

CITY OF RYE

NOTICE

There will be a regular meeting of the City Council of the City of Rye on Wednesday, July 21, 2010, at 8:00 p.m. in the Council Room of City Hall. *The Council will convene at 7:30 p.m. and it is expected they will adjourn into Executive Session at 7:31 p.m. to discuss attorney client matters.*

AGENDA

1. Pledge of Allegiance.
2. Roll Call.
3. General Announcements.
4. Draft unapproved minutes of the regular meeting of the City Council held June 9, 2010, the special meeting of the City Council held June 14, 2010 and the special meeting of the City Council held June 28, 2010.
5. Approval of the election of four new members to the Rye Fire Department.
6. Residents may be heard who have matters to discuss that do not appear on the agenda.
7. Mayor's Management Report
 - Coyote update
 - Construction Update
 - Legal update
 - Summary of Council Workshop to be held on July 26, 2010
8. Authorization for City Manager to enter into a settlement agreement regarding the United Water rate case.
9. Authorization for City Manager to seek an RFP for the City of Rye Corporation Counsel position.
10. Authorization for City Manager to enter into a license agreement with Eduardo and Monica Vergara, residing at 45 Dearborn Avenue, Rye, New York, to install drainage.
11. Resolution establishing a standard workday for elected and appointed officials as per new reporting requirements of the New York State and Local Employees' Retirement System.
12. Designation of Nominating Committee for the Boat Basin elections and appointment of the Chairman of the Nominating Committee.
13. Discussion of the revised law on solicitation.

14. Consideration to set a Public Hearing to add a proposed Escrow local law to assign the costs of any experts utilized by a City Board or Commission to the applicant.
15. Consideration to set a Public Hearing to amend Local Law Chapter 53, Section 53-2, "Membership of Architectural Review Board", stipulating residency requirements for architects serving on the Board of Architectural Review.
16. Consideration of proposed revision of the Rules and Regulations of the City of Rye Police Department.
17. Discussion of Resolution to establish a Rye Town Park Advisory Committee.
18. Resolution to grant permission to the Rye Free Reading Room to hold a free public concert on the Village Green on Sunday, September 19, 2010 at 2 p.m.
19. Bid Award for Automotive Parts and Machine Shop Services (Bid # 2010-03).
Roll Call.
20. Bid Award for Hewlett Avenue Sanitary Sewer Forcemain Replacement (Bid # 2010-04).
Roll Call.
21. Bid Award for Solid Waste Container Service at the Department of Public Works (Bid # 2010-05).
Roll Call.
22. Miscellaneous communications and reports.
23. Old Business.
24. New Business.
25. Adjournment.

The next regular meeting of the City Council will be held on Wednesday, August 11, 2010. The City Council will hold a Special meeting/Workshop on Monday, July 26, 2010. A presentation of the Capital Improvements Program will be made on Monday, August 9, 2010.

** City Council meetings are available live and re-cablecast by RTV on Cablevision Channel 75 and Verizon Channel 39; they are also available for replay, video on demand, at <http://rye.peg.tv>.



CITY COUNCIL AGENDA

NO. 4

DEPT.: City Clerk

DATE: July 21, 2010

CONTACT: Dawn F. Nodarse

AGENDA ITEM: Draft of the unapproved minutes of the regular City Council meeting held June 9, 2010, the special meeting of the City Council held June 14, 2010 and the special meeting of the City Council held June 28, 2010, as attached.

FOR THE MEETING OF:

July 21, 2010

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 regular City Council meeting held June 9, 2010, the special meeting of the City Council held June 14, 2010 and the special meeting of the City Council held June 28, 2010.

DRAFT UNAPPROVED MINUTES of the
Regular Meeting of the City Council of the City of
Rye held in City Hall on June 9, 2010, at 8:00 P.M.

PRESENT:

DOUGLAS FRENCH Mayor
RICHARD FILIPPI
PAULA J. GAMACHE
PETER JOVANOVICH
SUZANNA KEITH
CATHERINE F. PARKER
JOSEPH A. SACK
Councilmembers

ABSENT: None

The meeting convened at 7:30 p.m. Councilwoman Gamache immediately made a motion, seconded by Councilman Filippi and unanimously carried, to adjourn into Executive Session to discuss labor relations. Councilman Jovanovich arrived at 7:35 p.m.; Councilwoman Keith arrived at 7:40 p.m. and Councilwoman Parker arrived at 7:50 p.m. Councilman Filippi made a motion, seconded by Councilwoman Keith and unanimously carried, to adjourn the Executive Session at 8:07 p.m. No decisions were made. The regular meeting convened at 8:13 p.m.

1. Pledge of Allegiance

Mayor French called the meeting to order and invited the Council to join in the Pledge of Allegiance, which was led by Alexander Reifsnyder.

2. Roll Call

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

3. Resolution appointing a City Manager effective July 1, 2010, establishing the terms and conditions of employment, and authorizing the Mayor to sign an employment agreement
Roll Call.

Mayor French said it was a very important night for the City. Three months ago the process of finding a new City Manager was begun, utilizing the guidance and experience of City Manager Frank Culross. Over 60 applications were received with the Council interviewing the top six finalists. The Mayor said that at the end of the process he is pleased to announce that the City Council would be voting to name Assistant City Manager Scott Pickup as the City Manager. Mayor French said that Scott has credibility in the community; respect of the staff; endorsement

from other elected officials across the state as well as his peers; and the knowledge, expertise and point of view to make the tough decisions.

Council comment included:

- Scott has proven that he has an appreciation for the issues that affect Rye and hopefully he will serve in the role for many years.
- It was an interesting an enlightening process and is one of the most important decisions a City Council can make.
- The City will be in excellent hands with Scott.
- Scott is very respected in the community and will be a great addition as City Manager.
- Scott has the skill set that Rye needs.
- Scott has shown his true community spirit by taking less compensation in these times because he believes it is in the best interests of the City.
- It is the responsibility of the Council to choose the person who is the best fit for the community. Scott has all the qualifications the City needs and will lead the City admirably.

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

WHEREAS, the City Council of the City of Rye (the “City”) has conducted a thorough search of candidates to fill the position of City Manager; and

WHEREAS, the City has reviewed numerous resumes, conducted several interviews and discussed what is in the City’s best interests; and

WHEREAS, the City desires to employ Scott D. Pickup as the City Manager of the City of Rye effective July 1, 2010;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor is hereby authorized to finalize an employment agreement with Scott D. Pickup as City Manager which includes the following provisions:

1. The employment agreement term has an effective date of July 1, 2010.
2. The annual base salary for City Manager will be One Hundred Seventy-Seven Thousand Five Hundred Dollars (\$177,500).
3. The Mayor and City Council shall meet with the City Manager semi-annually to review and evaluate his performance.
4. The City Manager shall report annually his used vacation, sick time, and other paid time off to the appropriate City department.
5. The City Manager shall continue to use his City automobile for City business and other local use.
6. The City Manager shall participate in the New York Public Employees Retirement System, subject to the rules and regulations of that plan. In

addition, the City Manager will qualify for full individual health benefits as part of his retirement once he has been an employee a minimum of 20 years with the City and he is at least 55 years of age. The City Manager can pay the difference in the annual premium in order to be covered by the family plan at that time.

7. The City shall reimburse or otherwise be responsible for monthly charges and expenses of a mobile device for the City Manager.
8. In the event that the City Manager is terminated pursuant to the City Charter, the City agrees to pay the City Manager his compensation as severance pay of three (3) months.

ROLL CALL:

AYES: Mayor French, Councilmembers Filippi, Gamache, Jovanovich, Keith, Parker and Sack

NAYS: None

ABSENT: None

The Resolution was adopted by a 7-0 vote.

4. General Announcements

Mayor French made the following announcements:

- He thanked the September 11th Memorial Committee for donating to the City the Gazebo on the Village Green that memorializes the 15 Rye residents that were killed on September 11, 2001.
- There will be a special City Council meeting on June 14th to look at the 2011 City budget and hear staff recommendations. An additional meeting will be held on June 28th where the Finance Committee will be asked to comment on the recommendations and the Council can provide direction to staff.

Additional announcements were made regarding events sponsored by various organizations that have taken place or will take place in the community.

5. Recognition of Safe Routes to School Award Winners

Prior to the presentation of the award winners, Kate Emanuel and Georgetta Morque gave an update on the Safe Routes to School Committee. The Rye Safe Routes to School Committee is made up of delegates from all of the schools and community leaders. It is part of a national initiative that focuses on the five “E’s” (education, encouragement, engineering, enforcement and evaluation). The Committee received funding from the Board of Education that will allow them to kick off several education initiatives in the Fall, including: cross-walk decals for cars, safety pledge contracts; posters and promotional materials; and Triple A assemblies at the schools. They are also exploring a special Middle School curriculum geared toward sixth

graders. They have recently run public service announcements in the Rye Record regarding distracted driving and walking and the next ads will focus on biking safety and cross-walk use. A safe routes video contest was held for Middle School and High School students with the theme of emphasizing safe walking and biking to school. Prizes were presented by Ms. Emanuel and Ms. Morque to the first place winners from both schools, Alexander Reifsnnyder for the Middle School and Christopher Reifsnnyder for the High School. Mayor French presented them with proclamations on behalf of the City.

6. Draft unapproved minutes of the City Council Workshop and the regular meeting of the City Council held May 19, 2010

Councilwoman Keith made a motion, seconded by Councilwoman Parker and unanimously carried, to approve the minutes of the City Council Workshop held on May 19, 2010 and the regular meeting of the City Council held on May 19, 2010, as amended.

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

Sis D'Angelo, 110 Wappanocca Avenue, discussed several matters: (1) she was insulted by the members of the Traffic and Pedestrian Safety Committee when she attended their recent meeting; does not believe she should have been treated in that manner and expects to receive an apology from the Committee; (2) the Council was elected because they said they were going to make changes – nothing has been done and everything is postponed; and (3) she presented the Council with an article in the paper saying that land on Theodore Fremd Avenue has not been cleaned up and is still toxic and suggested it be forwarded to the Planning Commission. Mayor French offered to sit down with Ms. D'Angelo and discuss her issues. Councilman Sack said that everyone deserved to be treated with civility at meetings.

Doug Carey, 131 Purchase Street, came to announce that on June 26th there will be additional events held in Rye Town Park in celebration of Rye's 350th Anniversary; and on June 29 and 30th at Crawford Park there will be two performances of "Flashback" an original musical recounting the history of Rye Town. Mr. Carey also reported that he had attended a hearing in White Plains of the Westchester County Rent Guidelines Board. It provides an opportunity for residents and landlords in ETPA communities to discuss possible rent increases for the upcoming year.

Jim Amico, 350 Midland Avenue, also discussed several matters: (1) the Police Department is doing a great job of enforcement on Midland Avenue and speeding is way down, as is the volume of traffic on the road. He expressed concern that if the numbers in the Police Department drop, their ability to enforce will be reduced. (2) The Recreation Department does a good job picking up litter on the fields on Midland Avenue; but it should be done quicker and the fence should be completed because it is ugly and leads to vandalism. (3) There should be laws that require flagmen to control traffic or that work cannot be done during school hours in a school zone. Councilman Filippi suggested looking into a sidewalk policy that would not allow work to be done while school is in session.

8. Mayor's Management Report

●Litigation Update

Interim Corporation Counsel Kristen Wilson reported on the following matters:

- A revised law on solicitation will be presented to the Council for consideration at the next meeting.
- There are proposals relative to the requirement that architects serving on the Board of Architectural Review be City of Rye residents, which often causes a conflict for architects who live and work in the City. One would allow architects who live within the County, not just the City, to serve on the Board. This will also be presented to the Council at the next meeting.
- Discovery has been completed in the R.B. Conway breach of contract suit pending in Supreme Court, Westchester County. The City has five weeks left to file motions for summary judgment.
- The City was served with a new Article 78 petition by Heal the Harbor.com and Ray Tartaglione against the City and Common Council and other defendants.
- The Osborn case is fully submitted and pending before the Appellate Division, Second Department. It is hoped a decision will be rendered by the end of this term.
- The Town of Harrison has submitted comments in connection with the Beaver Swamp Brook matter that is pending before an Administrative Law Judge in Region 3 of the Department of Environmental Conservation. The City is reviewing the comments. Representatives of the City will attend a meeting with Town of Harrison officials to review their plan.

Mayor French noted that it is the fiduciary responsibility of the City to properly defend the City when it is sued. He added that over the next few weeks the Council will circulate a Request for Proposal (RFP) for legal services.

9. Discussion of request by the Recreation Commission to name a baseball field at Disbrow Park, "Founders Field", in honor of the Rye Little League founders

Bart DiNardo, Chair of the Recreation Commission said that former City Councilman Mack Cunningham brought to the Commission the idea of naming the new fields at Disbrow Park "Founders Field" in honor of the founders of the Rye Little League. He said the Recreation Commission believes it is appropriate and hope that the Council will vote in favor of it. Former Councilman Cunningham provided a brief history of the founding of Little League in Rye. He said naming the field "Founders Field" will recognize the work they did, which now benefits over 450 children. A plaque with the founders names should be in place by opening day next year.

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

RESOLVED, that the new fields at
Disbrow Park are hereby named "Founders

Field” in honor of the founders of the Rye Little League.

ROLL CALL:

AYES: Mayor French, Councilmembers Filippi, Gamache, Jovanovich,
Keith, Parker and Sack
NAYS: None
ABSENT: None

The Resolution was adopted by a 7-0 vote.

10. Continuation of Public Hearing to change the City of Rye Zoning Code to include “child-care facilities” as a use in the B-1 District

Linda Whitehead, Esq., attorney for the party petitioning for a change in the Zoning Code, said she believed the public hearing had been kept open for a Council discussion. She said she had submitted a letter regarding the different criteria that the Council wanted to review. The number of children put into the text was done because it exists in the current Zoning Code for nursery schools, which are permitted in residential zones only. There are no restrictions in the B-4 and B-5 zones other than restrictions imposed by state law. The parking requirements suggested were reviewed by the Planning Commission and came from existing codes in the area and information received from other centers. The minimum lot area was suggested because it was a minimum area that their client felt would work for a 30 child facility. It is less than the FAR permitted for residential uses in B-1 zones.

Public comment:

Curtis Spacavento, owner of building at 176 Theodore Fremd Avenue, said he did not believe that the site on Theodore Fremd Avenue proposed by the applicant for a child-care center is safe. Mayor French said the discussion before the Council was child-care in B-1 zones, not a particular application or site.

Council comment included:

- The Planning Commission endorsed the idea of the zoning change because the City Code is out of sync with today’s reality.
- If the need for child care in Rye is addressed it should be looked at from a Master Plan approach.
- 10,000 square feet is not enough room for 30 children. There are probably other opportunities within the B-1 for bigger facilities.
- The Council needs to look at all aspects of the child care needs of the community, possibly through a workshop.
- A workshop might afford the opportunity to discuss the opportunities for child care in the City as long as it is used to accomplish something.
- Other communities ask for larger lot sizes for child care centers.

Mayor French suggested that a workshop be held on the issue at the July 26th meeting.

Councilwoman Gamache made a motion, seconded by Councilman Filippi and unanimously carried, to close the public hearing. No vote was taken.

11. Discussion of 151 Purchase Street Associates, LLC and tenancy lease terms

Mayor French said that since the matter was under litigation, if the Council decided to move forward, there is little that can be said until an agreement is signed. Interim Corporation Counsel Wilson said that originally Highland Hall Apartments commenced a hybrid proceeding against the City Council, which was dismissed from the bench by Judge Ballantoni. It was appealed to the Appellate Division, Second Department, who sent it back to the trial court level. 151 Purchase Street Associates filed an amended complaint against the City, which the City has not answered. Settlement discussions were begun several months ago. A proposed settlement is before the Council for consideration that includes a Memorandum of Understanding (MOU) that would be made part of the settlement. The proposed resolution would authorize her to make the final changes, if any, and the City Manager would sign it.

