the stores in this area are short stops and this regulation would provide more turnover and better traffic control. He said any one seeking a longer stay downtown would park in a lot. This proposal represents the first attempt, based on actual usage, at trying to figure out how best to use Rye's limited parking spaces. Councilman Pratt said the concept was good, but suggested a 30-minute limit and noted that the heavy presence of the Police Enforcement Officers in that area will likely lead to increased tickets. Councilman Ball also agreed in concept, but was concerned about the possible effect on other stores in the area and wanted feedback from the police, the rest of the staff and the merchants. He also suggested getting feedback about how the 15-minute limit works in the area of the post office and expressed concern about those who might want to stay longer and stop in more places.

6. Consideration of setting a public hearing on proposal to reduce maximum permitted time on 9 parking spaces from west side of Purchase Street just South of HSBC around Elm Place to Haviland Lane

Councilman Seitz said he was proposing reducing the maximum permitted time on 9 parking spaces on Purchase Street around the corner to Elm Place in recognition of the different uses by various businesses. He said it was just an idea and he thinks it would be good to get people out to talk about it. *Jim Finneran, owner of the Pub at Elm Place* spoke in opposition to the idea saying it would divide the neighborhood and pit the pizza shop and the framing store against the coffee shop and the smoke shop. The Mayor said it was better to encourage people to park longer and shop more and he felt the merchants were also opposed to the idea. Councilman Hennes asked if this wasn't a bit prejudicial – why only this part of Purchase Street? Councilman Ball applauded the premise but, along with others on the Council, questioned how it would be enforced? Councilman Cunningham said he was still waiting for reaction from staff and the Rye Merchant's Association.

The Mayor suggested continuing the conversation without setting a public hearing, but Councilman Seitz made a motion, seconded by Councilman Hennes, to adopt the following resolution:

WHEREAS, the Council wishes to amend Section 191-20-C of the Rye City Code, Parking time limited, to create a Fifteen-Minute Parking Only zone on the west side of Elm Place beginning at the exit from Car Park #2 to Purchase Street and north on the west side of Purchase Street approximately 100 feet for a maximum of nine spaces; and

WHEREAS, it is now desired to call a public hearing on such proposed amendment to the law; now, therefore, be it

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

Section 1. Pursuant to Section 20 of the Municipal Home Rule Law and the Charter of the City of Rye, New York, a public hearing will be held by the Council of said City on April 5, 2006 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 such proposed local law.

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

**PUBLIC NOTICE
CITY OF RYE**

Notice of Public Hearing to amend Section 191-20-C of the Rye City Code, Parking time limited, to create a Fifteen-Minute Parking Only zone on the west side of Elm Place beginning at the exit from Car Park #2 to Purchase

4. Public Hearing to amend Section 191-20-C of the Rye City Code, Parking time limited, to create a Fifteen-Minute Parking Only zone on the west side of Elm Place beginning at the exit from Car Park #2 to Purchase Street and north on the west side of Purchase Street approximately 100 feet for a maximum of nine spaces

The Mayor opened the public hearing. Councilman Seitz said his proposal to limit parking at four spots on Elm Place to 20 minutes (a revision of the previous proposal) was an effort to address at least one portion of the parking issues in the Central Business District (CBD). He said the Rye Merchants Association (RMA) has not taken a position as they have differing views and Commissioner Connors has been helpful in preparing a memo outlining some of the potential difficulties. *Jim Finneran, owner of the Pub at Elm Place*, said he and others were against the proposal and presented a petition opposing the proposal signed by 40 merchants. He said they are basically an unhappy group and while they want to promote turnover they do not think this is the correct way. When asked what he would suggest, Mr. Finneran suggested building a parking structure or moving the merchants away from the stores. Councilman Pratt said the Council needed to play a more active role in finding a solution and said he would work on preparing a proposal to relocate the merchant parking spaces.

The Mayor closed the public hearing. In general the Council felt this proposal should not be enacted into law. Councilman Seitz said he was just happy that people were now talking seriously about finding solutions.



CITY COUNCIL AGENDA

NO. 5

DEPT.: City Mayor

DATE: December 8, 2009

CONTACT: Mayor Otis

ACTION: Public hearing to amend Chapter 53, "Architectural Review" of the Code of the City of Rye by amending §53-3 "Meetings and Procedures of Board" regarding noticing requirements for applications and to rescind Chapter 68-8(G) "Building and Demolition Permits".

FOR THE MEETING OF:

December 16, 2009

RYE CITY CODE,

CHAPTER
SECTION

RECOMMENDATION:

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: Based upon concerns from a resident who indicated he and his neighbors did not receive notice of a BAR application, the City Council discussed revising Code provisions relating to notice for BAR applications.

See attached draft Local Law(s) to amend Chapter 53 "Architectural Review"

See attached comments from the Board of Architectural Review regarding the revisions.

City of Rye

Memorandum

FROM: Mayor Otis

TO: Fellow Members of the City Council

The Board of Architectural Review has commented on the notice issues raised at previous meetings and on our December 16th agenda.

Kristen Wilson has provided an alternative draft that removes the sign requirement and addresses another issue raised by the board.

Both drafts are available for our consideration. I have also asked Kristen to look into whether “abutter” needs to be defined.

**LOCAL LAW
CITY OF RYE NO. ___ OF 2009**

**A Local law to amend Chapter 53 “Architectural Review” by amending §§ 53-3 and 53-10
of the City Code of the City of Rye.**

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

Section 1. Chapter 53 “Architectural Review” is hereby amended by amending Section 53-3 “Meetings and procedures of Board” as follows:

§ 53-3. Meetings and procedures of Board.

C.

Notice. An applicant for a building permit needing Board of Architectural Review approval for any project shall notify immediate neighbors of the application upon its filing and at least 14 days before the date of any Board of Architectural Review meeting. To facilitate notification of the public, a public notification list shall be prepared by the applicant, using the most current City of Rye Tax Maps and Tax Assessment Roll, showing the Tax Map sheet, block and lot number, the owner's name and owner's mailing address for each property located wholly or partially within 500 feet of the perimeter of the property that is the subject of the application. If a property within the notification area is a multi-family dwelling, apartment building, cooperative or similar type residential structure, the applicant shall send five (5) notices to the property owner instructing same to place those five notices in the common area(s) of such building so as to be visible to the residents of such building. Such notice shall be given either personally or by first-class mail and the notice shall substantially conform to the model notice in Schedule A. All notices mailed to abutting property owners must be sent via certified mail, return receipt requested. An affidavit attesting to proper notice must be submitted to the Building Department at the time of the meeting. If the notices are mailed, all certificates of mailing and receipts returned must accompany the affidavit. However, in the event that not all of the return receipts have been received before the public hearing, the public hearing shall still proceed as long as the applicant has complied with all of the other noticing requirements.

Section 2. Repeal.

Repeal Section 68-8 “Building and Demolition Permits” (G) Notice.

Section 3. Severability

If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder thereof.

Section 4.

This local law shall take effect as of March 1, 2010.

DRAFT

**LOCAL LAW
CITY OF RYE NO. ___ OF 2009**

A Local law to amend Chapter 53 “Architectural Review” by amending §§ 53-3 and 53-10 of the City Code of the City of Rye.

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

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§ 53-3. Meetings and procedures of Board.

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In addition, the applicant shall post a sign on the property in a visible location indicating that a public meeting has been scheduled. The sign shall be placed on the property at least seven (7) days prior to the meeting. The sign shall include the date, time and place of the scheduled meeting.

Section 2. Repeal.

Repeal Section 68-8 “Building and Demolition Permits” (G) Notice.

Section 3. Severability

If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder thereof.

Section 4.

This local law shall take effect as of March 1, 2010.

DRAFT

**BOARD OF ARCHITECTURAL REVIEW
COMMENTS ON PROPOSED REVISIONS TO NOTICE REQUIREMENTS**

The members of the Board of Architectural Review (“BAR”) have reviewed the proposed changes to the notice requirements pertaining to BAR submissions. The members of BAR unanimously believe that the changes as proposed are more burdensome on applicants than is warranted. The members of BAR have different views as to specific aspects of the notice requirements.

All members of BAR agree that:

- (1) Notice requirements should be those which impose the least burden necessary to accomplish the purpose of ensuring that adequate notice is given.
- (2) Requiring the posting of a sign on the site is not necessary and is too burdensome on the applicant.
- (3) The code should be clear that any change in the notice requirement will not delay an application coming before BAR. Specifically, if the submission of return receipts is required, the failure to submit all of the receipts should not delay the proceeding.
- (4) Care should be taken not to impose notice requirements on small projects which are out of proportion to the scope of the project. Currently, small projects are exempt from BAR review.

Different members of BAR have different views as to whether any change in the notice requirements is warranted. Some members believe that the current system works well, that an occasional complaint by a neighbor that they did not receive the required notice does not justify changing the notice requirements, and that more burdensome requirements would create more problems than would be solved. Other BAR members think that expanding the area to which neighbors must be given notice and requiring some sort of proof of notice having been given to abutting property owners beyond a statement of the applicant would be useful to avoid assertions that proper notice was not given. The following are some alternative approaches which were suggested:

- (1) require only Post Office proof of mailing
- (2) require only that Post Office proof mailing be attached to the affidavit, with submission of return receipts to follow
- (3) require publication of the notice in the newspaper of record, rather than requiring return receipts.

Board of Architectural Review



CITY COUNCIL AGENDA

NO. 6

DEPT.: City Mayor

DATE: December 8, 2009

CONTACT: Mayor Otis

ACTION: Public hearing to amend the Code of the City of Rye Chapters and Sections: §170-6(F) "Subdivision of Land, Procedures for Tentative Approval of Preliminary Layout"; §170-7(C) "Procedures for Approval of Subdivision Plat"; §197-7 "Zoning, Site Development Plan"; §197-10 "Zoning, Uses Permitted Subject to additional Standards"; §197-81(F) "Zoning Appellate Jurisdiction of Board"; §195-5(C) "Wetlands and Watercourses, Public Hearings and Public Notification by Applicant"; §196-15 "Wireless Communications Facilities, Public Hearings Required", regarding noticing requirements.

FOR THE MEETING OF:

December 16, 2009

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION:

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: Based upon concerns from a resident who indicated he and his neighbors did not receive notice of a BAR application, the City Council discussed revising Code provisions relating to notice for the various board applications.

See attached draft Local Law.

**LOCAL LAW
CITY OF RYE NO. ___ OF 2009**

A Local law to amend the Code of the City of Rye Chapters and Sections: §170-6(F) “Subdivision of Land, Procedures for Tentative approval of Preliminary Layout”; §170-7(C) “Procedures for Approval of Subdivision Plat”; §197-7 “Zoning, Site Development Plan”; §197-10 “Zoning, Uses Permitted Subject to additional Standards”; §197-81(F) “Zoning Appellate Jurisdiction of Board”; §195-5(C) “Wetlands and Watercourses, Public Hearings and Public Notification by Applicant”; §196-15 “Wireless Communications Facilities, Public Hearings Required”, regarding noticing requirements.

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

Section 1. Chapter 170 “Subdivision of Land” is hereby amended by amending Section 170-6 “Procedures for Tentative approval of Preliminary Layout” as follows:

§ 170-6 (F). Procedures for Tentative approval of Preliminary Layout.

