

## **CITY OF RYE**

### **NOTICE**

There will be a regular meeting of the City Council of the City of Rye on Wednesday, November 3, 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 October 20, 2010.
5. Residents may be heard who have matters to discuss that do not appear on the agenda.
6. Mayor's Management Report
  - Legal Update
7. Consideration to set a Public Hearing to repeal Chapter 76 "Dogs" and replace it with a new Chapter 76 "Dogs", now that the State has relinquished enforcement to the City.
8. Public Hearing on the proposal to increase the fees on meters and pay stations.
9. Resolution authorizing the City Manager to enter into an agreement with Complus Data Innovations, Inc. to outsource the collection of parking ticket payments.
10. Resolution authorizing the City Manager to enter into a Memorandum of Agreement with the Committee to Save the Bird Homestead to manage the Meeting House.
11. Consideration of proposed revision of the Rules and Regulations of the City of Rye Police Department.
12. Resolution to establish a City of Rye Sustainability Committee.
13. Eight appointments to the Sustainability Committee by the Mayor with Council approval.
14. One appointment to the Recreation Commission to fill a term expiring on January 1, 2011, by the Mayor with Council approval.
15. One appointment to the Board of Assessment Review for a five-year term expiring on September 30, 2015, by the Mayor with Council approval.

16. Miscellaneous communications and reports.
17. Old Business.
18. New Business.
19. Adjournment.

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The next regular meeting of the City Council will be held on Wednesday, November 17, 2010. A special meeting of the City Council will be held on Monday, November 8, 2010 for the presentation of the 2011 Budget. The City Council will hold Budget Workshops on Monday, November 15, 2010 and Monday, November 22, 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>.

\* Office Hours of the Mayor on 11/03/10 will be held at 6:30 pm in the Mayor's Conference Room prior to the scheduled executive session.



# CITY COUNCIL AGENDA

NO. 4

DEPT.: City Clerk

DATE: November 3, 2010

CONTACT: Dawn F. Nodarse

**AGENDA ITEM:** Draft of the unapproved minutes of the regular meeting of the City Council held October 20, 2010, as attached.

**FOR THE MEETING OF:**

November 3, 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 meeting of the City Council held October 20, 2010, as attached.

***DRAFT UNAPPROVED MINUTES*** of the  
Regular Meeting of the City Council of the City of  
Rye held in City Hall on October 20, 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 Council convened at 7:04 p.m. Councilwoman Keith made a motion, seconded by Councilman Filippi and unanimously carried to adjourn into executive session to discuss personnel matters at 7:05 p.m. Councilwoman Gamache made a motion, seconded by Councilwoman Parker and unanimously carried, to adjourn the executive session at 8:03 p.m. The regular meeting convened at 8:09 p.m.

1. Pledge of Allegiance

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

2. Roll Call

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

3. General Announcements

Mayor French asked that the City Manager and Police Commissioner Connors take a look to see if there is a system that would allow an interim message to go out to the public regarding police matters that are under investigation in order to allay public concern and confusion. City Manager Pickup said that in matters of public safety notification is immediate but in criminal instances the determination of what should be made public is best left to the police department.

The City Council will hold a Town Hall meeting at The Osborn on Monday, October 25<sup>th</sup> at 7:00 p.m.

Other announcements were made regarding information, accomplishments and activities of other organizations and groups in the City.

4. Presentation by Mayor and City Manager of Certificates of Public Service to members of the City staff who have served Rye for twenty-five or thirty years

Mayor French and City Manager Pickup acknowledged the following City of Rye employees for their public service to the City for twenty-five or thirty years:

<u>Employee</u>	<u>Department</u>	<u>Years of Service</u>
Alan Demmel	Fire	25
Dennis DeVito	School Crossing Guard/Police	25
Richard Dooley	Department of Public Works	25
Arcadio Ocasio	Department of Public Works	25
Sally Rogol	Recreation	25
Dominick Cerasoli	Department of Public Works	30
Robert Chittenden	Police	30
James LaBrusciano	Rye Golf Club	30
John Wood	Police	30

5. Approval of the election of two new members to the Rye Fire Department

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

**RESOLVED**, that the City Council of the City of Rye hereby approves the election of Robin Latimer to the Rye Police Patrol Company and Antonio Alba to the Poningoe Engine and Hose Company, as approved at the last meeting of the Fire Wardens.

6. Draft unapproved minutes of the special meeting/workshop of the City Council held September 27, 2010 and the regular meeting of the City Council held October 6, 2010

Councilman Jovanovich made a motion, seconded by Councilwoman Keith and unanimously carried, to approve the minutes of the special meeting/workshop of the City Council held on September 27, 2010, as amended.

Councilman Jovanovich made a motion, seconded by Councilwoman Keith and unanimously carried, to approve the minutes of the regular meeting of the City Council held on October 6, 2010, as amended.

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

*James Burke, 43 Elmwood Avenue, and John Carolin, 66 Milton Road,* representing the American Legion, addressed the Council about their idea of replacing the flag holders on Purchase Street, which currently hold five small flags, with larger brackets that would contain a larger 3' x 5' flag. *Mr. Carolin* also spoke about the condition of memorial plaques placed at the foot of trees along Purchase Street. He said they were in disgraceful condition and the City should find a way to relocate them. He also said that the trees along Purchase Street were not well-maintained.

*Robert Schubert, 980 Forest Avenue,* read a statement he had prepared regarding the issue of the pond on his property. Mayor French thanked Mr. Schubert for his comments and said that the Council takes the matter very seriously, but the Council can't discuss the matter due to pending litigation.

*Sis D'Angelo, 110 Wappanocca Avenue,* expressed her concerns about conditions on Purchase Street and said the Department of Public Works should do a better job of caring for it.

*Doug Carey, 131 Purchase Street,* invited everyone to attend the Rye Cable Committee's "Margie Awards" that will be held on Wednesday October 27<sup>th</sup> at the Rye Free Reading Room. *Mr. Carey* also offered thanks to Tom Fendler and Tomart Corporation for replacing, free of charge, the plaque at Gagliardo Park that honors Sam Gagliardo.

*Bob Zahm, 8 Ridgewood Drive,* said (1) the crosswalks at Old Post Road and the Playland Access Road had not been painted yet and urged the City to paint them, and (2) that enforcement statistics have not been published. City Manager Pickup said the redesign of the Old Post Road/Playland Access Road intersection will require site distance improvements and there is a disagreement regarding whether or not it is safe to paint the crosswalks. Mayor French asked the City Manager to share the information on enforcement statistics with the Council and publish them.

8. Mayor's Management Report
- Rye Town Park Advisory Committee 2010 Season Summary

Kristina Bicher and Michael Corbett of the Rye Town Park Advisory Committee presented a report on Rye Town Park at the conclusion of the summer season. They said the Task Force was happy with the changes that have occurred at the park over the last year. As of the end of September, park operations are \$100,000 ahead of last year. Two out of three of the recommendations made by the task force had been implemented including erecting physical barriers and differentiated parking fees for residents and non-residents. Any offset in the number of cars coming into the park was offset by the increased pricing. They believe the park was safer this summer than in recent years due to a lower number of users, an increased police presence and safety plans implemented by park staff. It was determined that 90% of the users of the park are non-residents, which is higher than original estimates. The park was only closed three times because it was full. Suggestions were also offered for additional changes they believe should be made by the Rye Town Park Commission. They said an automated system for collection of parking fees and beach access should be implemented. Residents should be encouraged to use the park more often. Use of mass transit to the park should be encouraged, as well as the use of other parking lots. Cars should be kept off the stone bridge. Improvements should also be

sought in connection with controlling alcohol use and smoking in the park. They also believe the expense structure of the park could be lowered; the revenue base diversified and the management should follow generally accepted accounting procedures.

- Water Company Update

Mayor French said that approximately 350 homes in the Rye Neck section (including parts of Greenhaven) receive water from the Westchester Joint Water Works (WJWW) and have recently received bills reflecting a 75% increase in rates. This is the result of a resolution adopted by the Village of Mamaroneck without input from the City. The Mayor will write a letter to the Mayor of Mamaroneck informing him of the issue and the Council will pass a resolution and move forward to spread out the 75% increase over a number of years. City Manager Pickup said that WJWW customers were billed in May and never received notice prior to receiving their next bills of what their rate increase would be. WJWW is a Public Benefit Corporation and does not follow the same Public Service Commission process for rate setting as the City does with United Water. The City is looking to implement a notice provision to prevent this from happening again.

- Legal Update

Interim Corporation Counsel Kristen Wilson reported on the Appellate Division, Second Department decision regarding the Osborn case. She said that the Court found that the Osborn is 100% taxable and not entitled to a charitable use tax exemption or a partial hospital use tax exemption. She said the decision also upheld the methodology used by the Osborn regarding valuation. Ms. Wilson said that overall it was a positive decision for the City, the School District and the tax payers and provides clarity moving forward.

*Robert Schubert* asked if Ms. Wilson would be reporting on depositions that have been held over the last few months relating to his property. Ms. Wilson said that the depositions he was referring to were in connection with a State Court action that the City is not a party to.

Additionally, the Mayor asked City Manager Pickup for an update on the funding for the Sluice Gate project. Mr. Pickup said that the City should be seeing the Agreement for the grant funding in a week or two. When the City signs and returns the grant, it will be authorized to proceed. Mr. Pickup also updated the Council on the Central Avenue Bridge project. He said that the State has tied the funding for both the Central Avenue Bridge and Theodore Fremd Avenue Wall projects to one project number. The State Department of Transportation (DOT) will not authorize the bridge project to go forward until the wall project, which has had significant engineering delays, has been approved.

9. Presentation by the Rye Free Reading Room regarding the 2011 Budget

Mayor French said that one of the recommendations presented to the Council by the City Manager and City Comptroller was to reduce the contribution from the City to the Library. Library Board President Debra Julian and Treasurer John Eckerson thanked the City for their past support and said they do not take City support lightly; that the Board is very responsible and

is committed to using a financially conservative approach to their budget. They said the cuts proposed by the City will have an impact on the community. They made a presentation to the Council that touched on the following points:

- In a recent survey conducted by the Library 91% of Rye residents agree that the Library is a good use of taxpayer funds.
- There is no flexibility in the current budget to cut costs without impacting its collection, hours of operation, programs and maintenance on the building.
- They have been aggressive in implementing cost saving measures.
- Their total salaries and wages have been mostly flat over the last four years and they are at the lower end of personnel costs in peer library groups.
- The five-year union contract will expire in December 2011 and renegotiation is a priority of the Board.
- Pension increases were larger than anticipated.
- Attracting a new director will be difficult with a challenging budget.
- Their revenue sources have been maximized.
- The Library continues to increase private funding, New York State grants and other income items.
- Private funding contributes more to the revenue base in Rye than in its peer libraries.
- The Library is at the top of its peer group in measures of cost efficiency and services and at the bottom end in the level of municipal funding support.
- A \$190,000 cut in funding would reduce the City's support to the lowest level since 2003.

Council comments and questions included:

- Are full-time and part-time employees covered under the benefit system? (If they elect to be part of the system.)
- Is there an endowment? (The endowment is about \$1.55 million. There is a limit in their Charter on how much can be used.)
- How did the 2009 fundraising amounts compare with 2008 and what are the projections for 2010? (The 2008 levels decreased from the high of 2007 but the 2009 levels were higher than anticipated. The 2010 campaign is just underway so there are no figures available.)
- What percentage of the budget goes toward programs that are not self-funded? (There is \$1,000 allotted in the 2011 budget.)
- A question should have been included in the survey asking people if they would rather give more money to the Library or have their taxes go up. (The survey was done in preparation for a new Strategic Plan for the Library.)
- There is a limit on how much the Library will be able to shrink staff levels. The Board should collaborate with the City Manager in negotiating their next contract. The City and the Library should be on the same page regarding contracts.