Council questions

- Does the proposed settlement protect the tenants in the 151 Purchase Street building against sudden rent increases? (The MOU is similar to one in existence for other buildings in the community. It protects the tenants until January 31, 2011 at their existing rents or, until their current lease term ceases.)
- If the lawsuit continues is it possible that ETPA coverage could be lost for both buildings? (Yes. The settlement as proposed best protects the tenants of 151 and 131 Purchase Street.)

Public comment:

John Carey, 860 Forest Avenue, said he has no idea about the merits of the proposed settlement and believes the public needs to know more about it before it is acted on. He suggested that this would have been a suitable project for review by the proposed Litigation Committee.

In response to a question from Mayor French, Ms. Wilson advised that the settlement proposal should not be shared with the public during negotiations. She added that if the City decides to enter into the settlement and MOU it does not prevent the three tenants who still live at 151 Purchase Street and are named in the lawsuit from continuing with the suit.

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

RESOLVED, that the Interim Corporation Counsel is authorized to

finalize changes and the City Manager is authorized to sign the Stipulation of Settlement and Memorandum of Understanding between 151 Purchase Street Associates, LLC and the City of Rye.

ROLL CALL:

AYES: Mayor French, Councilmembers Filippi, Gamache, Jovanovich,
and Keith
NAYS: Councilmembers Parker and Sack
ABSENT: None

The Resolution was adopted by a 5-2 vote.

After the vote was taken, *Doug Carey, representing the Highland Hall Tenants' Organization*, said he was disappointed that there wasn't further discussion about ramifications. He said the City is losing affordable housing units and this may cause additional loses. Additionally, he said he believed that there were shared services that residents of 131 Purchase Street pay for that might be in jeopardy. Ms. Wilson said that the rights of the tenants of 131 Purchase Street will remain unchanged.

12. One appointment to the Governmental Policy and Research Committee for a one-year term by the Mayor with Council approval

Councilwoman Keith made a motion, seconded by Councilman Filippi and unanimously adopted to appoint Taegan Goddard to the Governmental Policy and Research Committee for a one-year term expiring on January 1, 2011.

13. Designation of the Chair of the Governmental Policy and Research Committee by the Mayor

Mayor French designated Susan Jansen as the Chair of the Governmental Policy and Research Committee for a one-year term.

13A. Consideration of FOIL appeal filed by Mr. Chittenden on May 27, 2010

Interim Corporation Counsel Kristen Wilson said that a Freedom of Information Law (F.O.I.L.) request had been filed with the Police Department by Mr. Chittenden and he is challenging the timeliness of the City's response.

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

RESOLVED, that the May 27, 2010 Appeal filed by Timothy Chittenden in connection with his April 22, 2010 Freedom

of Information Law (F.O.I.L.) request is hereby denied.

ROLL CALL:

AYES: Mayor French, Councilmembers Filippi, Gamache, Jovanovich,
Keith, Parker and Sack
NAYS: None
ABSENT: None

The Resolution was adopted by a 7-0 vote.

14. Miscellaneous communications and reports

Councilwoman Keith reported on the following items: (1) A few weeks ago a draft of the Sustainability Plan that a subcommittee of the Conservation Commission/Advisory Council has been working on was provided to the Council for review. She asked the other members of the Council to provide any comments they might have because she would like to have a discussion of the draft at a Council Workshop. (2) The Pedestrian Safety Master Plan Committee has been meeting. She believes it makes sense to have the Committee become a more formal committee similar to the Traffic and Trailways Committee in 2007. The end goal would be to see how their plan would fit with the Capital Improvement Plan. (3) The Not-for-Profit Council will be meeting on June 15th at the Rye Free Meeting Room from 8:30 to 10:00. Mayor French said that if Council Members were available to attend it could serve as a Town Hall Meeting.

Councilwoman Parker asked if the City Manager could provide the Council with a report from Rye Town Park on the staffing of security shifts at the park during May.

15. Old Business

Councilman Sack said that coyotes have become a serious issue and suggested that the City look into trying to capture them and determine what our options are to deal with the situation. Councilman Filippi said he would look into the invasive species environmental issue that included deer as well as coyotes by contacting Westchester County and Cornell Cooperative for suggestions of what might be done in Rye. Councilman Jovanovich advised the public to keep the issue in proportion and that although there may be things the City can do, it was a fool's errand to believe that coyotes can be eradicated in Rye.

Interim Corporation Counsel Wilson said that a proposed Escrow local law will be circulated to the Council for consideration. The proposal is to assign the costs of any experts utilized by a City Board or Commission in the review of an application before them to the applicant.

Mayor French asked for an update on the Kirby Lane Sewer. City Manager Culross said that the City is getting proposals from engineering firms. The next step would be to do a more detailed design and estimate. A meeting would then be held with the neighbors and they would

be offered the opportunity to advance the money for the preliminary engineering if they do not want to commit to the project at this point.

16. New Business

Councilwoman Parker said that a Playland Strategic Planning Committee was being formed that will include herself, Mayor French, Councilman Jovanovich, Charles Dorn and Doug McKean. Councilman Sack said he was concerned that the County's long-term plans for Playland might include catering facilities, which would be open later in the evening.

17. Adjournment

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

Respectfully submitted,

Dawn F. Nodarse
City Clerk

DRAFT UNAPPROVED MINUTES of the
Special Meeting of the City Council of the City of
Rye held in City Hall on June 14, 2010, at 7:30 P.M.

PRESENT:

DOUGLAS FRENCH Mayor
RICHARD FILIPPI
PAULA J. GAMACHE
PETER JOVANOVICH
SUZANNA KEITH
CATHERINE F. PARKER
JOSEPH A. SACK
Councilmembers

ABSENT: None

1. Pledge of Allegiance

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

2. Roll Call

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

Mayor French said that the subject of this meeting is to look at 2011 finances. Three months ago the Comptroller and City Manager were asked to take an early look at next year's budget. It is the start of a process of shared sacrifice between taxes and levels of service. Levels of service cannot be maintained with a 0% tax increase. The City also has many obligations it is trying to fund, but does not have a surplus to spend on capital projects as in the past.

3. Report from the Auditing firm of O'Connor Davies Munns & Dobbins on the 2009 Audit

Scott Oling of the firm of O'Connor Davies Munns & Dobbins presented the results of the audit of the City's fiscal year that ended December 31, 2009. The auditors' opinion was an unqualified opinion, which is the highest form of assurance that an auditor provides their client. It says that they believe that the financial statements fairly present the results of operations for the City for the fiscal year 2009. The primary focus of the presentation was the General Fund, which is the primary operating fund of the City. Even though the City budgets conservatively for revenues, 2009 revenues came in \$425,000 less than the budgeted amount of \$28.8 million. The economically sensitive revenues (sales tax and hotel tax) came in short and were significantly down from 2008. Interest earnings fell by about \$300,000 and it is not expected that 2010 interest earnings will be much better. Building permits dropped off by \$158,000. The

major drop in revenue was in mortgage tax receipts, which dropped by over \$700,000 due to the drop in home prices and less activity in home sales. The total of these figures represents a drop of about \$1.4 million in revenue from 2008 or over 5% of the budget. The City achieved savings in expenses, which offset the drop in revenues, by reducing seasonal salaries by \$100,000; tax certiorari settlements were \$230,000 less than in 2008 but this will probably not repeat in 2010; retirement contributions for the City were down \$80,000 but will go up substantially for the foreseeable future; health insurance dropped by about \$750,000 as a result of a switch in insurance companies but it is expected that insurance premiums will increase this year by 25%. The City's expenses exceeded revenues for 2009 by about \$1.1 million in the General Fund. The City had anticipated this when adopting the 2009 budget and used Fund Balance to make up the difference. Fund Balance is the difference between assets and liabilities. In two years the Fund Balance has declined from \$13.3 to \$9.8 million or by 25%. The \$9.8 million is divided as follows: \$257,000 for encumbrances; \$413,000 for pre-paid expenditures; \$1.2 million for compensated absences; \$413,000 for long-term receivables; \$834,000 for workers compensation obligations; and the remainder of \$6.7 million is unreserved Fund Balance which is broken down into various projects and improvements approved by Council action. In adopting the 2010 budget \$1.3 million of the unreserved Fund Balance was used to reduce the tax rate. Another \$2 million is set aside for tax certiorari obligations. The free and clear Fund Balance is the amount left after all the reductions, and totals \$2.7 million or 9% of the General Fund budget. He concluded by saying the City is still in a decently strong Fund Balance position and the question is how much of the balance will be depleted as the City works through difficult economic times.

Mr. Oling also said that each year they are required to issue a "Management Comment Letter" on areas that they found could be improved. They did not deem any deficiencies found to be significant. The main focus this year was on the Golf Club Fund. They made recommendations regarding tightening the bidding process and suggested that they could have a better handle on inventory items. He also noted that the City has issues related to cash flow from awaited reimbursements, and said that if money the City fronted for the purchase of the Bird House was not received it will have an impact on the General Fund, which would require restricting the Fund Balance.

Questions and comments from the Council and Finance Committee included:

- How does the City compare with other municipalities in Westchester regarding cash flow issues? (Cash flow issues are unique to each municipality. The City had several events this year that required that cash be advanced. This is the first time the auditors have seen the City of Rye have the type of cash flow issues it is facing.)
- How will the Golf Club enact the practice changes suggested by the auditors report? (The Finance Department is working on revising the City's purchasing policy which has not been revised in years. Changing inventory procedures comes down to resources and having the manpower to do it every month.)
- Will tighter controls have to be put into place due to reduced staffing? (It is a concern and is being considered. There comes a point when internal controls cannot be maintained if staff is further reduced.)
- Is 9% in Fund Balance similar to other municipalities? (It varies depending on the needs of the community.)

- First quarter sales tax figures are up and real estate sales seem to be trending upwards.
- Are cities required to budget for a balanced budget? (Fund balance can be used to balance the budget.)

4. Preliminary 2011 Budget Overview

City Comptroller Jean Gribbins began her presentation with an update on the City's financial position through May 31st. The City continues to enjoy a high tax collection rate, with only 1% of City taxes uncollected as of June 1st. Sales tax and mortgage tax revenues and hotel occupancy and utilities gross receipts tax collections are on line to come in as budgeted, with mortgage tax receipts possibly \$10,000 over.

In connection with the 2011 budget she said that the new reality is that although the City has been conservative in estimating budgeted revenues, they have fallen short and over the past few years City expenses have been trimmed to bare bones levels. In order to further reduce expenses, service levels will have to be reduced. The 2010 budget reduced expenditures over \$700,000 from the 2009 budget, but there are inherent increases in 2011 from 2010. They include:

- Health insurance premiums are expected to increase at a rate of about 25% per year over the next three years in reaction to the recent legislation. For 2011 the increased rates will increase the City's costs by \$948,000, which is equivalent to a 5% increase in the tax rate.
- An increase of 25% is estimated for the New York State Retirement System. This would increase the City's contribution by \$417,000, which equals a 2.2% increase in the tax rate.
- As of June 2nd the City's assessed valuation has decreased over \$443,000 from the amount used to prepare the 2010 budget. Many grievances have been filed and the Assessor will not have a final assessed valuation until all grievances have been ruled on in September.
- Salary increases of 2% are factored into the 2011 budget which would add 1.29% to the tax rate.
- In the 2010 budget the City used \$99,750 of Debt Service Fund Balance to keep the tax rate low. There is only \$21,144 of this balance left to use for 2011 debt and then there is no balance available for use in 2012 and beyond. A 1.11% tax increase is needed to cover 2011 debt service.
- The total increase in expenses would equal a 10.1% increase in the tax rate.

Ms. Gribbins then presented options that could offset the tax increase:

- Require the Recreation Department to generate an additional \$380,000 in revenues and cost savings. This would increase Recreation cost recovery to 50% and offset the tax increase by 2%. This option would involve restructuring the Department and would result in fewer programs being offered in 2011 and higher fees for participants in all programs.

- Reduce the funding to the Rye Free Reading Room by \$190,000, which would generate a savings of 1%.
- Doubling the fees for all parking permits and parking meters could generate enough revenue to reduce the tax rate up to 3%.
- Reprogram the existing refuse collection schedule by changing the times and days of collection, which could result in a savings of 1.5%.
- Ask the Golf Club to contribute an additional \$95,000 to the General Fund. This would reduce the tax rate by .5%, but would probably require an increase in member dues.
- If the debt on the 1037 Boston Post Road building is paid by December 31st, it will save the City \$192,000 of interest expense for 2011.
- If the City can reorganize uniformed services it could save \$150,000 in the 2011 budget and allow for the hiring of two additional police officers.

If all of the reductions in services and personnel presented are implemented it could help the City achieve a target of a zero to five percent tax increase. Ms. Gribbins said it was important to evaluate the sustainability of each option because they may work for a short period of time but may not be sustainable long-term. The Council should also begin considering long-term options such as consolidating police services and fire services with other municipalities and moving toward a single membership dues model for the Golf Club when it is looking at the economic sustainability of the City for the future. She also advised the Council that it was imperative that the Council reach a decision on the proposed options by the June 28th meeting in order to provide direction to City staff for preparing the 2011 budget.

Questions and comments from the Council included:

- Will there be any capital investment in 2011? (No)
- The Finance Committee should review the City's debt policy.
- By talking about expenses and not revenues we are not looking at a complete picture and that makes it difficult for the Council to make a decision.
- What happens to the capital projects that were budgeted for 2010 and were put on hold? (A presentation will be made on July 26th about capital projects, but many projects may remain on hold.)
- Does restructuring of departments mean loss of jobs? (Yes, possibly six more people from the current number of positions.)
- How did the City get into a "cash crunch" and why does it mean there is no money for capital projects in 2011? (The budget is designed to cover expenses with the money it collects but as fund balance is spent and money is laid out, the City is starting with less than \$0. When there is a revenue surplus it funds the next year's capital projects but when there is no surplus there is no money left to pay for capital projects. For the last few years Fund Balance has been used to pay for capital projects.)
- Could reimbursement money for the Elm Place Wall or Bird Homestead be used for capital projects instead of paying off 1037 Boston Post Road? (Not paying the balloon payment on 1037 Boston Post Road would probably increase next year's tax rate by 2 %.)
- Is the projected increase in health insurance costs based on current labor contracts, or can it be changed through the renegotiation process? (It would have to go through the contract process in order to make any modifications.)

- Are there more options available than those presented that the Council could also consider? (Many things were looked at but these were considered the best options. The City is already operating at 7.5% less staffing than two years ago and more reductions could cause internal control issues as raised by the auditors. In the current environment a 0% tax increase is probably too big a reach. The biggest option left off the table was the 414 option for funding the library, which would require a referendum.)
- The Council must look at restructuring and long-term options.
- What impact would curb-side garbage pick-up have? (It might reduce another three jobs and double the savings but in order to do it correctly, the equipment should be replaced.)
- If the City were able to obtain grant money for capital projects would we be allowed to advance the money if we had the cash? (The Charter makes it difficult to easily raise money through bonding and sources of grant money are drying up.)
- If certain projects were not done could it become a legal issue? (Defective infrastructure can become a liability. Certain capital projects like street resurfacing should be done every year.)
- Would it make sense to bring back the Financial Trends Report? (It was only used to look backward. It would be more useful to discover a way of forecasting going forward but the City does not have the resources to do it now.)

Questions and comments by members of the Finance Committee included:

- What is the difference between a permissive and mandatory referendum? (In a permissive referendum the City Council can take action but if a petition is submitted by a certain number of residents within a limited timeframe, it must go to an election. A mandatory referendum must be on the ballot.)
- The Golf Club has a lot of cash, have we considered borrowing from them? (It is anticipated that the fifth payment on 1037 Boston Post Road will be made that way, but the General Fund is required by law to pay market rate interest to the Golf Club for any money it borrows.)
- Since tax delinquency rates are no higher this year than last year, is there any reason to believe the public would object to an increase in taxes to pay for services.
- How is the rate paid to the Golf Club for borrowing money determined: (It is based on what they would have earned on the money in their account.)
- Could the 2% salary increases be deferred for another year? (There were no allowances for raises in the 2010 budget but that has not been agreed to by the bargaining units. The 2% figure would allow for 2% increases across the board assuming there were no increases in 2010. Some employees have already received a cut in pay due to the increase in health care premiums.)
- Can the assumption that union agreements will keep expenses flat be discussed in more detail? (The 2010 budget does not provide for any salary increases. If there are increases that were not anticipated, it will have to be accommodated within the personnel lines.)
- Are there any revenue assumptions other than State aid, FEMA reimbursement and flat elastic revenues? (It is anticipated that everything will hold flat. If the reimbursement for the Bird Homestead does not come in, it is cash that the City does not have and will become an expense.)