F. Informal public hearing and public notification by subdivider. The Planning Commission, at its discretion, may hold an informal public hearing on the preliminary layout, particularly where the layout of the subdivision will affect adjacent properties. In the event that more than one informal public hearing is held, a fee, to be set by the City Council annually by resolution before adoption of the budget, shall be paid for each additional informal public hearing. To facilitate notification of the public, a public notification list shall be prepared by the subdivider, using the most current City of Rye Tax Maps and Tax Assessment Roll, showing the Tax Map sheet, block and lot number, the owner’s name and owner’s mailing address for each property located wholly or partially within 500 feet of the perimeter of the property that is the subject of the application, when said property is located in R-1 through R-6, RT, RA-1 through RA-5 or RFWP Zoning Districts, and 750 feet when said property is located in RS, B-1 through B-7, LPD, MC, WR or C Zoning Districts. If a property on the public notification list is also listed as a cooperative or an apartment on a list entitled “Apartment List City of Rye,” maintained by the City Assessor’s office, the address of each of the dwelling units in the building shall also be listed under the name “occupant,” and each “occupant” shall be considered a property owner for the purposes of the list. When an informal public hearing is required by the Planning Commission, the subdivider shall deliver a copy of the public notice provided by the City Planner to all of the property owners contained on the public notification list either personally or by first-class mail, posted within Westchester County at a post office or official depository of the Postal Service, and shall post a sign on the property in accordance with the following requirements:

- (1) The delivery or mailing shall be limited solely to the public notice provided to the applicant by the City Planner.
- (2) In the case of personal delivery the public notice shall be delivered to all of the property owners and/or their spouses contained on the public notification list at least seven days prior to the date of the public hearing.

- (3) In the case of delivery by mail, the public notice shall be mailed to all **abutting** property owners contained on the public notification list by **certified mail return receipt requested** and all other property owners by regular first-class mail, posted within Westchester County at a post office or official depository of the Postal Service, at least 10 days prior to the date of the public hearing.
- (4) **At least** ~~Within~~ two business days **prior to the public hearing** ~~after personal delivery or mailing the public notice~~, the subdivider shall file an affidavit with the City Planner stating that the public notification list was prepared in accordance with required procedures, that the list includes all properties located wholly or partially within 500 feet of the perimeter of the property that is the subject of the application, when said property is located in R-1 through R-6, RT, RA-1 through RA-5 or RFWP Zoning Districts, and 750 feet when said property is located in RS, B-1 through B-7, LPD, MC, WR or C Zoning Districts, that the public notice was personally delivered or mailed **by certified mail, return receipt requested to all abutting property owners and by regular mail** to all ~~other of the~~ property owners on the list and the date on which the public notice was delivered or mailed, which affidavit shall contain a copy of the list and the public notice. **In addition, all certificates of mailing and all return receipts received from the certified mailings shall accompany the affidavit. If all return receipts from the certified mailings are not received prior to the affidavit being filed, the public hearing may still proceed as long as the applicant has complied with all other noticing requirements.**
- (5) In the event that a mailed notice is returned by the Postal Service because it could not be delivered, the envelope indicating the reason for the return shall be filed with the City Planner no later than the day before the day of the public hearing.
- (6) At least one week preceding the date of the public hearing at least one sign, a minimum of two feet by three feet in size and carrying a legend prescribed by the Planning Commission announcing the public hearing, shall be posted on the property. The height of the lettering on the sign shall be no less than two inches, except that the words PUBLIC NOTICE appearing at the top of the sign shall have no less than five-inch-high lettering. The sign shall be in full public view from the street and not more than 30 feet therefrom. No later than the date before the day of the public hearing, the subdivider shall file an affidavit with the City Planner stating that the sign was posted on the property in accordance with these requirements. The sign shall be removed from the property within two days after the public hearing.
- (7) **In accordance with General City Law, at least five days prior to the public hearing, the City will publish a notice regarding the public hearing in the official newspaper of the City. The applicant shall be responsible for payment of all fees associated with such publication and any subsequent publication necessary.**

Section 2. Chapter 170 “Subdivision of Land” is hereby amended by amending Section 170-7(C) “Procedure for Approval of Subdivision Plat” as follows:

Public hearing and public notification by subdivider. Before the Planning Commission acts on any subdivision plat, it shall hold a public hearing thereon in accordance with the General City Law. To facilitate notification of the public, a public notification list shall be prepared by the subdivider, using the most current City of Rye Tax Maps and Tax Assessment Roll, showing the Tax Map sheet, block and lot number, the owner’s name and owner’s mailing address for each property located wholly or partially within 500 feet of the perimeter of the property that is the subject of the application, when said property is located in R-1 through R-6, RT, RA-1 through RA-5 or RFWP Zoning Districts, and 750 feet when said property is located in RS, B-1 through B-7, LPD, MC, WR or C Zoning Districts. If a property on the public notification list is also listed as a cooperative or an apartment on a list entitled “Apartment List City of Rye,” maintained by the City Assessor’s office, the address of each of the dwelling units in the building shall also be listed under the name “occupant,” and each “occupant” shall be considered a property owner for the purposes of the list. When an informal public hearing is required by the Planning Commission, the subdivider shall deliver a copy of the public notice provided by the City Planner to all of the property owners contained on the public notification list either personally or by first-class mail, posted within Westchester County at a post office or official depository of the Postal Service, and shall post a sign on the property in accordance with the following requirements:

- (1) The delivery or mailing shall be limited solely to the public notice provided to the applicant by the City Planner.
- (2) In the case of personal delivery the public notice shall be delivered to all of the property owners and/or their spouses contained on the public notification list at least seven days prior to the date of the public hearing.
- (3) In the case of delivery by mail, the public notice shall be mailed to all **abutting** property owners contained on the public notification list by **certified mail return receipt requested** and all other property owners by regular first-class mail, posted within Westchester County at a post office or official depository of the Postal Service, at least 10 days prior to the date of the public hearing.
- (4) **At least** ~~Within~~ two business days **prior to the public hearing** ~~after personal delivery or mailing the public notice~~, the subdivider shall file an affidavit with the City Planner stating that the public notification list was prepared in accordance with required procedures, that the list includes all properties located wholly or partially within 500 feet of the perimeter of the property that is the subject of the application, when said property is located in R-1 through R-6, RT, RA-1 through RA-5 or RFWP Zoning Districts, and 750 feet when said property is located in RS, B-1 through B-7, LPD, MC, WR or C Zoning Districts, that the public notice was personally delivered or mailed **by certified mail, return receipt requested to all abutting property owners and by regular mail** to all ~~other~~ ~~of the~~ property owners on the list and the date on which the public

notice was delivered or mailed, which affidavit shall contain a copy of the list and the public notice. **In addition, all certificates of mailing and all return receipts received from the certified mailings shall accompany the affidavit. If all return receipts from the certified mailings are not received prior to the affidavit being filed, the public hearing may still proceed as long as the applicant has complied with all other noticing requirements.**

- (5) In the event that a mailed notice is returned by the Postal Service because it could not be delivered, the envelope indicating the reason for the return shall be filed with the City Planner no later than the day before the day of the public hearing.
- (6) At least one week preceding the date of the public hearing at least one sign, a minimum of two feet by three feet in size and carrying a legend prescribed by the Planning Commission announcing the public hearing, shall be posted on the property. The height of the lettering on the sign shall be no less than two inches, except that the words PUBLIC NOTICE appearing at the top of the sign shall have no less than five-inch-high lettering. The sign shall be in full public view from the street and not more than 30 feet therefrom. No later than the date before the day of the public hearing, the subdivider shall file an affidavit with the City Planner stating that the sign was posted on the property in accordance with these requirements. The sign shall be removed from the property within two days after the public hearing.
- (7) **In accordance with General City Law, at least five days prior to the public hearing, the City will publish a notice regarding the public hearing in the official newspaper of the City. The applicant shall be responsible for payment of all fees associated with such publication and any subsequent publication necessary.**

Section 3. Chapter 196-15 “Telecommunications – Public hearing required” is hereby amended by amending Section 196-15(A) “Public hearing and public notification by applicant” as follows:

§ 196-15 Public hearing required.

A.
Public hearing and public notification by applicant. Before the City Council acts on any application, it shall hold a public hearing thereon in accordance with the General City Law. To facilitate notification of the public, a public notification list shall be prepared by the applicant, using the most current City of Rye Tax Maps and Tax Assessment Roll, showing the Tax Map sheet, block and lot number, the owners name and owner’s mailing address for each property located wholly or partially within 750 feet of the perimeter of the property that is the subject of the application. If a property on the public notification list is also listed as a cooperative or an apartment on a list entitled “Apartment List City of Rye,” maintained by the City Assessor’s office, the address of each of the dwelling units in the building shall also be listed under the name “occupant,” and each occupant

shall be considered a property owner for the purposes of the list. When the public hearing is required by the City Council, the applicant shall deliver a copy of the public notice provided by the City Planner to all of the property owners contained on the public notification list either personally or by first-class mail. **The applicant shall mail the notice to all abutting property owners via certified mail, return receipt requested. The notices must be,** posted within Westchester County at a post office or official depository of the postal service;. **The Applicant and** shall **also** post a sign on the property. **The above mailing and posting notice requirements must be performed in accordance with the following requirements:**

(1)
The delivery of mailing shall be limited solely to the public notice provided by the City Planner.

(2)
In the case of personal delivery, the public notice shall be delivered to all of the property owners and/or ~~their spouses~~ **a person of suitable age and discretion** ~~contained on the public notification list~~ at least 14 days prior to the date of the public hearing.

(3)
In the case of delivery by mail, the public notice shall be mailed to the property owners contained on the public notification list by first-class mail, posted within Westchester County at a post office or official depository of the Postal Service, at least 21 days prior to the date of the public hearing. **The applicant shall mail the notice to all abutting property owners via certified mail, return receipt requested.**

(4)
~~Within two business days after the personal delivery or mailing of the public notice,~~ **On or before the day of the public hearing,** the applicant shall file an affidavit with the City Planner stating that the public notification list was prepared in accordance with required procedures, that the list includes all property located wholly or partially within 750 feet of the perimeter of the property that is the subject of the application, and that the public notice was personally delivered or mailed to all of the property owners on the list and the date on which the public notice was delivered or mailed, which affidavit shall contain a copy of the list and the public notice. **In addition, all certificates of mailing and all return receipts received from the certified mailings shall accompany the affidavit. If all return receipts from the certified mailings are not received prior to the affidavit being filed, the public hearing may still proceed as long as the applicant has complied with all other noticing requirements.**

(5)
In the event that a mailed public notice is returned by the postal service because it could not be delivered, the envelope indicating the reason for the return shall be filed with the City Planner no later than the day before the day of the public hearing.

(6)

At least on week preceding the date of the public hearing, at least one sign, a minimum of two feet by three feet in size and carrying a legend prescribed by the city Council announcing the public hearing, shall be posted on the property. The height of the lettering on the sign shall be no less than two inches, except that the words "PUBLIC NOTICE" appearing at the top of the sign shall have no less than five-inch-high lettering. The sign shall be in full public view from the street and not more than 30 feet therefrom. No later than the day before the day of the public hearing, the applicant shall file an affidavit with the City Planner stating that the sign was posted on the property in accordance with these requirements. The sign shall be removed from the property within two days after the public hearing.

Section 4. Chapter 195-5(C) "Permit standards and procedures" is hereby amended by amending Section 195-5(C) "Public hearing and public notification by applicant" as follows:

§ 195-5(C) Public hearings and public notification by applicant.