*Bertrand DeFrondeville, 19 Hook Road*, said that statistics will show that library services have not decreased with fewer employees. He added that it was refreshing to see an organization present a lower budget.



10. Presentation by Joshua Trauner, NextG Networks, regarding their application for a License Agreement for use of the Public Rights-of-Way for wireless telecommunications

Joshua Trauner, Director of Government Relations for NextG Networks, said that they are a telecommunications company with a license from the Public Service Commission to provide telecommunication services. They build a Distributed Antenna System (DAS) telecommunication system that is installed in the public right-of-way, usually on existing telephone utility poles. They are offering to enter into a Right-of-way Use Agreement with the City giving NextG permission to enter the right-of-way in exchange for paying the City revenue for the equipment they install. The compensation is a percentage of their income per installation they make – 5% of their gross revenue. They are planning to install eight DAS boxes in the City. Their installations are low-powered and come in much lower than the Federal government's limits on radiation exposure. City Manager Pickup said the staff recommendation was to refer the application to the Board of Architectural Review and have money put into escrow for consultant work on site issues, prior to the Council voting on the proposed agreement. The Council concurred with the staff recommendation.

11. Discussion on the proposal from the Committee to Save the Bird Homestead, Inc. regarding the Rye Meeting House

Mayor French said that he and Anne Stillman of the Committee to Save the Bird Homestead (Committee) had attended a meeting of the County Board of Legislators and the County has approved the \$215,000 grant for the purchase of the Bird property. City Manager Pickup said there will have to be an additional closing to record the easement required by the County before the funds will be available.

Mayor French said that a meeting was held to work out the parameters of a Memorandum of Agreement (MOA) between the City and Committee regarding the Meeting House. Councilwoman Parker said that at the meeting the Committee had provided more financial information as requested by the Council. City Manager Pickup said that an additional \$25,000 of capital money will be put into a capital account as part of the MOA, which will come from money the Council had allocated to the Meeting House in prior years. The money will be available if the Committee runs into unforeseen structural or construction related problems. He said that because the project is changing from a restoration project to a renovation project the City must have some agent working with the Committee to make sure that all relevant historic preservation guidelines are met. Ms. Stillman said that the Committee's budget does not include anything extra for operating that is not necessary because their primary mission is preservation of their buildings. They project to raise more money than is in the budget for operation, and that money will go into the buildings. The Committee would be happy to have other organizations use the Meeting House as long as it fits in their schedule and their costs are covered. The MOA will be tied with the existing Bird Homestead MOA in terms of the length of the agreements.

Council questions and comments included:

- What percentage of donations received will go to the cost of the project? (Approximately 97 %.)
- It seems that the Committee anticipates raising enough money over the next five years through private donations, grants and event revenues to meet operating expenses. What is the expected breakdown among the three revenue streams? (Approximately 50% grants and 50% private donations.)
- What specific capital projects does the Committee have in mind? (Three new roofs on the Bird homestead; realignment of one of the buildings; structural matters will also be addressed. After the first phase proposed for the Meeting House, the Committee will monitor the building twice a year and allocate money as necessary to address any needs.)
- Does the projected revenue include the money still outstanding on the purchase of the Bird Homestead? (It does not include that amount because the Committee is confident the outstanding grants will come through.)
- What happens if the Committee does not fulfill their obligations for fund raising? (The restoration will be slower.) Interim Corporation Counsel Wilson said that if the Committee is no longer able to manage the property, the City, as the owner of the property, can step in.

Mayor French said that the key terms of the MOA should be made public and the Council should vote on the proposal at the November 3<sup>rd</sup> meeting.

*Tracy Star, Laura Brett, Doug Carey and Margot Burgheimer* on behalf of *Melissa Brown Grecco*, all addressed the Council in support of the Committee's proposal to take over operation of the Meeting House.

12. Continuation of Public Hearing to amend Local Law Chapter 191, Section 39, Parking Time Limits and fees, to remove the setting of fees from Local Law

The public hearing remained open from the last Council meeting. The proposed local law was amended, as requested, to include language requiring that a public hearing must be held prior to fees being increased. No members of the public wished to comment on the proposed local law.

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

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

**CITY OF RYE  
LOCAL LAW NO. 9 2010**

**A local law to amend Chapter 191, Vehicles and Traffic,  
Section 39, Parking time limit and fee, of the  
Code of the City of Rye as follows:**

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

**Section 1.**

**§191-39      Parking time limits and fee.**

**[Amended 12-15-1965 by Ord. No. 4-1965; 2-18-1970; 2-15-1984 by L.L. No. 5-1984**

**Editor's Note: This local law also provided that former §§191-41 through 191-49 be renumbered to become §§191-40 through 191-48, respectively; 12-15-1993 by L.L. NO. 12-1993; 12-15-2004 by L.L. No. 5-2004]**

The permitted parking time and fees in all City parking meter zones shall be set after public hearing by resolution by the City Council. Upon the expiration of the permitted parking time with respect to any vehicle in such designated parking space, the operator shall forthwith remove such vehicle from such parking space.

**Section 2.      This law will take effect immediately upon filing with the New York State.**

ROLL CALL:

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

NAYS:                      None

ABSENT:                    None

The local law was adopted by a 7-0 vote.

13.      Resolution authorizing the City Manager to increase the fees on selected parking permits

City Comptroller Jean Gribbins said that if All Day/All Night permits were increased 50% it would increase the City's revenues by about \$12,000 in 2011; increasing All Night permits by 50% would increase revenues by about \$2,400 in 2011; and, if Merchant permits were doubled it would increase revenues by about \$110,000 in 2011. Mayor French said he would rather postpone a decision on the proposed increases in parking permit fees and include it as part of the budget workshop discussions. It was also suggested that parking fines should also be a topic for budget workshop discussions. The discussion was deferred.

14.      Resolution to return net revenues from the Central Business District parking pay stations to General Fund City operations

City Manager Pickup provided an overview of previous resolutions relating to how pay station parking revenues would be treated. He said the original resolution about how to treat the additional revenue that was adopted when the pay stations were installed was implemented differently from the way the Council had anticipated. In December 2009 a second resolution was adopted, to clarify the intent of the Council, which created a scorecard that measured investment in the Central Business District (CBD). City Comptroller Gribbins said she spoke with the City's auditor who advised that if net revenues from CBD pay stations were designated to be

used for CBD capital improvements, those funds must be removed from the General Fund and must be designated as a portion of Fund Balance. If these funds are removed from the General Fund, the revenue must be raised someplace else. She added that there has been a great deal of work done in the CBD over the last several years that did not come from funds that were segmented and the City is at the point where the General Fund needs the revenue. She said that the 2010 budget was prepared to have the money go into operations. The 2009 Resolution was written to segregate the net proceeds and save it for CBD capital projects. If that Resolution is not amended, at the end of the year she will be required to take the funds out of General Fund Fund Balance and segregate it.

Council questions and comments included:

- The money could be included in the operating budget as long as the City keeps track of it as having been collected from the pay stations. (It has to be identified as an obligation of the City on financial statements and as a designation of Fund Balance.)
- Pay station revenues may never cover the cost of some improvements that must be done in the CBD, such as restoring Purchase Street.
- Is there any spending that could apply to the CBD definition in the budget for next year? (Nothing is programmed for 2011.)
- How are pay station revenues segregated? (The funds are in their own revenue account.)

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

**WHEREAS**, in the past it has been the goal of the City to use funds generated from central business district parking pay stations in the central business district, minus expenses, to fund capital projects in the central business district; and

**WHEREAS**, the city desires to place any funds generated from the central business district parking pay station in the general fund; now, therefore, be it

**RESOLVED**, that within the general fund the City Comptroller shall maintain an accounting of gross revenues and net operating income generated for each year by the parking pay stations; and be it further

**RESOLVED**, that the City's annual CIP and annual City Budget shall include a report of this information for use by the City Council and the public; and be it further

**RESOLVED**, that the City Council will use this information as part of the capital planning process to track parking revenues and provide a basis to assign capital project commitments to the central business district on an ongoing basis; and be it further

**RESOLVED**, that the funds generated from the central business parking pay stations be made part of the general fund starting January 1, 2011.

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.

15. Resolution authorizing the City Manager to increase the fees on meters and pay stations

It was noted that since the Council adopted the local law in agenda item number 12 above a public hearing must be held before a vote can be held to increase the fees on meters and pay stations.

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

**WHEREAS**, the Council wishes to increase the fees on meters and pay stations; and

**WHEREAS**, it is now desired to call a public hearing on such proposed increases, now, therefore, be it

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

Section 1. Pursuant to Section 20 of the Municipal Home Rule Law and the Charter of the City of Rye, New York, a public hearing will be held by the Council of said City on November 3, 2010 at 8:00 P.M. at City Hall, Boston Post Road, in said City, for the purpose of affording interested persons an opportunity to be heard concerning such proposed local law.

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

**PUBLIC NOTICE**  
**CITY OF RYE**

**Notice of Public Hearing on a proposal to increase the fees on meters and pay stations.**

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 3rd day of November, 2010 at 8:00 P.M. at City Hall, Boston Post Road, in said City, at which interested persons will be afforded an opportunity to be heard concerning a proposal to increase the fees on meters and pay stations.

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

Dawn F. Nodarse  
City Clerk  
Dated: October 27, 2010

16. Bid Award for a Truck-Mounted Combination Sewer Vacuum and Jetter (Bid# 5-10)

City Manager Pickup said that this item was one that had originally been deferred in March, but through the management of the capital projects list, staff believes that this purchase can be afforded this year. The bids came in better than anticipated.

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

**RESOLVED**, that Bid # 5-10 for a Truck-Mounted Combination Sewer Vacuum and Jetter is hereby awarded to Gabrielli Truck Sales, the lowest bidder whose bid meets specifications, for the amount of \$288,960.00

**BID #5-10**

**(1) One Truck-Mounted Combination Sewer Vacuum and Jetter**

<b>BIDDER</b>	<b>AMOUNT BID</b>
Gabrielli Truck Sales	\$288,960.00
Jet Vac, Inc.	\$331,708.00

**ROLL CALL:**

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

**NAYS:** None

**ABSENT:** Councilwoman Parker

The bid was awarded by a 6-0 vote.

17. Bid Award for the Interior Alterations to the Rye Police Station (Contract # 2010-06)

City Manager Pickup said this bid was also for a project that had been deferred in March. The project addresses an operational issue and is of importance to the rank and file of the Police Department.

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

**RESOLVED**, that Contract # 2010-06 for the Interior Alterations to the Rye Police Station is hereby awarded to Peter A. Camilli and Sons, the lowest bidder whose bid meets specifications, for the amount of \$89,000.00.