- Is there an opportunity for cost savings by a more restrictive overtime policy? (Overtime depends largely on things that are out of the City's control, like weather.)
- Is the 25% pension increase for 2011 expected to continue in 2012? (It is expected that it will go up, but it is not known by how much. The performance of the retirement fund is dependent on the stock market.)
- The City changed from an administrative services health plan to a premium plan and the premiums are not projected to double in three years. Has there been any consideration of going back to an administrative services contract? (There is concern that the consortium that provides the administrative services plan will not be viable going forward.)

At the end of the presentation Anne Stillman of the Committee to Save the Bird Homestead said she wanted to provide an update on the outstanding grants for the property. She said everything is moving forward. The City has received draft contracts for the \$200,000 grant from Westchester County and the \$350,000 grant from the NYS Office of Parks Recreation and Historic Preservation. The NYS Office of Budget has approved going to contract for a \$200,000 grant from the Long Island Sound Stewardship Fund that will be administered by the Department of Environmental Conservation. The final grant is for \$250,000 that was obtained through Assemblyman Latimer and will be administered by the Dormitory Authority and the paperwork has been processed to prepare the contract.

5. Adjournment

There being no further business to discuss, Mayor French adjourned the meeting at 9:27 p.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk

DRAFT UNAPPROVED MINUTES of the
Special Workshop Meeting of the City Council of the
City of Rye held in City Hall on June 28, 2010 at 7:30
P.M.

PRESENT:

DOUGLAS FRENCH Mayor
RICHARD FILIPPI
PAULA J. GAMACHE
PETER JOVANOVICH
SUZANNA KEITH
CATHERINE F. PARKER
JOSEPH A. SACK
Councilmembers

ABSENT: None

1. Pledge of Allegiance

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

2. Roll Call

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

Coyote Update

Mayor French said that in light of the recent coyote attack, Police Commissioner Connors would give an update on the issue of coyotes and next steps that will be taken. Commissioner Connors said that coyotes have been a fixture in Rye for many years but there has been a noticeable increase in population and activity recently. A Cornell Cooperative study indicated that the coyote population is higher in the more developed areas of the County than in the more rural areas, possibly due to food sources and a lessening of fear of human contact. There has been an increase in calls about coyote activity, all of which is consistent with normal coyote behavior. The behavior escalated in April when a small dog was killed on the grounds of The Osborn. At that time the City obtained a permit from the New York State Department of Environmental Conservation (DEC) and retained the services of a nuisance wildlife removal service, which began trapping and relocating efforts. Traps were set at The Osborn, the Osborn Cemetery, the Rye Golf Club, the area near Johnson Place, the Marshlands and near the Playland Parkway/Crescent area. The challenge has been to find locations that are amenable to trapping, but also safe for children, people, walkers and pets. Nine coyotes were trapped and relocated. On June 25th a six-year girl was jumped on in her yard, knocked to the ground and bitten and scratched. An officer chased and fired on a coyote that was spotted a couple of blocks away near

the Golf Club, but it is not believed it was hit. An extensive search was done of the Golf Club area with the assistance of the Fire Department and County Aviation. While coyote attacks on humans are extremely rare, this attack changes the situation in Rye. The City is now using a two pronged approach: (1) trapping efforts will continue but will be more aggressive, as safety allows, and will focus on finding the coyotes in the areas where they live; and (2) assigning police officers to respond to coyote sightings and locate them in areas outside their natural habitat. The preference is for humane trapping and removal but because of the aggressive activity of the animals, more aggressive action may be taken if necessary and if it can be done safely. It is not realistic to believe that coyotes can be eliminated from the area, but hunting and trapping is necessary to instill fear in the animals. Residents are urged to exercise caution, particularly about leaving small children outdoors, and when encountering a coyote, people should act aggressively, make loud noises, waive arms, or use pepper spray and don't allow pets to run free or provide a food source. He concluded by asking residents to notify police of any coyote sightings.

Council comments:

- What is the point of view of the State and County on the level of aggressiveness? (The County does not have a role other than being the landowner for a significant amount of property where coyotes live. Animal control resources rest with the DEC. They do not encourage an aggressive approach unless there is aggressive behavior by the coyotes. Mayor French noted that the City is working with the County to coordinate access to their property and Assemblyman Latimer will work with the DEC.)
- Where were the coyotes relocated to? (Out of state, on the other side of a river.)
- Were the coyotes rabid? (It is protocol in incidents involving wild animal bites to presume there is a danger of rabies, but there has been no indication that the animals were rabid.)
- This is the number one public safety issue in Rye and the City should do whatever it takes to capture them.
- Does the DEC agree with trapping and release of coyotes? (It is the preference of the trapper. The City's permit authorizes us to trap, hunt and kill.)
- People should be more careful of how they dispose of food.
- This was an unforeseen event in the community, but the professionals rose to the occasion.

3. Tribute to retiring City Manager Frank J. Culross

Mayor French noted that this would be the retiring City Manager Frank Culross' last meeting and read the following Proclamation:

*WHEREAS, the City of Rye became a City Manager form of Government
50 years ago in 1960; and*

*WHEREAS, Frank J. Culross has served the City of Rye in that capacity
for 25 years, or more than half that time; and*

WHEREAS, *the Citizens of Rye both during his tenure and generations to come have greatly benefited from the decisions and dedication he has given to our community; and*

WHEREAS, *Frank has worked with integrity and professionalism with City staff, seven Mayors and City Councils across five decades; and*

WHEREAS, *the time has come for the City of Rye to give back to Frank J. Culross and his ever patient wife Dorcas; now, therefore, be it*

RESOLVED, *that the Rye City Council pauses in its deliberations to express its appreciation to Frank J. Culross for his service, management style and contribution to the City of Rye; and be it further*

RESOLVED, *that we congratulate Frank J. Culross for his service, and wish him and his family much success and happiness in his retirement.*

NOW, THEREFORE, *I Douglas French, Mayor of the City of Rye in the year 2010 do hereby proclaim June 30th will always be recognized as Frank J. Culross Day in the City of Rye.*

Council comment:

- It has been great working with Frank, who taught them so much.
- Congratulations to Frank, he is a class act.
- Thanks to Frank for patiently answering Council questions.
- Thanks for stepping in once again when he was needed.
- Frank is very professional and did a great job in guiding the new members of the Council.

Councilwoman Parker presented Mr. Culross with gifts on behalf of the Council.

Comment from former Mayors and Councilmembers included:

Former Mayor John Carey asked that the following statement be included in the record:

“In the mid-1970s, there came one of those times when Rye needed a new City Manager. We had recently been served on an interim basis by Phil McGovern, the Assessor, and by Corporation Counsel Tony Antinozzi. It was time to find someone with outstanding qualifications to lead our City Staff for the indefinite future.

“For a while, we tried to do our search on our own. We placed ads in trade publications and sat in the Conference Room with various candidates. But this

method seemed to be getting us nowhere. So we hired a search firm, at a cost that was reasonable, especially in view of who they found for us - Frank Culross.

“Frank had been sitting beside the shores of the St. Lawrence, so far as we knew perfectly happy there. But the stock in trade for the best search firms is knowing what people are doing exceptionally well where they are, do not intend to leave, and are appreciated where they are. This you cannot find out by running ads; that way you'll never know who is out there that might be a perfect fit.

“We sent our fellow Councilmember Pat Levine north to reconnoiter. She did random spot checks all around Frank's town. The verdict was unanimous - everyone liked and respected Frank. So we made him an offer, and only now, 35 years later, are we finally parting company with him.

“Frank, I am proud to have been the first Mayor to work with you as City Manager, and I'm very glad to have made life so easy for all my successors.”

Former Councilwoman Pat Levine recalled that she and former Councilman Sal Carraccio had traveled to Ogdensburg, New York in 1978 to investigate Frank when he was being considered for the position of City Manager back in the days before Google and Facebook.

Former Councilman George Pratt said that Frank was one of the top people he has worked with and that the City of Rye has benefitted from his years of service. He also read a letter from former Mayor Steve Otis that highlighted many of Mr. Culross's accomplishments during his tenures as City Manager.

Former Councilwoman Carolyn Cunningham said that she concurred with everything that has been said about Frank and that the City was blessed to have him.

Councilwoman Keith read a letter on behalf of former Mayor Ted Dunn that said working with Frank was one of the best parts of his four years as Mayor.

4. Discussion of 2011 Budget recommendations from City Staff

Mayor French said that the issue of property tax has become a dialogue not only in Rye but in other municipalities and the County this year. If the City is going to build financial sustainability in the long-term, the discussion must begin now. It is the job of the leaders of the community to have this conversation and provide direction to City staff.

David Mullane, Chairman of the Finance Committee, provided the consensus view of the Committee. He said staff has done a fantastic job in identifying areas where revenues can be generated and expenses cut, but the Committee believes that none of the actions addressed a structural budget problem facing the City. He said even with cuts in the workforce that have been made over the past two years, the City faces significant expense increases. The Committee believes that there is a sense of urgency and that it is a critical time to assess the City's fiscal

situation. He then provided the Committee's comments on the presentation made by Comptroller Jean Gribbins at the June 14th City Council meeting that dealt with items that would increase the tax rate and items that might mitigate the tax increase.

- Increase in health insurance costs (25% increase) – It is a fact and the Committee cannot express a view on it. The public needs to be informed because health care costs account for a significant portion of a tax increase.
- Increase in contributions to the NYS Retirement System – It is mandated by law and there is no remedial action that can be taken.
- Decrease in assessed value in property tax rate – The grievance process is underway and the Council should prepare for a decrease in assessed value that could be greater than .5%.
- Salary increases of 2% for all employees – The Committee rejects this proposal and recommends a wage freeze for all employees in 2011.
- Increase in debt service caused by the recently completed \$3.45 million of borrowing – It was borrowed at a good rate (3%) so no action can be taken. The City is considering borrowing from the Golf Club to pay the fifth installment of the payment for 1037 Boston Post Road, which would be at a favorable rate.

The Committee recommends that the City Council establish two task forces as Finance Committee Subcommittees. (1) A Benefits Task Force, which would examine how the City can mitigate the impact of escalating employee and retirement benefit costs. The objectives would include identifying what the benefits currently are; an analysis of best practices comparing Rye with other communities; and, an improvement of domain expertise regarding the rules and regulations governing benefits and salary agreements. (2) An Outsourcing Task Force, which would establish the areas where the City could outsource some of its services or engage in cost sharing initiatives with neighboring communities. It would also look at best practices; determine what services currently provided by the City could be outsourced at a lower cost; examine the frequency of the services currently provided by the City; determine if savings could be obtained by combining purchasing activities; and look for reimbursed costs.

Comments by the Finance Committee relative to the Comptroller's proposals to decrease any potential tax increase included:

- Proposal to require Rye Recreation to cover 50% of all expenses – Rye Rec is currently responsible for recovering 35% of its expenses. The Committee believes this should be a goal but not a mandate and suggests that the discretion on how to achieve the goal be left to the Recreation Department and Commission.
- Reducing funding to the Rye Free Reading Room – The Committee supports the proposal but also advises leaving the determination of how this would be done to the Library.
- Doubling parking permit fees and meter fees – The Committee supports doubling the parking permit fees at the train station, but does not support increasing parking meter rates due to the potential impact it would have on local merchants. The Committee suggested reducing the time allotted for \$.25 to 20 minutes. They recommend that other parking permit fees remain flat. Additional revenue may come from better enforcement of parking violations.

- Proposal to change solid waste collection schedule – The Committee agrees with the proposal to change the pickup schedule, but does not recommend curbside pickup.
- Additional Contribution from the Golf Club General Fund – The Committee supports the recommendation but believes the Golf Club should determine the best way to raise capital for the additional contribution. The Committee feels there is a lack of clarity regarding how the Enterprise Fund model works and suggested the Council might consider an Enterprise Fund Task Force to examine how financial best practices could be applied in order for additional revenue to be raised.
- Interest Savings on 1037 Boston Post Road – The savings are contingent on the City paying off the \$5 million loan, but the Committee thinks the City should have a contingency plan in place in the event that promised State funding or reimbursement for projects does not arrive on a timely basis. The Committee would be willing to work with City staff to look at other uses for the property.
- Reorganization of uniformed services – The Committee supports the staff recommendation and suggests that some things may be done regarding operational efficiency.

Additional input from the Finance Committee:

- The Committee opposes any change to the principles regarding the Undesignated/Unreserved Fund Balance and does not believe it should be invaded unnecessarily.
- The Committee agrees with the decision to defer all but the most essential capital projects in 2011, except possibly projects that would cause the City to lose State CHIPS revenue.
- The Committee will put a working group together to examine the issue of debt limitations in the Charter, but the view of the majority is that the Charter limitations serve as an appropriate balance on excessive debt accumulation.
- The Committee is opposed to any change to the current procedure that has referendums occurring in November elections.
- The Committee thinks there should be an examination of expenses with respect to Rye Town Park.

Council comments and questions included:

- The Committee seems to be rolling back some of the proposals made by staff to reach a 0% tax increase. What would the tax increase be if the Committee's proposals were accepted? (It will be provided to the Council, but is probably very close to the staff amount.)
- The City should probably reserve 2% for salary increases due to bargaining agreements.
- What does the Committee think would be a reasonable fee for Golf Course users to pay to allow the Golf Club to contribute more money back to the City? (The Committee did not discuss that in their analysis.)
- There are many hard decisions to be made by the User Groups in order for them to find savings.

- Has there been any dialogue with Metro North regarding raising commuter parking permit fees? (City Manager Culross said that any change in commuter fees requires negotiation with Metro North.)
- Did the Committee forecast the sales tax and mortgage tax revenues? (It was assumed that there would not be a material increase in 2011 and many are worried about 2012.)
- What would happen if commuter fees are raised and Metro North was not told? (Metro North owns the property and they take 50% of the gross. They could cancel the lease and find an alternative way of managing the parking.)
- Has the City considered charging a fee for bulk pick-up? (There already are fees charged for larger items.)
- The public must be shown what a 0% tax increase means.
- Should the City analyze scenarios for what will happen for the next three years if costs for health and pensions continue to increase? (The Committee would be willing to do so if the Council requested it.)
- Could the Committee look into the issue of retirement incentives and make a recommendation.

The Mayor then offered the floor to individual stakeholder groups that were listed in the recommendations:

Robert Porto of the Rye Camera Shop and Lisa Guarino, President of the Chamber of Commerce, spoke about the possibility of doubling parking fees and how it would affect the merchants. They felt that doubling the parking fees would be detrimental to business because it would discourage visitors to the Central Business District and decrease sales tax revenue as well as put additional burden on employees. They suggested extending the hours for parking meters into the evening and putting advertizing on the receipts from the meters to generate additional revenue.

Bart DiNardo, Chair of the Recreation Commission, said the Commission would like to sit down with the Finance Committee and review their suggestions. He said it was important to understand what the Rec's user groups actually contribute before raising their fees. A 50% recovery rate may not be obtainable because it will exclude many people from programs and effect current and potential users of Recreation programs.

Frank Adimari, 12 Hammond Place, asked how the City would be asking the Golf Club to contribute an extra \$95,000 – as a straight fee or an addition to the amount the City charges the Club for services? City Manager Culross said it has not been determined. It would be up to the Golf Club to determine how the money is generated.

Kurt Haedler, Director of the Rye Free Reading Room, said it was important when talking about cuts to the Library to frame them in terms of the impact on the community. Library programs are paid for by private funding and the Library has little opportunity to go out and seek additional revenue. Cutting funding to the Library by \$190,000 could have a great impact on the collections or hours of operation. They are happy to work with the Finance Committee to make sure the Library fits in with the City's ongoing fiscal goals, but a 16.5% cut in their income from the City would be a devastating blow.