- (1) When an activity subject to regulation under this chapter also requires Planning Commission approval pursuant to another chapter of the Code of the City of Rye, the requirements for public hearings and public notification by the applicant shall be the same as required for the other approval. When the only other approval involves Chapter 73, Coastal Zone Management Waterfront Consistency Review, the requirements below shall apply. When an activity subject to regulation under this chapter does not also require Planning Commission approval pursuant to another chapter of the Code of the City of Rye and, in the case of Chapter 73, Coastal Zone Management Waterfront Consistency Review, before the Planning Commission acts on the application, it shall hold a public hearing, ~~notice of which shall be published in the official city newspaper at least five days prior to the hearing, and~~ The applicant shall provide additional public notification in accordance with the public notification requirements set forth in the Planning Commission's rules and regulations adopted pursuant to this chapter. **All public notifications must be mailed via certified mail, return receipt requested to abutting property owners. Prior to the public hearing, all certificates of mailing and return receipts received must be turned into the Planning Commission with an affidavit attesting that the noticing procedures were properly followed. If all return receipts from the certified mailings are not received prior to the affidavit being filed, the public hearing may still proceed as long as the applicant has complied with all other noticing requirements.**
- (2) Insofar as possible, any public hearing on the application shall be integrated with any public hearing required or otherwise held pursuant to any other law, including the State Environmental Quality Review Act, and only one public notice need be

prepared, provided that the notice contains all of the information required for each hearing.

(3)

Any party may present evidence and testimony at the hearing. At the hearing, the applicant shall have the burden of demonstrating that the proposed activity will be in accord with the goals and policies of this chapter and the standards set forth in § 195-5D.

Section 5. Chapter 197-81 “Appellate Jurisdiction of Board” is hereby amended by amending Section 197-81(F) “Public Notification by applicant” as follows:

To facilitate public notification, the applicant shall prepare a public notification list using the most current City of Rye Tax Maps and Tax Assessment Roll, showing the Tax Map sheet, block and lot number, the owner’s name and the owner’s mailing address for each property located wholly or partially within 500 feet of the perimeter of the property that is the subject of the application. The applicant shall deliver a copy of the public notice provided by the City Clerk to all of the property owners contained on the public notification list, either personally or by mail, in accordance with the following requirements:

- (2) In the case of personal delivery, the public notice shall be delivered to all property owners and/or someone of **suitable age and discretion** ~~their spouses~~ contained on the public notification list at least seven days prior to the date of the public hearing.
- (3) In the case of delivery by mail, the public notice shall be mailed to all **abutting property owners by certified mail return receipt requested and all other** property owners contained on the public notification list by first-class mail, posted within Westchester County at a post office or official depository of the Postal Service, at least 10 days prior to the date of the public hearing.
- (4) ~~Within two business days after the personal delivery or mailing of the public notice,~~ **On or before the date of the public hearing,** the applicant shall file a sworn statement with the City Clerk stating that the public notification list was prepared in accordance with required procedures, that the list includes all properties located wholly or partially within 500 feet of the perimeter of the property that is the subject of the application, that the public notice was personally delivered or mailed to all of the property owners on the list and the date on which the public notice was delivered or mailed, **and the return receipts (if any) received by the applicant.** ~~The which~~ affidavit shall contain a copy of the list and the public notice.
- (5) If a mailed public notice, **whether by regular mail or certified mail,** is returned by the Postal Service because it could not be delivered, the envelope indicating the reason for the return shall be filed with the City Clerk no later than the day of the public hearing. **If all return receipts from the certified mailings are not received prior to the affidavit being filed, the public hearing may still proceed as long as the applicant has complied with all other noticing requirements.**

- (6) **In accordance with General City Law, at least five days prior to the public hearing, the City will publish a notice regarding the public hearing in the official newspaper of the City. The applicant shall be responsible for payment of all fees associated with such publication and any subsequent publication necessary.**

Section 6. Repeal.

Repeal Section 68-8 “Building and Demolition Permits” (G) Notice.

Section 7. Severability

If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder thereof.

Section 8.

This local law shall take effect as of March 1, 2010.



CITY COUNCIL AGENDA

NO. 7

DEPT.: Finance

DATE: December 4, 2009

CONTACT: Jean Gribbins, City Comptroller

AGENDA ITEM: Resolution to adopt the 2010 budget and establish the 2010 City tax levy and tax rate.

FOR THE MEETING OF:
December 16, 2009

RECOMMENDATION: That the City Council adopt the following resolution:

WHEREAS, on November 9, 2009 the 2010 Tentative Budget was presented to the City Council, and,

WHEREAS, since November 9, 2009 the City Council has adopted several amendments to the 2010 Tentative Budget, now, therefore be it

RESOLVED, that the tentative budgets and fee schedules as amended for the General Fund, Cable TV Special Revenue Fund, K.T. Woods Permanent Fund, Debt Service Fund, Capital Projects Fund, Boat Basin Enterprise Fund, Golf Club Enterprise Fund, Risk Retention Internal Service Fund and Building and Vehicle Maintenance Internal Service Fund, are hereby adopted for the fiscal year ending December 31, 2009, and be it further

RESOLVED, that the City Council does hereby certify to the City Comptroller the 2010 City of Rye tax rate of \$139.52 per \$1,000 taxable assessed valuation and the 2010 City of Rye tax levy of \$19,433,844 and be it further

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

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: On November 9, 2009 the City Manager and City Comptroller presented the 2010 Tentative Budget to the City Council. The tentative budget has since been reviewed and amended by resolutions adopted by City Council at public meetings. The above resolution provides for the adoption of the 2010 Budget.

City of Rye

Memorandum

FROM: Mayor Otis

TO: Fellow Members of the City Council

Based upon discussion at our last meeting and information provided by the City Manager since December 2nd I am providing an outline of budget adjustments for our meeting on December 16th.

1. We have an agenda item establishing accounting for central business district parking pay stations revenues and capital projects in the CBD. Councilman Cunningham will also offer an alternative formulation for discussion.
2. We have \$84,000 in unused capital projects funds from completed projects. The City Manager has suggested using \$50,000 towards Safe Routes to Schools projects, a number of which have been discussed. I had also suggested using \$15,000 of these unused funds for the completion of the design for the Purdy/Fremd/Purchase Street intersection, an important Central Business District project placed on hold because of the 2007 floods.

Based upon Councilmember comments at our last meeting, and our desire to provide additional funding for Safe Routes projects in a variety of locations, I suggest that we direct \$69,000 in unused capital funds as described below.

Councilman Cunningham made a strong case for the importance of moving forward on Midland School projects, especially the Forest Avenue issue.

\$25,000 Forest Avenue Right of Way Survey- from Apawamis Ave to Grace Church St.

\$44,000 Boston Post Road – Osborn School related projects

The remaining \$15,000 would be directed to the Purdy/Fremd/Purchase Street intersection, as previously discussed.

Outside Bond Counsel has advised that the unused recreation bond funds need to be spent for reasons already discussed with the City Council. Per our request the Gagliardo project has been scaled down. Also identified were building projects at the Rye Recreation Building at the Rye Meeting House. Bond Counsel has given their approval to these uses. Documents will be prepared for our action as follows:

\$100,000 Gagliardo Bathroom/storage space Rehabilitation

\$126,000 Rye Recreation Building projects

\$125,000 Rye Meeting House rehabilitation

WHEREAS, on November 9, 2009 the 2009 Tentative Budget was presented to the City Council, and,

WHEREAS, since November 9, 2009 the City Council has discussed possible amendments to the 2010 Tentative Budget, now, therefore be it

RESOLVED, that the tentative budgets and fee schedules as presented in the 2010 Tentative Budget be amended as follows:

Increase General Fund Revenues:

Parking Enforcement - Fines and Forfeitures – Increase \$61,000 from \$350,000 to \$411,000

Increase General Fund appropriations:

Parking Enforcement – Salaries & Wages and Employee Benefits and Taxes – Increase \$61,000 from \$146,151 to \$207,151

The increase in Revenues and Expenses, which net to zero, will fund an additional Parking Enforcement Officer, to add evening and weekend parking enforcement.

Capital Project Fund Changes:

Transfer from the Capital Projects Fund to General Fund Fund balance for completed projects of \$48,730.

Transfer from the Building & Vehicles Fund to General Fund Fund balance for completed projects of \$35,680.

Transfers to the Capital Projects Fund from the General Fund for:

Completion of Design work on Purchase St/Purdy/Theodore Fremd Intersection \$15,000

Forest Avenue Safe Routes to School \$25,000

Boston Post Road Safe Routes to School \$44,000

Resulting in a net increase of Fund Balance in the General Fund of \$410.

Capital Projects Fund Changes:

Addition of the following projects, to be funded by the General Fund:

Completion of Design work on Purchase St/Purdy/Theodore Fremd Intersection \$15,000

Forest Avenue Safe Routes to School \$25,000

Boston Post Road Safe Routes to School \$44,000

Bringing the total Capital Projects Fund Appropriations to \$7,723,260, of which \$891,000 will be funded from the General Fund, \$5,660,260 will be funded from Federal and State Grants and Aid, and \$1,172,000 will be funded with new debt.

Building & Vehicle Fund Changes:

Gagliardo Park Restroom and Storage project will be reduced by \$80,000 from \$180,000 to \$100,000, funded by 2002 Recreation Bond proceeds.

Addition of Friends Meeting House Improvements project for \$125,000, which will be funded by 2002 Bond proceeds.

Bringing the total Building and Vehicle Resources Required to \$511,500, and changing the Bonds (2002 Recreation Bonds) sources of funding from \$306,500 to \$351,500.

The General Fund, Cable TV Special Revenue Fund, K.T. Woods Permanent Fund, Debt Service Fund, Capital Projects Fund, Boat Basin Enterprise Fund, Golf Club Enterprise Fund, Risk Retention Internal Service Fund and Building and Vehicle Maintenance Internal Service Fund, are hereby adopted as amended for the fiscal year ending December 31, 2010, and be it further

RESOLVED, that the City Council does hereby certify to the City Comptroller the 2010 City of Rye tax rate of \$139.52 per \$1,000 taxable assessed valuation and the 2010 City of Rye tax levy of \$19,433,844 and be it further

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

ROLL CALL:

AYES:

NAYS:

ABSENT:



CITY COUNCIL AGENDA

NO. 7A

DEPT.: Finance

DATE: December 14, 2009

CONTACT: Jean Gribbins, City Comptroller

AGENDA ITEM: Resolution repurposing the 2002 Recreation Bond funds in accordance with the adopted Building & Vehicles budget for 2010.

FOR THE MEETING OF:
December 16, 2009

RECOMMENDATION: That the City Council adopt the attached resolution.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The 2010 Buildings & Vehicle Maintenance Fund includes three projects to be funded with unspent proceeds from the 2002 Recreation Bond borrowings as follows:

1) Damiano Building	\$126,500
2) Gagliardo Park Restroom and Storage	\$100,000
3) Friends Meeting House	<u>\$125,000</u>
	\$351,500

See attached Resolution.

CITY OF RYE, NEW YORK

Extracts from Minutes of Meeting of the City Council

ROLL CALL:

AYES:

NAYS:

ABSENT:

Councilperson _____ made a motion, seconded by Councilperson _____ to adopt the following resolution to appropriate unspent proceeds of general obligations of the City of Rye, New York (the "City") for the cost of an object or purpose similar to and of the same period of probably usefulness as the object or purpose for which such obligations were originally issued.