**Contract No. 2010-06 - Interior Alterations to the Rye Police Station**

Contractor	Contractor's Bid	Engineer's Check	Dollar Amount Above Low Bid	% Above Low Bidder
Peter A Camilli and Sons	\$89,000.00	<b>\$89,000.00</b>	\$0.00	0.00%
Construction Force Services Inc.	\$129,989.00	<b>\$129,989.00</b>	\$40,989.00	46.06%
Abott and Price Inc.	\$134,000.00	<b>\$1,285,166.61</b>	\$45,000.00	50.56%
Fourmen Construction	\$147,500.00	<b>\$147,500.00</b>	\$58,500.00	65.73%
K-Con Site Development	\$152,000.00	<b>\$152,000.00</b>	\$63,000.00	70.79%
Foremost Development LLC	\$194,400.00	<b>\$194,400.00</b>	\$105,400.00	118.43%

ROLL CALL:

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

NAYS: None

ABSENT: None

The bid was awarded by a 7-0 vote.

18. Three appointments to the Rye Golf Club Commission by the Council for three-year terms expiring January 1, 2014 and the designation of one member to the Rye Golf Club Nominating Committee

Councilman Jovanovich made a motion, seconded by Councilwoman Keith and unanimously carried, to approve the appointments of Frank Adimari, John Duffy and Richard Verille to the Rye Golf Club Commission for three-year terms expiring on January 1, 2014 and designate Paul Ryan to serve on the 2011 Rye Golf Commission Nominating Committee for a one-year term expiring on January 1, 2012.

19. Miscellaneous Communications and Reports

Councilwoman Keith said that the Sustainability Committee is working on getting members for their team, which will be brought to the Council for approval at the November 3<sup>rd</sup> meeting.

Councilman Jovanovich asked about the status of a memorandum regarding citizenship requirement for serving on Board and Commissions. Interim Corporation Counsel Wilson said she was working on it.

20. Old Business

Councilman Sack said that he has learned that 40% of those who pay parking tickets walk in to City Hall. It has been suggested that if that option is eliminated people may become angry and may not pay their tickets. He asked if there could be some sort of kiosk in City Hall where people could come to pay their tickets and avoid the loss of revenue. City Manager Pickup said there would be an education process that would encourage people to take care of the process online.

Councilwoman Keith asked when a crossing guard analysis could be done. City Manager Pickup said it would be part of the budget discussion. Ms. Keith also asked if information about the next steps regarding Playland could be put on the website. City Manager Pickup said that most of the documents available are County documents such as the Master Plan and the RFP, which are available on the County website, but said he would look into providing additional information.

21. New Business

Mayor French said that he and City Manager Pickup had attended the most recent meeting of the Westchester Municipal Officials Association and offered his thanks to the other members of the Council. He said the other mayors in attendance had lamented about the contentious natures of their Boards.

City Manager Pickup offered his thanks to Police Commissioner William Connors for sending a Department of Environmental Conservation poster on coyotes to schools and public areas in Rye.

22. Adjournment

There being no further business to discuss Councilman Jovanovich made a motion, seconded by Councilman Sack and unanimously carried, to adjourn the meeting at 12:42 a.m.

Respectfully submitted,

Dawn F. Nodarse  
City Clerk





# CITY COUNCIL AGENDA

NO. 6

DEPT.: City Council

DATE: November 3, 2010

CONTACT: Mayor Douglas French

**AGENDA ITEM:** Mayor's Management Report

**FOR THE MEETING OF:**

November 3, 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:

- Legal Update



# CITY COUNCIL AGENDA

NO. 7

DEPT.: City Manager

DATE: November 3, 2010

CONTACT: Scott D. Pickup, City Manager

**ACTION:** Consideration to set a Public Hearing to repeal Chapter 76 "Dogs" and replace it with a new Chapter 76 "Dogs", now that the State has relinquished enforcement to the City.

**FOR THE MEETING OF:**

November 3, 2010

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:**

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**

New York State will stop administering dog licenses in 2011. Dog licensing will still be required by State law, but minimum fees for dog licenses and other program requirements will no longer be mandated by the State. Local governments will set fees and tailor dog programs to meet the characteristics of their communities.

The City, which currently sells the licenses, will be taking over the responsibility for renewals, tags and administering a database of licenses, effective January 1, 2011. Rye City Code must be updated to reflect this change.

See attached draft Local Law.

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

**A local law to amend Chapter, 76, Dogs, of the  
Code of the City of Rye.**

Be it enacted by the City Council:

**Section 1**

**§ 76-1 Purpose.**

**§ 76-2 Licensing of dogs.**

**§ 76-3 Fees.**

**§ 76-4 Redemption of dogs seized.**

**§ 76-5 Running at large prohibited.**

**§ 76-6 When leash required.**

**§ 76-7 Removal of feces left by dogs.**

**§ 76-8 Penalties for violations.**

[HISTORY: Adopted by the Council of the City of Rye 2-4-1942 as §6-3.5 of Ch. 3 of the General Ordinances; amended in its entirety 6-13-2001 by L.L. No 2-2001. Subsequent amendments noted where applicable.]

**76-1 Purpose.**

The purpose of this local law is to provide for the licensing and identification of dogs, the control and protection of the dog population and restrictions on the activities of dogs that are consistent with the rights and privileges of other residents of the City.

**76-2 Licensing of dogs.**

- A. All dogs in the City of Rye must be licensed by the City Clerk by the age of 4 months and the owner(s) of such dog(s) must present a current Certificate of Rabies at the time of licensing or renewal of an existing license. In the alternative, the owner must submit a statement from a licensed veterinarian that such vaccination would endanger the dog's life in which case vaccination shall not be required.**
- B. All dog licenses will be for a period of one year and will expire at the end of the month one year from the date of issue. Licenses are not transferable.**

- C. The City of Rye does not allow the licensing of dogs by a shelter. The shelter must notify the adoptive owners of their responsibility to license any dog that will be living within the City of Rye and will submit a list of adoptive owners monthly to the City.
- D. Pursuant to Section 111 of the Agriculture and Markets Law, each dog licensed by the City shall be assigned at the time the dog is licensed a municipal identification number. Such identification number shall be carried by the dog on an identification tag which shall be affixed to a collar of the dog at all times, except while the dog is participating in a dog show. No tag carrying an identification number shall be affixed to the collar of any dog other than the one to which the identification number has been assigned.
- E. Notification of a change in dog ownership or that a dog has been lost or stolen must be given to the City of Rye within 30 days of such event.
- F. Any dog harbored within the City of Rye which is owned by a resident of New York City or licensed by the City of New York, or which is owned by a non-resident of New York State and licensed by a jurisdiction outside of the State of New York, shall for a period of thirty (30) days be exempt from the licensing and identification provisions of this local law.

**76-3 Fees.**

- A. The fee for a spayed or neutered dog shall be set by the City Council in the Fee Schedule. It shall include a state assessment pursuant to Section 110-3 of the New York State Agriculture and Markets Law and additional funds for enumeration as provided for by Section 110(4)(a). Excepted from payment of the license fee are applications submitted for a dog license for any guide, hearing, service, war, working search, detection, police and therapy dogs.
- B. The fee for an unsprayed or unneutered dog shall be set by the City Council in the Fee Schedule. It shall include a state assessment pursuant to Section 110-3 of the New York State Agriculture and Markets Law, and additional funds for enumeration as provided for by Section 110(4)(A).
- C. Enumeration Fee: If the City Council determines the need for a dog enumeration, a fee set by the City Council in the Fee Schedule shall be assessed to all dogs found unlicensed or not renewed at the time of the enumeration.

**76-4 Seizure, Impoundment and Redemption of dogs seized.**

- A. The City has authority herein, to seize:
  - 1. Any dog which is not identified by an identification tag issued by the City which is not on the owner's premises.
  - 2. Any licensed dog which is not controlled by its owner or custodian or not on the premises of the dog's owner or custodian, if there is probable cause to believe the dog is dangerous

3. Any dog which poses an immediate threat to the public safety within the City pursuant to Section 117 (1) of the Agriculture and Markets Law of the State of New York. No liability in damages or otherwise shall be incurred on account of seizure, euthanization or adoption of any dog pursuant to the provisions herein.

B. The owner of any dog impounded shall be entitled to redeem that dog within five (5) business days, excluding the day the dog is impounded, provided that the owner produces proof the dog is licensed and identified and pays fees as set forth in the Fee Schedule adopted by the City Council.

**76-5 Running at large prohibited.**

No person owning, harboring or having the custody and control of a dog shall permit such dog to be at large in the City of Rye, elsewhere than on the premises of the owner, except if it is on the premises of another person with the knowledge and assent of such person.

**76-6 When leash required**

The owner, harbinger or person having the custody and control of a dog in the City of Rye which is not on the premises of the owner or upon the premises of another person with the knowledge and assent of such person shall control and restrain such dog by a chain or leash not exceeding eight feet in length.

**76-7 Removal of feces left by dogs.**

Any person who owns, harbors or has the custody of any dog shall promptly remove any feces left by such dog at any place within the City except upon private property with the consent of the owner of such property; provided, however, that this provision is not applicable to a visually impaired person while actually using a guide dog license as such pursuant to the New York State Agriculture and Markets Law. In no event shall any feces be deposited in storm or sanitary sewer, drains or public trash receptacles.

**76-8 Penalties for violations.**

Every person found to have violated this chapter shall be liable for a civil penalty of not less than \$25 nor more than \$50; for a second such determination within one year after the date of the prior violation, such person shall be liable for a civil penalty of not less than \$50 nor more than \$75; and upon a third or subsequent determination within one year after the date of the first violation, such a person shall be punished by a penalty of not less than \$75 nor more than \$1000.

**Section 2 Severability**

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

**Section 3 This law will take effect on January 1, 2011.**



# CITY COUNCIL AGENDA

NO. 8

DEPT.: Finance

DATE: November 3, 2010

CONTACT: Jean Gribbins, City Comptroller

**AGENDA ITEM:** Public Hearing on the proposal to increase the fees on meters and pay stations.

**FOR THE MEETING OF:**

November 3, 2010

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:**

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**

A request has been put forward to increase the fees for meters and paystations:

Increase Commuter Meter fees from \$3 a day to \$4 a day

Increase Meters and Pay stations from 30 minutes for \$.25 to 20 minutes for \$.25



# CITY COUNCIL AGENDA

NO. 9

DEPT.: City Manager

DATE: November 3, 2010

CONTACT: Scott D. Pickup, City Manager

**AGENDA ITEM:** Resolution authorizing the City Manager to enter into an agreement with Complus Data Innovations, Inc. to outsource the collection of parking ticket payments.

**FOR THE MEETING OF:**

November 3, 2010

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** That the Council authorize the City Manager to enter into the agreement to outsource the collection of parking ticket payments as a cost saving measure.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**



# CITY COUNCIL AGENDA

NO. 10

DEPT.: City Mayor

DATE: November 3, 2010

CONTACT: Mayor Douglas French

**AGENDA ITEM:** Resolution authorizing for City Manager to enter into a Memorandum of Agreement with the Committee to Save the Bird Homestead to manage the Meeting House.

**FOR THE MEETING OF:**

November 3, 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:** The Memorandum of Agreement (“MOA”) between the City of Rye (the “City”) and the not-for-profit Committee to Save the Bird Homestead, Inc. (the “Committee”) outlines the agreement between the City and the Committee regarding the management of the grounds (the “Grounds”) and the building (the “Building”) located at 624 Milton Road, Rye, New York 10580 identified as Block 1, Lot 60 on the City of Rye tax map. The MOA will operate as a lease for the Property and sets forth the obligations and responsibilities of the Committee regarding the ongoing operation and maintenance of the Property. In addition, the MOA outlines the financial obligations of both the Committee and the City.

See attached.