Additional comments by the Council:

- The concept of a 0% tax increase or as close to 0% as possible is good. The City Manager and the Finance Committee have presented plans that essentially reach that goal.
- The Finance Committee did a good job in modulating the original proposal.
- A way must be found to help the Library – a 16% cut is too onerous.
- “Targeted” retirement incentives are a good idea to explore.
- Staff should look at reengineering the way the City delivers services in order to achieve the highest utilization rate.
- The idea of decreasing the amount of meter time from 30 minutes to 20 minutes for \$.25 should be brought back to the Chamber of Commerce for comment.
- Some special interest groups have expressed their concerns this evening but the Council can’t sound like a special interest group and must take all facts into consideration.
- If possible staff should look at future trends for the next three years.
- The City should look at consolidating some programs with other municipalities and look at alternative revenue streams and operating models.
- The slate of recommendations is sound, but it is the responsibility of the Council to make the decisions.
- The City’s user groups should look into sharing the limited resources.

5. Adjournment

Councilman Jovanovich made a motion, seconded by Councilman Filippi and unanimously carried, to adjourn into Executive Session at 9:39 p.m. to discuss real estate and litigation matters.

Mayor French made a motion, seconded by Councilman Filippi and unanimously carried, to adjourn the Executive session at 10:50 p.m. No decisions were made.

There being no further business to discuss, Mayor French made a motion, seconded by Councilman Filippi and unanimously carried, to adjourn the meeting at 10:51 p.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk



CITY COUNCIL AGENDA

NO. 5

DEPT.: Fire Department

DATE: July 21, 2010

CONTACT: Chief George Hogben

AGENDA ITEM: Approval of the election of four new members to the Rye Fire Department.

FOR THE MEETING OF:

July 21, 2010

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council approve the election of four new members to their respective appointments.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The Board of Fire Wardens has advised that four new members were elected into membership and were approved by the Fire Wardens at their last meeting. The new members and their appointments are as follows:

- 1) Robert Rodriquez - Poningoe Engine and Hose Company
- 2) Peter Kennedy - Milton Point Engine and Hose Company
- 3) Robert Iabani - Fire Police Patrol Company
- 4) Michael Marchand - Fire Police Patrol Company



CITY COUNCIL AGENDA

NO. 7

DEPT.: City Council

DATE: July 21, 2010

CONTACT: Mayor Douglas French

AGENDA ITEM: Mayor's Management Report

FOR THE MEETING OF:

July 21, 2010

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the City Manager provide a report on requested topics.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The Mayor has requested an update from the City Manager on the following:

- Coyote Update
- Construction Update
- Legal Update
- Summary of Council Workshop to be held on July 26, 2010



CITY COUNCIL AGENDA

NO. 8

DEPT.: City Manager's Office

DATE: July 21, 2010

CONTACT: Scott Pickup, City Manager

ACTION: Authorization for City Manager to enter into a settlement agreement regarding the United Water rate case.

FOR THE MEETING OF:

July 21, 2010

RYE CITY CODE,

CHAPTER

SECTION

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

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

United Water filed a request with the New York State Public Service Commission for a 15% water rate increase in customer bills. Working collaboratively with the Village of Rye Brook, an agreement on a settlement has been reached reducing the requested increase by a third. The New York State Public Service Commission must be notified of the City's position on the settlement by July 22, 2010.



CITY COUNCIL AGENDA

NO. 9

DEPT.: City Manager's Office

DATE: July 21, 2010

CONTACT: Scott Pickup, City Manager

ACTION: Authorization for City Manager to seek an RFP for the City of Rye Corporation Counsel position.

FOR THE MEETING OF:

July 21, 2010

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Mayor and Council authorize the City Manager to seek the Request for Proposal.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:



CITY COUNCIL AGENDA

NO. 10

DEPT.: City Manager's Office

DATE: July 21, 2010

CONTACT: Scott Pickup, City Manager

ACTION: Authorization for City Manager to enter into a license agreement with Eduardo and Monica Vergara, residing at 45 Dearborn Avenue, Rye, New York, to install drainage.

FOR THE MEETING OF:

July 21, 2010

RYE CITY CODE,

CHAPTER

SECTION

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

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

Rye residents Eduardo and Monica Vergara need to install drainage from their property at 45 Dearborn Avenue to the City catch basin located on the northeast corner of Dearborn Avenue and Newberry Place. The license agreement will give the homeowners the ability to install the needed drainage.

See attached.

Record and Return
City of Rye
1051 Boston Post Road
Rye, NY 10580

LICENSE AGREEMENT

THIS AGREEMENT made the _____ day of July 2010 by and between the City of Rye, a municipal corporation organized under the laws of the State of New York, with its principal place of business at Rye City Hall, 1051 Boston Post Road, Rye, New York (hereinafter referred to as the “FIRST PARTY”) and EDUARDO and MONICA VERGARA , (hereinafter referred to as “SECOND PARTY”) residing at 45 Dearborn Avenue, Rye, New York, 10580, also known on the current tax assessment map of the City of Rye as Sheet No. 153.7-3-5 (hereinafter referred to as the “PROPERTY”).

WITNESSETH

WHEREAS, the SECOND PARTY is in need of drainage from the PROPERTY to the catch basin located on the northeast corner of Dearborn Avenue and Newberry Place in the City of Rye (hereinafter referred to as “CATCH BASIN”); and

WHEREAS, the SECOND PARTY desires to lay a six (6) inch solid wall, schedule 35 drainage pipe with gasketed watertight joints from the front of the PROPERTY and connect it to CATCH BASIN; and

WHEREAS, the FIRST PARTY is willing to grant a license to permit the connection to the CATCH BASIN;

NOW, THEREFORE, in consideration of the payment of \$10.00 receipt of which is acknowledged by the FIRST PARTY, and other consideration, the parties hereto agree as follows:

1. The SECOND PARTY is hereby granted a license to place the six (6) inch solid wall, schedule 35 drainage pipe with gasketed watertight joints from the front of the PROPERTY and connect it to CATCH BASIN.
2. The design of the proposed drainage must be completed in accordance with the City Engineer’s standards and specifications and must be approved by him. The City Engineer shall have the right, at all reasonable times, to inspect the facilities during construction and to insure that his standards have been met.
3. The SECOND PARTY shall observe all the requirements of the Rye City Code, as they may apply to connection to the CATCH BASIN.
4. The SECOND PARTY and their contractors shall keep in place throughout the construction of the project insurance as shown in certificates filed with the City Clerk in a form acceptable to the Corporation Counsel. The City of Rye shall be included as an additional insured under such policies.

5. The SECOND PARTY, their successors, heirs or assigns shall indemnify and save harmless the FIRST PARTY and its employees, officers, and agents, from all claims, suits and actions and all damages and costs incurred by reason of death or injury to all persons or property or another resulting from unskillfulness, willfulness, negligence or carelessness in the maintenance and the operation of the drainage work.
6. The entire cost of construction, connection of and maintaining the drainage work shall be the sole responsibility of the SECOND PARTY, and the FIRST PARTY shall have no financial obligation related to the drainage work.
7. The SECOND PARTY agrees that they will make no claim against the FIRST PARTY for any damage resulting to property of the SECOND PARTY or for any other damage caused by such drainage work.
8. This Agreement shall inure to the benefit of and be binding to the successors and assigns in interest of the SECOND PARTY, which covenant shall run with the land.

IN WITNESS WHEREOF, this Agreement has been executed by the Parties as of the date first above written.

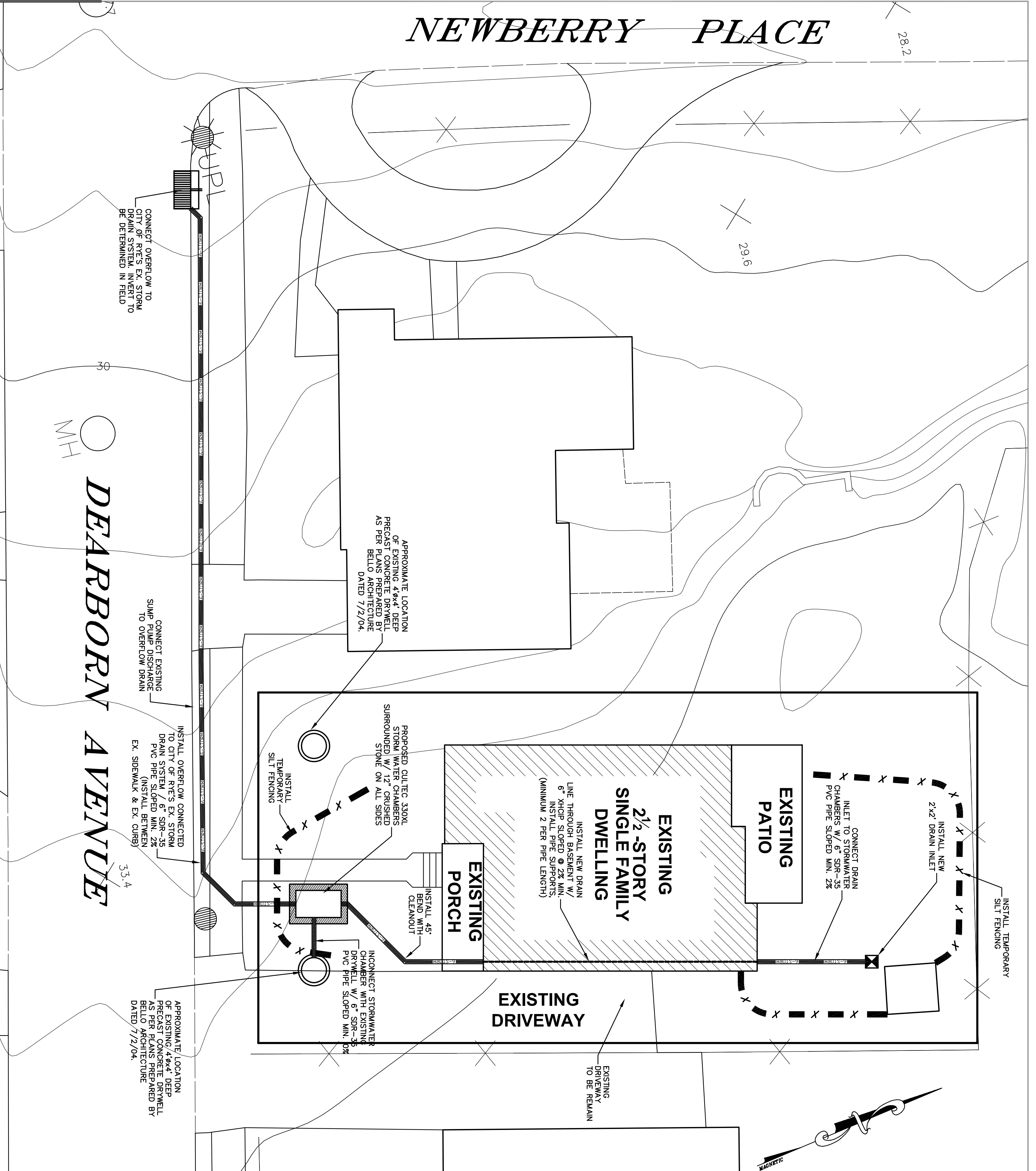
City of Rye:

By: _____
Scott Pickup
City Manager

Eduardo Vergara

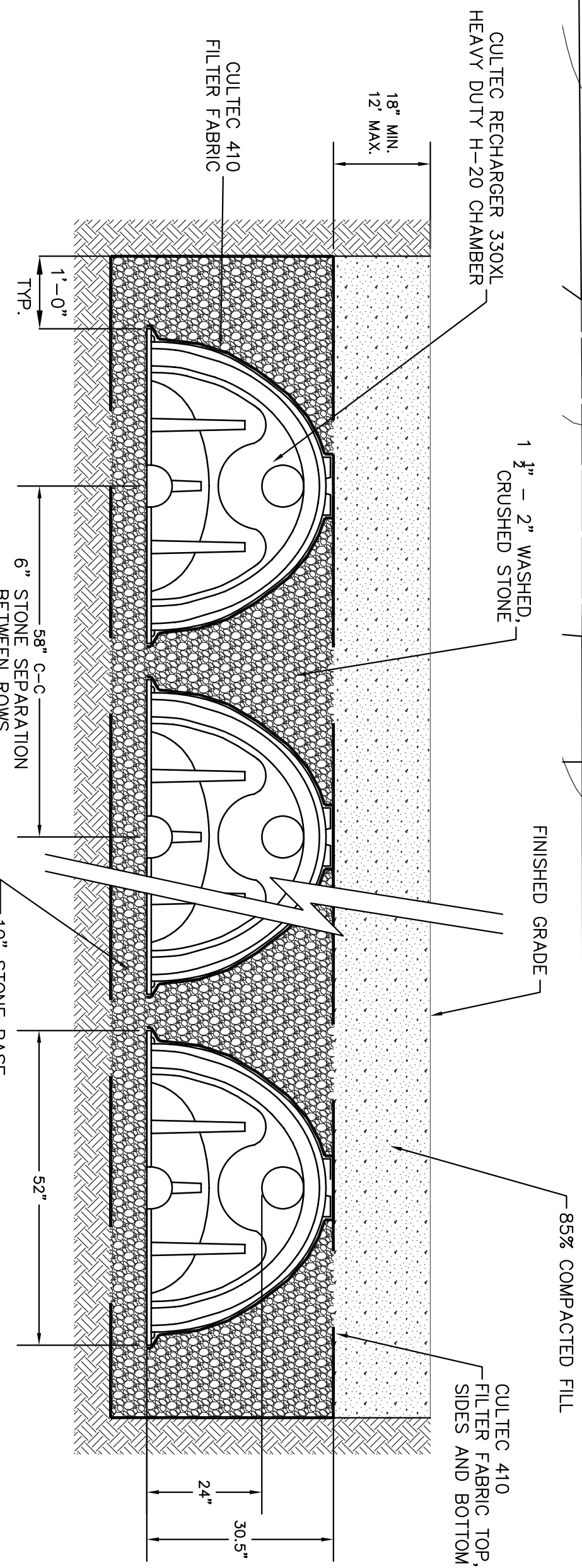
Monica Vergara

NEWBERRY PLACE



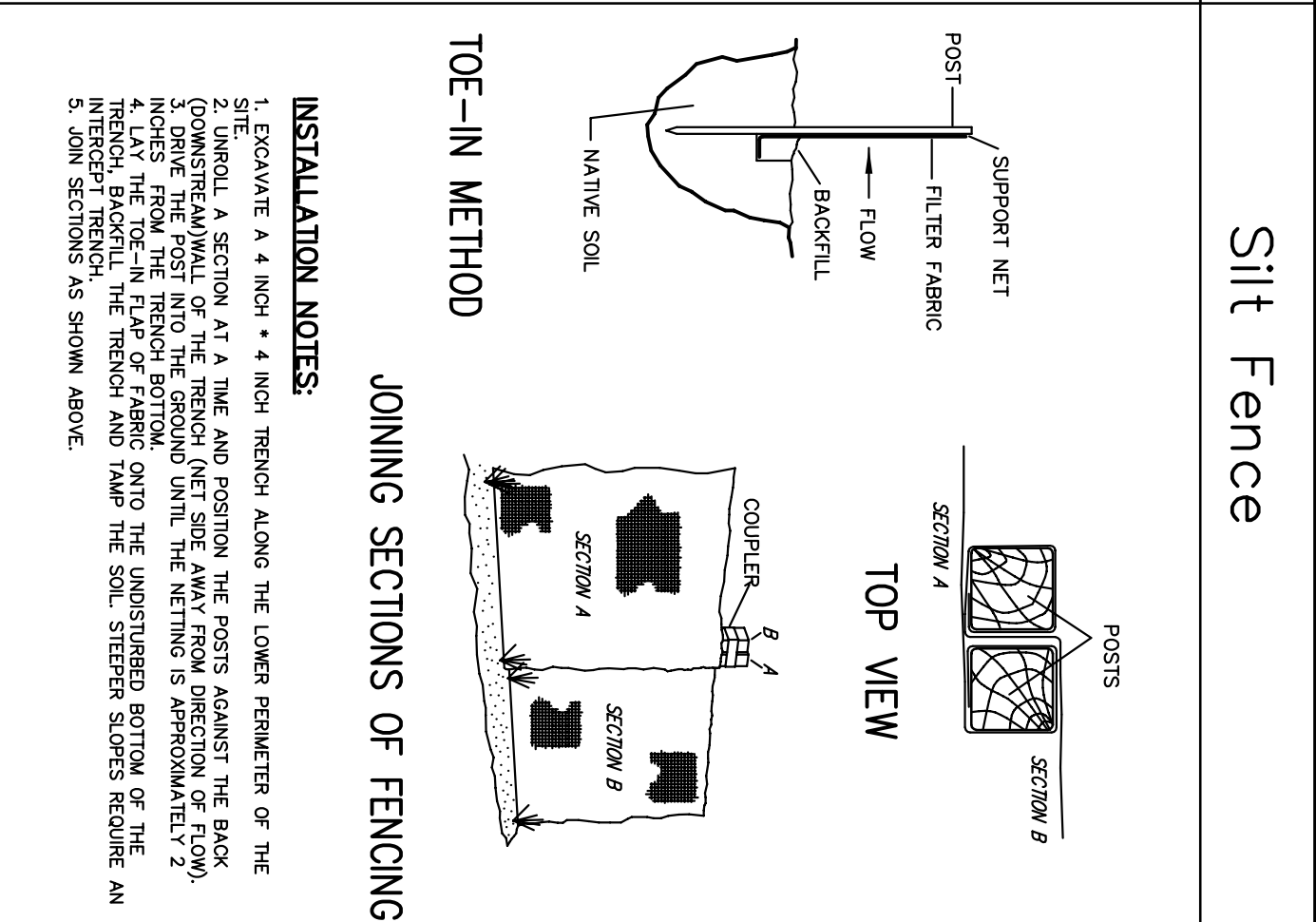
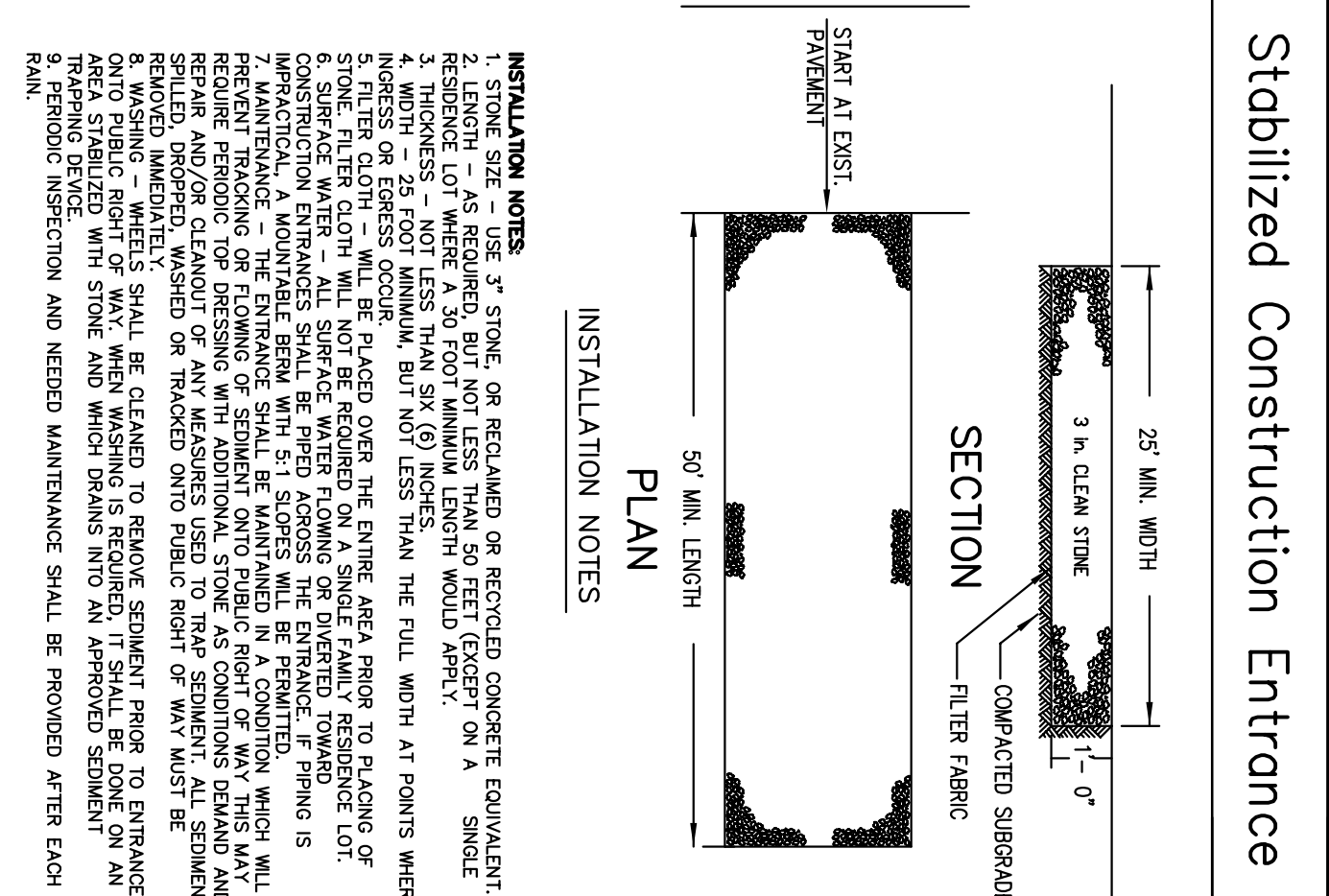
SCALE: 1"=10'
 45 DEARBORN AVENUE
 SITE PLAN BASED ON A SURVEY
 PREPARED BY ARISTOTLE BOURNAZOES, P.C.
 DATED SEPTEMBER 29, 2005

- NOTE:**
- 1) PRIOR TO ORDERING STORMWATER CHAMBERS, THE CONTRACTOR SHALL DIG A TEST PIT TO VERIFY THE DEPTH TO GROUND WATER.
 - 2) NO PROPOSED CHANGE TO EXISTING GRADE.
 - 3) CONTRACTOR TO VERIFY THE LOCATION OF EXISTING DRYWELLS.



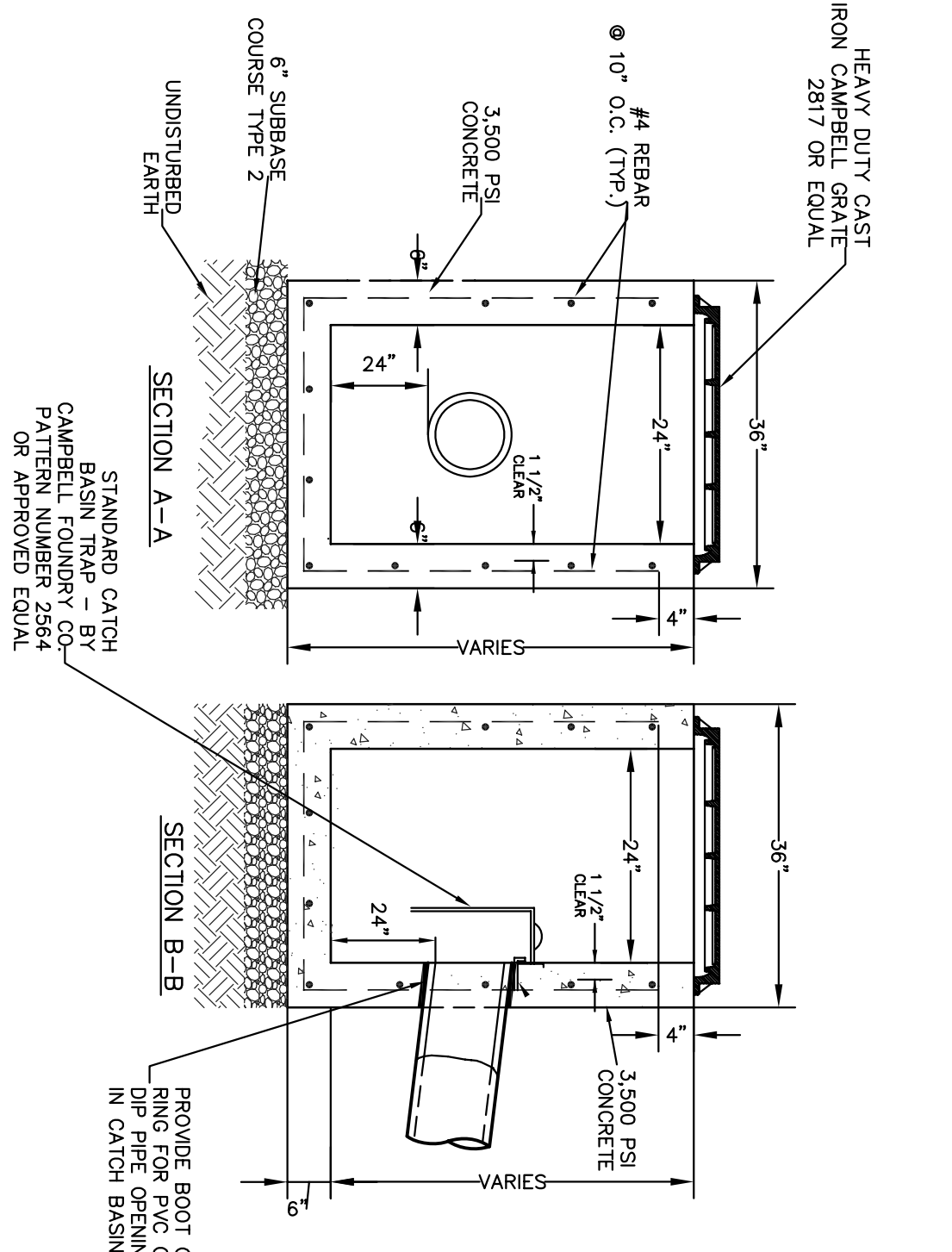
TYPICAL CROSS SECTION RECHARGER 330XL

GENERAL NOTES
 Recharger 330 by CULTEC, INC. of Brookfield, CT
 All recharger 330 Chambers must be installed in accordance with all applicable local, state and federal regulations.
 Refer to manufacturer, CULTEC, INC.'s recommended installation guidelines.
 All Recharger 330HD H2O Heavy Duty units are marked with a 4\"/>



INSTALLATION & MAINTENANCE OF EROSION CONTROL:
CONSTRUCTION SCHEDULE
 EROSION CONTROL MEASURES SHALL BE INSTALLED AT THE BEGINNING OF CONSTRUCTION AND MAINTAINED THROUGHOUT CONSTRUCTION.
EROSION CONTROL MEASURES
 Install all erosion control measures prior to start of construction. Call for inspection from the appropriate municipal agency having jurisdiction at least 2 days prior to finish.
INSPECTION BY MUNICIPALITY
 After any rain causing runoff, Contractor to inspect traps, etc. and remove any debris. Inspectors shall be documented in writing and submitted to the appropriate Municipal Agency having jurisdiction.
INSPECTION BY MUNICIPALITY
 Remove unneeded silt fence from site. Call for inspection from the appropriate Municipal Agency having jurisdiction at least 2 days prior to finish.
INSPECTION BY MUNICIPALITY
 Spread topsoil evenly over areas to be seeded. Hand rake level and seed. Apply straw mulch and water within 2 days of completion of topsoiling. Call for inspection from the appropriate Municipal Agency having jurisdiction at least 2 days prior to finish.
FINAL INSPECTION
 All erosion control measures removed and grass established. Call for inspection from the appropriate Municipal Agency having jurisdiction at least 2 days prior to finish.

- NOTES:**
1. CONCRETE - 3,500 PSI MINIMUM STRENGTH @ 28 DAYS
 2. STEEL REINFORCEMENT - ASTM A-615, # 4 REBAR, GRADE 60
 3. COVER TO STEEL - 1 1/2\"/>



THIS PLAN NOT VALID FOR CONSTRUCTION WITHOUT ENGINEERS SEAL & SIGNATURE

PROJECT: **45 DEARBORN AVENUE**
PROPOSED DRAINAGE IMPROVEMENT
 CITY OF RYE
 WESTCHESTER COUNTY, NEW YORK
 STORMWATER MANAGEMENT PLAN

HUDSON ENGINEERING & CONSULTING, P.C.
 55 South Broadway
 Tarrytown, NY 10591
 Fax 914-560-2084

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CITY COUNCIL AGENDA

NO. 11

DEPT.: City Manager's Office

DATE: July 21, 2010

CONTACT: Scott Pickup, City Manager

ACTION: Resolution establishing a standard workday for elected and appointed officials as per new reporting requirements of the New York State and Local Employees' Retirement System.

FOR THE MEETING OF:

July 21, 2010

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Mayor and Council consider the attached resolution.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

The New York State and Local Employees' Retirement System has established a new requirement which requires all elected and appointed officials to track and report a standard work day. This new requirement will require the City Manager and the Corporation Counsel to track and report their hours to the City Clerk.

See attached resolution.

Standard Work Day and Reporting Resolution

BE IT RESOLVED, that the City of Rye hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

Title	Name	Standard Work Day (Hrs/Day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)
Appointed Employees					
City Manager	Scott D. Pickup	7	7/1/10 -	Y	20
Corporation Counsel	Kristen Wilson	4.375	1/1/10 -	N	10

On this XX day of XXXXX, 2010

Signature: _____ Date enacted: XXXX, 2010

I, Dawn Nodarse, clerk of the governing council of the City of Rye, of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board, at a legally convened meeting held on the XXX day of XXX, 2010 on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

I further certify that the full council, consisting of 7 members, and that XXX of such members were present at such meeting and that XXX of such members voted in favor of the above resolution.

IN WITNESS WHEREOF, I have hereunto Set my hand and the seal of the City of Rye.



CITY COUNCIL AGENDA

NO. 12

DEPT.: Boat Basin

DATE: July 21, 2010

CONTACT: Peter T. Fox, Boat Basin Supervisor

ACTION: Designation of Nominating Committee for the Boat Basin elections and appointment of the Chairman.

FOR THE MEETING OF:

July 21, 2010

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council designate the Nominating Committee and appoint a Chairman.

IMPACT: Environmental Fiscal Neighborhood x Other:

BACKGROUND:

See attached memorandum of Boat Basin Supervisor dated June 23, 2010.

**City of Rye Marina
Memorandum**

Memo To: Scott D. Pickup, City Manager
Rye City Council

From: Peter T. Fox, Boat Basin Supervisor

Subject: 2010 Nominating Committee

Date: July 2, 2010

The following names have been appointed for the Boat Basin Nominating Committee for the 2010 Boat Basin Commission Elections:

1. Andrew Bodnar - Commission Member not up for re-election.
2. Ford Winters – Permit holder elected to Nominating Committee in last election August 2009.
3. Frank Mangiamele to serve on the Nominating Committee.

Please submit to the City Council for approval, call me if any further information is needed.

Thank you for your consideration.



CITY COUNCIL AGENDA

NO. 13

DEPT.: Corporation Counsel

DATE: July 21, 2010

CONTACT: Kristen Wilson, Interim Corporation Counsel

ACTION: Discussion of the revised law on solicitation.

FOR THE MEETING OF:

July 21, 2010

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council review the proposed changes to Local Law Chapter 144, Peddling and Soliciting.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

Residents have raised concerns regarding solicitors going door-to-door. While the City cannot prohibit solicitors from going door-to-door to deliver their message, the proposed changes to Chapter 144 seek to regulate the process.

See attached draft Local Law.

**CITY OF RYE
LOCAL LAW NO. 2010**

**A local law to amend Chapter 144, Peddling and Soliciting
of City Code of the City of Rye**

Chapter 144 Peddling and Soliciting

§144-1 Definitions

CHARITABLE means the purpose of an organization which has received a letter of determination approving tax exempt status under Title 26 of the United States Code Section 501(c) (3) or the purpose of a school club, recognized and affiliated with a public or private school, having a program with annual campaigns to support the public or private school club.

COMMERCIAL means the purpose of solicitation which is not noncommercial, as defined in this Section.

CORPORATION shall take on the meaning consistent with the New York State Business Corporations Law and the New York State Not for Profit Business Law.

ESTABLISHED PLACE OF BUSINESS means a building or store in which or where the person transacts business and deals in the goods, wares and merchandise he hawks, peddles or solicits for during regular business hours.

HAWKER AND PEDDLER means any person, either principal or agent, who, from any boat or in any public street or public place or by going from house to house or place of business to place of business, on foot or on or from any animal or vehicle, sells or barter, offers for sale or barter or carries or exposes for sale or barter any goods, wares or merchandise, except milk, newspapers, periodicals, books and pamphlets.

NONCOMMERCIAL means the purpose of solicitation which is charitable, as defined in this Section, religious or political.

PERSON means any individual, firm, partnership, joint venture, association, social club, league, fraternal organization, joint stock company, estate, trust, business trust, receiver, trustee, syndicate or any other group acting as a unit. The word "person" shall include the definition of corporation.

SOLICITOR means any person whether a resident of the City or not, engaged in solicitation.

SOLICITATION includes the act of any person, whether a resident of the City or not, traveling by foot, vehicle or any other type of conveyance who goes from house to house,

business to business, from place to place or in or along any highway, street or sidewalk within the City either;

1. requesting, either directly or indirectly, money, credit, funds, contributions, personal property or anything of value;
2. taking or attempting to take orders for the sale of any goods, wares, merchandise or services of any kind, or description for future delivery or for services to be performed in the future, either in person or by distributing flyers and leaflets; and
3. selling and making immediate delivery of any goods, wares, merchandise or services of any kind or description, commonly referred to as “peddling.”

Solicitation shall not include the following so long as the person is not requesting, either directly or indirectly, money, credit, funds, contributions, personal property or anything of value:

- a. A person communicating or otherwise conveying ideas, views or beliefs or otherwise disseminating oral or written information to a person willing to directly receive such information, provided that such information is of a political, religious or charitable nature;
- b. A person seeking to influence the personal belief of the occupant of any residence or business in regard to any political or religious matter;
- c. A person seeking to obtain, from an occupant of any residence or business, an indication of the occupant’s belief in regard to any political or religious matter,
- d. A person conducting a poll, survey or petition drive in regard to any political matter; and
- e. A person carrying, conveying, delivering or transporting dairy products, newspapers, or other goods to regular customers on established routes or to the premises of any person who had previously ordered such products, goods or services and is entitled to receive the same.

§144-2 Exemptions

Nothing contained in this chapter shall be deemed to apply to any of the following:

- A. A sale conducted pursuant to an order of any court.
- B. A wholesaler selling articles to dealers or merchants who have an established place of business in the City of Rye.
- C. A child 18 years of age or under who resides within the City or Rye and who solicits or peddles on behalf of a charitable, religious, athletic, social, educational or civic organization, including but not limited to the Boy Scouts, Girl Scouts, Cub Scouts, Brownie Scouts, clubs, classes or organizations sponsored by any school located within the City of Rye of which such child is a member.

- D. The peddling of meats, fish, fruit and farm produce by farmers and persons who produce such commodities on their own land, provided that they have otherwise complied with all applicable licensing and health and safety requirements of any other competent governmental body or agency, as well as the Zoning Code of the City, and the sale takes place from a stationery location upon property owned or leased by the seller of such goods.
- E. A not-for-profit organization's sale of food ancillary to a fundraising event, such as a picnic or carnival, that lasts no longer than five consecutive days. This exemption shall not apply to any door-to-door peddling or soliciting.
- F. Any person holding a license pursuant to Section 32 of the General Business Law "Licenses to veterans of the Armed Forces of the United States."

§144-3 License Required

It shall be unlawful for any person to act as a hawker, peddler or solicitor, as herein defined, without first having obtained a license from the Clerk. The license shall be carried on the person of the licensee at all times while engaging in peddling or soliciting and shall be exhibited by the licensee to any person on demand. A picture of the licensee shall appear on the valid license.

§144-3.1 License Fees

The annual license fees shall be set annually by resolution of the City Council before adoption of the budget for the following year for each license(s) issued pursuant to this chapter.

§144-4 Certificate as to equipment

The application for a license shall be accompanied by a certificate from the Sealer of Weights and Measures of the County of Westchester, certifying that all weighing and measuring devices to be used by the applicant have been examined and approved.

§144-5 License Application

To obtain a license to solicit, peddle or hawk within the City of Rye, a person shall make a written application to the Clerk in a form prescribed by the Clerk and provide the following information:

- A. The full name of the applicant, including any nicknames commonly used, home address, telephone number, any mobile telephone number or email address used on a regular basis, date of birth and social security number.
- B. A valid driver's license with a clearly delineated license number and state of issuance or other acceptable proof of identification;
- C. If the applicant works for another person or entity of any nature, the name, address, telephone number, email address, and website address, of the person or entity to the extent such exists;

- D. A brief description of the solicitation business to be conducted, and the intended area where the business is to be conducted if less than the entire residential area of the City;
- E. Two photographs, two inches by two inches in size, full face on a white background, taken of the applicant within the prior sixty (60) day period of time which accurately reflect the appearance of the applicant on the date of the application;
- F. An affidavit that the applicant is not disqualified because of prior criminal history and whether the applicant has ever been convicted of a crime and, if so, under what name, with a listing of such conviction, including crime jurisdiction, date and sentence imposed.
- G. If the applicant is a minor, a notarized authorization by the applicant's parent or legal guardian.
- H. A description of the vehicle which the applicant wishes to use in carrying out his business or occupation as well as the name of the vehicle owner and registration details.
- I. County Health Department permit number, if a food vendor.
- J. If peddling or soliciting for a corporation, the state in which it is incorporated and the names of its officers along with a copy of its certificate of incorporation.

§144-5.1 Criminal Background Check

This section shall only apply to commercial solicitation.

1. The City of Rye shall initiate a criminal history background check of prospective solicitors, including those persons acting on behalf of an employer or other person.
2. The criminal background check shall not be initiated without the written consent of the person.
3. A license shall not be issued to any person who refuses to consent to or cooperate in the securing of a criminal history record background check.
4. Each applicant shall submit two sets of fingerprints to the Commissioner of Police or his designated representative. In addition, a certified check or money order, in the amount specified by and made payable to the New York State Division of Criminal Justice Services to cover the cost of processing fingerprints, shall accompany the application.

§144-5.2 Expiration – Renewal – Revocation – Denial - Appeal

The following provisions shall apply to licenses for commercial solicitation:

1. All licenses granted under the provisions of this Chapter shall be reviewed annually and may be renewed thereafter, unless sooner revoked.
2. Prior to the expiration of a license and upon application for renewal of the license, the Clerk shall determine if the applicant, peddler or solicitor has

- acted in compliance with the applicable provisions of this Chapter and conditions of the license.
3. The license may be renewed upon a determination that the solicitor or peddler has substantially complied with the terms and conditions of the permit and the requirements of this Chapter.
 4. Renewal fees shall be established by a resolution of the City Council and may be amended from time to time.
 5. If it is determined that the solicitor or peddler has not been in compliance with any of the provisions of this Chapter the license shall not be renewed.
 6. The Clerk may revoke any license granted under the provisions of this Chapter for any of the following reasons:
 - a. The applicant provided false, misleading or misrepresented information in procuring the license;
 - b. The applicant or any person who worked on behalf of or with the applicant failed to comply with the requirements of this Chapter;
 - c. The applicant or any person working on behalf of or worked on behalf of or with the applicant is convicted of violating any federal, state or local law while in the course of operating under the license;
 - d. The activities for which the license was granted were or are being conducted in a manner that is detrimental to the public health, safety, peace or welfare.
 7. When a license has been revoked, no other license shall be issued under the provisions of this Chapter to the same applicant within one (1) year of the date of revocation.
 8. An application for a license under this Chapter may be denied for the following reasons:
 - a. The applicant fails to cooperate or consent to the criminal background check as stated in this Chapter.
 - b. An applicant's background check reveals a conviction for any criminal offense including but not limited to, violent crimes, sexual assault, and possession of a controlled substance, theft, fraud or burglary.
 - c. Fraud, misrepresentation or false statement in the application for the license.
 - d. Fraud, misrepresentation or false statement made in the course of carrying out the applicant's trade, business or occupation.
 - e. Any violation of this chapter.
 - f. Carrying out of the licensed business, trade or occupation in an unlawful manner or in such a way as to breach the peace or to constitute a menace to the health, welfare or safety of the public.
 - g. The license shall not be transferable or assignable. In the event that a licensee shall permit any other person to possess or use such license, such license shall automatically be revoked, and the licensee shall thereby be guilty of violating this Chapter, and no

application for a further license may be made for a period of one year from the date of revocation.

- h. Any applicant who has had a license denied or revoked by the Clerk may appeal to the City Manager, in writing, within 30 days of the receipt of the denial or revocation. The City Manager will thereafter hold a hearing within 45 days of receipt of the demand for such hearing to review the determination of the Clerk.

§ 144-6 License Fee

The annual license fees shall be set annually by resolution of the City Council before adoption of the budget for the following year for each license issued pursuant to this Chapter.

§144-7 Name and address on vehicle

Every vehicle used by a licensed hawker, peddler or solicitor in or about his or her business shall have the name of the licensee and his or her address plainly, distinctly and legibly painted in letters and figures at least two inches in height in a conspicuous place on the outside of the sides of every such vehicle, and such name and address shall be kept so painted plainly and distinctly at all times while such vehicle is in use during the continuance of the license.

§144-8 Restrictions

A licensed hawker, peddler or solicitor shall:

- A. Not falsely or fraudulently misrepresent the quantity, character or quality of any article offered for sale; or offer for sale any unwholesome, tainted or diseased provisions or merchandise.
- B. Keep the vehicle and receptacles used by him in a clean and sanitary condition and the foodstuffs and edibles offered for sale well covered and protected from dirt, dust and insects.
- C. Not blow a horn, ring a bell or use any other noisy device to attract public attention to his or her wares, or shout or cry out his or her wares.
- D. Not stand nor permit the vehicle used by him or her to stand in one place in any public place or street for more than 10 minutes or in front of any premises for any time if the owner or lessee of the ground floor thereof objects.
- E. Not sell any confectionery or ice cream within 250 feet of any school property between the hours of 8:00 a.m. and 4:00 p.m. on school days.
- F. Not permit any vehicle used by him or her to stop or remain on any crosswalk.
- G. Not create or maintain any booth or stand, or place any barrels, boxes, crates or other obstructions, upon any street or public place for the purpose of selling or exposing for sale any goods, wares or merchandise

§144-8.1 Hours Restricted

No person while conducting the activities of peddler or solicitor shall enter upon any private residence, knock on doors, or otherwise disturb persons in their residence between the hours of 8:00 p.m. and 9:00 a.m.

§144-9 When written orders required; duplicates

All orders taken by licensed solicitors, who demand, accept or receive payment or deposit of money in advance of final delivery shall be in writing, in duplicate, stating the terms thereof and the amount paid in advance, and one copy shall be given to the purchaser at the time the deposit of money is paid to the solicitor.

§144-10 “Do Not Knock” Registry

- A. Any owner or occupant of property located in the City who wishes to prohibit soliciting on the premises shall complete a form available in the City Clerk’s office and on the City’s website. The completion of the form will allow the owner/occupant’s premises to be included on a list of properties that do not permit solicitation (herein referred to as the “Do Not Knock Registry” or “Registry”).
- B. The Registry shall be updated every year and shall be valid for one (1) year. From January 1st through 15th of every year, owners and/or occupants will have the opportunity to fill out and submit the form to be included on the Registry.
- C. In order to be removed from the Registry, the owner and/or occupant must complete a form indicating that he/she does not want he/her property to be included on the Registry.
- D. Any owner and/or occupant who has requested enlistment on the Do Not Knock Registry, pursuant to this chapter shall be able to purchase from the City Clerk, for a nominal fee, a sticker or sign for display indicating enlistment on the Do Not Knock Registry.
- E. All solicitors shall obtain the current Do Not Knock Registry at the time of issuance of a permit or at the time of registration to solicit pursuant to the provisions of this Chapter.
- F. Solicitors shall not solicit at any premises identified on the then current Do Not Knock Registry.
- G. It shall be the responsibility of the solicitor to check each residence for the presence of such signage and to obtain updated copies of the Registry.

§141-11 Unwanted Solicitations Prohibited

- A. It is unlawful for any person to go upon, ring the bell, knock on the door of or attempt to gain admission to the premises of any residence, dwelling or apartment in the City of Rye where the owner, adult occupant or other person in control thereof has expressed his objecting to such activity either by explicit instructions, oral or written, or by posting a sticker or sign indicating the location is listed on the City's Do Not Knock Registry pursuant to Section 144-10, or by posting a sign or decal bearing the words "No Solicitation" or words of similar import such as: "No Solicitors", "No Solicitation", "No Soliciting", "No Peddlers", or "No Trespassing", provided the signage has letters at least one (1) inch in height, and is posted conspicuously so that it can be seen by persons approaching the front entry of the residence or at the front doorway, or by persons assisting a solicitor who has such a visual impairment as to be unable to see the sign.
- B. Activities related to a service requested by the owner or occupant of the property and undertaken in the ordinary course of business, including but not limited to deliveries of utility notices, telephone directory deliveries, regular newspaper deliveries, work order notices and service inquiries, are presumed to be requested or invited for the purpose of this Section.
- C. Nothing in this Section shall be construed to prohibit the distribution of leaflets, pamphlets or other literature such as commercial, political or religious material distributed in a lawful manner.

§144-11.1 Penalty

Any violation of the provisions of this Chapter shall be punishable as provided in Section 1-15 of the Code of the City of Rye and as otherwise provided herein.



CITY COUNCIL AGENDA

NO. 14

DEPT.: Corporation Counsel

DATE: July 21, 2010

CONTACT: Kristen Wilson, Interim Corporation Counsel

ACTION: Consideration to set a Public Hearing to add a proposed Escrow local law to assign the costs of any experts utilized by a City Board or Commission to the applicant.

FOR THE MEETING OF:

July 21, 2010

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION:

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

A proposal has been put forth to adopt a new law which would set up an escrow fund to cover the costs of outside consultants that might be necessary to review a project before one of the City's Boards and Commissions. The costs would be born by the applicant and would be used to pay for consultants retained by the City.

See attached draft Local Law.

LOCAL LAW NO. of 2010

A Local Law to add
Chapter xx Escrow Provisions,
Of the Code of the City of Rye, New York

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

Section 1. A local law adding chapter xx “Escrow Provisions” of the Code of the City of Rye is hereby amended to read as follows:

§ Fees and consultants.

- A. Upon any application pursuant to Chapter 73, Coastal Zone Management for a determination of consistency or Chapter 170 Subdivision of Land, whether for a tentative approval of preliminary layout or for approval of a subdivision plat, or for any modification in approved subdivisions; or for any application for a permit under Chapter 195, Wetlands and Watercourses, or for any application filed pursuant to Chapter 197, Zoning, or any approvals pursuant to Chapter 173, Surface Water, Erosion and Sediment Control or Chapter 174 Stormwater Management, the Planning Commission or City Engineer, subject to the provisions of this Section, may require the applicant to deposit with the City, pursuant to an escrow agreement in a form that shall be approved by the Corporation Counsel, funds sufficient to reimburse the City for all reasonable costs of consultant and expert evaluation and consultation in connection with the review of any application.
- B. The Planning Commission or City Engineer in the review of any application may refer such application to such engineering, planning, legal, technical or environmental consultant or other professionals, hereinafter referred to as "consultant or consultants," as it deems reasonably necessary to enable it to review such application as required by law, provided that the required expertise is not available from city staff, and subject to the following:

(1) The consultant(s) shall send to the City a detailed statement of the consulting services (“statement”) to be provided by the consultant(s) and it shall include the consultant's fees for said services with an acknowledgement by the consultant(s) that the applicant, not the city, shall be ultimately responsible to the

consultant(s) for the services provided. A copy of the statement shall be sent to the applicant by the City.

(2) Upon approval by the applicant of the fees and services proposed, the applicant shall deposit a sufficient sum to cover said fees, subject to the conditions set forth in the signed escrow agreement with the City Comptroller. Said amount may from time to time be refreshed with new funds where additional services are required and the same process as stated herein is followed. Excess funds are to be returned to the applicant as soon as is practicable following the application and approval/denial process.

(3) If the applicant wishes to review the services and the costs with the Planning Commission or City Engineer, the request for a review shall be in writing and mailed to the City Clerk by certified mail, return receipt requested, or delivered in person, within seven days of the applicant's receipt of the service and cost statement. The Planning Commission shall review the services and costs with the applicant at its next regular meeting following receipt of the request. The City Engineer will meet as soon as is practicable with the applicant to review the services and costs statement.

(4) The Planning Commission or City Engineer shall authorize the consultant to proceed within 7 days of receipt of the funds by the City Comptroller. All details related to the kind and manner of payment shall be in the discretion of the City Comptroller.

(5) Nothing contained herein or in the escrow agreement shall be deemed as an indication or obligation by the Planning Commission or City Engineer to approve the application or grant its approval. The escrow arrangement shall be for the benefit of the applicant to facilitate the review process and provide the City with the necessary expertise where the City does not have such expertise. The applicant, in the escrow agreement shall hold the City of Rye, the Planning Commission, City Engineer and City Comptroller harmless.

(6) Payment of the consultant(s)' fees shall be required in addition to any and all other fees required by this or any other section of this chapter or any other city law or regulation.

(7) The Planning Commission document taking final action on the application or the City Engineer's approval shall not be issued until all consultant's fees charged in connection with the review of the applicant's project have been paid.



CITY COUNCIL AGENDA

NO. 15

DEPT.: Corporation Counsel

DATE: July 21, 2010

CONTACT: Kristen Wilson, Interim Corporation Counsel

ACTION: Consideration to set a Public Hearing to amend Local Law Chapter 53, Section 53-2, "Membership of Architectural Review Board", stipulating residency requirements for architects serving on the Board of Architectural Review.

FOR THE MEETING OF:

July 21, 2010

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION:

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

Membership on the Architectural Review Board currently stipulates that all members shall be residents of the City. Due to constraints in finding architects to serve on the Board who are Rye residents, the proposed amendment will expand the residency requirement for the serving architect to be a resident of Westchester County.

See attached draft Local Law.

LOCAL LAW NO. of 2010

A Local Law to amend
Chapter 53, Section 53-2, Membership of Architectural Review Board,
Of the Code of the City of Rye, New York

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

Section 1. A local law amending § 53-2, Membership of Architectural Review Board of the Code of the City of Rye is hereby amended to read as follows:

§ 53-2. Membership of Architectural Review Board

In accordance with Article 19 of the Rye City Charter, there is hereby created a Board of Architectural Review which shall consist of seven members who shall serve without compensation. All members of the Board shall be residents of the City except as set forth herein, and shall be specially qualified by reason of training or experience in architecture, land development, community planning, real estate, landscape architecture, architectural history, engineering, law, building construction or other relevant business or profession, or by reason of civic interest and sound judgment to judge the effect of a proposed erection, reconstruction or alteration of a structure upon the desirability, property values and development or preservation of surrounding areas and to understand and carry out the legislative findings and policy statements of the Council set forth in § 53-1. At least one member who shall be a resident of Westchester County, shall be a registered architect in the State of New York. The Chair and other members of the Board shall be appointed by the Mayor, with the approval of the Council, for terms of three years, with staggered terms, such terms to be subject to renewals at the discretion of the Mayor, subject to the approval of the Council, except that one new appointment made in 2006 shall be for a two-year term, and one new appointment made in 2006 shall be for a one-year term so that term, and thereafter their successors shall be appointed for terms of three years from and after the expiration of the term of their predecessors in office. In the same manner, vacancies shall be filled for the unexpired term of any member whose place has become vacant.



CITY COUNCIL AGENDA

NO. 16 DEPT.: Police DATE: July 21, 2010
CONTACT: William R. Connors, Police Commissioner

AGENDA ITEM: Consideration of proposed revision of the Rules and Regulations of the City of Rye Police Department: General Order #109.10 Sobriety Checkpoint Procedures.

FOR THE MEETING OF:

July 21, 2010

**RYE CITY CODE,
CHAPTER
SECTION**

RECOMMENDATION: Approval of a revised General Order #109.10, "Sobriety Checkpoint Procedures".

IMPACT: Environmental Fiscal Neighborhood Other:
Enhancement of the operational effectiveness of the Department.

BACKGROUND: The proposed revision of General Order #109.10 clarifies sobriety checkpoint procedures to enhance operational efficiency and ensure compliance with legal requirements. It introduces a form for documenting and reporting the results of checkpoint operations.

Copies of the proposed order are attached in final and "strike and replace" versions are attached. A draft has been provided to the Rye Police Association for review pursuant to the provisions of the collective bargaining agreement.

STRIKE AND REPLACE FORMAT
CITY OF RYE POLICE DEPARTMENT

General Order #109.10		New [x] Supersedes:	Revised []
Subject: Sobriety Checkpoint Procedures			
Date Issued 0/--/2010	Date Effective 0/--/2010	Page 1 of 5	
Issuing Authority: William R. Connors, Police Commissioner			

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- Deleted: The supervisor of the checkpoint shall prepare an Activity Summary Report concerning the Department's actions at the checkpoint. The report will include the following:¶
- ¶
- 1. Number of vehicles through checkpoint.¶
- ¶
- 2. Vehicles stopped for secondary screening.¶
- ¶
- 3. Number of persons charged with DWI, DWAI or DWAIID.¶
- ¶
- 4. Number of persons charged with other offenses.¶
- ¶
- 5. Number of potential DWI, DWAI operators sent home via taxi or¶
- with sober, licensed drivers.¶
- ¶
- 6. Number of vehicles impounded.¶
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- violations being equally enforced.
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PURPOSE:

To establish uniform procedures for conducting sobriety checkpoints in a manner that enhance enforcement of Driving While Intoxicated (DWI) statutes, provide the highest level of safety for the motoring public and for members of the service assigned to the checkpoint, and ensure that checkpoints are conducted in conformance with statutory and constitutional requirements.

These guidelines are intended to provide a framework for achieving these goals while providing sufficient flexibility to adapt to the unique circumstances of individual checkpoints (i.e., weather, traffic conditions, staffing, etc.)

POLICY:

Vehicle checkpoints must be established to guarantee the following:

1. Uniform and non-discriminatory application for users of the roadway (equally applied with little or no officer discretion on which vehicle is stopped).
2. They are administered at a time when roadway interference is minimized and the potential for Vehicle and Traffic Law violations is maximized.
3. They are administered in a fashion that ensures that risk or injury or loss to the public or police officer is minimized.
4. They involve screening or preliminary questioning of the operator's and vehicle's registration, licensing, insurance, and compliance with all aspects of the Vehicle and Traffic Law.
5. Inquiry into any possible criminal behavior or DWI violations will be made only as reasonable suspicion is developed that such behavior or violation has occurred.

6. Checkpoint sites will not prejudice any particular business.

7. They are conducted with sufficient manpower to administer the checkpoint safely and without causing unreasonable traffic delays.

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REPORTING:

Upon completion of the checkpoint, the assigned supervisor will submit a report to the Patrol Commander, in the format attached as "Appendix A" or as otherwise specified by competent authority, without delay.

PROCEDURE:

1. Site selection - checkpoint sites must be areas which minimize any risk to the public and/or police officer. Traffic will be surveyed at potential sites to assist with selection and manpower needs.

2. Adequate lighting, signs and traffic cones - devices such as flares, checkpoint warning signs, lit police vehicles and traffic cones will be set to alert traffic of the checkpoint area and to direct traffic off the roadway in a safe and clear manner (in many cases the use of flares will be discouraged since the odor generated by their burning limits officer's ability to detect the odor of alcohol emanating from vehicles passing through the checkpoint). Police vehicles with warning lights operating will be utilized as appropriate. A sign will be posted at an adequate distance to warn

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approaching traffic of the checkpoint ahead. At the checkpoint area, the roadway shall not be blocked with objects that would cause damage or injury if a driver became confused and should proceed straight down the roadway. Each Department member assigned to the checkpoint shall wear a Department issued reflective vest.

3. Uniform Selection of Vehicles - to avoid arbitrary or discriminatory methods of selecting vehicles for the checkpoint, all vehicles or a system of every second, third, or fourth vehicle shall be checked. The method of selection is to be noted by the supervisor assigned to the checkpoint, and will not be changed by members assigned to the checkpoint; only the supervisor will authorize changes.

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4. Checkpoint Screening Area - Before traffic is stopped, a Department vehicle will proceed from the roadway through the checkpoint area to evaluate adequate lighting and traffic devices. Vehicle operator behavior and driving ability shall be observed as vehicles approach and proceed to the checkpoint screening area. Any abnormal driving or operator behavior will be noted in the event citations should result.

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5. Checkpoint inquiry - Members will treat motorists in a courteous and non-discriminatory manner. Members shall politely greet each motorist, identify themselves, and explain the reason for the checkpoint (i.e., "This is a sobriety checkpoint to identify drunk drivers.") If there is no immediate evidence of intoxication, the motorist will be given necessary assistance to safely proceed.

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Deleted: approach each ¶ motorist and state "Good evening, I am Officer _____" of the City of Rye Police Department. This sobriety checkpoint¶ has been set up to identify and remove drunk drivers."

Violators will be appropriately cited. As permitted by Section 1194-1(b), operators of vehicles who are in violation of the Vehicle Traffic Law may be requested to submit to a breath test by use of a Pre-Screening Breath Test device.

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If there are no violations and no reasonable suspicion exists that other violations, infractions, or criminal acts have occurred, the vehicle shall be directed to proceed on its way without delay. Officers should be courteous and respectful, considering that occasionally an operator may be abusive and outspoken against the checkpoint procedure. Delays should be minimized and traffic kept moving if no violations are observed.

If a line of traffic should develop waiting to proceed through the checkpoint so that delays in excess of two to four minutes might be expected, approaching traffic should be directed to proceed without being checked.

INTOXICATED OPERATORS

As officers request license and registration material, the operator's appearance and demeanor may be observed. If a combination of observations raises reasonable suspicion to believe that the operator is intoxicated, inquiries regarding the operator's sobriety will be made. Officers will look for articulable facts, such as the following, one or a combination of which may provide reasonable suspicion that a person is driving while his or her ability is impaired by the use of alcohol or drugs:

Deleted: probable cause

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1. Odor of alcohol on breath.
2. Appearance, e.g., hair, clothes, etc., that might indicate intoxication.
3. Ability to produce documents requested or manner of doing so.
4. Bloodshot eyes.
5. Slurred Speech.
6. Admissions of driver as to alcoholic beverage consumption.
7. Alcohol container open in vehicle.
8. Erratic behavior by driver.

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9. Disorientation by driver as to time or place.

If reasonable suspicion of intoxication exists, then the operator shall be informed, and reasonably requested to step from the vehicle for administration of a psychomotor test. A secondary officer will be directed to remove the vehicle to a safe area if necessary. Should he/she pass the psychomotor test, the driver will be permitted to proceed on without further delay. Following the psychomotor test, should reasonable suspicion exist to believe the operator is intoxicated, the officer may offer a Pre-Screening Breath Test. Refusal will result in issuance of a summons for violation of Section 1194-1(b) of the Vehicle and Traffic Law.

If probable cause exists to believe that the operator is intoxicated or impaired based on the officer's observations and field tests (if applicable), the operator will be placed under arrest and removed to Police Headquarters for arrest processing in accordance with relevant Department procedures. If, on the contrary, the Pre-Screening Breath Test and any field sobriety tests that are administered are passed, the operator shall be directed on his or her way.

The officer making the observation should remain with the operator until the formal chemical test is administered. Notes of all observations shall be documented. Throughout, notwithstanding any provocation, the officer should remain polite and courteous.

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General Order 109.10 Page 4 of 4¶

Deleted: probable cause

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APPENDIX "A"

POLICE DEPARTMENT
CITY OF RYE

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D.W.I. CHECKPOINT ACTIVITY REPORT

Date: _____

Time checkpoint began: _____

Time ended: _____

Location(s): _____

Supervisor: _____

Personnel assigned: _____

Method of stop (check one): Every vehicle:____ Every __(#) vehicle: ____

Other: _____

of vehicles passed through checkpoint: _____

of vehicles stopped: _____

of motorists detained for secondary screening: _____

arrests for DWI: _____

arrests for DWAI: _____

of arrests for DWAI - Drugs: _____

of other arrests: Felony: _____

 Misdemeanor: _____

 Violation: _____

of summonses issued: Speed: _____

 Seatbelt: _____

 Child Restraint: _____

 Other: _____

of vehicles impounded: _____

Specialized equipment deployed: _____

| # hours overtime expended: _____

CITY OF RYE POLICE DEPARTMENT

General Order #109.10		New [x]	Revised []
		Supersedes:	
Subject: Sobriety Checkpoint Procedures			
Date Issued	Date Effective		
0/--/2010	0/--/2010	Page 1 of 5	
Issuing Authority: William R. Connors, Police Commissioner			

PURPOSE:

To establish uniform procedures for conducting sobriety checkpoints in a manner that enhance enforcement of Driving While Intoxicated (DWI) statutes, provide the highest level of safety for the motoring public and for members of the service assigned to the checkpoint, and ensure that checkpoints are conducted in conformance with statutory and constitutional requirements.

These guidelines are intended to provide a framework for achieving these goals while providing sufficient flexibility to adapt to the unique circumstances of individual checkpoints (i.e., weather, traffic conditions, staffing, etc.)

POLICY:

Vehicle checkpoints must be established to guarantee the following:

1. Uniform and non-discriminatory application for users of the roadway (equally applied with little or no officer discretion on which vehicle is stopped).
2. They are administered at a time when roadway interference is minimized and the potential for Vehicle and Traffic Law violations is maximized.
3. They are administered in a fashion that ensures that risk or injury or loss to the public or police officer is minimized.
4. They involve screening or preliminary questioning of the operator's and vehicle's registration, licensing, insurance, and compliance with all aspects of the Vehicle and Traffic Law.
5. Inquiry into any possible criminal behavior or DWI violations will be made only as reasonable suspicion is developed that such behavior or violation has occurred.

6. Checkpoint sites will not prejudice any particular business.
7. They are conducted with sufficient manpower to administer the checkpoint safely and without causing unreasonable traffic delays.

REPORTING:

Upon completion of the checkpoint, the assigned supervisor will submit a report to the Patrol Commander, in the format attached as "Appendix A" or as otherwise specified by competent authority, without delay.

PROCEDURE:

1. Site selection - checkpoint sites must be areas which minimize any risk to the public and/or police officer. Traffic will be surveyed at potential sites to assist with selection and manpower needs.
2. Adequate lighting, signs and traffic cones - devices such as flares, checkpoint warning signs, lit police vehicles and traffic cones will be set to alert traffic of the checkpoint area and to direct traffic off the roadway in a safe and clear manner (in many cases the use of flares will be discouraged since the odor generated by their burning limits officer's ability to detect the odor of alcohol emanating from vehicles passing through the checkpoint). Police vehicles with warning lights operating will be utilized as appropriate. A sign will be posted at an adequate distance to warn approaching traffic of the checkpoint ahead. At the checkpoint area, the roadway shall not be blocked with objects that would cause damage or injury if a driver became confused and should proceed straight down the roadway. Each Department member assigned to the checkpoint shall wear a Department issued reflective vest.
3. Uniform Selection of Vehicles - to avoid arbitrary or discriminatory methods of selecting vehicles for the checkpoint, all vehicles or a system of every second, third, or fourth vehicle shall be checked. The method of selection is to be noted by the supervisor assigned to the checkpoint, and will not be changed by members assigned to the checkpoint; only the supervisor will authorize changes.
4. Checkpoint Screening Area - Before traffic is stopped, a Department vehicle will proceed from the roadway through the checkpoint area to evaluate adequate lighting and traffic devices. Vehicle operator behavior and driving ability shall be observed as vehicles approach and proceed to the checkpoint screening area. Any abnormal driving or operator behavior will be noted in the event citations should result.

5. Checkpoint inquiry - Members will treat motorists in a courteous and non-discriminatory manner. Members shall politely greet each motorist, identify themselves, and explain the reason for the checkpoint (i.e., "This is a sobriety checkpoint to identify drunk drivers.") If there is no immediate evidence of intoxication, the motorist will be given necessary assistance to safely proceed.

Violators will be appropriately cited. As permitted by Section 1194-1(b), operators of vehicles who are in violation of the Vehicle Traffic Law may be requested to submit to a breath test by use of a Pre-Screening Breath Test device.

If there are no violations and no reasonable suspicion exists that other violations, infractions, or criminal acts have occurred, the vehicle shall be directed to proceed on its way without delay. Officers should be courteous and respectful, considering that occasionally an operator may be abusive and outspoken against the checkpoint procedure. Delays should be minimized and traffic kept moving if no violations are observed.

If a line of traffic should develop waiting to proceed through the checkpoint so that delays in excess of two to four minutes might be expected, approaching traffic should be directed to proceed without being checked.

INTOXICATED OPERATORS

As officers request license and registration material, the operator's appearance and demeanor may be observed. If a combination of observations raises reasonable suspicion to believe that the operator is intoxicated, inquiries regarding the operator's sobriety will be made. Officers will look for articulable facts, such as the following, one or a combination of which may provide reasonable suspicion that a person is driving while his or her ability is impaired by the use of alcohol or drugs:

1. Odor of alcohol on breath.
2. Appearance, e.g., hair, clothes, etc., that might indicate intoxication.
3. Ability to produce documents requested or manner of doing so.
4. Bloodshot eyes.
5. Slurred Speech.
6. Admissions of driver as to alcoholic beverage consumption.
7. Alcohol container open in vehicle.
8. Erratic behavior by driver.

9. Disorientation by driver as to time or place.

If reasonable suspicion of intoxication exists, then the operator shall be informed, and reasonably requested to step from the vehicle for administration of a psychomotor test. A secondary officer will be directed to remove the vehicle to a safe area if necessary. Should he/she pass the psychomotor test, the driver will be permitted to proceed on without further delay. Following the psychomotor test, should reasonable suspicion exist to believe the operator is intoxicated, the officer may offer a Pre-Screening Breath Test. Refusal will result in issuance of a summons for violation of Section 1194-1(b) of the Vehicle and Traffic Law.

If probable cause exists to believe that the operator is intoxicated or impaired based on the officer's observations and field tests (if applicable), the operator will be placed under arrest and removed to Police Headquarters for arrest processing in accordance with relevant Department procedures. If, on the contrary, the Pre-Screening Breath Test and any field sobriety tests that are administered are passed, the operator shall be directed on his or her way.

The officer making the observation should remain with the operator until the formal chemical test is administered. Notes of all observations shall be documented. Throughout, notwithstanding any provocation, the officer should remain polite and courteous.

APPENDIX "A"

POLICE DEPARTMENT
CITY OF RYE

D.W.I. CHECKPOINT ACTIVITY REPORT

Date: _____

Time checkpoint began: _____

Time ended: _____

Location(s): _____

Supervisor: _____

Personnel assigned: _____

Method of stop (check one): Every vehicle: _____ Every __ (#) vehicle: _____

Other: _____

of vehicles passed through checkpoint: _____

of vehicles stopped: _____

of motorists detained for secondary screening: _____

arrests for DWI: _____

arrests for DWAI: _____

of arrests for DWAI - Drugs: _____

of other arrests: Felony: _____
 Misdemeanor: _____
 Violation: _____

of summonses issued: Speed: _____
 Seatbelt: _____
 Child Restraint: _____
 Other: _____

of vehicles impounded: _____

Specialized equipment deployed: _____

hours overtime expended: _____



CITY COUNCIL AGENDA

NO. 17

DEPT.: City Council

DATE: July 21, 2010

CONTACT: Mayor Douglas French

AGENDA ITEM: Discussion of Resolution to establish a Rye Town Park Advisory Committee.

FOR THE MEETING OF:

July 21, 2010

**RYE CITY CODE,
CHAPTER
SECTION**

RECOMMENDATION: That the Council consider adopting the attached Resolution to establish a Rye Town Park Advisory Committee.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

See attached Resolution.

DRAFT

RESOLUTION OF THE CITY OF RYE CITY COUNCIL ESTABLISHING THE RYE TOWN PARK ADVISORY COMMITTEE

WHEREAS, the volunteer committees in the City of Rye (“City”) perform a critical function in the City by advising the City Council on important issues that are relevant to the daily operations of the assets within and near the City of Rye; and

WHEREAS, the City of Rye and Town of Rye share ownership and operating responsibility of Rye Town Park; and

WHEREAS, residents of the City of Rye and Rye Town visit Rye Town Park regularly and enjoy its location and participate in the events and activities that take place; and

WHEREAS, the Rye Town Park Commission is a representative body of the City of Rye and Rye Town which includes the Village of Port Chester, Village of Rye Brook and the Rye Neck section of the Village of Mamaroneck; and

WHEREAS, activities, policies, events and practices at Rye Town Park have financial and neighborhood impacts on the City and Town of Rye Residents; and

WHEREAS, the City would like to establish the Rye Town Park Citizens Advisory Committee to, among other duties, assist the City and Rye Town Park Commission in identifying areas that can be improved, advise on important issues, and inform on upcoming events;

NOW, THEREFORE, BE IT RESOLVED, that the Rye Town Park Advisory Committee is hereby established; and be it further

RESOLVED, that the Committee shall consist of no more than seven (7) members, representative of the user groups and surrounding neighborhoods. The initial appointments shall be staggered two (2) one-year terms, two (2) two-year terms, and three (3) three-year terms; and be it further

RESOLVED, that members of the Rye Town Park Advisory Committee shall be appointed by the Mayor, with the approval of the Rye City Council. The Mayor shall designate the Chairperson; and be it further

RESOLVED, that the Rye Town Park Advisory Committee shall have the following duties and powers:

1. To establish Committee rules and procedures for meetings;
2. To advise the City Council and Rye Town Park Commission on issues relating to the operation and management of Rye Town Park;
3. To identify and review neighborhood issues that arise relating to Rye Town Park; and

DRAFT

4. To recommend to the City Council on possible changes to the practices, policies and daily operations of Rye Town Park to better meet the needs of the residents of the City and Rye Town.

DRAFT



CITY COUNCIL AGENDA

NO. 18

DEPT.: City Manager

DATE: July 21, 2010

CONTACT: Scott D. Pickup, City Manager

AGENDA ITEM: Resolution to grant permission to the Rye Free Reading Room to hold a free public concert on the Village Green on Sunday, September 19, 2010 at 2 p.m.

FOR THE MEETING OF:

July 21, 2010

**RYE CITY CODE,
CHAPTER
SECTION**

RECOMMENDATION: That the City Council approve the resolution.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The Rye Free Reading Room has requested use of the Village Green to hold a free public concert on the Village Green on Sunday, September 19, at 2:00 pm. The concert will feature the band, Spin Doctor's front-man, Chris Barron.

See attached.

Received

JUL 08 2010

City Manager's Office
Rye, New York



RYE FREE READING ROOM

July 6, 2010

Honorable Doug French, Mayor
Rye City Council
City Hall
Rye, New York 10580

Dear Mayor French:

The Rye Free Reading Room respectfully requests permission to hold a free public concert on the Village Green on Sunday, September 19, 2010 at 2 pm.

Free Fall Concert on the Green

The Auxiliary Board of the Rye Free Reading Room is hosting a free fall concert on Sunday, September 19 from 2-4pm. This concert, featuring Spin Doctor's front-man Chris Barron, will be a great opportunity for the community to bring a blanket or picnic to enjoy an afternoon of live music on the Village Green.

The library may use the free concert as a springboard to host an open house inside the library, highlighting the newly renovated technology center. This renovation, funded by a private donation and New York State construction grants, ensures that the library continues to meet the community's need for free access to the internet, office productivity software, and other technology. Refreshments, if any, will be served inside the library.

To allow for setup and cleanup activities, we request permission to use the Village Green from 12pm to 5pm.

The City's approval of similar previous requests allowed the library to enhance the wide range of community-focused programs we offer to Rye residents. Thank you for your consideration of this request.

Sincerely,



Kurt Hadelor
Director

cc: Dawn Nodarse, City Clerk
F:\Administration\City of Rye\CityCouncil\Village Green 2010-09-19.doc



CITY COUNCIL AGENDA

NO. 19

DEPT.: Public Works

DATE: July 21, 2010

CONTACT: George J. Mottarella, City Engineer

ACTION: Bid Award for Automotive Parts & Machine Shop Services.

FOR THE MEETING OF:

July 21, 2010

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That Bid #3-10 be awarded to Mendels Truck & Auto Parts (dba Midland Truck & Auto Parts) and Tri-City Auto Parts as outlined by the City Engineer's recommendation.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The City Engineer has reviewed the bids for automotive parts and machine shop services received from two vendors and has recommended the bid be awarded on an itemized basis to the low bidders as outlined in his recommendation to the City Manager.

See attached.

DATE: July 8, 2010
TO: Scott Pickup, City Manager
FROM: George J. Mottarella, City Engineer
RE: Bid Recommendation – Bid #3-10, Automotive Parts

After carefully reviewing the tabulation of the two bids received for Automotive Parts with my staff, I recommend that the following vendors be awarded the bid:

Tri-City Automotive Parts	<u>Category 1</u>	
	Group 1	Brake Shoes & Linings
	Group 1A	Brake Parts
	Group 2	Bearings
	Group 4	Carburetors
	Group 7	Electric Switches & Wiring
	Group 10	Headlights
	Group 11	Hose Clamps
	Group 12	Hoses & Belts
	Group 13	Ignition Equipment
	Group 15	Shock Absorbers
	Group 16	Seals
	Group 17	Water Pumps
	Group 18	Filters
	Group 19	Windshield Wiper Products
	Group 21	Batteries
	Group 22	Starter & Alternators

Mendel's Truck/Auto Parts	<u>Category 1</u>	
	Group 3	Brass Fittings
	Group 5	All Clutch Assemblies
	Group 6	Exhaust Parts
	Group 8	New Fuel Pumps
	Group 9	Gaskets & Gasket Sets
	Group 14	Mirrors & Lamps
	Group 20	Chassis Front End Parts
	Group 23	Bolts, Nuts, Washers, Etc.

Category 2

Public Works
141 Oakland Beach Avenue
Rye, NY 10580

Group 1 Brake Parts
Group 2 Starter & Alternators
Group 3 Exhaust Parts
Group 4 PTO Clutch Assemblies

Category 3

Flywheels Cut to 12"
Flywheels Cut to 12" or Over
Driveshafts Rebuilt
King Pins Fitted
King Pins w/I Beams
Brake Bands Relined
Brake Shoes Relines
V-8 Heads Rebuilt
6 Cylinder Heads Rebuilt
4 Cylinder Heads Rebuilt
4 OHC Head Rebuilt
Pistons Changed Over & Cleaned
Axles Bearing and Related
Press Work (per bearing)
Heavy Duty Break Drums 16" & Up (price cut
per inch)
Passenger Car & Light Duty Truck up to 14" Drums
Rotors
Unltd. Shop Work (per hour)

I would like to note that in the automotive parts business vendors cannot always have all the parts they bid on at the time our garage needs them. If such a case occurs, the Garage Foreman may have to use another vendor in order to repair the equipment expeditiously.

If you have any questions regarding this bid, please contact me at your earliest convenience. Attached is an Agenda Form for the City Council's meeting of July 21st.

cc: Scott Fontecchio, General Foreman
Diane Moore, Deputy City Clerk

Public Works
141 Oakland Beach Avenue
Rye, NY 10580

(914) 967-7461 phone

(914) 967-4107 fax



CITY COUNCIL AGENDA

NO. 20

DEPT.: Public Works

DATE: July 21, 2010

CONTACT: George J. Mottarella, City Engineer

ACTION: Bid Award for Hewlett Avenue Sanitary Sewer Forcemain Replacement.

FOR THE MEETING OF:

July 21, 2010

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That Bid #4-10 be awarded to Bilotta Constructions Corporation as outlined by the City Engineer's recommendation.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The City Engineer has reviewed the bids for the Hewlett Avenue Sanitary Sewer Forcemain Replacement received from five vendors and has recommended the bid be awarded as outlined in his recommendation to the City Manager.

See attached.



CITY OF RYE
CITY HALL • RYE, NEW YORK 10580
TELEPHONE (914) 967-5400

ENGINEERING DEPARTMENT MEMORANDUM

TO: Scott D. Pickup, City Manager

FROM: George J. Mottarella P.E. P.L.S., City Engineer, Director of Public Works


DATE: July 13, 2010

SUBJECT: Bid Recommendation for Contract 2010-04 Hewlett Avenue Sanitary Sewer Forcemain Replacement

I have checked and tabulated the five (5) bids received for the above referenced contract. A copy of the bid results is attached for your convenience. I recommend the bid be awarded to the low bidder, Bilotta Construction Corporation, in the amount of one hundred seventy two thousand, five hundred eighty seven dollars and fifty cents (\$172,587.50). They have done quality work for us in the past.

There are sufficient funds for this project in this year's budget.

Very truly yours,


George J. Mottarella, P.E., P.L.S.
City Engineer, Director of Public Works

Contract No. 2010-04 - Hewlett Avenue Forcemain Installation

Position	Contractor	Contractor's Bid	Engineer's Check	Dollar Amount Above Low Bid	% Above Low Bidder
1	Bilotta Construction	\$172,587.50	\$172,587.50	\$0.00	0.00%
2	ELQ Industries	\$238,305.00	\$238,305.00	\$65,717.50	38.08%
3	Joken Development	\$242,195.00	\$242,195.00	\$69,607.50	40.33%
4	Contech Construction Tech.	\$292,475.00	\$292,475.00	\$119,887.50	69.46%
5	NDL Associates	\$555,000.00	\$555,000.00	\$382,412.50	221.58%



CITY COUNCIL AGENDA

NO. 21

DEPT: Public Works

July 21, 2010

CONTACT: George J. Mottarella, City Engineer

ACTION: Bid Award for Solid Waste Container Service at the Department of Public Works.

FOR THE MEETING OF:

July 21, 2010

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That Contact #2010-05, Solid Waste Container Service be awarded to City Carting, for their low bid of \$45,900.00.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: Two bids were received and reviewed. The City Engineer recommends that the contract be awarded to the low bidder, City Carting, pending receipt and approval of required insurance policies.

See attached.

DATE: July 8, 2010
TO: Scott Pickup, City Manager
FROM: George J. Mottarella, City Engineer
RE: Contract #2010-05 – Solid Waste Container Service

Two bids were received for the Solid Waste Container Service Contract. A bid tabulation setting forth the price for each service from the two companies bidding is attached.

I recommend that the Council accept the bid from the low bidder, City Carting, pending receipt of his insurance policies. An agenda form is attached for your convenience.

Cc: Scott Fontecchio, General Foreman
Diane Moore, Deputy City Clerk

Public Works
141 Oakland Beach Avenue
Rye, NY 10580

Solid Waste Container Service Contract No. 2010-05

				City Carting		Rogan Bros.	
#	Item No.	Items	Quantity	Unit	Total	Unit	Total
1	1	20 Cubic Yard Container For Street Sweepings	40 PULLS	\$110.00	\$4,400.00	\$120.00	\$4,800.00
2	2	Price per Ton for Disposal of Material From ITEM 1	500 TON	\$68.00	\$34,000.00	\$75.00	\$37,500.00
3	3	30 CY Container for Garbage	50 PULLS	\$150.00	\$7,500.00	\$175.00	\$8,750.00
Contractor's Total					\$51,050.00		\$43,097.00
Engineer's Total					\$45,900.00		\$51,050.00
Position					1		2
% Above Low Bidder					0.00%		11.22%