RESOLUTION

WHEREAS, the City issued \$2,900,000 principal amount general obligations to finance the cost of additions to and the reconstruction of various City-owned buildings for park and recreational purposes pursuant to a \$4,400,000 aggregate principal amount serial bond resolution adopted by the City Council on April 10, 2002; and

WHEREAS, after completion of such park and recreational building addition and reconstruction project, \$476,000 of the \$2,900,000 proceeds of obligations issued by the City for such object or purpose remain unspent; and

WHEREAS, the City Council has adopted the Building and Vehicle Budget for 2010, which included 3 projects to be funded with unspent proceeds of the above 2002 Borrowings as follows:

Damiano Building Improvements	\$126,500
Gagliardo Park Restroom & Storage	100,000
Friends Meeting House	<u>125,000</u>
Total use of unspent Proceeds	\$351,500

WHEREAS, the unspent proceeds of the 2002 Borrowings is now \$124,500.

NOW, THEREFORE, be it resolved by the City Council of the City of Rye, New York, anything in the Charter of the City to the contrary notwithstanding, as follows:

1. **RESOLVED**, that pursuant to section 165.00(a) of the Local Finance Law and section 11 of the General Municipal Law, a portion of the proceeds originally in the amount of \$2,900,000 constituting a part of obligations of the City issued pursuant to a \$4,400,000 aggregate principal amount serial bond resolution adopted by the City Council on April 10, 2002, now unspent and not needed for the object or purpose (the construction and reconstruction of City-owned buildings for park and recreational purposes), hereby shall be (i) deposited in a

single special account of the City in a bank or trust company located and authorized to do business in New York, (ii) not at any time commingled with other funds of the City, and (iii) expended and applied only to the cost of an object or purpose similar to and of the same period of probable usefulness as the object or purpose for which the such part of said obligations were issued, all in lieu of applying said unspent proceeds to annual debt service on said obligations. In connection with the issuance of said obligations, the City Council hereby ratifies, approves and confirms the powers delegated to the City Comptroller, as chief fiscal officer of the City, contained in said bond resolution.

2. **FURTHER RESOLVED**, that prior to the expenditure of said unspent proceeds, the City Council shall conduct applicable environmental compliance proceedings under the NYS Environmental Quality Review Act with respect to the environmental and climate change impact of said similar object or purpose.

3. This resolution shall take effect immediately.

DATED: December 16, 2009

BY ORDER OF THE CITY COUNCIL

By _____
Dawn F. Nodarse
City Clerk



CITY COUNCIL AGENDA

NO. 8

DEPT.: City Mayor

DATE: December 8, 2009

CONTACT: Mayor Otis

AGENDA ITEM: Resolution establishing accounting for gross and net revenues generated from the Central Business District parking pay stations and use of City funds for capital projects in the Central Business District.

FOR THE MEETING OF:

December 16, 2009

RYE CITY CODE,

CHAPTER
SECTION

RECOMMENDATION: That the Council authorize the use of parking funds to be utilized for Central Business District improvements.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

See attached Resolution.

PARKING FUNDS RESOLUTION

It is the goal of the City that funds generated from the central business district parking pay stations in the central business district, minus expenses, shall be used to fund capital projects the central business district.

- (1) Within the general fund the City Comptroller shall maintain an accounting of gross revenues and net operating income generated for each year by the parking pay stations.
- (2) The City Comptroller shall also maintain a list of capital projects within the central business district that have been authorized by the City Council.
- (3) The City's annual CIP and annual City Budget shall include a report of this information for use by the City Council and the public.

The City Council will use this information as part of the capital planning process to track parking revenues and provide a basis to assign capital project commitments to the central business district on an ongoing basis.

Date: December 11, 2009
To: Mayor, Council, City Manager and City Controller
From: Mack Cunningham
Subject: CBD Fund

Background:

In 2010, (2) CBD designated accounts are funding (2) CBD capital projects.

Projects

- 1) The parking station shelters will improve operating performance during inclement weather and improve parking enforcement staff productivity with officers spending less time resolving court ticket disputes caused by malfunctioning stations.
- 2) The Purchase / Locust Ave light/ped crossing upgrade will enhance public safety with the light sequence tied to the Locust Ave fire house vehicles permitting a quicker emergency response. Pedestrian safety enhancements include pedestrian signals and curb bump-outs. The estimated total expenditures for the (2) projects is \$205,000 leaving a CBD fund balance of \$66,283.

In 2007, a Council majority approved 100% of the '08 parking station net revenues be designated to the CBD fund for pedestrian and road infrastructure improvements outlined in the Retail Advisory Committee's report. The '08 station revenue and CBD parking improvement reserves are funding the 2010 CBD projects.

In 2009, without Council discussion, station revenues were redirected by City management to the general fund.

Proposals

The scorecard proposal would track station revenues and be noted in a ledger. Future CBD capital spending would be funded either through general revenues or debt. In 2007 approved CBD capital projects were retasked to flood infrastructure repairs and future fund balance or debt capital dollars will be prioritized for 90 year non CBD multi-million bridge repairs leaving limited funding for CBD's \$2.0m of CIP infrastructure projects (e.g. Smith St & Purchase St).

I support a CBD savings account/benefit fund originally proposed by Councilwomen Parker.

\$50,000 of the '10 parking station & meter revenues would be designated to the unreserved CBD savings account. The balance of the station & meter revenue would be designated to the general fund (\$100,000 '10 forecast) The CBD should directly benefit by the front end quarters while the City's general fund fine revenues will increase with the additional issuance of \$25.00 parking tickets with the new parking enforcement officer. The current parking enforcement staff assigned primarily to the CBD has increased annual general fund fine revenues by \$100,000 between 2007 and 2009.

Resolution:

Effective January 1, 2010, \$50,000 of the net revenue generated by City's parking stations & meters will be assigned to unreserved CBD fund. The balance of station & meter net revenues would be credited to the general fund.



CITY COUNCIL AGENDA

NO. 9

DEPT.: Finance

DATE: December 4, 2009

CONTACT: Jean Gribbins, City Comptroller

AGENDA ITEM: Resolution to authorize City Comptroller to make necessary year-end budget adjustments.

FOR THE MEETING OF:

December 16, 2009

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the City Council adopt the following resolution:

RESOLVED, that the City Comptroller is hereby authorized to make the necessary 2009 fiscal year-end budget transfers in city accounts, provided a list of such transfers is furnished to the City Council after completion of such transfers.

IMPACT: Environmental Fiscal Neighborhood Other: Cost savings through operational efficiency

BACKGROUND: 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. This resolution authorizes the City Comptroller to make the necessary year-end budget adjustments to ensure that the line item budgets are properly allocated.



CITY COUNCIL AGENDA

NO. 10

DEPT.: Finance

DATE: December 4, 2009

CONTACT: Jean Gribbins, City Comptroller

AGENDA ITEM: Resolution to authorize participation in Westchester County contracts.

FOR THE MEETING OF:
December 16, 2009

RECOMMENDATION: That the City Council 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.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The City of Rye participates in contracts awarded by the County of Westchester. The County of Westchester requires a resolution of our governing board for our continued participation in County purchase contracts.



CITY COUNCIL AGENDA

NO. 11 DEPT.: City Manager's Office DATE: December 4, 2009
CONTACT: Frank J. Culross, City Manager

AGENDA ITEM: Authorizing the Mayor to enter into an agreement with the Rye Free Reading Room to furnish library services for 2010.

FOR THE MEETING OF:

December 16, 2009

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the City Council approve 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 2010.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: Each year the City of Rye financially supports the operations of the Rye Free Reading Room (RFRR). In FY 2009, the contribution was in the amount of \$1,155,000. The enclosed agreement includes an appropriation of \$1,155,000. 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.

THIS AGREEMENT, made as of the ____ day of December, 2009, by and between the CITY OF RYE, a municipal corporation located within the County of Westchester and State of New York, party of the first part, and RYE FREE READING ROOM, a free library association duly registered by the Regents of the University of the State of New York at a meeting thereof on January 24-25, 1917, and maintaining a free library in the City of Rye, County of Westchester and State of New York, party of the second part:

WITNESSETH, that the parties hereto, pursuant to section 256 of the Education Law of the State of New York, do hereby mutually covenant and agree as follows:

1. The party of the second part does hereby agree to furnish library privileges to the people of the City of Rye, under reasonable rules and regulations of the party of the second part, during the terms of this agreement.

2. The party of the second part does hereby agree that the Rye Free Reading Room will offer service to the public a minimum of 49.5 hours in the winter and 41 hours in the summer.

3. The party of the second part does hereby agree to submit to the City of Rye a financial report within two months of the close of its fiscal year and to provide copies of an annual narrative report prepared for association members. Copies of all audit reports prepared by independent audit firms or the State of New York will be filed, within 30 days of receipt, with the City Comptroller and the City Council's Audit Committee.

4. In consideration of the foregoing the party of the first part does hereby agree to pay the sum of One Million One Hundred Fifty-Five Thousand Dollars (\$1,155,000) to the party of the second part during the calendar year: Five Hundred Seventy-Seven Thousand Five Hundred Dollars (\$577,500) to be paid in January, and Five Hundred Seventy-Seven Thousand Five Hundred Dollars (\$577,500) to be paid in July.

5. Pursuant to said statute, such total sum shall be a charge upon the City of Rye and shall be raised, appropriated and paid in the same manner as other City charges.

6. This agreement shall be effective and continue for the calendar year 2010.

IN WITNESS WHEREOF, the parties hereto have duly executed this agreement as of the day and year first above written.

CITY OF RYE

By _____
Mayor

RYE FREE READING ROOM

By _____
President

Attest:

City Clerk



CITY COUNCIL AGENDA

NO. 12

DEPT.: City Manager

DATE: December 1, 2009

CONTACT: Frank J. Culross

AGENDA ITEM: Resolution to amend changes to local law amending Chapter 191, Vehicles and Traffic, of the Rye City Code by amending Section 191-20, Subsections D and E, to temporarily change public parking on Theodore Fremd Road, from a one-hour limit to a fifteen-minute limit for the duration of the construction on Elm Place.

FOR THE MEETING OF:

December 16, 2009

RYE CITY CODE,

CHAPTER 191

SECTION 20

RECOMMENDATION: That the City Council temporarily amend changes to the parking limit on Theodore Fremd Road.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: For the duration of the upcoming construction on Elm Place, public parking on Theodore Fremd Road will be temporarily changed from a one-hour limit to a fifteen-minute limit. This change will enable traffic to flow freely during the construction.

Amendment as follows:

Local Law Chapter 191, Vehicles and Traffic, Section 191-20:

Delete Theodore Fremd Avenue, South, From Elm Place to the entrance to Car Park No. 2 from Subsection D, one-hour limit parking.

Add Theodore Fremd Avenue, South, From Elm Place to the entrance to Car Park No. 2 to Subsection E, fifteen-minute limit.



CITY COUNCIL AGENDA

NO. 13

DEPT.: City Manager

DATE: December 4, 2009

CONTACT: Francis J. Culross, City Manager

AGENDA ITEM: Consideration to set a public hearing to restrict parking on Midland Avenue.

FOR THE MEETING OF:

December 16, 2009

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council set a public hearing date.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: A proposal has been put forward from the residents of Midland Avenue to restrict parking whereby no parking would be allowed on the north side of Midland Avenue from Ellis Court to Goldwin Street.

See attached.

Dear Rye City Council,
T & T Committee,

11/12/09

We, the Residents of Midland Avenue that reside between the block of Ellis Court and Goldwin Street RESPECTFULLY REQUEST that there be a "NO PARKING ZONE" from Ellis Court to Goldwin Street on the Northbound side of Midland Avenue.

The Ellis Court/Midland Avenue intersection is the beginning of the narrowest section of Midland Ave.

During all Midland School events, Rye Rec events, especially Soccer, and even on regular school days, cars line up to park creating a VERY DANGEROUS situation. These parked cars create ZERO VISIBILITY of oncoming traffic!