**MEMORANDUM OF AGREEMENT**

This Memorandum of Agreement (“MOA”) dated this \_\_\_\_ day of October, 2010 between the City of Rye (the “City”) and the not-for-profit Committee to Save the Bird Homestead, Inc. (the “Committee”) outlines the agreement between the City and the Committee regarding the management of the grounds (the “Grounds”) and the building (the “Building”) located at 624 Milton Road, Rye, New York 10580 identified as Block 1, Lot 60 on the City of Rye tax map (the Grounds and the Building are collectively referred to herein as the “Property”) need to confirm. The MOA will operate as a lease for the Property unless a separate lease document is later entered into upon consent by both parties. Such lease would be a supplement to the MOA and would be consistent with the terms as are set forth herein.

**I. Ownership of Property**

In order to facilitate the goals of the Committee, the City will retain 100% ownership in the Property and will lease the Property to the Committee for a term of fifty (50) years in consideration for the rent in the amount of ONE (\$1.00) Dollar per annum, which rent may be prepaid at any time. The Committee shall have full authority and responsibility to control, maintain and operate the Property, including, but not limited to, the day to day operations, the educational programs and other similar type activities as set forth herein. The City shall review any scope of work that is necessary for reviewing grant funding from other governmental agencies.

The MOA is renewable after the initial fifty (50) year term unless there is, on the expiration date thereof, a material breach that the Committee, or its successor organization, has failed to cure following notice from the City of such material default

and following reasonable amount of time sufficient for such cure. The renewal term of the MOA shall be on the same terms and conditions as are set forth herein and applicable to the initial terms, except to the extent that by their nature same no longer apply. If there is a material breach of this Committee's obligations during the pendency of this MOA that the Committee has failed to cure following notice from the City of such material default and within a reasonable amount of time sufficient for such cure, the City may cancel same upon written notice to the Committee. If this MOA is cancelled, the City shall enter into an agreement with another non-for-profit entity to assume the responsibilities of the Committee under this MOA. In any event, if the City terminates the MOA, the City will cause the Property to be dedicated, preserved and maintained consistent with the provision of Article VI of this MOA.

## **II. The Committee's and the City's Financial Commitment**

It is the understanding of both the City and the Committee that the Committee will rehabilitate the Building and the Grounds based on the availability of grant funding. The City will cooperate in any future undertakings by the Committee for grant funding.

The City has Save the America's Treasures grant (the "Grant") and the Committee pledges to match the same funding amount for rehabilitation of the Building.

**The City agrees to provide up to \$25,000 for contingency capital improvements necessary to complete the initial building rehabilitation for occupancy for programs by June 1, 2011. This additional funding will be contingent upon the expenditure of the aforementioned Grant and Committee funds prior to specific authorization from the City.**

### **III. Insurance Requirements**

The Committee agrees to procure General Liability insurance of not less than \$1,000,000 per occurrence and \$2,000,000 in the aggregate, subject to Corporation Counsel's approval, as follows:

- 1) Property insurance to cover the Meeting House (the Building), including coverage for any renovation project through a builders risk policy;
- 2) General Liability Insurance to cover third party claims made against the City. The City shall be named as an additional insured on any liability insurance policies covering the Property and the Committee shall give the City a copy of the Certificate of Liability Insurance.

The Committee shall be the loss payee of any casualty insurance policies with respect to the Property, and the proceeds of same shall be used by the Committee to restore any damages to the Property caused by such casualty. In the event that the Building cannot be repaired or rebuilt due to fire, rain or other disaster, any insurance proceeds shall be paid to the City.

### **IV. Consultation and Necessary Approvals Prior to Work**

Any reconstruction or rehabilitation work to be performed at/on the Property must be submitted to an approved by the City and the Committee, which approval shall not be unreasonably withheld or delayed, provided that the work complies with all applicable regulations pertaining to historic structures including, but not limited to, the Standards of the Secretary of Interior. **The City may engage the services of a building agent, solely at the City's expenses, who will consult with the Committee on issues of structural and historic significance.** Ordinary maintenance and repairs are subject to all applicable

regulations but do not require the approval of the City. The Committee will be responsible for obtaining all building permits and any such building permit applications will be processed in accordance with any applicable regulations, and the City will cooperate with respect thereto.

**V. On-Going Maintenance and Operating Costs**

The Committee shall have full responsibility for all maintenance of and operating costs attributable to the Grounds and Building. Specifically, the Committee will have responsibility for the repair and/or replacement of mechanical or electrical systems or components; cost of electricity, gas, telephone service, and water. Real estate taxes shall not be payable by the Committee, but the Committee shall be responsible for the payment of sewer and refuse taxes, and other similar fees and/or taxes typically paid by not-for-profit organizations. Maintenance of the Grounds, including grass cutting, are the Committee's responsibilities. The City shall continue to be responsible for any necessary snow removal on the sidewalk abutting the Property.

**The City and the Committee are both committed to pursuing opportunities for volunteer participation in the maintenance and repair of the Property.**

**VI. Future Uses of Property**

The Property has been acquired as parkland for its environmental, cultural, educational, passive recreational and historic preservation benefits. See Exhibit A – Deed for Property. The City agrees that it will not convey the Property to another party and that the Property will remain parkland dedicated to the purposes herein.

After the Building is open to the public, the Committee will be responsible for developing educational programs that relate to the environmental, cultural and historic preservation purposes of this Property and the Bird Homestead property.

The Grounds shall remain open to the public consistent with hours established for other City parks and the use of the Grounds shall be regulated pursuant to the rules and regulations established by the Committee and reasonably satisfactory to the City.

**VII. Committee's Obligation to Obtain 501 c(3) Status Under Federal Tax Law**

In the event the Committee, a 501 c(3) organization, dissolves or changes its corporate or other legal status, or is otherwise unable to perform its obligations under this MOA, the City may choose a successor organization to take the place of the Committee. Any successor organization must be a not-for-profit corporation organized for similar purposes as the Committee and must be approved by the City Council. Any successor organization shall assume all of the Committee's responsibilities set forth in this MOA. It is understood that the Committee is working towards getting incorporated under the New York State Department of Education and should the Committee be so incorporated and assume the obligations under this MOA, City approval is not necessary for this new entity to assume the rights and obligations of the Committee pursuant to the MOA.

**VIII. Amendments or Modifications to MOA**

This MOA shall not be amended or otherwise modified unless it is written and agreed to by both the Committee (or its successor) and the City.

By signing this MOA, the Committee acknowledges that it has the ability to raise or otherwise obtain the necessary funds to fulfill its obligations under this MOA.

Agreed to as of the first day written above:  
City of Rye

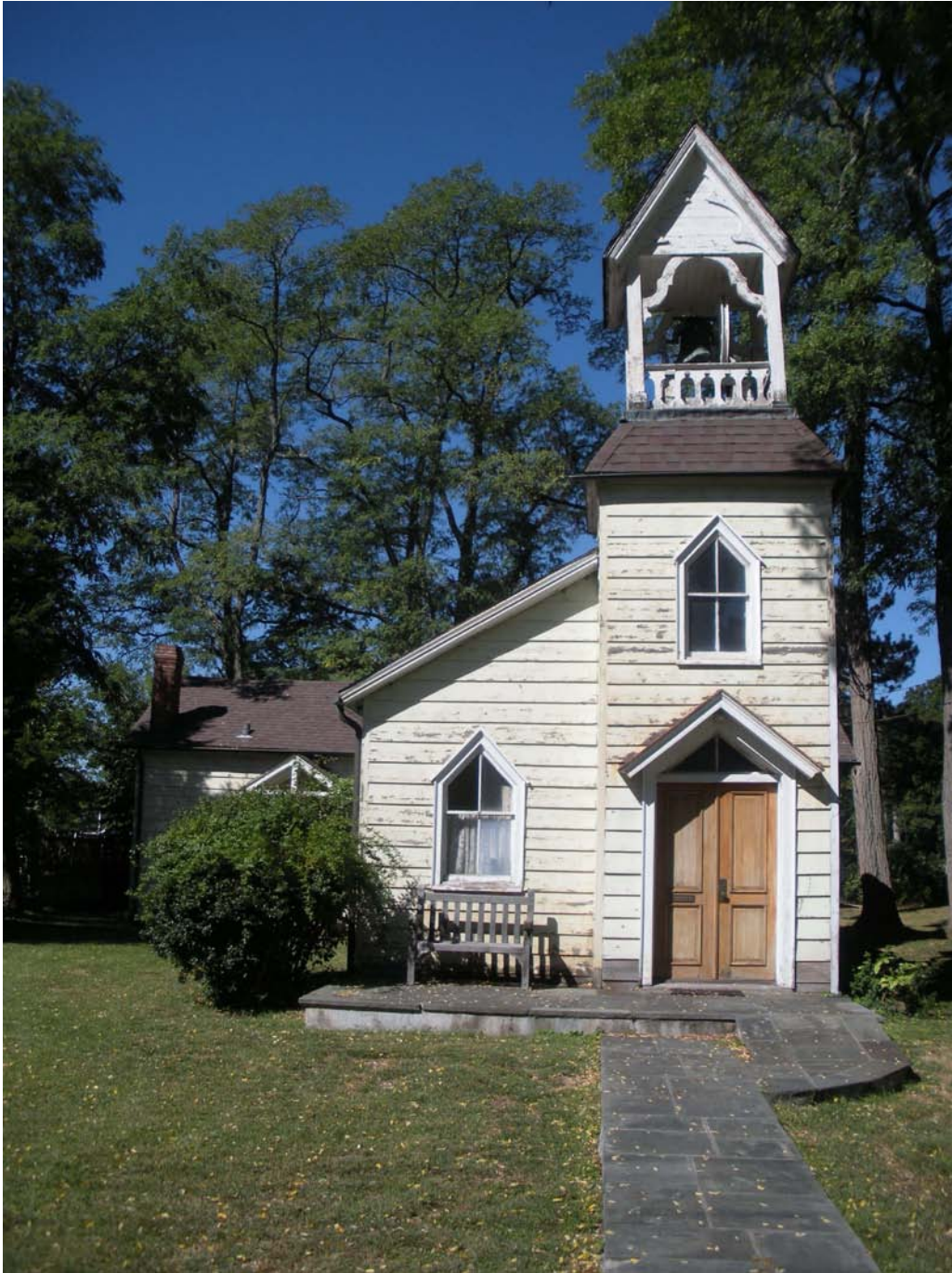
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By: Scott D. Pickup  
City Manager

Committee to Save the Bird Homestead, Inc.

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By: Anne Stillman  
President



## **Proposal for Meeting House**

Rye, New York

By Committee to Save the Bird Homestead

# Proposal for Meeting House

## Introduction

At the September 15, 2010, Rye City Council meeting, the president of the Committee to Save the Bird Homestead (CSBH) outlined a proposal for CSBH to take responsibility for the historic Meeting House at 624 Milton Road. The Meeting House property is owned by the City and borders the Bird Homestead at 600 Milton Road to the north. The following proposal would benefit the Rye community, the City of Rye government, the Meeting House itself, and the educational, historical, and environmental goals of the Committee to Save the Bird Homestead.

Bringing the Meeting House under the same management umbrella as the Bird Homestead is a natural fit, given the fact that the two properties are adjacent and are intertwined historically and environmentally. The Bird family owned more than half of the Meeting House property in the past. This section of the property was transferred to the Society of Friends in 1964.