Often these cars park partially blocking our driveways and at all times it is near impossible for us to exit our driveways SAFELY!

WE THANK YOU IN ADVANCE FOR YOUR IMMEDIATE ATTENTION TO THIS MATTER!

Print Name THOMAS ANNICO
Signature [Signature] Address 336 Midland

Print Name Jean Annico
Signature [Signature] Address 336 Midland

Print Name Lloyd Johnson
Signature [Signature] Address 340 Midland

Print Name Ryan Price-Tomlin
Signature [Signature] Address 340 Midland

Print Name W. McCaffrey
Signature [Signature] Address 342 Midland

Print Name Mary McCaffrey
Signature [Signature] Address 342 Midland

Print Name [Signature]

Print Name Cindy Geniarelli
Signature C. Geniarelli Address 348 Midland

Print Name [Signature]
Signature [Signature] Address 348 Midland

Print Name MARY M AMICO
Signature MARY M AMICO Address 350 Midland

Print Name JAMES W. AMICO
Signature JAMES W. AMICO Address 350 Midland

To: Mayor and Council

From: Brian Dempsey, Traffic and Transportation Committee Chair

Date: December 2, 2009

Re: T & T Recommendations for Elm Street and Midland Avenue

Theodore Fremd/Elm Place Parking - it is the T&T's opinion that the 15 minute parking could be installed during the reconstruction of the bridge/wall. However, from a long-term standpoint, the T&T has some concerns. First, the T&T feels that it should be discussed with the other tenants in the building and adjacent building. Second, it could set a precedent for other requests. While there is a 15 minute parking area at the UPS facility and at the Post Office, these facilities do not have the same adjacent uses. There have been other requests for 15 minute parking, including by the Smoke Shop, which was denied by the City Council and by Sunrise Pizza (the two spots adjacent to the building so that people could run in and pick up their pizza), which is currently being reviewed by the T&T in conjunction with the request from Fong's. If these are granted, there could be similar requests from other facilities such as Longford's, and the other pizza store on Elm, the Yogurt store opposite Sunrise, Subway, etc.

Midland Avenue Parking - there has been a request to the T&T, supplemented by a petition, to prohibit parking on the east side of Midland Avenue from Ellis Court to Goldwyn Street, extending the existing "No Parking" Zone on the east side. The request was that the on-street parking there, which generally only occurs on Soccer Saturdays and during school events, and sometimes at night, blocks sight distance for the streets and driveways. The T&T was generally acceptable to this based upon the limited impact and the narrowness of the road at this point. However, while this does help the sight distance, there are also negatives. The on-street parking does provide a benefit in that it does keep the road narrow and thus slows vehicles driving by. In addition, the removal of this parking will force more cars to park on the side streets, including drivers destined to the nearby restaurant, which could then force patrons to park further away from the restaurant (which could affect the business of the restaurant) and force residents to park further from their residences. Another factor that must also be considered is that the T&T has also recently received a request from the resident at 393 Midland Avenue to prohibit parking in front of their neighbor's house along Midland Avenue because of sight distance limitations while backing out of her driveway. However, while one of the negatives of any on-street parking is that it limits sight distance, the T&T is not in favor of eliminating this on-street parking at this time as it would set a precedent along this street, the on-street parking is needed for the various residences as well as the restaurants and pizza place, and the on-street parking helps keep traffic slower in this area. The T&T will look at this further. The No Parking near Ellis should be performed when the other Midland Avenue work is performed. The T&T also suggests that Rye Youth Soccer encourage drivers on Saturdays to park at Midland School, including the parking spaces behind the school.

cc: F. Culross, City Manager
S. Pickup, Assistant City Manager

(2) Midland Avenue in the vicinity of Palisade Road

This stretch of Midland Avenue has been reviewed previously by the T&T and has been reviewed again at the request of the Council and a resident. Recently the T&T has been quoted in the Journal News, Rye Record, and Rye Sound Shore Review as well as Cablevision News12 regarding this issue.

At the intersection of Midland Avenue and Palisade Road itself, there have not been accidents recently but there is limited sight distance. The City Engineering Department and T&T representatives have performed a sight distance analysis at the intersection, which is summarized below and provided in a separate document.

The T&T is in receipt of the December 10, 2008 letter from Judy Myers and some of the various emails from a longtime local resident relating to that letter and we disagree with various aspects of the correspondence. In addition, previous discussions with the County Traffic Engineer do not reflect the comments made in the Myers' letter. (It should be noted that since the time of the letter and the emails, that representatives of the T&T have held various conversations with the resident and have come to some agreements on portions of these issues.)

The T&T understands the concern of the resident and has looked seriously at Midland Avenue as well as at other locations throughout the City. As Midland Avenue is a County Road, the T&T and the City have worked closely with the County regarding Midland Avenue, drawing upon their expertise, including performing speed measurements and field observations. The T&T has met with the County's Traffic Engineer at the Site (a member of the resident's family was present for a portion of that meeting) to review possible modifications. The County has also performed speed measurements during two different periods at the Site. While the New York State Vehicle and Traffic Law does give Cities certain jurisdiction on County Roads within the City limits, we have consulted with the County for their guidance based upon their experience and knowledge. Even though the City may have some jurisdiction on the roadway, it must still follow State regulations and Traffic Engineering Principles and Guidelines. Each of the previously suggested modifications has been looked at and has consequences, as described below. The T&T has taken a hard look at this location on various occasions including field visits, review of the data, and discussions with the resident. **It is the opinion of the T&T, and also of the County Traffic Engineer, that some of the previously proposed solutions could actually make the condition less safe and most likely would not have eliminated the tragic accident that did occur.**

Stop Signs

As stated in the letter, stop signs can be installed to regulate traffic (such as the right-of-way for turning movements), but they are not to be installed to regulate speeds (and studies have shown that stop signs actually increase speeds in some situations as drivers speed up to make up for lost time). It is the opinion of the T&T that installation of stop signs will not obtain the desired goals. In addition, installing unwarranted stop signs can lead to more accidents as well as disregard for other stop signs. It is the opinion of the T&T that installing a stop sign at the intersection of Midland Avenue and Palisades Road would increase the number of rear end accidents as drivers are not expecting to stop at that location. The County Traffic Engineer had a similar opinion. These signs will also increase noise and air pollution and increase driver frustration, leading to more aggressive driving.



CITY COUNCIL AGENDA

NO. 14

DEPT.: City Manager

DATE: December 8, 2009

CONTACT: Frank J. Culross, City Manager

AGENDA ITEM: Acceptance of grant award from the State of New York in the amount of \$10,000 for Fire Department equipment

FOR THE MEETING OF:

December 16, 2009

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the City Manger be authorized to accept the Grant Award from the State of New York in the amount of \$10,000.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The City of Rye Fire Department has been awarded a grant of \$10,000 from the State of New York. The grant was obtained by Assemblyman George Latimer and will be used to purchase floato pumps for the rescue boat.

received
10/23/09



STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001

DAVID A. PATERSON
GOVERNOR

LORRAINE A. CORTÉS-VÁZQUEZ
SECRETARY OF STATE

October 7, 2009

Mr. George Hogbin
Rye City Fire Department
15 Locust Ave.
Rye, NY 10580

Dear Mr. Hogbin:

RE: Community Projects Appropriation Contract #TM09210

The State of New York has awarded your organization \$10,000 for the purpose described in the Legislative Initiative Form enclosed with this letter.

If there is a change in the purpose of the initiative, please contact your legislative sponsor. The sponsor's finance committee must inform the Contract Administration Unit of the Department of State of any changes in the purpose of the project.

In order to receive these funds you must first submit three (3) copies of a completed contract package. The Contract forms and instructions are available at the Department's website:

www.dos.state.ny.us/communityprojects

Before completing any forms you should first review the Project Instruction Sheets in full.

A copy of the fully-executed Contract along with payment request forms and instructions for obtaining reimbursement will be returned to you.

Please keep in mind that reimbursement of eligible costs can only be made after the Contract is approved and returned to you by the State.

If you have any questions or need assistance in completing the required contract forms or if you cannot access the website and need forms mailed to you, please contact The Office of Fire Prevention & Control, LMI Unit at 518-474-6746 or by fax at 518-486-9475.

Sincerely,

Kimberly A. Landry
Director of Financial Administration

KAL: ka
Enclosures

f
TM09210

SFY 2009-2010 LEGISLATIVE INITIATIVE FORM

Legal Name, Address, and Telephone Number:

RYE CITY FIRE DEPARTMENT
15 LOCUST AVENUE
RYE, NY 10580
(914) 967-4508

Name of Project Director:

GEORGE HOGBIN

Purpose of Project:

FUNDS WILL BE USED TO OFFSET THE COST OF PURCHASING A NEW FIRE BOAT.

Funded Amount:

\$10,000

Requested By:

LATIMER

Name of Administering State Agency:

DEPARTMENT OF STATE



CITY COUNCIL AGENDA

NO. 15

DEPT.: City Manager's Office

DATE: December 4, 2009

CONTACT: Frank J. Culross, City Manager

AGENDA ITEM: Resolution fixing January 6, 2010 as the first regular meeting and the organizational meeting of the City Council for 2010.

FOR THE MEETING OF:

December 16, 2009

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the City Council approve the following resolution:

Resolved, that January 6, 2010 is hereby fixed as the first regular and the organizational meeting of the City Council.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:



CITY COUNCIL AGENDA

NO. 19

DEPT.: City Clerk

DATE: December 4, 2009

CONTACT: Dawn F. Nodarse

AGENDA ITEM: Draft of the unapproved minutes of the Budget Workshop held November 30, 2009, and the Regular Meeting of the City Council held on December 2, 2009, as attached.

FOR THE MEETING OF:

December 16, 2009

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council approve the draft minutes.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

Approve the Unapproved Minutes of the Budget Workshop held November 30, 2009, and the Regular Meeting of the City Council held on December 2, 2009.

DRAFT UNAPPROVED MINUTES of the
Budget Workshop of the City Council of the City of
Rye held in City Hall on November 30, 2009 at 7:00
P.M.

PRESENT:

STEVEN OTIS, Mayor
ANDREW C. BALL (Arrived at 7:16 p.m.)
MACK CUNNINGHAM
PAULA J. GAMACHE
CATHERINE F. PARKER
GEORGE S. PRATT
JOSEPH A. SACK
Councilmembers

ABSENT: None

1. Pledge of Allegiance

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

2. Roll Call

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

3. Budget Workshop

Mayor Otis said that the purpose of this workshop was for Council Members to ask any additional questions they might have prior to the public hearing on December 2nd and adoption of the budget on December 16th. He thanked City staff for their work on the proposed budget, which may be the lowest property tax increase of any municipality in Westchester County.

Councilman Cunningham discussed an analysis he had prepared that compared approved budgets, actual budgets and nine-month forecast budgets in the General Fund for Police, Fire, DPW and Recreation for the years 2005 through 2008. He said he believed there were certain assumptions made going into a budget process that there would be adjustments because of benefits or materials. He said that the 2010 proposed budget assumes that there will be retirements in certain departments. He asked if these positions were projected in the budget for a full year because, if so, that might provide an opportunity for additional cuts in expenses. He asked for an explanation of how expenses are budgeted relative to his analysis. City Manager Culross said that a great deal of time was spent looking at the nine-month forecasts this year when preparing the 2010 proposed budget. He added that budgets cannot be overspent; they can

only be under spent. He said proposed budgets carry out a full-year assumption for positions because there is no actual list of people who will be retiring. The only department where a retirement was included in budget projections was the Police Department, where an officer had submitted retirements papers effective in September but who has since changed the date and may not be retired by the end of 2009.

Council comment included:

- A conclusion to the analysis might be that there is a built-in buffer that is higher than what the year-end actual figures might be. It is better to be under than over budget because a budget cannot be overspent.
- There may be some elasticity in the budget because the City doesn't know who might retire. Prior budgets might have had elasticity built in to the budget based on the assumption that there would be a 3% increase. (The assumption in the budget is that there will be no raises to employees in 2010 that are not directly offset by savings in the budget. There is no 3% elasticity built into this budget.)
- 5% of revenues stem from New York State funding. A proposal by Governor Patterson to reduce the \$3.2 billion State budget gap includes cuts in education spending, Medicaid and local government assistance. The City should consider this in reviewing any elasticity in the proposed budget.
- Staff looked harder at the budget vs. actual vs. forecast numbers when preparing the 2010 budget and are comfortable with the proposed numbers. (Every Department Head was asked to justify every line in their proposed budgets.)

Councilman Cunningham said he would be proposing that a third Parking Enforcement Officer (PEO) be hired because he believes it would be budget neutral. He said it would be a supplement to the other PEO's and would give a presence in the hours when there is currently no coverage and provide a potential for more revenue to the General Fund. City Manager Culross said that reasonable estimates of the revenue would indicate that the position could be proposed on a revenue neutral basis. He added that the person would not be used in the mornings for school crossings but for afternoons and weekends when there is not coverage for parking enforcement.

Councilman Cunningham asked about comments the Council had received regarding funding programs by reprogramming \$84,000 in Building and Vehicle (B&V) funds. City Manager Culross said that within the last ten days the B&V group reviewed every project to determine if there were any additional funds available and identified \$84,000 in funds that could be reprogrammed. In most cases the money was from completed projects. The money could have been used to either increase Fund Balance or used for other projects. It is believed that \$50,000 of this money could be allocated to Safe Routes to Schools projects. There have been requests from both Midland and Osborn Schools for changes but the change most discussed recently was the issue of crossing the Boston Post Road at Sonn Drive. The \$50,000 would allow for the implementation of a Boston Post Road diet in the vicinity, which would move traffic away from the sidewalk, as well as the replacement of the sidewalk. There is no funding for a crosswalk or traffic signal in the area.

Council comments and questions included:

- Why was the diet not originally done in this area? (It was left out because of traffic flow problems. The issue was that left turns into the back parking lot at Osborn School would have been banned. Recently there has been discussion on revisiting the issue of a diet in that area. A survey has been completed regarding the right-of-way and staff is confident that it can be redesigned to move the traffic away from the walking and pedestrian areas and accommodate all of the traffic movements out of the back parking lot driveway.)
- Redistricting of schools was done in 2001-2002 in order to facilitate construction projects at various schools. The Osborn district was expanded significantly and this increased the volume of traffic going to this district. Now that all school construction projects are completed, it might be time for the School District to revisit the subject of school district boundaries and be part of the solution for reducing vehicle traffic in the area.
- The completion of Theall Road and the Westchester Medical Center facility also impact traffic volume in the area.
- If the only way the three-lane diet can go forward is to eliminate the left turn into the parking lot, should the left turn from Sonn Drive be eliminated as well on school days? (It is not contemplated at this point.)
- Reprogramming money to the Safe Routes to Schools projects permits the City to provide a relatively quick response to concerns that have been raised.
- \$50,000 is being allocated to only one school area when there are challenges throughout the rest of the City.
- The entire \$84,000 should be put into Safe Routes to Schools projects and then decide how it should best be allocated.
- What is the remainder of the \$84,000 being set aside for? (\$15,000 for the design of the Theodore Fremd/Purchase Street/Purdy Avenue intersection. The \$19,000 balance could either go back to Fund Balance or be added to the Safe Routes to School projects.)

Councilman Cunningham said that last year he made a motion to reprogram money from the Peck Avenue project to the Orchard Avenue Bridge project. Since this was not done, he asked if there was anything that needed to be done to undo this action. City Manager Culross said the transfer was not included in the Resolution adopted last year, but said he would look into Councilman Cunningham's question.

Mayor Otis asked questions regarding OPEP (Other Post-Employment Benefits). Does it get counted against each department's internal service account? (The General Fund does not have to reserve for OPEP in the budget but the Enterprise Funds do; therefore, when the General Fund is charged for services provided by an Enterprise Fund there is an indirect amount of OPEP being charged to the General Fund.) Is there an actual transfer on the books? (It is not just for OPEP but for B&V also. OPEP is a liability against the Fund Balance for the Enterprise Funds.)

Mayor-elect Doug French said there was \$300,000 in the Contingency Fund and in order to get the tax rate flat another \$198,000 would be needed. He asked the City Manager what the past practices were to look at that. City Manager Culross said the proposed budget contains a tax rate as low as staff felt comfortable with in terms of projections for elastic revenues and cutting costs. The only way to get to a 0% increase would be to take Fund Balance and use it in

Contingency, which is an exception to City Council policy. He said that last year the City Council funded about 50% of the Contingency from Fund Balance, but added that it is a judgment issue because next year will probably be tough in terms of revenue and cash must be preserved for emergency situations. Councilman Pratt said that by cutting down the amount in the Fund Balance to reach a 0% tax increase some of the elasticity in the budget would be reduced. Councilman Ball noted that it would take a reduction of \$297,000, not \$198,000 to bring the tax rate down to 0%.

Councilman-elect Peter Jovanovich inquired about tax certiorari reserves in connection with the Osborn case. He said the case may be resolved in the next year and asked if an analysis could be prepared looking at the various scenarios and monetary consequences in terms of the judgment being upheld or the City's appeal being successful.

Councilwoman-elect Suzanna Keith had a question about the sales tax analysis in forecasting revenues. Why does the budget predict that sales tax revenues will be flat for 2010, when they are down for 2009? City Manager Culross said it was the best guess of staff when the budget was prepared and still the belief at this time. He added that some expenses may be deferred until the second half of the year in order to see what the sales tax figures are. City Comptroller Jean Gribbins said that the amount is \$200,000 under what was originally budgeted in 2009. If revenues come in lower than expected, adjustments will be made to expenses. Councilwoman Parker added that sales tax revenues are not based on sales tax collected in Rye, but on a County formula based on what is collected County-wide.

Mayor Otis made a motion, seconded by Councilman Cunningham and unanimously carried, to adjourn into Executive Session to discuss litigation matters with Corporation Counsel Kevin Plunkett at 8:10 p.m. There were no decisions made. Mayor Otis made a motion, seconded by Councilman Pratt and unanimously carried to adjourn the Executive Session at 10:14 p.m.

4. Adjournment

There being no further business to discuss, Mayor Otis made a motion, seconded by Councilman Pratt and unanimously carried, to adjourn the meeting at 10:15 p.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk

DRAFT UNAPPROVED MINUTES of the
Regular Meeting of the City Council of the City of
Rye held in City Hall on December 2, 2009 at 8:00
P.M.

PRESENT:

STEVEN OTIS, Mayor
ANDREW C. BALL
MACK CUNNINGHAM
PAULA J. GAMACHE
CATHERINE F. PARKER
GEORGE S. PRATT
JOSEPH A. SACK
Councilmembers

ABSENT: None

1. Pledge of Allegiance

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

2. Roll Call

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

3. Residents may be heard who have matters to discuss that do not appear on the agenda

Anthony Spencer 11 Brevoort Lane, spoke about the leaf blower law. He said that the period from May to October when the use of leaf blowers was banned was working, but during the time when use of leaf blowers is permitted, the ban on more than one blower being used on a single property was not being adhered to or enforced by the City. He said it was inappropriate to make residents vigilantes and suggested the Council conduct another review of the law next year.

Bob Zahm 7 Ridgewood Drive, said there appears to have been a step up in traffic enforcement in town and a more visible presence and asked if there had been direction given to change enforcement. He said he had requested that the City publish on the website data regarding citations issued and asked when that would be done. City Manager Culross said that the Police Commissioner has indicated that the information that had been given to the Council was prepared for the Traffic and Transportation Committee (T&T) and it not complete. Mr. Zahm added that he was surprised to see that there was an attempt to remove the crosswalk markings at the Playland Parkway Access Road intersection and asked if the Council was informed prior to the action. He contended that people had been crossing at this location as long

as the bridge over the Playland Parkway has been there and added that he would continue trying to get the County to work with the City on the situation.

Council comment included:

- The Council does not get into operational issues.
- The City Manager had brought to the Council's attention that the normal procedures for installing a crosswalk were not followed when that crosswalk was put in.
- It had been noted at the last meeting that it was dangerous to have a crosswalk at that location and the City Manager had taken a step to rectify the dangerous situation.
- The long-term solution is a County capital project to redesign the overpass.
- Crossing at this location will not go away; is there a responsible way to do something that doesn't expose the City to undue liability.
- The City has reacted to suggestions put forth by Mr. Zahm by putting additional money into Safe Routes to Schools projects for next year and suggesting the hiring of an additional Parking Enforcement Officer.

Assistant City Manager Pickup said that staff has learned from County Legislator Judy Myer's Office that there are currently two projects that impact the area near the Playland Access Road. The project that connects the Rye and Harrison train stations with a bike path will impact the bridge design and the second project is the bridge redesign capital project. These projects would be coordinated by the County.

Jim Amico 350 Midland Avenue, asked when the North Street/Theodore Fremd Avenue project would be completed? City Manager Culross said it was a County project. Mr. Amico also asked what the timeframe was for a resident to repair a sidewalk once a violation was issued. Mr. Culross said there is not a particular timeframe. Mr. Amico said he had attended the last T&T meeting and presented a petition signed by neighbors in the Ellis Court to Goldwin Street area requesting a No Parking Zone and provided the Council with a copy. Assistant City Manager Pickup said that there would be a recommendation from T&T on the December 16th City Council meeting agenda to set a public hearing on this issue. He quoted from a study on the City website regarding Midland Avenue and again requested that the section of the study offering the opinion of T&T and the County Traffic Engineer relative to his son's accident be removed. Councilman Ball said that it was an opinion, not a finding of the study, and the accident had been a driving force in doing the study. Since Mr. Amico was requesting that language be removed from a T&T report, it was suggested that he make his request to that Committee.

Police Commissioner William Connors made a presentation on the recent rash of burglaries in town. He said that historically burglary has a low clearance rate but the three major burglary patterns in Rye in the last two years have all been closed by arrest. Currently there have been four burglaries in a concentrated area of Hix Park and two in Glen Oaks, but it is difficult to say if they are related. They have targeted jewelry and cash. The Department is increasing patrols, using the plate reader car in that area, looking at other resources from the County and

State and working with other investigative agencies. He suggested that residents should lock their doors, set alarms, keep lights on, communicate with their neighbors and keep watch on each others houses, lock their cars, and call in anything suspicious.

4. Public hearing on the proposed 2010 Budget

Mayor Otis opened the public hearing by offering thanks to City Manager Frank Culross, City Comptroller Jean Gribbins, Deputy Comptroller Joe Fazzino and City Department Heads for preparing a tight budget that proposes a 1.56% increase and proposes spending that is less than 2008. Councilwoman Parker said she did not agree with using the Undesignated Fund Balance for operating expenses in order to lower the tax rate even though it might be tempting to do so. She quoted from the minutes of the December 12, 2007 City Council meeting, noting that members of a prior City Council shared a similar position. The Mayor opened the meeting to comment from the public.