At no cost to the City, CSBH proposes to:

- 1) preserve and rehabilitate the Meeting House, a significant historic building, associated with the life of Milton Village in the 19th and 20th centuries, and return it to use in accordance with the Secretary of the Interior's Standards,
- 2) protect the environmental value of the natural setting that contains habitat for nesting birds and an ecologically important salt marsh on the shore of the Blind Brook estuary,
- 3) provide opportunities for school children and the general public to learn about the many subjects related to the Meeting House and Bird Homestead properties through educational programs, exhibits, tours, and guided nature walks,
- 4) make the grounds available for the public to enjoy through passive recreation and contemplation of scenic views.

## Background

In July, the City Council held a workshop where the future of the Meeting House was discussed. As a result of watching the meeting on television and thinking it over, one of CSBH's donors contacted the president with an offer to make a \$50,000 donation to CSBH to be used to match the City's Save America's Treasures grant of approximately \$50,000 for the purpose of rehabilitating the Meeting House for use as educational program space for the Committee to Save the Bird Homestead. This proposal does not depend on any money from the City. The donor has restricted this pledge to this specific purpose only.

## Proposed Responsibilities of CSBH

CSBH proposes to enter into a management agreement for the Meeting House with the City, which would be similar to the one it has for the Bird Homestead. CSBH would manage the building and grounds, oversee the rehabilitation of the building, and have financial responsibility for the property and liability insurance, rehabilitation, and ongoing operating and maintenance.



## **Proposed Scope of Work for Meeting House**

CSBH has worked with a structural engineer, who specializes in preservation and teaches at the Yale School of Architecture, to develop a scope of work that will bring the building to useable condition in accordance with the Secretary of the Interior's Standards.

The scope of work would include repairs to the existing foundation, making the building weather tight with roof repairs, flashing, a new gutter and downspout system, and scraping, priming, and painting the exterior. It would also include some structural reinforcement plus repairing the water damage on the interior. To be \$100 % safe, the bell would be removed and put on display until separate funding could be raised to ensure beyond a doubt that it would always be safely supported.

The CSBH president has spoken to the National Park Service, which administers the Save America's Treasures grant. The Park Service is agreeable to this approach. CSBH would work closely with City staff on the grant requirements.

CSBH will also institute a monitoring program for the building as an ongoing maintenance feature. Baseline measurements will be taken right away. Twice a year (once in winter, once in summer) new measurements will be taken to determine if the building is moving. If any movement of concern is detected, remedial steps will be taken to address it.

## **Grounds**

CSBH would maintain the grounds as they are now, until a biodiversity study and historic landscape study were conducted and completed. With the studies to guide planning decisions, CSBH would develop a phased landscape plan. CSBH's goal would be to enhance the public's enjoyment of the landscape for passive recreational purposes, while protecting environmentally sensitive wetlands and habitat. CSBH would restore historic landscape features, when feasible.

## **Grant Timeframe**

The Save America's Treasures grant will expire on April 30, 2011. The grant requires that the State Historic Preservation Office review the proposed plans, which would take at least a month. The Park Service will have a review process too. In order to meet all the paperwork and construction requirements of the grant in this tight time frame, CSBH would hope to start working on these procedures in cooperation with City staff as soon as possible. To achieve the proposed purpose, October 30, 2010 would be the latest possible date that CSBH could enter into an agreement with the City.

## **Historical Associations of Meeting House and Bird Homestead**

More than half of the Meeting House property was owned by the Bird family in the past and later transferred to the Friends Meeting in 1964. The Bird family attended services in the building during the decades it served as an Episcopal chapel.

According to a history of the Rye Free Reading Room, Miss Bird (Doris), Rye's beloved children's librarian for more than 40 years, started her library work when she was just a girl of 11 in the former branch library that was located in the building next door -- now called the Meeting House. This started her on a career path that benefited generations of Rye's children.

A written reminiscence of Roland Bird, paleontologist, in papers owned by the family, says his uncle Will Bird applied shingles over the original clapboards on the Meeting House, when he (Roland) was a boy. This would make it the early 20th century. The original clapboards still exist, along with 19th-century cut nails, on the south side of the building and elsewhere. These are important historic materials and will be protected with primer and paint.

## **Convergence of Purposes**

This proposal is also a natural fit because the property was acquired in part with a state environmental grant, and CSBH is dedicated to protecting and teaching about natural systems, such as the environmentally important salt marsh at the rear of the Meeting House property. In addition, there is a restrictive covenant in the deed for the Meeting House that says the premises may only be used for park, recreational, educational, and contemplative purposes. These purposes coincide perfectly with the established goals of CSBH.

## **Organization Background**

The Committee to Save the Bird Homestead, Inc. (CSBH) is a 501(c) (3) not-for-profit organization. The members of the Board of Trustees have extensive expertise and professional experience in preservation, restoration, adaptive use of historic buildings, historic site management, not-for-profit administration, fundraising, education, and advertising. CSBH also draws on the expertise of the members of its Advisory Council, which is made up of distinguished practitioners in archeology, conservation, environmental science, paleontology, and fundraising.

CSBH worked for two years to protect, preserve, and purchase the 1.17-acre waterfront Bird property at 600 Milton Road in Rye, in cooperation with Westchester Land Trust. The City of Rye served as the applicant for government grants. The CSBH president was the author of the written grant proposals.

The City was awarded four reimbursement grants for acquisition of the property totaling \$1 million from federal, state, and county sources. The local share for these grants was raised by CSBH, which contributed \$250,000 in private donations to the purchase price. Westchester Land Trust contributed an additional \$15,000 for pre-closing requirements, such as an environmental assessment and appraisals, as well as closing coats.

The City acquired the Bird Homestead on August 28, 2009. At the same time, CSBH entered into a 50-year lease and management agreement with the City to operate the property. CSBH will rehabilitate the historic buildings and grounds as an educational site for school children and the general public alike, with an emphasis on science, historic preservation, sustainability, and coastal ecosystems.

Over the past year CSBH has cleared vegetation around the buildings, stabilized the outbuilding roofs, performed maintenance work on the house and improved its appearance by applying two coats of white primer to protect the 19th-century clapboards, produced numerous free programs for the public, conducted a biodiversity study, and assembled a professional team (architectural historian, preservation architect, and archeologist) to produce grant-funded historic structures and archeological sensitivity reports to guide the restoration.

CSBH is an all-volunteer organization with no paid staff. Therefore, operating costs are extremely low. CSBH is able to produce numerous, well-received programs for the public free of charge, because it has an expert Advisory Council with members like Alison Beall, curator emeritus of Marshlands Conservancy, and Tom Andersen, deputy director of Westchester Land Trust, who donate their teaching and lecturing skills. In addition, CSBH has partnerships and alliances with organizations like Science Friday Initiative and Westchester County's Hilltop Hanover Farm, which work with CSBH to present quality programming at no cost to the organization. Therefore, the vast majority of the money CSBH raises can be devoted to the buildings.

## **Advisory Council**

The Committee to Save the Bird Homestead has an Advisory Council of distinguished scientists and other professionals.

### **Archaeology & Paleontology**

*Anna Roosevelt, Ph.D.*, a prominent archaeologist, is Professor of Anthropology at the University of Illinois, Chicago, and former Curator of Archaeology at the Field Museum. Dr. Roosevelt credits Junius Bird, who served as Curator of South American Archaeology at the American Museum of Natural History, as her early mentor. Dr. Roosevelt is a great granddaughter of President Theodore Roosevelt.

*John Wible, Ph.D.*, a paleontologist, is Curator and Head of the Section of Mammals at the Carnegie Museum of Natural History and Editor-in-chief of the *Journal of Mammalian Evolution*. In 2007, his groundbreaking research showing that placental mammals originated on earth 65 million years ago drew headlines in scientific journals and the national media alike. Dr. Wible grew up in Rye and graduated from Rye High School in 1971.

### **Conservation and Environment**

*Tom Andersen*, a professional in land conservation, is Deputy Director of Westchester Land Trust. He is the author of *This Fine Piece of Water: An Environmental History of Long Island Sound*, published by Yale University Press in 2002. He continues to write and lecture about Long Island Sound issues. Mr. Andersen led Westchester Land Trust's efforts to protect the Bird property in coordination with the Committee to Save the Bird Homestead.

*Alison Beall*, a naturalist, was Curator of the Marshlands Conservancy for 35 years. The Marshlands is the largest tidal marsh system in Westchester County. She is a member of the Read-Marshlands Stewardship Group, a committee of natural-resource professionals, which supported and advocated for conservation of the Bird property. The group helped identify the Bird property's ecological importance to the health of Long Island Sound and shore birds.

### **Development**

*John Hannan* is both a fund-raising professional and an environmental advocate. He is the Development Director for Audubon Connecticut, based in Greenwich. He is also Chair of the Audubon Council of New York, the representative body for all 28 Audubon chapters in New York State. During his career John has helped protect thousands of acres of virgin Long Leaf Pine forest. As the CFO at Riverkeeper, he helped the organization protect the Hudson River. He is a kayaking enthusiast and has spent many years paddling the Rye shoreline, so he also advises on the recreational aspects of the site.

### **Board of Trustees**

*Anne Stillman* is president of the Committee to Save the Bird Homestead, Inc. and was one of the original founders in 2007. She has an extensive background in historic preservation, restoration, and site interpretation as an advocate, writer, and historic site director. She has served on the Westchester County Historic Preservation Advisory Committee since 2001. She was appointed to the City of Rye Landmarks Advisory Committee in 2007 for a three-year term, elected Landmarks Committee chair in 2008, and re-elected chair in 2009. She has been involved in saving more than 50 historic properties in her preservation career. At present, she is a consultant on a cooperative public history project of the University of Connecticut, Beecher House Society, and University of Hull, England. She is also researching a book on historic gardens for Wesleyan University Press.

Anne coordinated the efforts to save the Bird property in partnership with the City of Rye and the Westchester Land Trust, including advocacy, fund-raising, press coverage, and organizing an alliance of supporting environmental, historic preservation, and recreational organizations. As a volunteer, she was the author of the written grants the City was awarded toward the purchase of the Bird property. She also wrote the nationally competitive grant proposal that is funding the historic structures report and archeological study on the Bird property.

From 2000 to 2007, she served as executive director of the Jay Heritage Center in Rye, running all aspects of the historic site, including overseeing the restoration of the 1838 Greek Revival Jay Mansion, working with architects, engineers, and contractors, managing the staff and volunteers, developing and implementing programs, building large audiences for lectures and school programs, grant writing, generating publicity, managing the operating budget (which she consistently brought in under budget), and spearheading successful advocacy efforts to protect the Boston Post Road Historic District.

In 2006 she oversaw the restoration of the Jay Mansion drawing room, the largest and most ornate room in the house, and the first interior space to be restored. She organized and publicized the public opening of the drawing room in November 2006, which attracted 300 visitors in one afternoon.

Anne also has experience interpreting science history for the public. She was the head writer for the site interpretation of Fort Trumbull State Park in New London, Connecticut, where 200 years of military history unfolded. From World War II until its closing in the 1990s, the base was a premier research facility for the U.S. Navy. On illustrated interpretive panels Anne chronicled the scientific achievements of the Navy Sound Lab in the race to combat the German U-boats during World War II.

Previously, Anne worked for the National Trust for Historic Preservation where she represented the Trust in New York and Connecticut. She later conducted national studies for the Trust on urgent commercial development trends having negative effects on historic preservation and community character.

As editor of *Historic Properties Exchange*, a bimonthly newsletter of the Connecticut Trust for Historic Preservation, for twelve years, she developed the publication into a catalyst for saving numerous historic structures. In addition to the National Trust and the Connecticut Trust, Anne's work has been published by the American Planning Association, the National Main Street Center, the National Building Museum and Princeton Architectural Press.

Anne has lectured widely on preservation topics at state and national preservation and planning conferences including the National Trust for Historic Preservation, National Alliance of Preservation Commissions, National Main Street Center, American Planning Association, Connecticut Trust for Historic Preservation, Landmarks Foundation of Indiana, Massachusetts Historical Commission, New Hampshire Department of Planning, Preservation League of New York State, Preservation Pennsylvania, and others.

Anne grew up in Rye. She appeared in the 2004 award-winning documentary film, *A Touch of Greatness*, reminiscing about Albert Cullum, an innovative former teacher at Midland School.

*Douglas Carey*, vice president and secretary, is an educator in American History with more than 20 years of teaching experience. He was one of the original founders of CSBH in 2007. A life-long Rye resident, he has a history of civic-minded service to the community. He has served on the Rye Recreation Commission since 1996 and now chairs the Rye Cable and Communications Committee.

Doug has taught American History and Government Honors and Regents in the East Ramapo School District for 18 years. He is a past president of the Rockland County Council for Social Studies. For three years Doug also served as educator for the Jay Heritage Center's school program, *Striving for Freedom*. He often appears as a historical re-enactor for community events and Rye Historical Society tours

Doug is the director of the highly regarded youth educational enrichment program Leaders of Tomorrow, which he founded in 1992. He has also directed the Summerfest Field Day since 1993. Doug established four organic gardens for educational purposes in Rye. He researched and wrote a monthly column on local history for the Rye Record for two years, leading up to and during the centennial of the Village of Rye.

Doug participated in the successful historic preservation effort to save Creek Farm in Portsmouth, New Hampshire, a late 19th-century estate established by his family. He is the recipient of numerous awards including the Westchester Golden Rule Award in Education, the City of Rye Human Rights Award in 1999 and 2000, the Rye Lions Club Jim Shea Memorial Community Service Person of the Year 2004, the Rye Historical Society Centennial Award 2004, the American Legion Americanism Award 2006, and the Westchester Lower Hudson Council for Social Studies Distinguished Service Award 2008. Doug was also a Gilder Lehrman American History Scholarship award winner in 2003-2004 and was a National Endowment for the Humanities Scholar in 2004.

*Margot Burghheimer*, treasurer, is a retired professional in non-profit administration and a life-long resident of Rye. She worked in the non-profit sector for 35 years, including 20 years with Family Services of Westchester. She also worked for the United Way, the Westchester Community Foundation, and the Morgan Library.

Margot has served on numerous non-profit boards, including the Rye Historical Society, where she was secretary, the American Red Cross (Mamaroneck branch), where she served four years as chair, and the Children's Blood Foundation.

She has extensive experience in the governance of non-profits in general and historic sites specifically. She served on the board of the Jay Heritage Center for 17 years, 15 of those years as an officer. She co-chaired the Jay Center's Governance Committee for many years.

Margot is the former president of the Friends of Rye TV and serves on the board of Human Development Services of Westchester, where she is a member of the Development Committee. For the past two years Margot has also been co-chair of the Twig Holiday Fair.

*Aaron Griffiths*, trustee, is Executive Creative Director, Ogilvy New York. A fourth generation Californian, Aaron came to the east coast in January 2006 to become OgilvyOne's Worldwide Creative Director for IBM. In November 2006, Aaron helped bring together the creative groups from Ogilvy & Mather and OgilvyOne to create one consolidated creative team for IBM's global advertising account. After two years in the creative leadership for both the IBM and Coca-Cola accounts, Aaron is now Executive Creative Director in New York, overseeing all things digital. As well, he serves as Global Creative Director on Kodak, Fanta, and Post Cereals.

Before leaving his home on the West coast, Aaron spent a year at Ogilvy San Francisco providing creative leadership on the Yahoo! account. His team's award-winning work for Yahoo! Music Unlimited helped establish Yahoo! as an early leader in the highly competitive digital music arena.

Prior to Ogilvy, Aaron was at Goodby, Silverstein & Partners in San Francisco, where he helped develop their interactive advertising discipline and led digital work for Hewlett-Packard, Saturn, Specialized Bikes, Goodyear, Discover and Budweiser. Before that, Aaron was an Associate Creative Director at Modem Media where he oversaw the Michelin North America and E-Trade accounts.

His work has been honored by international advertising competitions including One Show, Cannes, LIAA, New York Festival, the Clios, Effies, Art Directors' Club, Andys, Flash Film Festival, Flash in Can, and SXSW. Most recently, his work on the IBM Documentary Project was awarded a silver Pencil in the One Show's inaugural entertainment awards. In 2009, Aaron served on juries for both the One Show and D&AD (British Design and Art Directors) awards.

Aaron and his wife, Jen, live in Rye, with their three young boys, Aidan, Jack and Shepherd.

*C. William Kraus* (known as Bill) specializes in creating real estate developments and historic adaptive reuse projects that foster sustainable economic development and urban revitalization. In Bridgeport, Connecticut, he led the \$14 million rehabilitation and adaptive reuse of the former D.M Read's Department Store as 61 affordable artist live/work lofts, retail space and community space, working with Artspace Projects, Inc. of Minneapolis. Subsequently, he spearheaded the 330,000 square foot, \$110 million, and mixed-use City Trust/Arcade/Downtown North project partly adjacent to Read's. This project combines historic rehabilitation and new construction/urban infill for live/work residential, unique restaurant, boutique retail and arts-related uses. The success of these two projects, focused on the adaptive reuse of significant historic structures, stimulated impressive revitalization in the area and acted as a catalyst for additional private investment. In downtown alone, a major local developer was inspired to create Bijou Square a \$40 million mixed-use historic rehabilitation with new urban infill and an additional local developer created Lofts 881, a \$10 million historic adaptive reuse.

During the real estate recession of the 1990s, Bill was a Vice President of Citicorp/Citigroup Real Estate (CRE) where he earned a reputation for skillfully handling hundreds of millions of dollars of complex real estate transactions. At CRE, Mr. Kraus worked with a broad range of commercial real estate types including office, hotel, multi-family residential, retail, industrial and unsold coop shares. He both restructured complex real estate debt and worked directly with troubled assets repositioning, redeveloping and/or marketing them in New York City and throughout the U.S.

Bill holds his Masters of Business Administration degree from New York University's Stern School of Business, where he studied Finance and Marketing, and graduated with honors. He received his Bachelor of Arts degree from Sarah Lawrence College where he studied Architectural History and Economics. As part of his undergraduate work, Mr. Kraus studied architectural design at the Institute for Architecture and Urban Studies in Manhattan with noted architect Peter Eisenman, among others.

Bill Kraus is a former commissioner of the Connecticut Historical Commission (which oversees the State Historic Preservation Office), a former board member of the South Western Regional Planning Association of Connecticut, a former commissioner of the Norwalk Planning Commission, former Vice President of the Norwalk Land Trust, and a founding board member of the Norwalk Preservation Trust.

A leader in local and regional preservation efforts, Bill has been instrumental in saving a number of important historic properties. Prominent among them is the Lock Building in South Norwalk, which was to be demolished for a parking garage.

Largely through his efforts, the Lock Building, a significant 19th-century industrial structure, was preserved and converted to desirable class-A office and restaurant space, while retaining and enhancing its original character and materials. Once considered an unsightly 'problem building,' the property is now an architectural showpiece and financial success that helps set the tone and direction of the ongoing growth and revitalization of historic SoNo's downtown and waterfront.

Bill resides with his wife and children in Southport, Connecticut, a waterfront village with major, historic Greek Revival mansions along the harbor. His commitment to preservation and the arts is a family tradition. He is the son of Robert Kraus, the New Yorker cartoonist/cover artist, and children's book author/illustrator/publisher and Pamela Kraus a classical pianist, graphic artist and historic preservationist. In the 1970s and 80s, Pamela Kraus led the successful effort to save Weir Farm, the home of American Impressionist painter J. Alden Weir. It is the only site in Connecticut now owned and operated by the National Park Service.

**Committee to Save the Bird Homestead  
Proposed Scope of Work for Meeting House**

Install central shoring on interior for snow load (seasonal)	2,000
Repair ineffective roofing and flashing. Repair/replace gutters and downspouts, as needed, to direct rainwater away from the building, so it does not accumulate up against the foundation wall.	10,000
Masonry: Re-set out of place stones in foundation. Remove portion modern front stoop to facilitate sill repair. Remove concrete steps in front of closed off door on south wing to avoid trapping moisture.	15,000
Repair front sills and siding.	10,000
Remove and store the bell to reduce the weight on the timber structure below.	10,000
Reinforce the two timber beams that support the four corner posts of the bell tower. Sister each with timber beams, one on each side, bolted through the existing.	15,000
Demolish small rear non-historic bathroom addition, and associated carpentry repairs. New rear steps.	3,500
Replace existing very narrow rear door with wider rear door.	2,000
Scrape, prime, paint exterior.	15,000
Windows: painting and minor repairs.	6,500
Repair interior water damaged plaster, also patch openings made by probes.	7,000
Paint interior	<u>4,000</u>
<b>Total</b>	<b>\$100,000</b>



Committee to Save the Bird Homestead  
Operating Budget Projections  
2011-2015

**Revenue 2011**

	Combined
Appeals by Mail	20,000
Annual Membership	10,000
Special Events (net)	<u>8,000</u>
<b>Total</b>	<b>38,000</b>

**Expenses 2011**

	Combined	Bird Homestead	Meeting House
Insurance	13,900	7,900	6,000
Utilities	6,600	3,600	3,000
Maintenance	5,400	2,400	3,000
Security	2,000	1,000	1,000
Printing	1,000	600	400
Supplies	450		
Postage	1,000	600	400
Professional Fees (accounting)	4,000		
Miscellaneous	<u>3,500</u>		
<b>Total</b>	<b>37,850</b>		

**Note:** CSBH projects raising an additional \$100,000 in 2011 in a combination of private donations, event revenues, and grants to be used for specific capital projects in phases for both properties and for continued monitoring of the Meeting House for any movement of the structure.

Committee to Save the Bird Homestead  
Operating Budget Projections  
2011-2015

**Revenue 2012**

	Combined
Appeals by Mail	21,000
Annual Membership	10,000
Special Events (net)	<u>8,700</u>
<b>Total</b>	<b>39,700</b>

**Expenses 2012**

	Combined	Bird Homestead	Meeting House
Insurance	14,350	8,150	6,200
Utilities	7,400	3,700	3,700
Maintenance	5,600	2,500	3,100
Security	2,060	1,030	1,030
Printing	1,035	620	415
Supplies	465		
Postage	1,035	620	415
Professional Fees (accounting)	4,100		
Miscellaneous	<u>3,600</u>		
<b>Total</b>	<b>39,645</b>		

**Note:** CSBH projects raising an additional \$150,000 in 2012 in a combination of private donations, event revenues, and grants to be used for specific capital projects in phases for both properties and for continued monitoring of the Meeting House for any movement of the structure.

Committee to Save the Bird Homestead  
Operating Budget Projections 2011-2015

**Revenue 2013**

	Combined
Appeals by Mail	21,000
Annual Membership	10,000
Special Events (net)	9,900
Grants (education)	<u>10,000</u>
<b>Total</b>	<b>50,900</b>

**Expenses 2013**

	Combined	Bird Homestead	Meeting House
Insurance	14,800	8,400	6,400
Utilities	7,600	3,800	3,800
Maintenance	5,775	2,575	3,200
Security	2,120	1,060	1,060
Printing	1,070	640	430
Supplies	480		
Postage	1,070	640	430
Professional Fees (accounting)	4,225		
Stipend (p/t educator)	10,000		
Miscellaneous	<u>3,700</u>		
<b>Total</b>	<b>50,840</b>		

**Note:** CSBH projects raising an additional \$150,000 in 2013 in a combination of private donations, event revenues, and grants to be used for specific capital projects in phases for both properties and for continued monitoring of the Meeting House for any movement of the structure.

Committee to Save the Bird Homestead  
Operating Budget Projections 2011-2015

**Revenue 2014**

	Combined
Appeals by Mail	21,100
Annual Membership	10,000
Special Events (net)	11,000
Grants (education)	<u>15,000</u>
<b>Total</b>	<b>57,100</b>

**Expenses 2014**

	Combined	Bird Homestead	Meeting House
Insurance	15,250	8,650	6,600
Utilities	7,800	3,900	3,900
Maintenance	5,950	2,650	3,300
Security	2,180	1,090	1,090
Printing	1,105	660	445
Supplies	490		
Postage	1,100	650	450
Professional Fees (accounting)	4,350		
Stipend (p/t educator)	15,000		
Miscellaneous	<u>3,800</u>		
<b>Total</b>	<b>57,025</b>		

**Note:** CSBH projects raising an additional \$200,000 in 2014 in a combination of private donations, event revenues, and grants to be used for specific capital projects in phases for both properties and for continued monitoring of the Meeting House for any movement of the structure.

Committee to Save the Bird Homestead  
Operating Budget Projections 2011-2015

**Revenue 2015**

	Combined
Appeals by Mail	22,350
Annual Membership	10,000
Special Events (net)	<u>11,000</u>
Grants (education)	<u>15,000</u>
<b>Total</b>	<b>58,350</b>

**Expenses 2015**

	Combined	Bird Homestead	Meeting House
Insurance	15,700	8,900	6,800
Utilities	8,000	4,000	4,000
Maintenance	6,150	2,750	3,400
Security	2,250	1,125	1,125
Printing	1,140	680	460
Supplies	500		
Postage	1,150	680	470
Professional Fees (accounting)	4,500		
Stipend (p/t educator)	15,000		
Miscellaneous	<u>3,900</u>		
<b>Total</b>	<b>58,290</b>		

**Note:** CSBH projects raising an additional \$150,000 in 2015 in a combination of private donations and grants to be used for specific capital projects in phases for both properties and for continued monitoring of the Meeting House for any movement of the structure.



**Committee to Save the Bird Homestead  
Projected Program Offerings 2011 (tentative)**

**Open House** when Meeting House opens – tentatively September 2011, 1-4 pm  
Tours, continuous slide show, light refreshments  
Projected attendance: 300

**Meeting House to be open for tours and visitation 1 afternoon per week May-Oct.**  
CSBH will coordinate a volunteer tour guide program.  
Projected attendance: 10-20 visitors per open day

**Lecture Series: The Science of Restoration**

Series topics: Illuminated Manuscript restoration, Ancient Textile restoration (a specialty of Junius Bird), Historic Garden restoration, Rocket Science and Art restoration (a NASA technique is helping to restore paintings)  
March, April, October, November  
Projected attendance: 40-60 per lecture

**Nature Walks:**

Topics: birds, wildflowers, tree identification, ecology of salt marshes, night-time moth program, bees  
One nature walk per month in January (in coordination with Rye Recreation's First Week), May, June, July, August, September, October  
Projected attendance, 20 per walk

**Volunteer Grounds Work projects:**

One session per month under supervision of Alison Beall, curator emeritus of Marshlands Conservancy, to remove vines and other invasives in: January, February, March, October, November, December  
Projected attendance 10-15 volunteers

**Garden Workshops:** projected attendance per workshop 12-18

- \* In partnership with Science Friday Initiative and Hilltop Hanover Farm  
Learning about organic gardening and the science involved:  
1 per month in May, June, July, August, September
- \* In partnership with Leaders of Tomorrow  
1 in spring, 1 in summer, 1 in fall
- \* Rose pruning workshop by speaker from NY Botanical Garden

**Dinosaur program with American Museum of Natural History**

1 per year, projected attendance: 100

**Archeology programs**

1-2 per year, projected attendance: 30-50

**Other lectures and talks:**

- \* Summary of Historic Structures Report on Bird House and outbuildings  
projected attendance: 35
- \* History of Rose varieties, projected attendance: 40-50
- \* Wildflower endangered species, projected attendance: 40-50

**Wood working:**

- \* Build a Bird House children's workshop, attendance limited to 12
- \* Introduction to Windsor Chair Making, projected attendance: 15-20
- \* Introduction to decorative wood carving, projected attendance: 15-20

**The Meeting House and Bird Homestead sites will participate in the following Citizen Scientist projects:**

- \* Annual Christmas Bird Count sponsored by National Audubon Society
- \* Bird Breeding Census  
A Project of the Federation of New York State Bird Clubs  
in cooperation with New York State Department of Environmental Conservation,  
Cornell University Laboratory of Ornithology, National Audubon Society,  
New York State Museum
- \* Cricket Crawl sponsored by American Museum of Natural History and New York  
Entomological Society (Henry Bird was president 1927-1928)

**CSBH will work with Jane Grant and the Rye Habitat Project to develop future projects on the grounds which will have volunteer opportunities.**

**CSBH will develop future school programs in cooperation with the Science Friday Initiative.**





# CITY COUNCIL AGENDA

NO. 11

DEPT.: Police

DATE: November 3, 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.

**FOR THE MEETING OF:**

November 3, 2010

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** Approval of revisions to General Order #103.10, "Deployment of Electro-muscular Disruption Device (Taser)."

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

Enhancement of the operational effectiveness of the Department.

**BACKGROUND:**

The proposed revision of General Order #103.10 revises guidelines for the deployment of Electro-muscular Disruption Devices, most commonly referred to by the brand name Taser. The electro-muscular disruption device is a conducted energy weapon that may be used to immobilize and control dangerous or violent subjects when it is reasonable to expect that it will be unsafe for officers to approach within contact range, or attempts to subdue a subject by other means have been or will be ineffective.

The revision introduces an accessory to the device know as the "Taser Cam." The Taser Cam is a recording device for use with the Taser X26 that does not change any of the existing functions of the weapon. The Taser Cam, with its microphone and sensitive camera, adds to the Taser X26 the capability to record audio and video, even in low light environments, powered by a rechargeable battery. The audio/video files are stored in a searchable library within the Taser Cam that can be downloaded from the device to a computer. Under the revised guidelines, Tasers used by the Department will be equipped with Taser Cams unless otherwise authorized by the Police Commissioner or Patrol Commander.

We believe that the Taser Cam will offer an additional level of protection to officers by documenting the events occurring before, during, and after a Taser deployment.

A copy of the proposed order is attached in “strike and replace” format. It has been provided to the Rye Police Association for review pursuant to the provisions of the collective bargaining agreement. The Association has not provided comments regarding the proposed revision.

A copy of the manufacturer’s brochure describing the features of the device is also attached.

**CITY OF RYE POLICE DEPARTMENT**

General Order #103.10	New [ x ]      Revised [ ] Supersedes: <u>G.O. #103.10 (6/18/09)</u>
Subject: Deployment of Electro-muscular Disruption Device (TASER)	
Date Issued	Date Effective
Page 1 of 4	
Issuing Authority: William R. Connors, Police Commissioner	

**PURPOSE:**

To establish uniform procedures for training, deployment, use, and aftercare regarding the electro-muscular disruption device (TASER).

**BACKGROUND:**

The electro-muscular disruption device is a conducted energy weapon which may be used to immobilize and control dangerous or violent subjects when it is reasonable to expect that it will be unsafe for officers to approach within contact range of a subject, or attempts to subdue a subject by other conventional tactics have been or will be ineffective.

The X26 ADVANCED TASER, which is the device currently utilized by this Department, is a handheld electrical immobilization device that uses compressed nitrogen to fire two probes up to a distance of 21 feet. These probes are discharged from a replaceable air cartridge and are connected to the weapon by insulated wire. When the tool is deployed and the probes are discharged from the cartridge, the X26 ADVANCED TASER transmits electrical impulses along the wires, through up to two inches of clothing and into the subject. The pulses send 26-watt electrical signals along the wires to the subject to temporarily override the central nervous system and directly control the skeletal muscles. This causes an uncontrollable contraction of the muscle tissue, allowing the Taser to cause temporary physical debilitation to a person, regardless of pain tolerance, mental focus, or intoxication. There are no long-term effects from the electrical impulses of the Taser.

Deleted: NO

The Taser is also equipped with 2 contact probes at the front of the unit, and can be used as a contact device to give an immobilizing electrical shock to a more limited area of the subject or to a subject who is actively resisting arrest.

Tasers used by this Department will be equipped with Taser Cams unless otherwise authorized by the Police Commissioner or Patrol Commander. The Taser Cam is a recording device for use with the Taser X26 that does not change any of the existing functions of the weapon. The Taser Cam, with its microphone and sensitive camera, adds to the Taser X26 the capability to record audio and video, even in low light

environments, while powered by a rechargeable battery. The audio/video files are stored in a searchable library within the Taser Cam that can be downloaded from the device to a computer.

**POLICY:**

It shall be the policy of this department to use only the level of force that is reasonable and necessary to control or otherwise subdue violent, potentially violent, resistive, or unlawfully fleeing individuals. Electronic control devices have been proven effective in furthering this policy, and are authorized for use in appropriate circumstances by trained personnel.

**PROCEDURE:**

**A. Authorized Users**

Only officers who have satisfactorily completed the department's Taser training program, or who have completed the manufacturer's certification course of instruction, are authorized to carry and deploy the Taser.

**B. Weapon Readiness**

Under normal circumstances, the Taser will be secured in the supervisor's vehicle or on his or her person, or as otherwise authorized by the Police Commissioner. When the Tour Supervisor is not assigned to patrol duty, he or she will assign the Taser to a trained and authorized police officer. The device shall be carried by authorized officers or supervisors in an approved holster on the support side (opposite side of the firearm) or secured and stored with the safety on, in a carrying case in close proximity to the user, so as to be readily available for deployment. The device shall be carried with an air cartridge affixed, safety on, and one spare cartridge at the ready. It will also be equipped with a properly charged Taser Cam at all times. It shall be the responsibility of the supervisor or his or her designee at the start of each shift to insure that the device is in working order, is properly charged, and is equipped with 2 air cartridges and a Taser Cam.

**C. Display**

Simply displaying the Taser or initiating a cycle without firing the probes will not constitute a *use* of the device. However, the officer or supervisor will document the circumstances surrounding the display of the Taser in a standard incident report.

**D. Deployment**

The purpose of the Taser is to minimize injuries to police officers, members of the public, or persons who are actively resisting or may resist arrest. The Taser is considered to be on the same level as OC spray on the department's use of force continuum and decisions to deploy the device

should require the same level of justification. The decision of the officer to use either a Taser or OC spray will be based on the totality of the circumstances, together with the benefits and capabilities of each tool. If OC spray has already been deployed on a subject, the Taser **SHALL NOT** be deployed on that subject.

Note: As the Taser causes temporary physical debilitation, contact or confrontation with a subject who gains possession or control of an officer's Taser, or engages an officer with such a device, would be deemed a deadly physical force situation.

#### Tactical Considerations in the deployment of the Taser:

- The Taser should be used in conjunction with verbal commands unless circumstances make it tactically inadvisable.
- Point laser sight at subject prior to firing.
- When practical, have backup present to prepare to arrest the subject or use other force or restraint options as appropriate.
- Avoid use where the subject is at risk of falling off an elevated location such as a roof, high platform, or staircase.
- Avoid use where the subject is in deep water, or may be in danger of falling into water and runs the risk of drowning.
- Avoid use on obviously pregnant females, elderly persons, or young children.
- DO NOT deploy the Taser near flammable or combustible liquids or materials or where OC spray has been used.
- NEVER intentionally aim the Taser at the subject's face or eyes.
- Announce the word "Taser" to alert other officers or persons on the scene when deploying the device except in situations where this may compromise officer safety.
- When loading and unloading the Taser, or when handling the Taser, point it in a safe direction, such as at the ground, with the safety on.
- DO NOT deploy the Taser on a subject in control of a moving motor vehicle.
- The Taser SHALL NOT be deployed if a subject is handcuffed or otherwise safely in custody unless the subject continues to pose an imminent threat of harm or injury to the officer, the public, or him or her self.
- When it is tactically appropriate, the officer deploying the Taser shall announce to other officers on the scene that the Taser is about to be deployed.

After the Taser has been deployed, and has run through its five (5) second duty cycle, the deploying officer shall re-evaluate the situation as a whole, with consideration to both officer safety and the safety of the subject. If

the subject continues to resist arrest, refuses to comply with verbal commands, and continues to present a threat to officers, the Taser may be applied again. Each subsequent application of the Taser should be accompanied by an evaluation of the situation.

Consistent with this Department's policy regarding the use of force, application of the device shall be limited to only the minimum number of cycles necessary to take the subject into custody.

The Taser may also be used in a "Touch Stun" mode. The air cartridge is removed and the unit is pressed firmly into an appropriate area such as the abdominal region, hips, thighs, side of the neck, or pelvis girdle.

#### **E. Aftercare**

Once the Taser has been effectively deployed and the subject has been secured in handcuffs or other restraints, the officers on the scene shall ensure that appropriate medical care is administered. The Taser officer shall remove the air cartridge from the device and EMS shall be summoned to the scene (whenever practical) to examine the subject and determine whether they can remove the probes at the scene, or if hospital transport is necessary. Universal precautions should be used when contacting subjects where probes have penetrated the skin and when handling the spent cartridges due to the potential biohazard.

#### **E. Evidence and Reporting**

Photographs of the affected area should be taken once the probes have been removed by EMS personnel. The wires are to be wrapped around the cartridge casing and the sharp ends of the probes shall be placed in the portals. Tape should be placed over the portals to secure the probes and the air cartridge and probes shall be retained and submitted as evidence. The evidence bag shall be clearly marked "Biohazard" and secured in an evidence locker. The probes shall be kept in evidence for one year from the date of deployment.

Each discharge of the Taser shall be investigated and documented. This shall include all discharges except those occurring during authorized training conducted by a certified Taser instructor. If a supervisor is not present, one will be notified without delay. A use of force report will be completed after each discharge, along with a supplementary report detailing the circumstances of the discharge. Each use of the Taser will be reported through the chain of command consistent with the Department's current use of force policy as set forth in General Order #120.4. The

officer will have the Taser and Taser Cam downloaded by a supervisor or designee as soon as practical after the discharge. The data from a Taser deployment shall be saved in both electronic form on a disc and hard copy (printed) form, and attached to the incident report and use of force report. All reports from the deployment will be forwarded to the Patrol Commander.

Deleted: downloaded

**F. Training**

Personnel authorized to carry and deploy the Taser shall be re-certified in the use of the device annually. Personnel issued Taser Cams will also receive training regarding the proper operation, care, and charging of that device.

TASER  
Pioneering the Technology in Accountability

TASER CAM™

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17800 North 85th Street, Scottsdale, Arizona 85255

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Website:  
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**WARNING**

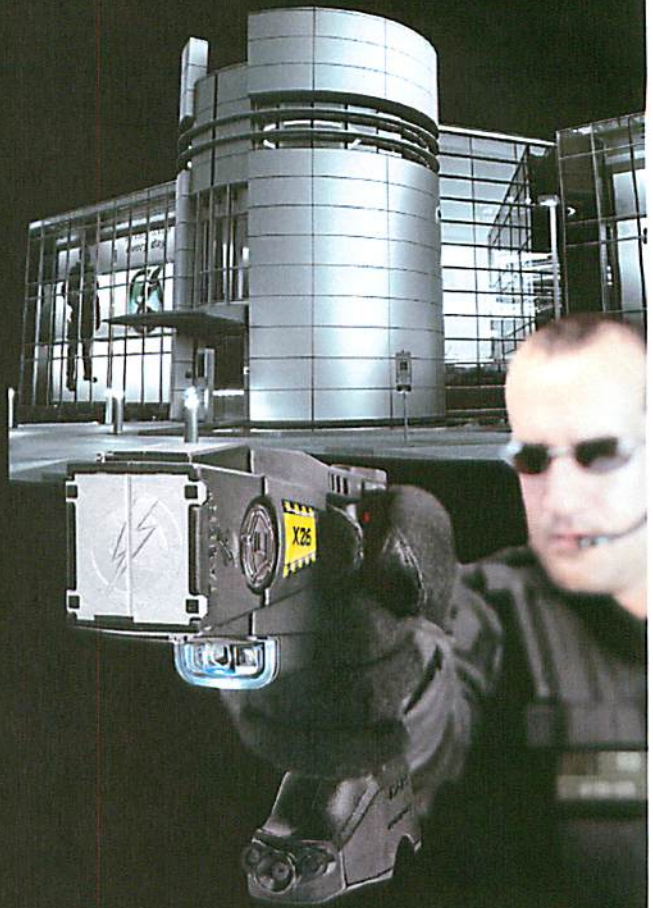
**Electronic Control Device**  
- Can temporarily incapacitate law targets.  
- Can irritate skin.  
- Does not stun, fracture and injure.  
- Control with current training manual and accessories.  
- See www.TASER.com.



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MFD0002 Rev. E

THE TRUTH IS UNDENIABLE





## Accountability

*A picture is worth a thousand words*

The new TASER CAM™ offers increased accountability – not just for officers, but for the people they arrest. Until now, it's been the officer's word against the suspect's word. Now with the TASER CAM, every potential TASER® X26 deployment can be recorded with full audio and video – even in zero light conditions.

With our already proven AFID tracking system and dataport firing log download, TASER devices have pioneered the use of technology in accountability. Accountability works: Agencies with TASER Officer Safety Programs reported decreases of up to 50% in citizen complaints.

The TASER CAM is an audio-video recording device integrated into a rechargeable TASER X26 power supply that replaces the standard Digital Power Magazine (DPM). The TASER CAM is activated anytime the safety is in the up (armed) position. This allows officers to capture vital information prior to, during, and after the potential deployment of a TASER X26 device.

The TASER CAM records over an hour of MPEG4 video and audio data. An optional upgrade system, the TASER CAM is compatible with all TASER X26s and provides another layer of accountability to corroborate an officer's report.



Figure 17/6

## Cost Effective and Simple

*The TASER CAM is rechargeable and replaces your current DPM.*



No tools or modifications are necessary to utilize the TASER CAM. It is a replacement for the current TASER X26 DPM. With its self contained rechargeable lithium battery, the TASER CAM system can virtually pay for itself over time by replacing the need to purchase additional DPMs.

## TASER CAM

- Records approximately 1.5 hours of audio and MPEG video (black & white) at 10 frames per second in QVGA format (320 x 240)
- Records subjects in complete darkness using an infrared illuminator
- Rechargeable power supply compatible with all TASER X26 devices
- Central Information Display (CID) provides a warning if the camera lens is blocked
- Comes complete with USB download cable, download software and wall charger\*
- Storage bay for a spare TASER Cartridge



Figure 17/7 TASER X26 with TASER CAM



# CITY COUNCIL AGENDA

NO. 12

DEPT.: City Council

DATE: November 3, 2010

CONTACT: Mayor French

**AGENDA ITEM:** Resolution to establish a City of Rye Sustainability Committee.

**FOR THE MEETING OF:**

November 3, 2010

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** That the Council consider the draft resolution regarding a City of Rye Sustainability Committee.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**

See attached Resolution.

**RESOLUTION OF THE CITY OF RYE CITY COUNCIL ESTABLISHING A  
TEMPORARY SUSTAINABILITY COMMITTEE**

WHEREAS, the residents of the City of Rye (the “City”) are working towards becoming a more sustainable City; and

WHEREAS, the City would like to identify ways for Rye to be a more sustainable community while at the same time implementing practices that are also economical; and

WHEREAS, as recommended in the “Sustainability Plan for Rye” presented to the City Council on or about September 27, 2010, the City desires to continue reviewing ways in which it can become a more sustainable City; and

WHEREAS, the City wants to have a temporary committee to provide guidance to the City Council, as well as other boards and committees within the City, to implement more sustainable practices that also provide a cost savings to the City,

NOW, THEREFORE, BE IT RESOLVED, that the City of Rye Sustainability Committee is hereby established; and be it further

RESOLVED, that the members of the Committee shall be appointed by the City Council and that one member shall be designated by the Mayor as Chairman, and be it further

RESOLVED, that the Committee shall have the following duties and powers:

1. Establish Committee rules and procedures for meetings;
2. Evaluate and make recommendations to the City regarding the best sustainable practices for the City along the theme of “Going Green to Save Green”;
3. Provide cost benefit analyses regarding implementing some of the proposed sustainable practices;
4. Reach out to the community and other user-groups regarding the benefits of sustainable practices;
5. Work on finalizing and/or updated a sustainability plan for the City.



# CITY COUNCIL AGENDA

NO. 13

DEPT.: City Mayor

DATE: November 3, 2010

CONTACT: Mayor Douglas French

**ACTION:** Eight appointments to the Sustainability Committee by the Mayor with Council approval.

**FOR THE MEETING OF:**

November 3, 2010

**RYE CITY CODE,**

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**RECOMMENDATION:** That the Council approve the appointments of eight people to the Sustainability Committee.

**IMPACT:**  Environmental  Fiscal  Neighborhood X Other:

**BACKGROUND:** Appointees are:

Mimi Bateman  
Paul Berte  
Suzanne Clary  
Sara Goddard  
Melissa Grieco  
Marci Raab  
Analise Stack  
Birgit Townley



# CITY COUNCIL AGENDA

NO. 14

DEPT.: City Council

DATE: November 3, 2010

CONTACT: Mayor French

**AGENDA ITEM:** One appointment to the Recreation Commission to fill a term expiring on January 1, 2011, by the Mayor with Council approval.

**FOR THE MEETING OF:**

November 3, 2010

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** That the Council approve the appointment of Caroline Surhoff.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**



# CITY COUNCIL AGENDA

NO. 15

DEPT.: City Council

DATE: November 3, 2010

CONTACT: Mayor Douglas French

**AGENDA ITEM:** One Appointment to the Board of Assessment Review for a five-year term expiring on September 30, 2015, by the Mayor with Council approval.

**FOR THE MEETING OF:**

November 3, 2010

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** That the Council re-appoint Robert Byrne to the Board of Assessment Review.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**