The only member of the public commenting was *Sally Wright* who appeared on behalf of the Chamber of Commerce and said she was concerned that the pay station money was going away from the Central Business District (CBD) and hoped the Council would consider giving some of the funds back to the CBD. She said it is important to keep the CBD functioning well; that the City Planner has developed a wonderful plan that is going nowhere from lack of funding and will probably be delayed further due to the budget process. Mayor Otis said that based on workshop discussions language will be adopted at the next meeting that will keep track of money raised from the pay stations; keep track of CBD projects that are funded with that money, and report the money spent in the budget document and the Capital Improvement Plan (CIP), so people can monitor that spending in the CBD keeps up with the funds that come from the pay stations. He also noted that \$15,000 to finish the design work for the redoing of the Theodore Fremd Avenue/Purchase Street/Purdy Avenue intersection will also be included in the budget. Councilman Cunningham said that the Locust Avenue crosswalk bump-out project, which is funded for 2010, will be user friendly to the CBD and was funded from pay station money. Ms. Wright also asked about the proposed Roundabout for the Purchase Street/Wappanocca Avenue/North Street intersection. City Manager Culross said it is in the budget, but the funding will be from the County.

Mayor Otis summarized the proposed changes to the 2010 budget as follows:

- \$50,000 dedicated to Safe Routes to Schools project;
- Hiring of an additional Parking Enforcement Officer (PEO);
- Language delineating the amount of pay stations revenue and tracking how it is utilized in the CBD;
- \$15,000 to complete the design of the Theodore Fremd Avenue/Purchase Street/Purdy Avenue intersection.

Councilman Ball clarified that the language regarding the use of pay station revenue should refer to net proceeds, as there is a cost to the operation of the pay stations.

Mayor Otis closed the public hearing and said that the Council will vote on the Resolutions to adopt the budget at the December 16th meeting.

5. Resolution authorizing the acceptance of the Federal Economic Recovery Stimulus funds and providing authorization for the Mayor and City Counsel to enter into an agreement with the New York State Department of Transportation (NYSDOT) for the Pedestrian Safety improvement projects

City Manager Culross said that the Resolution was required to accept the \$695,000 in stimulus funds which will be spent on the following projects: (1) \$195,000 for Library Lane signal and pedestrian phase signals and ADA compliant curb cuts; (2) \$85,000 for Playland Parkway and Forest Avenue pedestrian improvements; (3) \$85,000 for Midland Avenue and Palisades Road intersection improvements; (4) \$160,000 for a new sidewalk from Johnson Place to the Mamaroneck line; and (5) \$170,000 for Oakland Beach Avenue sidewalk improvements. He said that this Resolution authorized execution of the contract with the State. Assistant City Manager Pickup said there are many bidding and compliance requirements but no restrictions on the use of the improvements. Engineering costs will be about 10% of the amount received. The projects must go out to bid by January 7th. Mr. Culross added that the system had been designed for failure and staff had made an extraordinary effort.

Councilman Ball made a motion, seconded by Mayor Otis to adopt the following Resolution:

**ECONOMIC RECOVERY PROJECTS
MUNICIPAL/SPONSOR RESOLUTION**

WHEREAS, the **Pedestrian Safety Improvements and ADA Ramps** identified as **PIN 8760.84**, an Economic Recovery Project in the **City of Rye**, (hereinafter “the Project”), **in Westchester County** (hereinafter “the Municipality/Sponsor”), is eligible for funding Under Title 23 US Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 100% Federal funds and 0% non-federal funds.

NOW, THEREFORE, the Municipality/Sponsor’s Council duly convened does hereby:

RESOLVE, that the Municipality/Sponsor’s Council hereby approves the Project; and it is hereby further,

RESOLVED, that the Municipality/Sponsor agrees to advance the Project through the Municipality/Sponsor’s resources and agrees that the Municipality/Sponsor’s Council hereby authorizes the Municipal/Sponsor to pay in the first instance the full federal and full non-federal costs of any and all phases(s) or portions thereof.

RESOLVED, that the Municipality/Sponsor’s Board makes a 100% commitment of the non-federal share (if any) of the costs of **Construction/ Construction Inspection** phases(s) of work for the Project or portions thereof, with the federal share of such costs to be applied directly by the

New York State Department of Transportation (“NYSDOT”) pursuant to the State/Local Agreement; and it is hereby further,

RESOLVED, that the sum of **\$695,000** is hereby appropriated from the City’s General Fund and made available to cover the cost of participation to complete the Project including all phase(s) or portions thereof.

RESOLVED, that upon the completion of the construction of the Project, or a fully usable portion thereof, the Municipality/Sponsor agrees to maintain the Project, or fully usable portion thereof, at their sole cost and expense; and it is hereby further,

RESOLVED, that in the event the full federal and non-federal share of the Project exceeds the amount appropriated above, the Municipality/Sponsor’s Council shall convene as soon as possible to appropriate said excess amount immediately; and it is hereby further,

RESOLVED, that the **Mayor** is hereby authorized to execute all necessary Agreements or certifications on behalf of the Municipality/Sponsor, (subject to the Municipality/Sponsor Attorney’s approval as to form and content), with NYSDOT in connection with the advancement or approval of the Project identified in the State/Local Agreement; and providing for the administration of the Project and the Municipality/Sponsor’s first instance funding of the non-federal share of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and it is further,

RESOLVED, that in addition to the Mayor, the following municipal titles: City Manager, City Engineer, and City Comptroller are also hereby authorized to execute any necessary Agreements or certifications on behalf of the Municipality/Sponsor, with NYSDOT in connection with the advancement or approval of the project identified in the State/Local Agreement;

RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of the Department of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further,

RESOLVED, that this Resolution shall take effect immediately.

ROLL CALL:

AYES: Mayor Otis, Councilmembers Ball, Cunningham, Gamache, Parker,
Pratt and Sack

NAYES: None

ABSENT: None

6. Resolution authorizing the financing for the Rye Town Park Capital Improvement Project

City Manager Culross said staff is suggesting that instead of issuing new bonds for the City’s \$414,000 share of the capital improvement to the Rye Town Park Administration Building, authorization be given to utilize funds from the 2002 Recreation Bond that were designated for recreation buildings. The City’s bond counsel has said that by adopting a

Resolution, \$414,000 can be redirected to pay for the roof at Rye Town Park and the City would not have to issue additional funding at this point and would also allow the City to utilize funding that must be spent. Councilman Cunningham said the original intent of the bonding approved by the taxpayers had been to pay for the renovations to the Damiano Center but the project was changed by action of a Council majority and the original project was not funded, which resulted in the funds not being spent in a timely manner. The voters who approved the original bonding are not getting what they wanted, which was to fund a recreation project in the City of Rye, and this Council must now vote to fund a recreation project that is not in the City of Rye in order for the funds to be spent.

Councilman Pratt made a motion, seconded by Councilwoman Gamache to adopt the following Resolution:

WHEREAS, the City issued \$2,900,000 principal amount general obligations to finance the cost of additions to and the reconstruction of various City-owned buildings for park and recreational purposes pursuant to a \$4,400,000 aggregate principal amount serial bond resolution adopted by the City Council on April 10, 2002; and

WHEREAS, after completion of such park and recreational building addition and reconstruction project, \$890,000 of the \$2,900,000 proceeds of obligations issued by the City for such object or purpose remain unspent; and

WHEREAS, the City Council has been advised by the Commissioners of Parks that the City's obligation to fund its portion of a capital project established in Chapter 848 of the Laws of 1953, together with the Town of Rye, is \$414,000 and said Commissioners have delivered to the City Council a certificate as to the City's funding obligation pursuant to section 2 of said Chapter 848; and

WHEREAS, the City Council expects that the Town of Rye will contribute, appropriate and fund its portion of said capital project as certified by said Commissioners; and

WHEREAS, the City Council has determined that efficient financial administration of the City's obligation pursuant to said Chapter 848 will be achieved by applying said unspent proceeds to fund the cost of said obligation rather than incur new indebtedness

NOW, THEREFORE, be it resolved by the City Council of the City of Rye, New York, anything in the Charter of the City to the contrary notwithstanding, as follows:

1. **RESOLVED**, that pursuant to section 165.00(a) of the Local Finance Law and section 11 of the General Municipal Law, a portion of the proceeds originally in the amount of \$2,900,000 constituting a part of obligations of the City issued pursuant to a \$4,400,000 aggregate principal amount serial bond resolution adopted by the City Council on April 10, 2002, now unspent and not needed for the object or purpose (the construction and reconstruction of City-owned buildings for park and recreational purposes), hereby shall be (i) deposited in a single special account of the City in a bank or trust company located and authorized to do business in New York, (ii) not at any time commingled with other funds of the City, and (iii) expended and applied only to the cost of an object or purpose similar to and of the same period

of probable usefulness as the object or purpose for which the such part of said obligations were issued, all in lieu of applying said unspent proceeds to annual debt service on said obligations. In connection with the issuance of said obligations, the City Council hereby ratifies, approves and confirms the powers delegated to the City Comptroller, as chief fiscal officer of the City, contained in said bond resolution.

2. **FURTHER RESOLVED**, that prior to the expenditure of said unspent proceeds, the City Council shall conduct applicable environmental compliance proceedings under the NYS Environmental Quality Review Act with respect to the environmental and climate change impact of said similar object or purpose.

3. This resolution shall take effect immediately.

ROLL CALL:

AYES: Mayor Otis, Councilmembers Ball, Gamache, Parker, and
Pratt

NAYES: Councilmembers Cunningham and Sack

ABSENT: None

The Resolution was adopted by a vote of 5 to 2.

During the Old Business section of the meeting, Mayor-elect Doug French said that he had implored the Council to go ahead with the Damiano Center project when he spoke at the January 4, 2004 Special Workshop and February 4, 2004 Council meeting.

7. Authorization for the City Manager to enter into a contract with Aero Hardware & Parts Co, Inc. to extend the terms on the final payment of \$5 million due on 1037 Boston Post Road.

City Manager Culross said that the amendment to the contract of sale requires the City to do nothing but gives the City an opportunity to do something. In March 2006 the City purchased 1037 Boston Post Road for \$6.2 million payable over 48 monthly payments of \$25,000 each with a \$5 million balloon payment due May 1, 2010. This amendment gives the City the option to extend the due date for the \$5 million balloon payment for up to 24 months by making monthly interest payments at a rate of 5.75% or \$23,958.33. The balloon payment is subject to adjustment based on changes to the capital gains tax rates after May 1, 2010.

Mayor Otis made a motion, seconded by Councilman Cunningham to adopt the following Resolution:

RESOLVED, that the City Council of the City of Rye hereby authorizes the City Manager to enter into a contract with Aero Hardware & Parts Co., Inc. to extend the terms on the final payment of \$5 million due on the purchase of 1037 Boston Post Road.

ROLL CALL:

AYES: Mayor Otis, Councilmembers Ball, Cunningham, Gamache, Parker,
Pratt and Sack
NAYES: None
ABSENT: None

8. Discussion of amending the Chapter 90 Fences and Walls to allow for deer fencing

Mayor Otis said that some individuals in the City have put up, or are contemplating putting up, deer fencing to protect vegetation on their property. The City's fence law does not provide any accommodation for deer fencing. Deputy Corporation Counsel Kristen Wilson has surveyed other deer fencing regulations in other communities. He said it is a broad policy question that is probably more appropriate for the new Council.

Council comments included:

- People are putting up 6 foot fences, which are not high enough to keep deer out.
- A broader discussion is required, which should include County participation regarding deer culling.
- The deer problem will not go away. There should be a stay against making people take down existing fences until the new Council can focus on the entire issue.
- Deer fences could take deer away from their food source and cause them to change their patterns.
- Deer fences may not be the solution to the problem. The City should look at a larger deer management plan.
- The City should check with other municipalities regarding the results of increased use of deer fencing.
- Get feedback from the Rye Nature Center regarding the results of the deer fencing they put up.

9. Discussion of notice provisions for land use applications

Mayor Otis said that at the last meeting a resident informed the Council about a situation where he and some of his neighbors don't feel they received notification of an application before the Board of Architectural Review (BAR). The Council received a memo from Deputy Corporation Counsel Wilson which summarized the original issue and looked at possible remedies. Ms. Wilson passed out a draft local law which deals with two areas: (1) notice, and (2) the appeal process. The notice provisions are similar to those of the Planning Commission for subdivision applications and requires posting a notice on the property. Notices must be sent to properties within 500 feet of the perimeter of the subject property. It is suggested that notices to cooperatives and apartment buildings be sent to the property owner to be posted in five common areas and requires that the applicant provide a certificate of mailing for the abutters to prove that the notice was sent. The appeals process was changed to any person aggrieved rather than the current restriction, which only allows applicants to appeal to the Zoning Board of Appeals.

Council comment and questions included:

- Are we trying to overcorrect something and looking beyond the scope of the original problem? Maybe the only change needed is to mandate that notice be sent by certified mail, return receipt, to prove that it was received.
- The three basic issues in Ms. Wilson's memo are: (1) instituting a more definite way of determining that neighbors are notified; (2) codifying BAR rules; and (3) who currently has standing to appeal to the Board of Appeals. The issue of standing to appeal should probably be considered by the incoming Council.
- Abutters in all land use matters should receive notice by certified mail.
- A certificate of mailing would not be a burden and a sign on the property is a good idea.
- The need for expanding the standing to appeal would not be necessary if the notification process was improved.
- Proof that the letter was received (return receipt) is better than proof that it was mailed (certificate of mailing).
- There is no foolproof method of ensuring that people get notice. Requiring certified mail will make it more likely. The ultimate decision on an application is made by the Boards not the neighbors, even though their comments are taken into consideration.

Councilman-elect Peter Jovanovich, who currently serves on the BAR, said that many applications that come before the Board are for minimal changes, so the Council may want to consider a threshold for noticing requirements.

Mayor Otis said the consensus of the Council was to direct the Corporation Counsel to draft two local laws, one codifying the process for the BAR, and the second, requiring a return receipt mailing process for abutters to all applications before the Zoning Board of Appeals, Planning Commission and BAR. Copies of the draft local laws should be sent to all Boards as well as the Building Inspector for comments.

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

WHEREAS, the Council wishes to amend Chapter 53, Architectural Review, of the Code of the City of Rye by amending Section 53-3, Meetings and Procedures of Board, regarding noticing requirements for applications; and

WHEREAS, the Council wishes to rescind Chapter 68-8(G), Building and Demolition Permits, of the Code of the City of Rye; and

WHEREAS, it is now desired to call a public hearing on such proposed amendments to the law, now, therefore, be it

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

Section 1. Pursuant to Section 20 of the Municipal Home Rule Law and the Charter of the City of Rye, New York, a public hearing will be held by the Council of said City on December 16, 2009 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 such proposed local law.

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

**PUBLIC NOTICE
CITY OF RYE**

Notice of Public Hearing on a proposed local law to amend Chapter 53, “Architectural Review” of the Code of the City of Rye by amending §53-3 “Meetings and Procedures of Board” regarding noticing requirements for applications and to rescind Chapter 68-8(G) “Building and Demolition Permits”.

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 16th day of December, 2009 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 a proposal to amend Chapter 53, “Architectural Review” of the Code of the City of Rye by amending §53-3 “Meetings and Procedures of Board” regarding noticing requirements for applications and to rescind Chapter 68-8(G) “Building and Demolition Permits”.

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

Dawn F. Nodarse
City Clerk
Dated: December 10, 2009

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

WHEREAS, the Council wishes to amend the Code of the City of Rye Chapters and Sections: 170-6(F), Subdivision of Land, Procedures for Tentative approval of Preliminary Layout; 170-7(C), Procedures for Approval of Subdivision Plat; 197-7, Zoning, Site Development Plan; 197-10, Zoning, Uses Permitted Subject to additional Standards; 197-81(F), Zoning Appellate Jurisdiction of Board; 195-5(C), Wetlands and Watercourses, Public Hearings and Public Notification by Applicant; 196-15, Wireless Communications Facilities, Public Hearings Required, regarding noticing requirements; and

WHEREAS, it is now desired to call a public hearing on such proposed amendments to the law, now, therefore, be it

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

Section 1. Pursuant to Section 20 of the Municipal Home Rule Law and the Charter of the City of Rye, New York, a public hearing will be held by the Council of said City on December 16, 2009 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 such proposed local law.

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

**PUBLIC NOTICE
CITY OF RYE**

Notice of Public Hearing on a proposed local law to amend the Code of the City of Rye Chapters and Sections: §170-6(F) “Subdivision of Land, Procedures for Tentative approval of Preliminary Layout”; §170-7(C) “Procedures for Approval of Subdivision Plat”; §197-7 “Zoning, Site Development Plan”; §197-10 “Zoning, Uses Permitted Subject to additional Standards”; §197-81(F) “Zoning Appellate Jurisdiction of Board”; §195-5(C) “Wetlands and Watercourses, Public Hearings and Public Notification by Applicant”; §196-15 “Wireless Communications Facilities, Public Hearings Required”, regarding noticing requirements.

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 16th day of December, 2009 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 a proposal to amend the Code of the City of Rye Chapters and Sections: §170-6(F) “Subdivision of Land, Procedures for Tentative Approval of Preliminary Layout”; §170-7(C) “Procedures for Approval of Subdivision Plat”; §197-7 “Zoning, Site Development Plan”; §197-10 “Zoning, Uses Permitted Subject to additional Standards”; §197-81(F) “Zoning Appellate Jurisdiction of Board”; §195-5(C) “Wetlands and Watercourses, Public Hearings and Public Notification by Applicant”; §196-15 “Wireless Communications Facilities, Public Hearings Required”, regarding noticing requirements.

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

Dawn F. Nodarse
City Clerk
Dated: December 10, 2009

9A. Consideration of setting a public hearing to designate the three parking spaces on the north side of Elm Place closest to Theodore Fremd Avenue as fifteen minute parking spaces

Councilman Cunningham said his proposal addresses the concern of one particular business, a dry cleaner, located in the perimeter of town, which makes it different from previous requests by businesses in the core of the town. The business is currently being impacted short-term by work being done at the former location of Mike's Bike Shop and will be impacted again when work begins on the Theodore Fremd Avenue wall project. Mr. Cunningham added that customers, who park to go to other businesses in the area and park for more than 15 minutes, affect this business; therefore, he is recommending instituting a permanent 15 minute parking restriction at the end of Elm Place. Assistant City Manager Pickup said some arrangements were made when the Elm Place wall was repaired temporary arrangements were made for parking for business that were impacted. The upcoming Theodore Fremd Avenue wall project will cause further issues. The T&T looked at the situation and made a recommendation about a temporary relocation of parking pending the upcoming projects in order to determine what the permanent solution might be.

Council comment included:

- This proposal fits the pattern where 15 minute parking has been authorized in other outlying areas.
- There could be more long-term impact on this business by another business opening at the former bike shop location.
- Could staff provide the minutes from the last time a discussion of 15 minute parking came before the Council to determine if this location should be treated differently.

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

WHEREAS, the Council wishes to amend Chapter 191, Vehicles and Traffic, of the Code of the City of Rye by amending Article III, Parking Regulations, to Restrict Three (3) Parking Spaces on the North Side of Elm Place closest to Theodore Fremd Avenue to fifteen (15) Minute Parking; and

WHEREAS, it is now desired to call a public hearing on such proposed amendments to the law, now, therefore, be it

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

Section 1. Pursuant to Section 20 of the Municipal Home Rule Law and the Charter of the City of Rye, New York, a public hearing will be held by the Council of said City on December 16, 2009 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 such proposed local law.

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

**PUBLIC NOTICE
CITY OF RYE**

Notice of Public Hearing on a proposed local law to amend Chapter 191 “Vehicles and Traffic” of the City Code of the City of Rye, by amending Article III “Parking Regulations” to Restrict Three (3) Parking Spaces on the North Side of Elm Place closest to Theodore Fremd Avenue to Fifteen (15) Minute Parking.

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 16th day of December, 2009 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 a proposal to amend Chapter 191 “Vehicles and Traffic” of the City Code of the City of Rye, by amending Article III “Parking Regulations” to Restrict Three (3) Parking Spaces on the North Side of Elm Place closest to Theodore Fremd Avenue to Fifteen (15) Minute Parking.

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

Dawn F. Nodarse
City Clerk
Dated: December 10, 2009

10. Miscellaneous communications and reports

Mayor Otis said he had received an email from a Holly Kennedy regarding a project in North Castle for a new parking garage that might have some flood impact due to water runoff into Blind Brook. The Mayor said he spoke with representatives of the Town of North Castle who indicated a public scoping session had been held this week, which allows for written comments to be presented. They suggested the City send a letter asking that the Town include an analysis of the water runoff issues and water retention issues in their scoping process. Councilman Pratt added that part of the problem is that Westchester County Airport’s water drainage was redirected away from Rye Lake to the Blind Brook Basin.

11. Old Business

Councilman Cunningham distributed a packet that included a map outlining alternate routes for parents in the Rye Gardens area to walk their children to school and bypass the area from Sonn Drive to Oakland Beach Avenue but allowing them to cross at the proper location. His said his observations of the maximum number of people coming to the Sonn Drive intersection in the morning was 35, with 17 crossing at the location and the balance walking to

the proper location at Oakland Beach Avenue to cross. He said that prior to committing approximately \$30,000 in funds for a road diet to solve a neighborhood issue, a more balanced discussion must be held. Mr. Cunningham also provided a list of 90 children who attend Midland School that he said would have to walk along the section of Forest Avenue without sidewalks, if they chose to walk to school. He said this corridor was the number one issue Midland School people listed in the Temporary Traffic Safety and Trails Committee report; the Sonn Drive area was not listed. Future Councils must balance the needs of the community. Mr. Cunningham asked a question regarding the proposed safe routes projects put into the budget for 2010 and suggested staff look at how any traffic light sequence changes would affect traffic flow coming from Oakland Beach Avenue. Assistant City Manager Pickup said a public meeting would be held prior to instituting a new road diet in the area. Councilman Cunningham asked if there was any update regarding a senior issue at Rye Golf Club brought up at a prior meeting. Councilman Sack, the Council liaison to the Golf Commission said he did not have anything to report but hoped the issue could be worked out with the Golf Commission without Council intervention. Councilman Cunningham also asked for a three-year maintenance record on the sewer vacuum truck.

12. New Business

There was no new business to be discussed.

13. Draft unapproved minutes of the Budget Workshop held November 12, 2009, the Budget Workshop held on November 16, 2009 and the Regular Meeting/Budget Workshop of the City Council held on November 18, 2009

Mayor Otis made a motion, seconded by Councilman Cunningham and unanimously carried to approve the minutes of the Budget Workshop held on November 12, 2009, the Budget Workshop held on November 16, 2009 and the Regular Meeting/Budget Workshop of the City Council held on November 18, 2009, as amended.

14. Adjournment

There being no further business to discuss, Mayor Otis made a motion, seconded by Councilman Pratt and unanimously carried, to adjourn the meeting at 10:25 p.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk