

## **CITY OF RYE**

### **NOTICE**

There will be a regular meeting of the City Council of the City of Rye on Wednesday, May 25, 2011, at 8:00 p.m. in the Council Room of City Hall. *The Council will convene at 7:00 p.m. and it is expected they will adjourn into Executive Session at 7:01 p.m. to discuss litigation.*

### **AGENDA**

1. Pledge of Allegiance.
2. Roll Call.
3. General Announcements.
4. Draft unapproved minutes of the regular meeting of the City Council held May 11, 2011.
5. Approval of the election of one new member to the Rye Fire Department.
6. Mayor's Management Report
  - Presentation by the Rye Town Park Advisory Committee
  - Presentation by a representative of Kuder Island Colony, Inc.
  - Presentation of the City of Rye Stormwater Management Program 2010 Annual Report
  - Legal Update
7. Public Hearing to establish the 2012 Budgeted Fees and Charges.
8. Public Hearing to amend Local Law Chapter 76, "Dogs", Section 76-5, "Running at large prohibited" and Section 76-6, "When Leash Required", to establish regulations for the leashing of dogs at Rye Town Park.
9. Residents may be heard who have matters to discuss that do not appear on the agenda.
10. Consideration to set a Public Hearing for June 15, 2011 to amend Local Law Chapter 167, Section 167-9, "Procedures for street openings", subsection D, "Fees", to remove the setting of fees from the Local Law.
11. Consideration to set a Public Hearing for June 15, 2011 on modifications to Special Permit Applications submitted by New Cingular Wireless PCS, LLC ("AT&T"): #TC010 for an existing wireless telecommunications facility on the roof top of 66 Milton Road and #TC013 for an existing wireless telecommunications facility at 350 Theodore Fremd Avenue.
12. Consideration to set a Public Hearing for August 10, 2011 regarding a request by Avon to amend Local Law Chapter 90, Section 90-10, "Rear or side line fences in business districts" to allow for a fence height of six feet, and Chapter 197, Section 197-86, "Zoning Table B", to clarify the minimum lot size.

13. Authorization for City Manager to enter into an Agreement with the County of Westchester for 2011-2012 Prisoner Transportation Services.  
Roll Call
14. Appointment of Christian K. Miller, AICP, City Planner to the Watershed Advisory Board to represent the City of Rye.
15. One appointment to the Rye Cable and Communications Committee for a three-year term expiring on January 1, 2014, by the Mayor with Council approval.
16. Designation of the Chairman of the Rye Cable and Communications Committee by the Mayor.
17. Miscellaneous communications and reports.
18. Old Business.
19. New Business.
20. Adjournment.

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The next regular meeting of the City Council will be held on Wednesday, June 15, 2011.

\*\* City Council meetings are available live on Cablevision Channel 75, Verizon Channel 39, and on the City Website, indexed by Agenda item, at [www.ryeny.gov](http://www.ryeny.gov) under "RyeTV Live".

\* Office Hours of the Mayor on 5/25/11 will be held at 6:30 pm in the Mayor's Conference Room.



# CITY COUNCIL AGENDA

NO. 4

DEPT.: City Clerk

DATE: May 25, 2011

CONTACT: Dawn F. Nodarse

**AGENDA ITEM** Draft unapproved minutes of the regular meeting of the City Council held May 11, 2011, as attached.

**FOR THE MEETING OF:**

May 25, 2011

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** That the Council approve the draft minutes.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**

Approve the minutes of the regular meeting of the City Council held May 11, 2011, as attached.

***DRAFT UNAPPROVED MINUTES*** of the  
Regular Meeting of the City Council of the City of  
Rye held in City Hall on May 11, 2011 at 8:00 P.M.

PRESENT:

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

ABSENT: RICHARD FILIPPI, Councilman

The Council convened at 6:50 p.m. Councilman Jovanovich made a motion, seconded by Councilman Sack and unanimously carried, to adjourn into Executive Session to discuss real estate matters. Councilwoman Keith made a motion, seconded by Councilwoman Parker and unanimously carried, to adjourn the Executive Session at 7:25 p.m. to move to the Square House.

Prior to the beginning of the ceremonial portion of the meeting at the Square House, there was a screening of Councilman Sack's video "The Council Project", which includes interviews with former Mayors and Councilmembers reflecting on their time in office.

Sheri Jordan, Director of the Rye Historical Society, welcomed everyone saying this meeting was held at the Square House every year to honor the time when the Square House served as Rye's City Hall. Mayor French thanked Councilman Sack for creating "The Council Project" video, saying it captured the "heart" of this meeting. He added that Rye is all about volunteerism and contributing to the community and that even though there is active debate it can be done with respect.

Mayor French then asked the other members of the Council for comments. Councilwoman Keith said that the current Council has made major steps in the last 17 months but it is always good to appreciate those who have come before. Councilman Sack said he had spoken with 18 former Mayors and Councilmembers for "The Council Project" and noted three who are no longer in this area but had gone out of their way to participate (Bob Hutchings, MaryAnn Ilse and Fred Hunziker). Councilwoman Parker said this was a favorite night of hers and added that working in a non-partisan way is in the best interests of the City. Councilwoman Gamache said that Rye is special because most of its residents expect standards to be met and are willing to help. She said the City is fortunate to have its volunteers and its top notch staff. Councilman Jovanovich paid tribute to the spouses of those who serve, saying that without their support and understanding, those who serve on the Council and Boards and Commissions would not be able to serve as effectively.

State Assemblyman and former Councilman *George Latimer* said that sometimes it is possible to leave Albany feeling cynical, but at the Square House meeting he always feels lucky to have served in Rye.

Former Mayors in attendance also offered comments. *John Carey* said that the current Council should enjoy their time and not do anything they might regret. He complimented Mayor French on a recent article encouraging people with questions and comments to contact the Mayor or City Manager, saying it was important for people to be listened to. *Ted Dunn* praised the current Members of the Council for not using the City website for political purposes. *Steve Otis* said this evening is about the bond between the Mayors, Councils, volunteers and staff of today and those of yesterday, which is something that makes Rye great.

Former Judge and Councilman *John Alfano* said he enjoyed his time on the Council and that great relationships were developed. Former Councilman and current City Court Judge *Joe Latwin* said it is nice to come back and see those who are here and hear about those who are not.

Comments were also made by other former Councilmembers. *Pat Levine* said the City would not have been able to get Senior Citizen Housing approved in Rye without the involvement of the Interfaith Council and also recalled the influence of Edith Reed on past City Councils. *Beth Matthews* offered thanks to all her colleagues for their service and also to the City staff. She added that she experienced what it was like to be in the majority and minority during her time on the Council. *Ed Collins* noted that since leaving the Council he has served on the Boat Basin Commission and now serves on the Board of Assessment Review. *Jim Flick* offered his thanks to former Mayor John Carey for fighting against the creation of a Regional Postal Center at the Avon property. *Jim Burke* said he looks forward to the invitation to this meeting and thinks it is a good idea that residents are able to contact a Councilmember when they need to. *Carolyn Cunningham* said that there is an exceptional group of nice, dedicated and talented people in Rye and that she looks back at her time on the Council with mostly good feelings. *Bob Cypher* thanked everyone for inviting him. *Gerry Seitz* said that Rye is lucky that it has had people of the mindset to identify major issues that could have had a major affect on the City if they had turned out differently.

Comments were also made by representatives of City Boards. *Maurio Sax* (Landmarks Advisory Committee) said that all Mayors, past and present, have contributed to the Historic preservation of the community. *Brian Dempsey* (Traffic and Pedestrian Safety Committee) said that their committee is a good committee made up of residents from all areas of town and different backgrounds. He offered special thanks to Assistant City Engineer Chris Tallerini. *Robin Jovanovich* (Board of Architectural Review) said she was happy to serve and that building applications are up, which is good for Rye.

City Manager Pickup said that the great part of this evening was saying thank you to past and present Councilmembers. He added that the City has a great staff and asked those present to stand for a round of applause. He ended by saying that the excellence of the community is a reflection of great volunteers, past and present.

Mayor French closed the ceremonial portion of the meeting by referring to former Mayors and Councilmembers in the video and said that they all have affected the lives of people living in Rye today. The meeting reconvened in Council Chambers at 9:02 p.m.

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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.

Prior to beginning the business portion of the meeting, Mayor French said that the community has a number of questions for Ray Tartaglione regarding an incident that had occurred the prior weekend. Mr. Tartaglione asked that any questions be emailed to him and he would address them. The Mayor said that the City has been looking into Mr. Tartaglione's issues regarding Hen Island and the City Manager has been working with Kuder Island Corporation and the County of Westchester to come up with a reasonable solution that all parties are in favor of. Mr. Tartaglione asked that his response to the questions posed to him be read at the next Council meeting.

3. General Announcements

- Mayor French and City Manager Pickup attended the public meeting of the Westchester Joint Water Works. Inserts will be put into the next bill regarding anticipated rate increases.
- The Rye Town Park Commission will be adopting their 2011 budget at the May 16<sup>th</sup> meeting.

4. Draft unapproved minutes of the regular meeting of the City Council held April 27, 2011

Councilman Jovanovich made a motion, seconded by Councilwoman Gamache and unanimously carried, to approve the minutes of the regular meeting of the City Council held on April 27, 2011, as amended

Agenda Item 6 was taken out of order.

5. Mayor's Management Report

- Re-inventing Playland Update

Mayor French reported that 12 proposals have been received in response to the County RFP (Request for Proposals) on Playland. The proposals are all park related and include amusements; field space; a field house; improved dining; the ice rink and ideas on how the park could be managed more effectively. The Feasibility Committee will review each proposal and its feasibility and rank each proposal based on the following criteria: economic sustainability; impact to the environment; entertainment value; experience and expertise of the proposer and the overall expectation. After the proposals have been ranked, they will be reviewed by County staff for financial and legal ramifications. The Feasibility Committee should have its report around the 4<sup>th</sup> of July; the County staff should review it through the Fall and a decision could be made by the County Executive by the end of the year.

- Legal Update

Corporation Counsel Wilson reported on the following matters:

- *Carroll v. The Assessor* – A trial will begin this week in front of Judge LaCava in connection with this Tax Certiorari case. Richard Blancato, Esq. is working with City Assessor Noreen Whitty on the case.
- *Beaver Swamp Brook* – The ALJ came out with a decision putting forth time frames for the City and other interested parties to respond to any issues on the Negative Declaration. The City has until the beginning of June to petition the ALJ.
- *Schubert v. City of Rye* - A Notice of Appeal to the Second Circuit Court of Appeals has been filed. The plaintiffs have six months from the date of filing to perfect their appeal.
- *Munding v. Planning Commission* – A conference was held before Judge Colangelo. The certified record will be served this week. A briefing schedule through the beginning of June was agreed to.

6. Presentation on the Walk Rye History Tour

Laura Brett and Pam McGuire, representing the Rye Historical Society, updated the Council on the Walk Rye History Tour that had first come before the Council in August 2010. It will be a permanent walking tour through Rye, which they believe is a great way to celebrate Rye's history and the community in general. The Historical Society has vetted the project through their Board, the Chamber of Commerce, the Lions Club and the Landmarks Advisory Committee. The tour will consist of approximately 21 signs, measuring 24" by 30" that include pictures and text. The signs will be displayed around the City at various landmarks and historic properties. The Historical Society is coordinating with the Rye Shared Roadways Committee to incorporate the Walk Rye History stops into their fitness and walking trails. They are also working with Google Maps to link the stops with various fitness walks such as the East Coast Greenway Trail. There will be User's Guide pamphlets available at the Square House and with merchants who are willing to carry them. They also hope to create a downloadable MP3 Tour. The next step is to present the project to the Board of Architectural Review and then it will come back to the Council for final approval.

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

*John Carey, 860 Forest Avenue*, spoke about a Shared Roadways Committee proposal for the “Forest Avenue Corridor”. He said he was not in favor of the proposal that he had seen, which would expand hard surface almost to property lines and include sidewalks. He asked what the proposal would cost; where the money would come from; and why it is being contemplated. Councilwoman Keith said that the proposal Mr. Carey is referring to was just an idea that came from the Capstone Presentation made last month and before any decision would be made there would be a community dialogue.

*Ray Tartaglione* spoke about Hen Island. He read a letter to the editor of the Rye Record about mosquitoes by someone who had visited Hen Island three years ago. He also showed photos of water tanks and septic tanks on Hen Island. City Manager Pickup said that the City has been dealing with the Kuder Island Association and the County regulatory agencies on the complaint Mr. Tartaglione’s filed and suggested that if he had anything to add to that original complaint he should put it in writing and deal with the appropriate parties.

8. Consideration to set a Public Hearing for May 25, 2011 to establish the 2012 Budgeted Fees and Charges

City Manager Pickup said that during the 2011 budget process the Council decided it was appropriate to establish fees and charges for the next year earlier in the year outside the budget process.

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

**WHEREAS**, the City Council wishes to establish the 2010 Budgeted Fees and Charges; and

**WHEREAS**, it is now desired to call a public hearing on the proposed 2012 budgeted fees and charges, 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 May 25, 2011 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 2012 fees and charges.

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

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

**Notice of Public Hearing to establish the 2012 Budgeted Fees and Charges.**



Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 25th day of May, 2011 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 the proposed 2012 Budgeted Fees and Charges.

Copies of said proposed fees and charges may be obtained from the office of the City Clerk.

Dawn F. Nodarse  
City Clerk  
Dated: May 12, 2011

9. Consideration to set a Public Hearing for May 25, 2011 to amend Local Law Chapter 76, "Dogs", Section 76-5, "Running at large prohibited" and Section 76-6, "When Leash Required", to establish regulations for the leashing of dogs at Rye Town Park

Mayor French said that in order for the Rye Police to enforce a decision made by the Rye Town Park Commission to allow dogs to be off their leashes in a certain area for a limited time period during the Summer months, the City Code must be amended.

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

**WHEREAS**, the Council wishes to amend Chapter 76, "Dogs" of the Code of the City of Rye by amending Sections 76-5 "Running at large prohibited" and 76-6 "When Leash Required" to establish regulations for the leashing of dogs at Rye Town Park; and

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

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

Section 1. Pursuant to Section 20 of the Municipal Home Rule Law and the Charter of the City of Rye, New York, a public hearing will be held by the Council of said City on May 25, 2011 at 8:00 P.M. at City Hall, Boston Post Road, in said City, for the purpose of affording interested persons an opportunity to be heard concerning such proposed local law.

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

**PUBLIC NOTICE  
CITY OF RYE**

**Notice of Public Hearing on a proposed local law to amend Chapter 76, “Dogs” of the Code of the City of Rye by amending §76-5 “Running at large prohibited” and §76-6 “When Leash Required” to establish regulations for the leashing of dogs at Rye Town Park.**

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 25th day of May, 2011 at 8:00 P.M. at City Hall, Boston Post Road, in said City, at which interested persons will be afforded an opportunity to be heard concerning a proposal to amend Chapter 76, “Dogs” of the Code of the City of Rye by amending §76-5 “Running at large prohibited” and §76-6 “When Leash Required”.

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

Dawn F. Nodarse  
City Clerk  
Dated: May 12, 2011

10. Resolution to amend the City of Rye’s FOIL procedures

Corporation Counsel Wilson outlined the proposed updates to the City’s FOIL procedures. The Corporation Counsel will now be the appeals officer; there is a streamlined procedure for filing FOILs; and there is a new section created that follows the New York State Public Officer Law in allowing the City to charge back some of the costs associated with processing FOIL requests if they meet a certain threshold. There was a discussion among the members of the Council regarding the appropriateness of adopting the proposed new section allowing the City to charge for staff time and an additional amendment was suggested that would allow the applicant to request the fee be waived by the City Council. There was also discussion about the proposal to change the appellate body for disputed FOIL responses from the City Council to the Corporation Counsel.

*John Carey* also made suggestions regarding changes to the proposed procedures.

Councilman Jovanovich made a motion, seconded by Councilwoman Gamache, to amend the City of Rye’s FOIL Procedures to read as follows:

Procedures for Public Access to the Records of the City of Rye

**Section 1. Purpose and Scope**

- (a) These regulations are established pursuant to Article 6 of the Public Officers Law, known as the Freedom of Information Law.
- (b) These regulations provide the procedures by which records of the City of Rye may be obtained.
- (c) Personnel of the City of Rye shall furnish to the public the information and records required by law and those which were furnished to the public prior to the enactment of the Freedom of Information Law, subject to the conditions contained in subdivision 2 of Section 87 of the Freedom of Information Law, or other provisions of Law.

**Section 2. Designation of records access officer.**

- (a) The City Manager shall be the Records Access Officer responsible for assuring compliance with these regulations, and designates the following persons as additional records access officers:
  - 1. The City Comptroller for all records in the Department of Finance.
  - 2. The City Assessor for all records in the office of the City Assessor.
  - 3. The Building Inspector for all records in the Department of Buildings.
  - 4. The City Engineer for all records in the Department of Public Works.
  - 5. The City Planner for all records in the offices of the Planning Commission and City Planner.
  - 6. The Police Commissioner for all records in the Department of Police.
  - 7. The City Clerk for all records in the office of the City Clerk and for all other records of the City of Rye not previously mentioned.
- (b) The records access officers shall be responsible for assuring appropriate responses to public requests for access to records. The records access officers shall assure that appropriate personnel are adequately instructed in and properly perform the functions described in Sections 6 and 7 of these regulations and shall supervise the administration of these regulations.

**Section 3. Designation of fiscal officer.**

The City Comptroller is designated the fiscal officer, who shall certify the payroll and respond to requests for an itemized record setting forth the name, address, title and salary of every officer or employee of the City of Rye.

**Section 4. Location.**

Records shall be available for public inspection and copying at the office of the records access officer at City Hall, Boston Post Road, Rye, New York, or at the location where they are kept.

**Section 5. Hours for public inspection.**

Requests for public access to records shall be accepted and records produced during all hours City Hall is regularly open for business except that all records must be returned to their proper custodian at least 30 minutes before closing time.

**Section 6. Request for public access to records.**

- (a) Requests for records shall be in writing (hard copy or electronically) in accordance with New York Public Officers Law. The custodian of the records has discretion to waive the requirement for written requests in appropriate circumstances.
- (b) If records are maintained on the internet, the requestor shall be informed that the records are accessible via the internet and in printed form either on paper or other information storage medium.
- (c) Officials shall respond to a request for records no more than five (5) business days after receipt of the request. This response will acknowledge receipt of request and indicate that the requestor will receive a response within twenty (20) business days unless otherwise noted. Any electronic requests received after 5:00 P.M. will be considered received by the City on the next business day.
- (d) A request for access to records should be sufficiently detailed to identify the records. Where possible, the requestor should supply information regarding dates, titles, file designations or other information which may help identify the records.
- (f)
  - 1. A current list, by subject matter, of all records produced and retained in accordance with the Department of Education's State Archives Schedule MU-1, shall be maintained by each records access officer by the City Clerk or the appropriate records access officer and shall be available for public inspection and copying. The list shall be sufficiently detailed to permit the requestor to identify the file category of the records sought.
  - 2. The subject matter list shall be updated periodically and the date of the most recent updating shall appear on the first page. The updating of the subject matter list shall not be less than semiannual.
  - 3. A duplicate copy of such current subject matter list shall be filed by each records access officer with the City Clerk who shall consolidate and maintain all such current lists. Each records access officer shall keep a copy of these regulations with the subject matter list.
- (f) Appropriate personnel of the City of Rye shall assist the requestor in identifying requested records.
- (g) Upon locating the requested records, the appropriate personnel of the City of Rye shall, as promptly as possible, and within the time limits set in subsection (b) above, either:

- (1) Make the records available by either, (i) indicating a time and date when the records are available for review and inspection, or (ii) send the records electronically if the request was for electronic copies and the records can be sent electronically, or
  - (2) Deny access in whole or in part, and explain in writing the reasons therefore.
- (h) Upon failure to locate records, the appropriate official shall certify that:
- 1. The City of Rye is not the legal custodian of the requested records; or,
  - 2. The requested records, after diligent search, cannot be found.

**Section 7. Inspection and copying of records.**

- (a) A person who has requested access to the public records of the City of Rye shall be given full opportunity to see and inspect such records unless access is denied as provided in Section 8 herein.
- (b) The requestor may also make a copy of the records he/she inspects. No record may be removed from the office where it is located without written permission of the person in charge of the office at that time.
- (c) Upon request and payment of the established fee, if any, the appropriate officer or employee shall prepare and deliver a transcript of such records.
- (d) Upon request and payment of the established fee, if any, an appropriate official of the City of Rye shall certify as correct a transcript prepared by the custodian of the records.

**Section 8. Denial of access to records.**

- (a) Denial of access to records shall be in writing stating the reason(s) therefore and advising the requestor of the right to appeal to the Corporation Counsel within ten (10) business days of the denial. Appeals heard by the Corporation Counsel are final determinations.
- (b) If requested records are not provided promptly, as required in Section 6 (c) of these regulations, such failure shall also be deemed a denial of access. In such cases, appeals must be filed within thirty (30) days of the date by which the records were to be made available.
- (c) The time for deciding an appeal by the City's Corporation Counsel shall commence upon receipt of a written appeal identifying:
  - 1. The date of the appeal.
  - 2. The date and location of the original record request.
  - 3. The records to which the requestor was denied access.

4. Whether the denial of access was in writing or by failing to provide records in accordance with the applicable time periods.
  5. A copy of the written denial, if any.
  6. The name and return address (or email address) of the requestor.
- (d) The appeal shall be determined by the City's Corporation Counsel's office within ten (10) business days if the receipt of the appeal. If the appeal is submitted via email, any emails received after 5:00 P.M. will be considered received on the next business day. Written notice of the determination shall be served upon the person requesting the record and the Committee on Open Government.
- (e) A person requesting an exception from disclosure, or an agency denying access to record, shall in all appeal proceedings have the burden of proving entitlement to the exception.
- (f) A proceeding to review an adverse determination upon appeal may be commenced pursuant to Article 78 of the Civil Practice Law and Rules in accordance with all applicable provisions of the law.

**Section 9. Fees.**

- (a) Except as otherwise specifically authorized by law, or by established practice prior to September 1, 1974, there shall be no fee charged for:
1. Inspection of records;
  2. Search for records;
  3. Any certification pursuant to this part.
- (b) The fee for a photocopy transcript of records shall be 25 cents per single sided page for pages not exceeding 9 by 14 inches. The City has the authority to redact portions of a paper record in accordance with the Public Officers Law and does so prior to the disclosure of the record by making a photocopy from which the proper redactions are made.
- (c) The fee for photocopies of records exceeding 9 by 14 inches per page or any non-paper format (such as computer disk, microfilm, etc.) shall be the actual costs of reproduction, which shall be deemed to be the average unit cost for making such a photocopy, excluding fixed costs such as operator salaries, except when a different rate is otherwise prescribed by statute.
- (d) The fee for a transcript that is typed, handwritten, or otherwise prepared by hand shall cover the clerical time involved in making the transcript, including comparison for accuracy.
- (e) The fee the City may charge for a copy of any other record is based on the actual cost of reproduction and may include only the following:

- (1) an amount equal to the hourly salary attributed to the lowest paid employee who has the necessary skill required to prepare a copy of the requested record, but only when more than two hours of the employee's time is necessary to do so; and
  - (2) the actual cost of the storage devices or media provided to the person making the request in complying with such request; or
  - (3) the actual cost to the agency of engaging an outside professional service to prepare a copy of a record, but only when an agency's information technology equipment is inadequate to prepare a copy, and if such service is used to prepare the copy.
- (f) The City shall inform a person requesting a record of the estimated cost of preparing a copy of the record if more than two hours of an agency employee's time is needed, or if it is necessary to retain an outside professional service to prepare a copy of the record.
- (g) A person requesting a record shall pay the City the required fee for copying or reproducing the record in advance of the City preparing such copy.

**Section 10. Public Notice.**

A notice containing the job title or name and business address of the records officers and the appeal body shall be posted in the Office of the City Clerk. A copy of these rules will be kept in the custody of each records officer and be made available for inspection upon request.

**Section 11. Severability.**

If any provision of these regulations or the application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of these regulations or the application thereof to other persons and circumstances.

**ROLL CALL:**

AYES: Mayor French, Councilmembers Gamache, Jovanovich, Keith and Sack  
NAYS: Councilwoman Parker  
ABSENT: Councilman Filippi

The Motion was adopted by a vote of 5-1

11. Two appointments to the Board of Architectural Review for a three-year term, by the Mayor with Council approval

Councilman Jovanovich made a motion, seconded by Councilwoman Keith and unanimously carried, to appoint John R. Clark to the Board of Architectural Review for a three-year term expiring on January 1, 2014.

Councilwoman Gamache made a motion, seconded by Councilman Jovanovich and unanimously carried, to appoint Louis E. Rollano to the Board of Architectural Review for a three-year term expiring on January 1, 2014.

12. Designation of the Chairman of the Board of Assessment Review by the Mayor

Mayor French designated Caroline Mosher Gadaleta to serve as Chair of the Board of Assessment Review.

12A. Appeal of denial of FOIL request by Timothy Chittenden

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

**RESOLVED**, that the appeal by Timothy Chittenden to the response to his April 11, 2011 Freedom of Information Request (F.O.I.L.) is hereby denied.

ROLL CALL:

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

The Resolution was adopted by a vote of 6-0

13. Miscellaneous Communications and Reports

Councilwoman Keith reported that the Sustainability Committee did a walk through at Whitby Counsel and will report back to the Council probably in July. The Shared Roadways Committee will come back to report to the Council on May 25<sup>th</sup>. Ms. Keith also offered thanks to the YMCA for the presentation of the Capstone projects and said there was an opportunity to engage the Capstone students again next year on additional projects.

14. Old Business

Councilman Sack suggested postponing indefinitely the workshop on the Golf Club and other recreational issues that he had previously requested due to the amount of work the Council has on upcoming agendas. He said that if needed, it could be held closer to budget season. City Manager Pickup said that as the budget calendar is developed he will get back to the Council regarding topics the Council might want to cover in workshops.



Councilwoman Keith asked about the process for the 2012 budget. City Manager Pickup said there would be financial presentations at the June meeting as well as staff's initial take on where things are for the current budget year. Ms. Keith also asked for an update on the tree ordinance because of concerns about clear cutting raised to her by residents. City Manager Pickup said that changes to the proposed legislation are being made based on comments received the last time the tree ordinance was on the agenda. The new draft will then be re-circulated to the Council.

Mayor French said he has met with other Mayors and the County Executive and they are looking to do something collectively on the proposed tax cap asking for mandate relief, similar to the Resolution passed with the School District.

15. New Business

Councilman Sack noted that there was a skateboard problem in town and asked if the Traffic & Pedestrian Safety Committee or the Shared Roadways Committee could consider the problem and think about the best way to communicate with the children who are putting themselves in jeopardy in order to make everyone safer. City Manager Pickup said the problem is caused by the use of long boards which do not lend themselves to the traditional skateboard venues and he has been working with the Recreation and Police Departments to find creative ways to address the problem, which may have to be addressed with their parents.

City Manager Pickup said that the City has had a recent issue with radioactive medical waste being put in the garbage. He said one of the City's garbage trucks was impounded because of the level of radioactivity in the load. He cautioned people not to put such dangerous items in their trash and dispose of them properly.

16. Adjournment

There being no further business to discuss Councilwoman Gamache made a motion, seconded by Councilman Jovanovich and unanimously carried, to adjourn the meeting at 10:38 p.m.

Respectfully submitted,

Dawn F. Nodarse  
City Clerk



# CITY COUNCIL AGENDA

NO. 5

DEPT.: Fire Department

DATE: May 25, 2011

CONTACT: Chief George Hogben

**AGENDA ITEM:** Approval of the election of one new member to the Rye Fire Department.

**FOR THE MEETING OF:**

May 25, 2011

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** That the Council approve the election of Kyle Wagman to the Fire Police Patrol Company.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** The Board of Fire Wardens has advised that one new member was elected into membership and were approved by the Fire Wardens at their May meeting. Kyle Wagman will be joining the Fire Police Patrol Company.



# CITY COUNCIL AGENDA

NO. 6

DEPT.: City Council

DATE: May 25, 2011

CONTACT: Mayor Douglas French

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

**FOR THE MEETING OF:**

May 25, 2011

**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:

- Presentation by the Rye Town Park Advisory Committee
- Presentation by a representative of Kuder Island Colony, Inc.
- Presentation of the City of Rye Stormwater Management Program 2010 Annual Report
- Legal Update

City of Rye

Phase II

Stormwater Report



**MS4 Annual Report Cover Page**

**MCC form for period ending March 9,**

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Provide SPDES ID of each permitted MS4 included in this report.

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**MS4 Municipal Compliance Certification(MCC) Form**

MCC form for period ending March 9, 

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Name of MS4 

City of Rye
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**Section 4 - Certification Statement**

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

This form must be signed by either a principal executive officer or ranking elected official, or duly authorized representative of that person as described in GP-0-08-002 Part VI.J.

First Name

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Last Name

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Title (Clearly print title of individual signing report)

City Manager

Signature

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Date

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Send completed form and any attachments to the DEC Central Office at:

MS4 Permit Coordinator  
Division of Water  
4th Floor  
625 Broadway  
Albany, New York 12233-3505









**MS4 Annual Report Form**

This report is being submitted for the reporting period ending March 9, 

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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition 

City of Rye
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SPDES ID

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**4. Evaluating Progress Toward Measurable Goals MCM 1**

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

**A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.**

The City Storm water Consultant developed a Questionnaire for the public to respond to. The questionnaire was made available by the City in April 2010. The City has also created a You Tube channel and uploaded videos regarding pertinent storm water and illicit discharge issues

**B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.**

No questionnaires were completed and returned to the city. Printed materials distributed, along with 172 email recipients for the City of Rye You Tube Channel and 140 upload views. There was also 62 showing of "After the Storm on the local cable channel.

**C. How many times was this observation measured or evaluated in this reporting period?**

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*(ex.: samples/participants/events)*

**D. Has your MS4 made progress toward this Measurable Goal during this reporting period?**

Yes  No

**E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?**

Yes  No

**F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).**

Questionnaires will continue to be available for the public to complete and return. Questionnaires will be distributed with Building Permit Applications. You Tube Channel will be updated with new videos and be emailed to pertinent recipients. Other programs are being considered. Other videos will be shown on local cable channel.





### MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9, 

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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition 

City of Rye
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SPDES ID  

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Please provide specific address(es) where notice(s) can be accessed - not home page.

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**MS4 Annual Report Form**

This report is being submitted for the reporting period ending March 9, 

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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition 

City of Rye									
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**4.a. If this report was made available on the internet, what date was it posted?**

Leave blank if this report was not posted on the internet.

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**4.b. For how many days was/will this report be posted?**

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If submitting a report for single MS4, answer 5.a.. If submitting a joint report, answer 5.b..

**5.a. Was an Annual Report public meeting held in this reporting period?**

Yes  No

If Yes, what was the date of the meeting?

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If No, is one planned?

Yes  No

**5.b. Was an Annual Report public meeting held for all MS4s contributing to this report during this reporting period?**

Yes  No

If No, is one planned for each?

Yes  No

**6. Were comments received during this reporting period?**

Yes  No

If Yes, attach comments, responses and changes made to SWMP in response to comments to this report.

**MS4 Annual Report Form**

This report is being submitted for the reporting period ending March 9, 

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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

City of Rye

SPDES ID

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**7. Evaluating Progress Toward Measurable Goals MCM 2**

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

**A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.**

The City Stormwater Consultant developed a Questionnaire for the public to respond to. Questions on public participation and involvement are included. The questionnaire was available on the City website and in hard copy in the Public Works Department beginning April 2010. Also held were meetings of the Conservation Commission Advisory Council and Garden Club Meetings.

**B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.**

Garden Club has continued plantings and the Conservation Commission Advisory Council has commented on environmentally sensitive projects and other issues which are regulated by the planning commission.

**C. How many times was this observation measured or evaluated in this reporting period?**

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*(ex.: samples/participants/events)*

**D. Has your MS4 made progress toward this measurable goal during this reporting period?**

Yes    No

**E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?**

Yes    No

**F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).**

Questionnaires will continue to be available for the public to complete and return. Questionnaires will be distributed with Building Permit Applications. All activities listed above will be continued along with other outreach programs we are planning on exploring.









**MS4 Annual Report Form**

This report is being submitted for the reporting period ending March 9, 

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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

City of Rye

SPDES ID

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**12. Evaluating Progress Toward Measurable Goals MCM 3**

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

**A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.**

3 Illicit Discharges Found and Eliminated. 27 outfalls inspected in 2010.

**B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.**

All outfalls inspected with City staff and USEPA staff in Summer 2009. City of Rye received a satisfactory audit from NYS DEC in 2010. No illicit discharges were detected during outfalls inspections in 2010.

3 illicit discharges found and eliminated this reporting period

**C. How many times was this observation measured or evaluated in this reporting period?**

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*(ex.: samples/participants/events)*

**D. Has your MS4 made progress toward this measurable goal during this reporting period?**

Yes    No

**E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?**

Yes    No

**F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).**

Continue to inspect outfalls annually. Respond to reports of illicit discharges immediately and take action to mitigate as needed.

**MS4 Annual Report Form**

This report is being submitted for the reporting period ending March 9, 

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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

City of Rye

SPDES ID

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**Minimum Control Measures 4 and 5.**  
**Construction Site and Post-Construction Control**

The information in this section is being reported (check one):

- On behalf of an individual MS4  
 On behalf of a coalition

How many MS4s contributed to this report? 

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- 1a. Has each MS4 contributing to this report adopted a law, ordinance or other regulatory mechanism that provides equivalent protection to the NYS SPDES General Permit for Stormwater Discharges from Construction Activities?**  Yes  No
- 1b. Has each Town, City and/or Village contributing to this report documented that the law is equivalent to a NYSDEC Sample Local Law for Stormwater Management and Erosion and Sediment Control through either an attorney certification or using the NYSDEC Gap Analysis Workbook?**  Yes  No  NT

If Yes, Towns, Cities and Villages provide date of equivalent NYS Sample Local Law.

09/2004  03/2006  NT

- 2. Does your MS4/Coalition have a SWPPP review procedure in place?**  Yes  No
- 3. How many Construction Stormwater Pollution Prevention Plans (SWPPPs) have been reviewed in this reporting period?**

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- 4. Does your MS4/Coalition have a mechanism for receipt and consideration of public comments related to construction SWPPPs?**  Yes  No  NT
- If Yes, how many public comments were received during this reporting period? 

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- 5. Does your MS4/Coalition provide education and training for contractors about the local SWPPP process?**  Yes  No

**6. Identify which of the following types of enforcement actions you used during the reporting period for construction activities, indicate the number of actions, or note those for which you do not have authority:**

- Notices of Violation # 

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 No Authority
- Stop Work Orders # 

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 No Authority
- Criminal Actions # 

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 No Authority
- Termination of Contracts # 

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 No Authority
- Administrative Fines # 

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 No Authority
- Civil Penalties # 

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 No Authority
- Administrative Orders # 

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 No Authority
- Enforcement Actions or Sanctions # 

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- Other # 

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 No Authority

**MS4 Annual Report Form**

**This report is being submitted for the reporting period ending March 9,**

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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition 

City of Rye
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**Minimum Control Measure 4. Construction Site Stormwater Runoff Control**

The information in this section is being reported (check one):

- On behalf of an individual MS4
- On behalf of a coalition

How many MS4s contributed to this report? 

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1. How many construction projects have been authorized for disturbances of one acre or more during this reporting period? 

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2. How many construction projects disturbing at least one acre were active in your jurisdiction during this reporting period? 

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3. What percent of active construction sites were inspected during this reporting period?  NT 

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 %

4. What percent of active construction sites were inspected more than once?  NT 

1	0	0
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 %

5. Do all inspectors working on behalf of the MS4s contributing to this report use the NYS Construction Stormwater Inspection Manual?  Yes  No  NT

6. Does your MS4/Coalition provide public access to Stormwater Pollution Prevention Plans (SWPPPs) of construction projects that are subject to MS4 review and approval?  Yes  No  NT

If your MS4 is Non-Traditional, are SWPPPs of construction projects made available for public review?  Yes  No

If Yes, use the following page to identify location(s) where SWPPPs can be accessed.

### MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9, 2011

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

SPDES ID  
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**6. con't.:**

Submit additional pages as needed.

● MS4/Coalition Office

Department

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○ Library

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○ Other

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City

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Phone

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○ Web Page URL(s): Please provide specific address where SWPPPs can be accessed - not home page.

URL

URL

**MS4 Annual Report Form**

This report is being submitted for the reporting period ending March 9, 

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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

City of Rye

SPDES ID

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**7. Evaluating Progress Toward Measurable Goals MCM 4**

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

**A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.**

0 new projects underway in reporting period and 2 projects continuing from previous reporting period. Both continued project have been periodically inspected for compliance with erosion control and storm water regulations.

**B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.**

Of the 2 projects underway this reporting period all action items that arose from City and private inspections have been addressed. Both sites have been in substantial compliance with erosion control standards.

1 violation was sent and remedied immediately regarding inspection frequency.

**C. How many times was this observation measured or evaluated in this reporting period?**

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(ex.: samples/participants/events)

**D. Has your MS4 made progress toward this measurable goal during this reporting period?**
 Yes    No
**E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?**
 Yes    No
**F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).**

Continue to administer and monitor all projects underway as per individual SWPPP's and local ordinance. Continue site inspections and enforcement of necessary actions. Address any issues immediately with proper measures (repairs, violations, ect..)

**MS4 Annual Report Form**

**This report is being submitted for the reporting period ending March 9,**

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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

SPDES ID  

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**Minimum Control Measure 5. Post-Construction Stormwater Management**

The information in this section is being reported (check one):

- On behalf of an individual MS4
- On behalf of a coalition

How many MS4s contributed to this report? 

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**1. How many and what type of post-construction stormwater management practices has your MS4/Coalition inventoried, inspected and maintained in this reporting period?**

	# Inventoried	# Inspections	# Times Maintained									
<input type="radio"/> Alternative Practices	<table border="1" style="display: inline-table; vertical-align: middle;"><tr><td> </td><td> </td><td> </td></tr></table>				<table border="1" style="display: inline-table; vertical-align: middle;"><tr><td> </td><td> </td><td> </td></tr></table>				<table border="1" style="display: inline-table; vertical-align: middle;"><tr><td> </td><td> </td><td> </td></tr></table>			
<input type="radio"/> Filter Systems	<table border="1" style="display: inline-table; vertical-align: middle;"><tr><td> </td><td> </td><td> </td></tr></table>				<table border="1" style="display: inline-table; vertical-align: middle;"><tr><td> </td><td> </td><td> </td></tr></table>				<table border="1" style="display: inline-table; vertical-align: middle;"><tr><td> </td><td> </td><td> </td></tr></table>			
<input type="radio"/> Infiltration Basins	<table border="1" style="display: inline-table; vertical-align: middle;"><tr><td> </td><td> </td><td> </td></tr></table>				<table border="1" style="display: inline-table; vertical-align: middle;"><tr><td> </td><td> </td><td> </td></tr></table>				<table border="1" style="display: inline-table; vertical-align: middle;"><tr><td> </td><td> </td><td> </td></tr></table>			
<input type="radio"/> Open Channels	<table border="1" style="display: inline-table; vertical-align: middle;"><tr><td> </td><td> </td><td> </td></tr></table>				<table border="1" style="display: inline-table; vertical-align: middle;"><tr><td> </td><td> </td><td> </td></tr></table>				<table border="1" style="display: inline-table; vertical-align: middle;"><tr><td> </td><td> </td><td> </td></tr></table>			
<input type="radio"/> Ponds	<table border="1" style="display: inline-table; vertical-align: middle;"><tr><td> </td><td> </td><td> </td></tr></table>				<table border="1" style="display: inline-table; vertical-align: middle;"><tr><td> </td><td> </td><td> </td></tr></table>				<table border="1" style="display: inline-table; vertical-align: middle;"><tr><td> </td><td> </td><td> </td></tr></table>			
<input type="radio"/> Wetlands	<table border="1" style="display: inline-table; vertical-align: middle;"><tr><td> </td><td> </td><td> </td></tr></table>				<table border="1" style="display: inline-table; vertical-align: middle;"><tr><td> </td><td> </td><td> </td></tr></table>				<table border="1" style="display: inline-table; vertical-align: middle;"><tr><td> </td><td> </td><td> </td></tr></table>			
<input type="radio"/> Other	<table border="1" style="display: inline-table; vertical-align: middle;"><tr><td> </td><td> </td><td> </td></tr></table>				<table border="1" style="display: inline-table; vertical-align: middle;"><tr><td> </td><td> </td><td> </td></tr></table>				<table border="1" style="display: inline-table; vertical-align: middle;"><tr><td> </td><td> </td><td> </td></tr></table>			

**2. Do you use an electronic tool (e.g. GIS, database, spreadsheet) to track post-construction BMPs, inspections and maintenance?**  Yes  No

**3. What types of non-structural practices have been used to implement Low Impact Development/Better Site Design/Green Infrastructure principles?**

- Building Codes       Municipal Comprehensive Plans
- Overlay Districts       Open Space Preservation Program
- Zoning                       Local Law or Ordinance
- None                           Land Use Regulation/Zoning
- Watershed Plans       Other Comprehensive Plan

Other:  

V	o	l	u	n	t	e	e	r		c	l	u	b	s		&		c	o	m	m	i	s	i	o	n	s		
---	---	---	---	---	---	---	---	---	--	---	---	---	---	---	--	---	--	---	---	---	---	---	---	---	---	---	---	--	--

**MS4 Annual Report Form**

This report is being submitted for the reporting period ending March 9, 

2	0	1	1
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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition 

City of Rye
-------------

SPDES ID  

N	Y	R	2	0	A	3	8	1
---	---	---	---	---	---	---	---	---

**4a. Are the MS4s contributing to this report involved in a regional/watershed wide planning effort?**

Yes  No

**4b. Does the MS4 have a banking and credit system for stormwater management practices?**

Yes  No

**4c. Do the SWMP Plans for each MS4 contributing to this report include a protocol for evaluation and approval of banking and credit of alternative siting of a stormwater management practice?**

Yes  No

**4d. How many stormwater management practices have been implemented as part of this system in this reporting period?**

		0
--	--	---

**5. What percent of municipal officials/MS4 staff responsible for program implementation attended training on Low Impace Development (LID), Better Site Design (BSD) and other Green Infrastructure principles in this reporting period?**

1	0	0
---	---	---

 %



**MS4 Annual Report Form**

This report is being submitted for the reporting period ending March 9, 

2	0	1	1
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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

City of Rye

SPDES ID

N	Y	R	2	0	A	3	8	1
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**6. Evaluating Progress Toward Measurable Goals MCM 5**

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

**A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.**

0 New Best Management Practices brought on line.

**B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.**

No BMP's brought on line this reporting period

**C. How many times was this observation measured or evaluated in this reporting period?**

			1
--	--	--	---

*(ex.: samples/participants/events)*

**D. Has your MS4 made progress toward this measurable goal during this reporting period?**

Yes    No

**E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?**

Yes    No

**F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).**

When future Best Management Practices are brought on line they will be inventoried. We will require inspection and maintenance of all Best Management Practices when necessary.

**MS4 Annual Report Form**

**This report is being submitted for the reporting period ending March 9,**

2	0	1	1
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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

SPDES ID  

N	Y	R	2	0	A	3	8	1
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**Minimum Control Measure 6. Stormwater Management for Municipal Operations**

The information in this section is being reported (check one):

- On behalf of an individual MS4
- On behalf of a coalition

How many MS4s contributed to this report? 

--	--	--

**1. Choose/list each municipal operation/facility that contributes or may potentially contribute Pollutants of Concern to the MS4 system. For each operation/facility indicate whether the operation/facility has been addressed in the MS4's/Coalition's Stormwater Management Program(SWMP) Plan and whether a self-assessment has been performed during the reporting period. A self-assessment is performed to: 1) determine the sources of pollutants potentially generated by the permittee's operations and facilities; 2) evaluate the effectiveness of existing programs and 3) identify the municipal operations and facilities that will be addressed by the pollution prevention and good housekeeping program, if it's not done already.**

<u>Operation/Activity/Facility</u>	<u>Addressed in SWMP?</u>	<u>Self-Assessment Operation/Activity/Facility performed within the past 3 years?</u>
Street Maintenance.....	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No
Bridge Maintenance.....	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No
Winter Road Maintenance.....	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No
Salt Storage.....	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No
Solid Waste Management.....	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No
New Municipal Construction and Land Disturbance..	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No
Right of Way Maintenance.....	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No
Marine Operations.....	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No
Hydrologic Habitat Modification.....	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No
Parks and Open Space.....	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No
Municipal Building.....	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No
Stormwater System Maintenance.....	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No
Vehicle and Fleet Maintenance.....	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No
Other.....	<input type="radio"/> Yes <input checked="" type="radio"/> No	<input type="radio"/> Yes <input checked="" type="radio"/> No

**MS4 Annual Report Form**

This report is being submitted for the reporting period ending March 9, 

2	0	1	1
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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

City of Rye

SPDES ID

N	Y	R	2	0					
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**2. Provide the following information about municipal operations good housekeeping programs:**

- Parking Lots Swept (Number of acres X Number of times swept) # Acres 

		1	8	0
--	--	---	---	---
- Streets Swept (Number of miles X Number of times swept) # Miles 

	2	1	5	6
--	---	---	---	---
- Catch Basins Inspected and Cleaned Where Necessary # 

--	--	--	--	--
- Post Construction Control Stormwater Management Practices Inspected and Cleaned Where Necessary # 

--	--	--	--	--
- Phosphorus Applied In Chemical Fertilizer # Lbs. 

--	--	--	--	--
- Nitrogen Applied In Chemical Fertilizer # Lbs. 

--	--	--	--	--
- Pesticide/Herbicide Applied (Number of acres to which pesticide/herbicide was applied X Number of times applied to the nearest tenth.) # Acres 

					.	
--	--	--	--	--	---	--

**3. How many stormwater management trainings have been provided to municipal employees during this reporting period?**

				2
--	--	--	--	---

**4. What was the date of the last training?**

0	3	/	0	3	/	2	0	1	1
---	---	---	---	---	---	---	---	---	---

**5. How many municipal employees have been trained in this reporting period?**

		8
--	--	---

**6. What percent of municipal employees in relevant positions and departments receive stormwater management training?**

1	0	0	%
---	---	---	---

**MS4 Annual Report Form**

This report is being submitted for the reporting period ending March 9, 

2	0	1	1
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If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

City of Rye

SPDES ID

N	Y	R	2	0	A	3	8	1
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**7. Evaluating Progress Toward Measurable Goals MCM 6**

Use this page to report on your progress and project plans toward achieving measurable goals identified in your Stormwater Management Program Plan (SWMPP), including requirements in Part III.C.1. Submit additional pages as needed.

**A. Briefly summarize the Measurable Goal identified in the SWMPP in this reporting period.**

180 Acres of Parking Lots have been cleaned. 2156 lane miles of roadway have been swept. XX Stormwater Catch Basins Inspected and Cleaned

**B. Briefly summarize the observations that indicated the overall effectiveness of this Measurable Goal.**

Streets are clean, basins have been inspected and cleaned. Our streets and storm water conveyance system are constantly undergoing cleaning operations. Outfall inspections have shown favorable results.

**C. How many times was this observation measured or evaluated in this reporting period?**

			1
--	--	--	---

*(ex.: samples/participants/events)*

**D. Has your MS4 made progress toward this measurable goal during this reporting period?**

Yes    No

**E. Is your MS4 on schedule to meet the deadline set forth in the SWMPP?**

Yes    No

**F. Briefly summarize the stormwater activities planned to meet the goals of this MCM during the next reporting cycle (including an implementation schedule).**

Continue stormwater catch basin cleaning program. Continue infrastructure inspection and maintenance per City SWMP

### MS4 Annual Report Form

**This report is being submitted for the reporting period ending March 9,**

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

SPDES ID  

N	Y	R	2	0					
---	---	---	---	---	--	--	--	--	--

### Additional Watershed Improvement Strategy Best Management Practices

The information in this section is being reported (check one):

- On behalf of an individual MS4
- On behalf of a coalition

How many MS4s contributed to this report?

**MS4s must answer the questions or check NA as indicated in the table below.**

MS4 Description	Answer	Check NA	(POC)
<b>NYC EOH Watershed</b>	-	-	-
Traditional Land Use	1,2,3,4,5,6,7a-d,8a,8b,9	10,11,12	Phosphorus
Traditional Non-Land Use	1,2,3,4,7a-d,8a,8b,9	5,10,11,12	Phosphorus
Non-Traditional	1,2,77a-d,8a,8b,9	3,4,5,10,11,12	Phosphorus
<b>Onondaga Lake Watershed</b>	-	-	-
Traditional Land Use	1,6,7a-d,8a,9	2,3,4,5,8b,10,11,12	Phosphorus
Traditional Non-Land Use	1,6,7a-d,8a,9	2,3,4,5,8b,10,11,12	Phosphorus
Non-Traditional	1,6,7a-d,8a,9	2,3,4,5,8b,10,11,12	Phosphorus
<b>Greenwood Lake Watershed</b>	-	-	-
Traditional Land Use	1,4,6,7a-d,8a,9	2,3,5,8b,10,11,12	Phosphorus
Traditional Non-Land Use	1,4,6,7a-d,8a,9	2,3,5,8b,10,11,12	Phosphorus
Non-Traditional	1,4,6,7a-d,8a,9	2,3,5,8b,10,11,12	Phosphorus
<b>Oyster Bay</b>	-	-	-
Traditional Land Use	1,4,7a-d,9,10,11,12	2,3,5,6,8a,8b	Pathogens
Traditional Non-Land Use	1,4,7a-d,9,10,11,12	2,3,5,6,8a,8b	Pathogens
Non-Traditional	1,4,7a-d,9	2,3,4,5,8a,8b,10,11,12	Pathogens
<b>Peconic Estuary</b>	-	-	-
Traditional Land Use	1,4,7a-d,8a,9,10,11,12	2,3,5,6,8b	Pathogens and Nitrogen
Traditional Non-Land Use	1,4,7a-d,8a,9,10,11,12	2,3,5,6,8b	Pathogens and Nitrogen
Non-Traditional	1,4,7a-d,8a,9	2,3,4,5,8b,10,11,12	Pathogens and Nitrogen
<b>Oscawana Lake Watershed</b>	-	-	-
Traditional Land Use	1,4,6,7a-d,8a,9	2,3,5,8b,10,11,12	Phosphorus
Traditional Non-Land Use	1,4,6,7a-d,8a,9	2,3,5,8b,10,11,12	Phosphorus
Non-Traditional	1,4,6,7a-d,8a,9	2,3,5,8b,10,11,12	Phosphorus
<b>LI 27 Embayments</b>	-	-	-
Traditional Land Use	1,2,3,4,7a-d,9,10,11,12	5,6,8a,8b	Pathogens
Traditional Non-Land Use	1,2,3,4,7a-d,9,10,11,12	5,6,8a,8b	Pathogens
Non-Traditional	1,2,3,4,7a-d,9	5,6,8a,8b,10,11,12	Pathogens

**1. Does your MS4/Coalition have an education program addressing impacts of phosphorus/nitrogen/pathogens on waterbodies?**  Yes  No  N/A

**2. Has 100% of the MS4/Coalition conveyance system been mapped in GIS?**  Yes  No  N/A

If N/A, go to question 3.

If No, estimate what percentage of the conveyance system has been mapped so far.    %

Estimate what percentage was mapped in this reporting period.    %

**MS4 Annual Report Form**

**This report is being submitted for the reporting period ending March 9,**

If submitting this form as part of a joint report on behalf of a coalition leave SPDES ID blank.

Name of MS4/Coalition

SPDES ID  

N	Y	R	2	0					
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**3. Does your MS4/Coalition have a Stormwater Conveyance System (infrastructure) Inspection and Maintenance Plan Program?**  Yes  No  N/A

**4. Estimate the percentage of on-site wastewater treatment systems that have been inspected and maintained or rehabilitated as necessary in this reporting period?**    %

**5. Has your MS4/Coalition developed a program that provides protection equivalent to the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activities (GP-0-08-001) to reduce pollutants in stormwater runoff from construction activities that disturb five thousand square feet or more?**  Yes  No  N/A

**6. Has your MS4/Coalition developed a program to address post-construction stormwater runoff from new development and redevelopment projects that disturb greater than or equal to one acre that provides equivalent protection to the NYS DEC SPDES General Permit for Stormwater Discharges from Construction Activities (GP-0-08-001), including the New York State Stormwater Design Manual Enhanced Phosphorus Removal Standards?**  Yes  No  N/A

**7a. Does your MS4/Coalition have a retrofitting program to reduce erosion or phosphorus/nitrogen/pathogen loading?**  Yes  No  N/A

**7b. How many projects have been sited in this reporting period?**

**7c. What percent of the projects included in 7b have been completed in this reporting period?**    %

**7d. What percent of projects planned in previous years have been completed?**    %  
 No Projects Planned

**8a. Has your MS4/Coalition developed and implemented a turf management practices and procedures policy that addresses proper fertilizer application on municipally owned lands?**  Yes  No  N/A

**8b. Has your MS4/Coalition developed and implemented a turf management practices and procedures policy that addresses proper disposal of grass clippings and leaves from municipally owned lands?**  Yes  No  N/A

**MS4 Annual Report Form**

**This report is being submitted for the reporting period ending March 9,**

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Name of MS4/Coalition

SPDES ID									
N	Y	R	2	0					

**9. Has your MS4/Coalition developed and implemented a program of native planting?**  
 Yes  No  N/A

**10. Has your MS4/Coalition enacted a local law prohibiting pet waste on municipal properties and prohibiting goose feeding?**  
 Yes  No  N/A

**11. Does your MS4/Coalition have a pet waste bag program?**  
 Yes  No  N/A

**12. Does your MS4/Coalition have a program to manage goose populations?**  
 Yes  No  N/A



# CITY COUNCIL AGENDA

NO. 7

DEPT.: Finance

DATE: May 25, 2011

CONTACT: Jean Gribbins, City Comptroller

**AGENDA ITEM:** Public Hearing to establish the 2012 Budgeted Fees and Charges.

**FOR THE MEETING OF:**

May 25, 2011

**RYE CITY CODE:**

CHAPTER  
SECTION

**RECOMMENDATION:**

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**

A Public Hearing will be held to establish the 2012 fees and charges which will be incorporated into the City's 2012 Budget.

See attached.





Jean Gribbins  
Comptroller  
1051 Boston Post Road  
Rye, New York 10580

Tel: (914) 967-7303  
Fax: (914) 967-7370  
E-mail: [jgribbins@ryeny.gov](mailto:jgribbins@ryeny.gov)  
<http://www.ryeny.gov>

**CITY OF RYE**  
**Department of Finance**  
**MEMO**

TO: Mayor & Council

FROM: Jean Gribbins, Comptroller

DATE: May 16, 2011

RE: 2012 Budgeted Fees & Charges Public Hearing

Attached please find the General Fund Fees and Charges submitted by the City Staff for the Public Hearing for the 2012 Budget.

I anticipate that you will all have several questions. In order for the public hearings to provide the most information, and be the most beneficial to the public, please send me your questions by Friday, May 20<sup>th</sup>. This will give me time to follow up with the appropriate City Staff, and present the questions and answers to the public on Wednesday, May 25<sup>th</sup>.

There is a new fee being proposed by the Engineering Department. Currently, there is a flat rate for every surface water/sediment erosion control permit. The new fee is for a surface water/sediment erosion control permit in conjunction with a building permit. The new fee is proposed to reflect the increase in work load for these types of projects.

It is critical that the schedule of fees and charges be adopted at the June 15<sup>th</sup> Council Meeting, as City Staff will begin budget preparation on July 1<sup>st</sup>, and the next council meeting after June 15<sup>th</sup> is not until July 13<sup>th</sup>. Postponing adoption of the fees and charges to July 13<sup>th</sup> will delay City Staff budget preparation by two weeks.

Jean Gribbins  
Comptroller

FEE SCHEDULE

CITY OF RYE, NEW YORK

GENERAL FUND

ANNUAL BUDGET

FOR FISCAL YEAR ENDING DECEMBER 31, 2011

LAST  
 \$\$ Increase % Increase

FEE DESCRIPTION	CITY CODE	CHANGED	2010	2011	2012	over 2011	over 2011
<b><u>ASSESSOR'S OFFICE</u></b>							
GENERAL							
Standard Photocopy Fee							
Letter/Legal per page		1999	0.25	0.25	0.25	\$ -	-
MAPS							
City Maps 3'x5"		1996	15.00	15.00	15.00	\$ -	-
Aerial Map		1996	15.00	15.00	15.00	\$ -	-
Drain & Sewer map from blueprints (blue on white)		1996	60.00	60.00	60.00	\$ -	-
Standard Tax Map		1996	15.00	15.00	15.00	\$ -	-
Tax index map (40"x64")		1996	15.00	15.00	15.00	\$ -	-
Topographical maps		1996	60.00	60.00	60.00	\$ -	-
<b><u>BOARD OF APPEALS</u></b>							
GENERAL							
Multi & Commercial Appeals	197-84	2010	375.00	475.00	500.00	\$ 25.00	5.00%
Single Family Appeals	197-84	2010	175.00	275.00	300.00	\$ 25.00	8.33%
Adjourned Applications		2003	100.00	100.00	100.00	\$ -	-
Revised Plans		2003	75.00	75.00	75.00	\$ -	-
<b><u>BUILDING</u></b>							
ELECTRICAL							
Electrical permits in existing building where a building permit is not required: for multiple residences, commercial or industrial buildings	68-12	2006	70.00	100.00	100.00	\$ -	-
Electrical Permits in existing buildings where a building permit is not required: for one & two family dwellings with contracts valued at \$500 or more	68-12	2006	35.00	70.00	70.00	\$ -	-
GENERAL							
Building Permits (1) - minimum fee	68-12	2006	55.00	75.00	75.00	\$ -	-
Building Permits (2) - add'l charge per \$1,000 est. work	68-12	2010	15.00	16.00	16.00	\$ -	-
Building Permit (3) - penalty for work begun without permit	68-12D, 197-84E	2003	1,000.00	1,000.00	1,000.00	\$ -	-
Certificate for Commercial Buildings	68-12	2003	155.00	175.00	175.00	\$ -	-
Certificate of Occupancy: to be paid with application for building permit	68-12	2006	80.00	100.00	100.00	\$ -	-
Changes in Approved Plans	68-12	2006	80.00	100.00	100.00	\$ -	-
Demolition Permits - Commercial and residential structures	68-12	2010	2,000.00	2,000.00	2,000.00	\$ -	-
Demo Pmts - In-ground pools tennis crts detached garages	68-12	2010	750.00	750.00	750.00	\$ -	-

## CITY OF RYE, NEW YORK

## GENERAL FUND

## ANNUAL BUDGET

## FEE SCHEDULE

FOR FISCAL YEAR ENDING DECEMBER 31, 2011

FEE DESCRIPTION	CITY CODE	CHANGED LAST	2010	2011	2012	\$\$\$ Increase % Increase	
						over 2011	over 2011
Demo Pmts - Sheds, above ground pools, pool decks, gazebo	68-12	2010	0.00	200.00	200.00	\$ -	-
New Certificate for old buildings	68-12	2006	80.00	100.00	100.00	\$ -	-
Search for Municipal Records / Pre-date letters		2006	80.00	80.00	80.00	\$ -	-
<b>PLUMBING</b>							
<i>Oil or gas heating permits in existing building w/o building permit required:</i>							
New heating equipment installation or replacement	68-12	2006	70.00	100.00	100.00	\$ -	-
Plumbing - No building permit required (min)	68-12	2006	35.00	70.00	70.00	\$ -	-
Plumbing - for each fixture above 5	68-12	2003	3.00	5.00	5.00	\$ -	-
Sewer or storm drain connection (per)	68-12	2006	35.00	70.00	70.00	\$ -	-
<b><u>CITY CLERK</u></b>							
<b>ALARMS</b>							
Alarms permit - Fire/Burglar	46-5	2006	35.00	35.00	35.00	\$ -	-
False alarm: 2nd call per annum*(Requires change to Code)	46-8	2010	50.00	50.00	50.00	\$ -	-
False alarm: 3rd, 4th call each per annum		2003	100.00	100.00	100.00	\$ -	-
False alarm: over 4 per annum		2003	200.00	200.00	200.00	\$ -	-
<b>FIRE PREVENTION</b>							
Explosive Inspection Fee	98-41	2005	115.00	115.00	115.00	\$ -	-
Fireworks Display (each)	98-45	2010	750.00	750.00	750.00	\$ -	-
Installation of liquefied petroleum gas	98-82	2005	57.00	57.00	57.00	\$ -	-
Place of assembly 100 or more people	98-101	2005	115.00	115.00	115.00	\$ -	-
Storage of Flammable liquids (permits & insp.)	98-51	2005	115.00	115.00	115.00	\$ -	-
Storage of lumber (in excess of 100,000 bd. ft.)	98-85	2005	57.00	57.00	57.00	\$ -	-
Storage of underground tanks <1100 gal.(permits & insp.)	98-57	2005	57.00	57.00	57.00	\$ -	-
Storage of underground tanks >1100 gal. (permits & insp.)		2005	115.00	115.00	115.00	\$ -	-
Welding & cutting	98-130	2001	55.00	55.00	55.00	\$ -	-
<b>GENERAL</b>							
Auctioneer	56-3	2010	500.00	500.00	500.00	\$ -	-
Birth Certificate	NYS-Governed		10.00	10.00	10.00	\$ -	-
Blasting Permit	98-41	2005	200.00	200.00	300.00	\$ 100.00	33.33%
Cabaret	50-5	2005	100.00	100.00	200.00	\$ 100.00	50.00%
Christmas Tree Sale Refundable Bond	98-124	2001	45.00	45.00	45.00	\$ -	-
Christmas Tree Sales: Inspection	98-124	2003	100.00	100.00	100.00	\$ -	-
Code of the City of Rye	AT-COST	2005	300.00	300.00	300.00	\$ -	-
Code of the City of Rye - Supplement		2005	60.00	60.00	60.00	\$ -	-
Codes: Zoning	AT-COST	2005	30.00	30.00	30.00	\$ -	-
Coin operated Dry Cleaning Establishment	98-29	2005	90.00	90.00	90.00	\$ -	-
Coin operated Laundry: Establishment	98-36	2005	90.00	90.00	90.00	\$ -	-
Death Transcript	NYS-Governed		10.00	10.00	10.00	\$ -	-

FEE SCHEDULE

CITY OF RYE, NEW YORK

GENERAL FUND

ANNUAL BUDGET

FOR FISCAL YEAR ENDING DECEMBER 31, 2011

FEE DESCRIPTION	CITY CODE	CHANGED LAST			\$\$\$ Increase		% Increase		
			2010	2011	2012	over 2011	over 2011	over 2011	
Dog License: Nuetered Dog - Owner's Cost	76-5		12.50	13.50	14.00	\$	0.50	3.57%	
Breakdown of Owner's Cost:									
City of Rye Fee	76-5		10.00	12.50	13.00	\$	0.50	3.85%	
NYS Fee	NYS-Governed		2.50	1.00	1.00	\$	-	-	
Dog License: Non-Nuetered Dog - Owner's Cost				21.50	22.00	\$	0.50	2.27%	
Breakdown of Owner's Cost:									
City of Rye Fee	76-5			18.50	19.00	\$	0.50	2.63%	
NYS Fee	NYS-Governed			3.00	3.00	\$	-	-	
Dog Redemption: with current license	76-4	1977	10.00	10.00	10.00	\$	-	-	
Dog Redemption: without current license	76-4	1977	25.00	25.00	25.00	\$	-	-	
Dry Cleaning Establishment	98-22	2005	90.00	90.00	90.00	\$	-	-	
Debris Collection Container:	167-14	2001	40.00	40.00	40.00	\$	-	-	
Filming: Private Property	93-6	2003	400.00	400.00	450.00	\$	50.00	11.11%	
Filming: Public Property (Maximum)	93-6	2001	16,000.00	16,000.00	16,000.00	\$	-	-	
Filming: Public Property (Minimum)	93-6	2001	1,600.00	1,600.00	1,600.00	\$	-	-	
Junk Merchant: Establish place of business	113-4	2005	275.00	275.00	275.00	\$	-	-	
Junk Peddler	113-4	2005	60.00	60.00	60.00	\$	-	-	
Laundromat	121-4	2005	150.00	150.00	150.00	\$	-	-	
Marriage License	NYS-Governed	2003	40.00	40.00	40.00	\$	-	-	
Marriage Transcript	NYS-Governed	2002	10.00	10.00	10.00	\$	-	-	
Non-refundable Bid fee (per every \$50 of bid)		2001	15.00-100.00	15.00-100.00	15.00-100.00	\$	-	-	
Other Pamphlet Codes	AT-COST		8.00	8.00	8.00	\$	-	-	
Peddler, Hawker, Solicitor	144-6	2005	275.00	275.00	300.00	\$	25.00	8.33%	
Sign posting @ Boston Post Road & Cross Street		2010	25.00	25.00	35.00	\$	10.00	28.57%	
Tourist Park or Camp App. 5 units or less	157-9	2001	50.00	50.00	50.00	\$	-	-	
Tourist Park or Camp App. 6 units or less	157-9	2001	10.00	10.00	10.00	\$	-	-	
Tourist Park or Camp license (per unit)	157-12	2001	60.00	60.00	60.00	\$	-	-	
<b>MECHANICAL INSTALLATION LICENSE</b>									
Gas Heat	68-12	2006	115.00	115.00	150.00	\$	35.00	23.33%	
Oil Heat	68-12	2006	115.00	115.00	150.00	\$	35.00	23.33%	
<b>MISCELLANEOUS LICENSES</b>									
Bowling Alleys	50-5	2005	90.00	90.00	90.00	\$	-	-	
Circus	50-5	2005	90.00	90.00	90.00	\$	-	-	
Driving Range	50-5	2005	90.00	90.00	90.00	\$	-	-	
Miniature Golf	50-5	2005	90.00	90.00	90.00	\$	-	-	
Moving Picture House	50-5	2005	90.00	90.00	90.00	\$	-	-	
Public Exhibition	50-5	2005	90.00	90.00	90.00	\$	-	-	
Public Hall	50-5	2005	90.00	90.00	90.00	\$	-	-	
Shooting Gallery	50-5	2005	90.00	90.00	90.00	\$	-	-	
Skating Rink	50-5	2006	65.00	65.00	90.00	\$	25.00	27.78%	

\*typo fee changed to \$35 in 2011 budget

## CITY OF RYE, NEW YORK

## GENERAL FUND

## ANNUAL BUDGET

## FEE SCHEDULE

FOR FISCAL YEAR ENDING DECEMBER 31, 2011

FEE DESCRIPTION	CITY CODE	CHANGED LAST	2010	2011	2012		% Increase over 2011
					2012	over 2011	
Taxi Cab License	180-12	2006	120.00	120.00	130.00	\$ 10.00	7.69%
Taxi Driver License	180-8	2006	65.00	65.00	75.00	\$ 10.00	13.33%
Theater	50-5	2005	90.00	90.00	90.00	\$ -	-
<b><u>PARKING</u></b>							
Non-Resident Commuter (Includes Tax)	191-47	2002	550.00	720.00	720.00	\$ -	-
Resident Commuter (Includes Tax)	191-47	2001	336.00	720.00	720.00	\$ -	-
Merchant Parking (Non-Taxable)	191-47	2008	372.00	410.00	410.00	\$ -	-
Taxi Stall Rental (Plus tax)	2005	2005	700.00	700.00	700.00	\$ -	-
Guest Parking Overnight (max. 14 days per night)		1997	5.00	5.00	10.00	\$ 5.00	50.00%
Replacement Sticker (without old sticker)	191-47	2001	55.00	55.00	60.00	\$ 5.00	8.33%
Replacement Sticker (with old sticker)	191-47	1993	5.00	5.00	10.00	\$ 5.00	50.00%
Resident All Day/All Night	191-47	2007	660.00	660.00	684.00	\$ 24.00	3.51%
Resident All Night	191-47	2007	330.00	330.00	342.00	\$ 12.00	3.51%
Special Permits (Theo. Fremd Lot)		2003	120.00	120.00	n/a	Due to work on Theo Fremd Wall, these will not be available	
Commuter Parking Waitlist Fee (Per Year)		2010	25.00	25.00	50.00	\$ 25.00	50.00%
Commuter Meters - Daily Rate (12 hours)			3.00	4.00	4.00	\$ -	-
Paystation rate per hour		2005	0.50	0.75	0.75	\$ -	-
<b><u>PARKING VIOLATIONS</u></b>							
No Handicapped Permit (including NYS Surcharge)	191-32 to191-35	2011	65.00	150.00	150.00	\$ -	-
Parking in Front of a Fire Hydrant	191-32 to191-35	2011	35.00	150.00	150.00	\$ -	-
Beach Area Parking	191-32 to191-35	2011	35.00	75.00	75.00	\$ -	-
Parking on the Street During the Snow Ordinance	191-32 to191-35	2011	25.00	75.00	75.00	\$ -	-
Parking in a Crosswalk	191-32 to191-35	2011	25.00	75.00	75.00	\$ -	-
<b><u>ENGINEERING</u></b>							
<b>GENERAL</b>							
Constructed or Replaced Curb		1993	30.00	30.00	100.00	\$ 70.00	70.00%
Constructed or Replaced Depressed Curb (min)		1993	30.00	30.00	100.00	\$ 70.00	70.00%
Constructed or Replaced Driveway (min)		1993	30.00	30.00	50.00	\$ 20.00	40.00%
Constructed or Replaced Sidewalks (min)	167-8	1993	30.00	30.00	50.00	\$ 20.00	40.00%
Construction Debris Containers (per day)	167-14	1997	50.00	50.00	50.00	\$ -	-
Street Obstructions, Storage of Materials, Operating Machinery, loading & unloading, scaffolding & bridging	167-13	1993	100.00	100.00	180.00	\$ 80.00	44.44%
Street Opening: Curbing-Asphalt/Concrete/Flag		1997	180.00	180.00	210.00	\$ 30.00	14.29%
Street Opening: Sidewalk Area-Asphalt/Concrete/Flag		1997	180.00	180.00	210.00	\$ 30.00	14.29%
Street Opening: Street Area-Asphalt	167-9	1997	180.00	180.00	210.00	\$ 30.00	14.29%
Street Opening: Street Area-Concrete		1997	180.00	180.00	210.00	\$ 30.00	14.29%
Street Opening: Test Holes (keyhole method) (each)	167-9	1990	60.00	60.00	65.00	\$ 5.00	7.69%
Street Opening: Unpaved Areas		1997	180.00	180.00	210.00	\$ 30.00	14.29%
Street Opening Permit Surcharge		2003	175.00	175.00	185.00	\$ 10.00	5.41%
Street Opening Public Service Fee (per LF, over 72 FT length)	167-9		2.50	2.50	3.50	\$ 1.00	28.57%

## CITY OF RYE, NEW YORK

## GENERAL FUND

## ANNUAL BUDGET

## FEE SCHEDULE

FOR FISCAL YEAR ENDING DECEMBER 31, 2011

FEE DESCRIPTION	CITY CODE	CHANGED LAST	2010	2011	2012	\$\$\$ Increase over 2011	% Increase over 2011
Surface Water Control Application fee (Stand Alone)	173-9	2003	150.00	150.00	225.00	\$ 75.00	33.33%
Surface Water Control Application fee (W/Building Permit)	NEW for 2012				300.00	\$ 300.00	100.00%
<b>STREETS/SIDEWALKS</b>							
Construction Manhole/Catch Basin (min)		1986	100.00	100.00	180.00	\$ 80.00	44.44%
Driving Pipes (min)		1986	50.00	50.00	100.00	\$ 50.00	50.00%
Install Underground Tank/Vault (min)		2003	100.00	100.00	110.00	\$ 10.00	9.09%
Plumbing Connection to Structures: Manholes/Catch Basin (min)	1.67	1986	30.00	30.00	45.00	\$ 15.00	33.33%
Plumbing Connection to Structures: Sewer or Drain Line (min)		1986	25.00	25.00	35.00	\$ 10.00	28.57%
<b><u>FIRE</u></b>							
<b>GENERAL</b>							
Inspection Fee (per inspection)		2010	125.00	125.00	135.00	\$ 10.00	7.41%
Return Inspection		2006	35.00	35.00	50.00	\$ 15.00	30.00%
Tank Removal Inspection		2010	100.00	100.00	100.00	\$ -	-
<b><u>PLANNING</u></b>							
<b>COASTAL ZONE MANAGEMENT</b>							
Waterfront Consistency Review Application	73-6	2006	814.00	814.00	825.00	\$ 11.00	1.33%
<b>GENERAL</b>							
Copies of Subdivision or site plans - complete sets only (per sheet)		2006	11.00	11.00	12.00	\$ 1.00	8.33%
<b>SITE PLAN REVIEW</b>							
Informal review	197-84.F. (1) (A)	2006	651.00	651.00	675.00	\$ 24.00	3.56%
Preliminary Application (up to 10 parking spaces)	197-84.F. (1) (B)	2006	977.00	977.00	985.00	\$ 8.00	0.81%
Preliminary Application - Add'l charge per required parking space over 10 spaces		2006	28.00	28.00	30.00	\$ 2.00	6.67%
Modification or Extension of Preliminary Application	197-84.F. (1) (D)	2006	814.00	814.00	825.00	\$ 11.00	1.33%
Final Application ( up to 10 parking spaces)	197-84.F. (1) (C)	2006	1,218.00	1,218.00	1,225.00	\$ 7.00	0.57%
Final Application - Add'l charge per required parking space over 10		2006	28.00	28.00	30.00	\$ 2.00	6.67%
Modification or Extension of Preliminary Application	197-84.F. (1) (G)	2006	893.00	893.00	900.00	\$ 7.00	0.78%
Inspection Fee (Fee + 7.0% cost of improvement)	197-84.F. (1) (H)	2006	541.00	541.00	550.00	\$ 9.00	1.64%
Construction and Use without prior approval	197-84.F. (1) (J)	2006	2,730.00	2,730.00	2,730.00	\$ -	0.00%
Modification of Tree Preservation Plan by the City Planner		2006	489.00	489.00	500.00	\$ 11.00	2.20%
Tree Replacement, fee in lieu of	170-15.D. (9)	2006	1,838.00	1,838.00	1,850.00	\$ 12.00	0.65%
<b>SUBDIVISION REVIEW</b>							
Informal Review	170-5.D.	2006	436.00	436.00	450.00	\$ 14.00	3.11%

## CITY OF RYE, NEW YORK

## GENERAL FUND

## ANNUAL BUDGET

## FEE SCHEDULE

FOR FISCAL YEAR ENDING DECEMBER 31, 2011

FEE DESCRIPTION	CITY CODE	CHANGED LAST	2010	2011	2012		% Increase over 2011
					over 2011	\$ \$ Increase	
Preliminary Application	170-6.B. (4)	2006	814.00	814.00	825.00	\$ 11.00	1.33%
Preliminary Application - Add'l charge per lot		2006	384.00	384.00	390.00	\$ 6.00	1.54%
Waiver of Preliminary Application - Add'l charge per lot		2006	352.00	352.00	360.00	\$ 8.00	2.22%
Modification or Extension of Preliminary Application	170-11.B.	2006	630.00	630.00	650.00	\$ 20.00	3.08%
Final Application	170-7.A.	2006	1,103.00	1,103.00	1,120.00	\$ 17.00	1.52%
Final Application - Add'l charge per lot		2006	378.00	378.00	385.00	\$ 7.00	1.82%
Modification or Extension of Final Application	170-11.B.	2006	651.00	651.00	675.00	\$ 24.00	3.56%
Waiver of Penalty Application	170-7.A.	2006	541.00	541.00	550.00	\$ 9.00	1.64%
Inspection Fee - 7% of cost of improvement plus \$50 per lot, or \$500, whichever is greater	170-8.B. (3)	2006	541.00	541.00	550.00	\$ 9.00	1.64%
Modification of Tree Preservation Plan by City Planner		2006	489.00	489.00	500.00	\$ 11.00	2.20%
Tree Replacement, fee in lieu of	170-17.A.(1)	2006	1,838.00	1,838.00	1,850.00	\$ 12.00	0.65%
Fee in lieu of Parkland - In trust-minimum (dollars per square foot of lot area)	170-17.A. (1)	1990					
<i>R-1 One Family District</i>			0.13	0.13	0.14	\$ 0.01	7.14%
<i>R-2 One Family District</i>			0.24	0.24	0.25	\$ 0.01	4.00%
<i>R-3 One Family District</i>			0.34	0.34	0.35	\$ 0.01	2.86%
<i>R-3 One Family District (Floodplain)</i>			0.24	0.24	0.25	\$ 0.01	4.00%
<i>R-4 One Family District</i>			0.39	0.39	0.40	\$ 0.01	2.50%
<i>R-4 One Family District (Floodplain)</i>			0.24	0.24	0.25	\$ 0.01	4.00%
<i>R-5 One Family District</i>			0.48	0.48	0.49	\$ 0.01	2.04%
<i>R-5 One Family District (Floodplain)</i>			0.24	0.24	0.25	\$ 0.01	4.00%
<i>R-6 One Family District</i>			0.56	0.56	0.57	\$ 0.01	1.75%
<i>R-6 One Family District (Floodplain)</i>			0.24	0.24	0.25	\$ 0.01	4.00%
<i>RT Two-Family district (1 and 2 Family Residence)</i>			0.56	0.56	0.57	\$ 0.01	1.75%
<i>RS School &amp; Church District (1 Family Residence)</i>			0.34	0.34	0.35	\$ 0.01	2.86%
<i>RA-1 District (1 Family Residence)</i>			0.56	0.56	0.57	\$ 0.01	1.75%
<i>RA-1 District (2 Family Residence)</i>			0.40	0.40	0.41	\$ 0.01	2.44%
<i>RA-2 District (1 Family Residence)</i>			0.56	0.56	0.57	\$ 0.01	1.75%
<i>RA-2 District (2 Family Residence)</i>			0.48	0.48	0.49	\$ 0.01	2.04%
<i>RA-3 District (1 and 2 Family Residence)</i>			0.56	0.56	0.57	\$ 0.01	1.75%
<i>RA-4 District (1 and 2 Family Residence)</i>			0.56	0.56	0.57	\$ 0.01	1.75%
<i>B-1 Business District (1 and 2 Family Residence)</i>			0.56	0.56	0.57	\$ 0.01	1.75%
Apportionment Application	170-11.C.	2006	599.00	599.00	650.00	\$ 51.00	7.85%
Construction and Use without prior approval	170-6.B.	2006	2,730.00	2,730.00	2,730.00	\$ -	-
RE-ZONING APPLICATIONS		2006	1,103.00	1,103.00	1,120.00	\$ 17.00	1.52%
WETLANDS/WATER COURSES							
Application Fee	195	2006	977.00	977.00	985.00	\$ 8.00	0.81%
Inspection Fee	195	2006	541.00	541.00	550.00	\$ 9.00	1.64%
Appeal of Determination	195	2006	541.00	541.00	550.00	\$ 9.00	1.64%

CITY OF RYE, NEW YORK

GENERAL FUND

ANNUAL BUDGET

FEE SCHEDULE

FOR FISCAL YEAR ENDING DECEMBER 31, 2011

FEE DESCRIPTION	CITY CODE	CHANGED LAST	2010	2011	2012	\$\$ Increase over 2011	% Increase over 2011
Extension of Prior Approval		2006	541.00	541.00	600.00	\$ 59.00	9.83%
Outdoor Dining Fee		2009	500.00	500.00	500.00	\$ -	-
<b><u>POLICE</u></b>							
<b>GENERAL</b>							
Auxiliary Police Services Event Fee		1993	100.00	100.00	200.00	\$ 100.00	50.00%
Defensive Driving Course		1993	45.00	45.00	50.00	\$ 5.00	10.00%
Fingerprinting Fees		2005	20.00	20.00	100.00	\$ 80.00	80.00%
Good Conduct Certificates		2005	40.00	40.00	75.00	\$ 35.00	46.67%
Mooring Permits (per permit)		2003	150.00	150.00	150.00	\$ -	-
Police report copies (per copy)		1990	0.25	0.25	0.25	\$ -	-
Redemption of Shopping Carts	164-6	1962	5.00	5.00	50.00	\$ 45.00	90.00%
Reprints of Photographs		2005	15.00	15.00	30.00	\$ 15.00	50.00%
Subpoena Fees for Records (min)		1995	15.00	15.00	30.00	\$ 15.00	50.00%
<b>LOCAL ORDINANCE</b>							
Failure to shovel snow after a storm	167-48	2011	10.00	50.00	50.00	\$ -	0.00%
<b><u>PUBLIC WORKS</u></b>							
<b>GENERAL</b>							
Collection of bulky metals at curbside (minimum)	157-34	2003	30.00	30.00	30.00	\$ -	-
Collection of bulky waste in excess of 2 cubic yards (min)	157-34	2003	30.00	30.00	30.00	\$ -	-
Penalty for amounts not paid within 60 days	157-34	2001	25.00	25.00	25.00	\$ -	-
Penalty for amounts not paid within 90 days	157-34	2001	25.00	25.00	25.00	\$ -	-
Add'l penalty for amounts not paid if collection by levy is required	157-34	2001	25.00	25.00	25.00	\$ -	-
<b><u>RECREATION</u></b>							
ATHLETIC FIELD USE SURCHARGE (per person/per prog)		2005	5.00	15.00	15.00	\$ -	-
<b>BUILDING FEES</b>							
Auditorium (per hour)		2009	100.00	100.00	100.00	\$ -	-
Other Rooms (per hour)		2009	75.00	75.00	75.00	\$ -	-
Auditorium: Non-Profit/Co-Sponsor Rate (per hour)		2009	75.00	75.00	75.00	\$ -	-
Other Rooms: Non-Profit/Co-Sponsor Rate (per hour)		2009	50.00	50.00	50.00	\$ -	-
New Multi Purpose Room (4 Hours)		2009	550.00/675.00	575.00/675.00	575.00/675.00	\$ -	-
Birthday Party: Basic Program (two hours)		2009	165.00/290.00	200.00/300.00	200.00/300.00	\$ -	-
Private Party: Other rooms (each)		2008	450.00/575.00	475.00/575.00	475.00/575.00	\$ -	-
Maintenance Coverage (per hour) Full-time		2006	50.00	50.00	50.00	\$ -	-
Maintenance Coverage (per hour) Part-time		2006	35.00	35.00	35.00	\$ -	-
Alcohol Permit Fee		2010	50.00	50.00	50.00	\$ -	-
Security Deposit (Refundable)			N/A	100.00	100.00	\$ -	-



FEE SCHEDULE

CITY OF RYE, NEW YORK

GENERAL FUND

ANNUAL BUDGET

FOR FISCAL YEAR ENDING DECEMBER 31, 2011

FEE DESCRIPTION	CITY CODE	CHANGED	2010	2011	2012	\$\$\$ Increase over 2011	% Increase over 2011
<b>DAY CAMP</b>							
Day Camp - 1/2 day program (resident)		2010	540.00	565.00	575.00	\$ 10.00	1.74%
Day Camp - 2 week session (resident)		2010	480.00	495.00	505.00	\$ 10.00	1.98%
Day Camp - 6 week basic (non-resident)		2010	1,380.00	1,450.00	1,480.00	\$ 30.00	2.03%
Day Camp - 6 week basic (resident)		2010	680.00	715.00	730.00	\$ 15.00	2.05%
Day Camp - 6 week extended program (resident)		2010	1,040.00	1,095.00	1,145.00	\$ 50.00	4.37%
Day Camp - Swim group		2009	70.00	80.00	80.00	\$ -	0.00%
Day Camp - Swim lessons (with group)		2009	105.00	115.00	115.00	\$ -	0.00%
Kiddy Camp (resident)		2010	625.00	655.00	670.00	\$ 15.00	2.24%
Kiddy Camp - 2 week session (resident)		2010	445.00	465.00	475.00	\$ 10.00	2.11%
Registration fee after deadline		2010	180/30 wk	180/30 wk	180/30 wk	\$ -	-
Camp 78 - 6 weeks		2010	960.00	1,000.00	1,020.00	\$ 20.00	1.96%
Camp 78 - 2 weeks		2010	425.00	445.00	500.00	\$ 55.00	11.00%
Camp Withdrawal Fee		2008	75.00	100.00	100.00	\$ -	-
<b>INDOOR RECREATION</b>							
Daily Fees (resident & non-resident)		2010	5.00/10.00	5.00/10.00	5.00/10.00	\$ -	-
<b>OUTDOOR RECREATION</b>							
All day field permit (10am-6pm)		2008	675.00	700.00	700.00	\$ -	-
Field permit (2 hrs.)		2009	160.00	200.00	200.00	\$ -	-
Field/Facility Use - Basketball - Outdoor lights (2hrs)		2009	160.00	160.00	160.00	\$ -	-
Softball - Men's Adult (per team)		2010	335.00	360.00	360.00	\$ -	-
Softball - Woman's Adult (per team)		2010	285.00	315.00	315.00	\$ -	-
<b>PICNIC</b>							
Non-profit/Police/Fire			N/A	35.00	50.00	\$ 15.00	30.00%
Refundable Deposit (Part of Fee)		2010	25.00	50.00	50.00	\$ -	-
Weekday Picnic ( 4-Dark)			N/A	165.00	165.00	\$ -	-
Resident: 10-50		2009	120.00	Omit	Omit	\$ -	-
Up to 75 (Resident/Non Resident)			N/A	200.00/300.00	200.00/300.00	\$ -	-
Resident: 51-100		2010	375.00	Omit	Omit	\$ -	-
75 to 150 (Resident/Non Resident)			N/A	400.00/500.00	400.00/500.00	\$ -	-
Resident: 101-150		2010	600.00	Omit	Omit	\$ -	-
Weekday Discount		2010	0.20	Omit	Omit	\$ -	-
<b>TENNIS</b>							
Permit - Adult (19 & over)		2008	100.00	110.00	110.00	\$ -	-
Permit - Family (max. 5)		2008	275.00	285.00	285.00	\$ -	-
Permit - Individual (non-resident)		2009	200.00	220.00	220.00	\$ -	-
Permit - Junior (6-13 /14-18 years)		2008	50.00	60.00	60.00	\$ -	-
Permit - Senior (60+)		2008	70.00	75.00	75.00	\$ -	-
Clinic - Adult Tennis (4 classes)		2007	85.00	\$80/\$90	\$90/115	\$10/15	
Clinic - Youth Tennis (4 classes)		2007	88.00	\$80/\$90	\$80/\$90	\$ -	-

FEE SCHEDULE

CITY OF RYE, NEW YORK

GENERAL FUND

ANNUAL BUDGET

FOR FISCAL YEAR ENDING DECEMBER 31, 2011

FEE DESCRIPTION	CITY CODE	CHANGED LAST	FOR FISCAL YEAR ENDING DECEMBER 31, 2011			2012	over 2011	over 2011
			2010	2011	2012			
Daily Fee (resident only)		2010	12.00/6.00	13.00/7.00	13.00/7.00	\$	-	-
Guest of Permit Holder - Hourly fee		2009	12.00/6.00	13.00/7.00	13.00/7.00	\$	-	-
Private lessons: Per half hour		2010	35.00	38.00	38.00	\$	-	-
Private lessons: Per hour		2010	50.00	52.00	52.00	\$	-	-
Non-Resident Senior		2009	140.00	145.00	145.00	\$	-	-



# CITY COUNCIL AGENDA

NO. 8

DEPT.: City Manager's Office

DATE: May 25, 2011

CONTACT: Scott Pickup, City Manager

**ACTION:** Public Hearing to amend Local Law Chapter 76, "Dogs", Section 76-5, "Running at large prohibited" and Section 76-6, "When Leash Required", to establish regulations for the leashing of dogs at Rye Town Park.

**FOR THE MEETING OF:**

May 25, 2011

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:**

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** The Rye Town Park Commission voted to modify the park's dog regulations during the summer period which runs from Memorial Day through October 1<sup>st</sup>. During that time, dogs will be allowed off the leash for a period of time in the mornings before 9:00 a.m. After 9:00 a.m. all dogs must be kept on a leash. Throughout the summer season, regardless of the time of day, dogs must be kept in the designated dog walking part of the park. This area runs along the north of the park at Rye Beach Ave and along the west side of the duck pond on Forest Ave. as outlined on the attached map. The Rye City Code must be updated as follows to reflect these changes for enforcement purposes:

- the time period allowed to be off leash in the Park is from 5:00 a.m. to 9:00 a.m.
- dogs may only be off-leash in the designated area of the Park
- after 9:00 a.m. dogs must be leashed in all areas of Rye Town Park and the City of Rye

See attached.

LOCAL LAW  
CITY OF RYE NO. \_\_\_ OF 2011

A Local law to amend Chapter 76 “Dogs” by amending §§ 76-5 and 76-6 of the City Code of the City of Rye

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

**Section 1.** Chapter 76 “Dogs” is hereby amended by amending Section 76-5 “Running at large prohibited” as follows:

§ 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, unless:

- A. The dog is on the premises of another person with the knowledge and consent of such person.
- B. **The dog is in Rye Town Park within the permitted dog walking area which runs along the north of the park at Rye Beach Avenue and along the west side of the duck pond on Forest Avenue. This exception shall be in effect from Memorial Day through and including September 30 each year from 5 a.m. to 9 a.m. At all other times and in all other areas of the City of Rye, dogs are prohibited from running at large.**

**Section 2.** Chapter 76 “Dogs” is hereby amended by amending Section 76-6 “When leash required” as follows:

§ 76-6. When leash required.

- A. The owner, harborer 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 consent of such person shall control and restrain such dog by a chain or leash not exceeding eight feet in length.
- B. **Exception. Summer Hours in Rye Town Park.**

**The owner, harborer or person having the custody and control of a dog while in Rye Town Park may allow such dog(s) to be unleashed from 5 a.m. to 9 a.m. in the designated dog walking part of Rye Town Park which runs along the north of the park at Rye Beach Avenue and along the west side of the duck pond on Forest Avenue. At no time shall unleashed dogs be permitted to be on the boardwalk or on the beach. This exception to the leash law shall be effective from Memorial Day through and including September 30 of each**

**year. At all other times and in all other areas of the City of Rye, dogs must be leashed in accordance with § 76-6(A).**

**Section 3.** Severability

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

**Section 4.**

This local law shall take effect on **May 28, 2011.**

DRAFT



For: Immediate Release  
Contact: Bill Lawyer 914 689-5109  
**Rye Town Park Commission Approves  
Modification of Dog Regulations**

The Rye Town Park Commission voted at their April 26<sup>th</sup> meeting to modify the park's dog regulations during the in-season, "summer" period. This season runs from May 15 through September 30.

During that time, dogs will be allowed off the leash in the mornings up until 9:00 a.m. After 9:00 a.m. all dogs must be kept on the leash. The goal is to "keep Rye Town Park a safe and friendly place for everyone."

Suki Van Dijk, coordinator of the Dog Owners of Rye Town Park, said: "We think it is a great policy and look forward to enjoying the park with our dogs and fellow park goers."

Dog walkers are required to pick up after their dogs at all times. And, they must be "in control" of their dogs, to protect them from causing trouble for people or other dogs.

The policy will be enforced in coordination with Rye Town Park Security and the Rye City Police Department

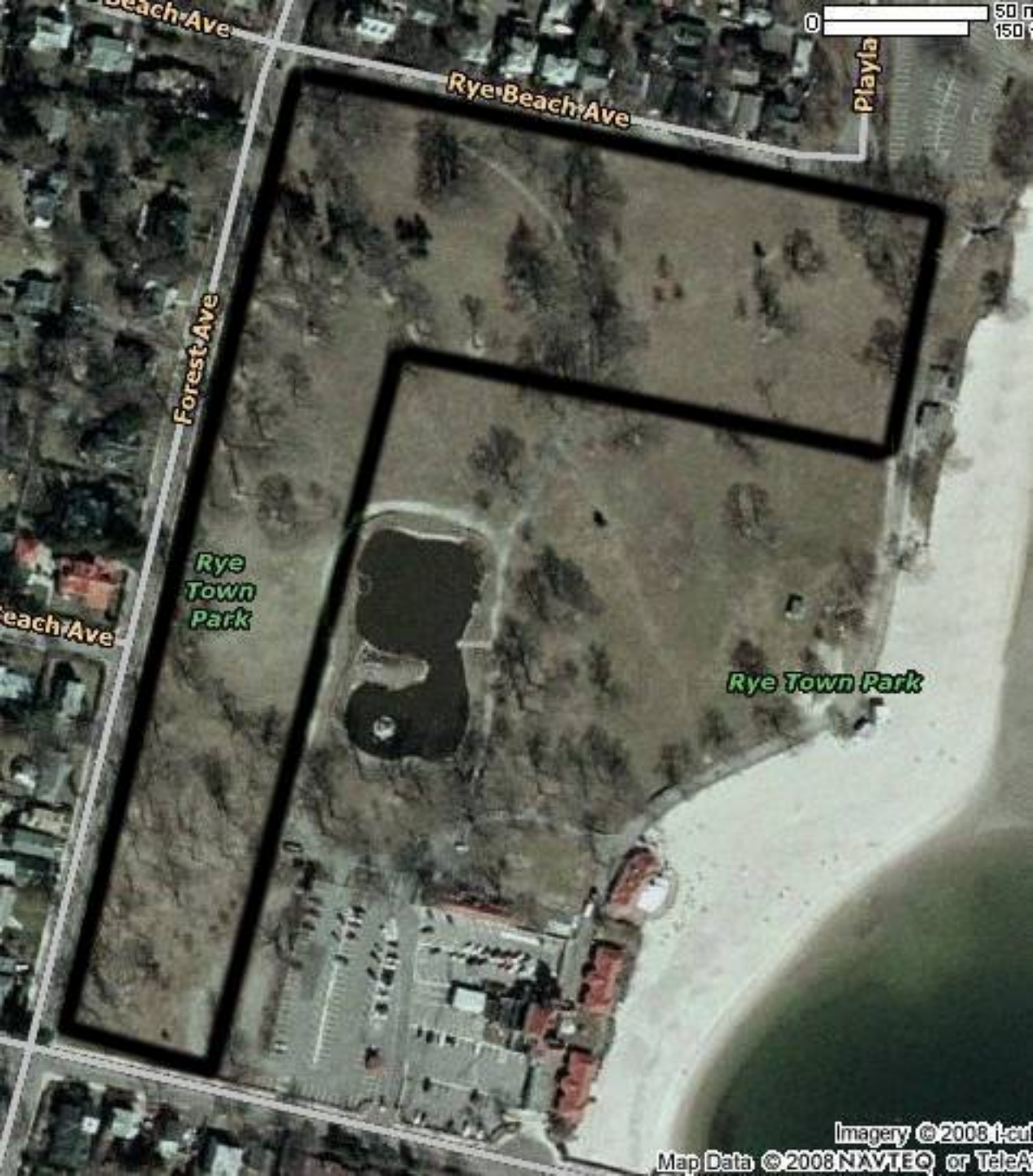
Throughout the summer season, regardless of the time of day, dogs must be kept in the designated dog walking part of the park. This area runs along the north of the park at Rye Beach Ave and along the west side of the duck pond on Forest Ave. See the attached map for details.

The Commission also stressed that dogs are "not allowed on the beach, near the restaurant, tower buildings, pavilion area, or in the duck pond."

The Commissioners called for everyone to follow four basic principles: cooperate with park rangers and staff; be considerate of other users of the park – especially seniors and children; be attentive to safety issues at all times; and, accompany and control your dog at all times.

"The policy will be closely monitored and evaluated for compliance," noted Mayor Doug French.

Anyone having a problem with dog owners not adhering to the rules should call the Rye City Police at 967-1234 or report it to the Rye Town Park Security Office at 967-0965.



Beach Ave

0 50 m 150

Rye Beach Ave

Playla

Forest Ave

Beach Ave

Rye  
Town  
Park

Rye Town Park

Imagery © 2008 1-cr  
Map Data © 2008 NAVTEQ or TeleA



# CITY COUNCIL AGENDA

NO. 10

DEPT.: City Manager's Office

DATE: May 25, 2011

CONTACT: Scott Pickup, City Manager

**ACTION:** Consideration to set a Public Hearing for June 15, 2011 to amend Local Law Chapter 167, Section 167-9, "Procedures for street openings", subsection D, "Fees", to remove the setting of fees from the Local Law.

**FOR THE MEETING OF:**

May 25, 2011

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:**

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**

A Public Hearing will be held to discuss removing the setting of Street Opening fees from the Local Law.

See attached.



**CITY OF RYE  
LOCAL LAW NO. 2011**

**A Local Law to amend Rye City Code Sections 167-9 “Penalties Procedures for street openings” Section D “Fees” to remove the fees from the local law and to change the permit issuing department.**

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

**Section 1. § 167-9**

**D. Fees.**

No permit for a street opening shall be issued by the City Engineer ~~City Clerk~~ until the applicant shall have first paid to the City Engineer ~~City Clerk~~, in cash or by check payable to the City of Rye:

- (1) A deposit to be determined as provided hereunder and as set forth in the fee schedule ~~and to be furnished by the applicant~~; and
- (2) A fee as set forth in the fee schedule ~~of \$180 or 10% of the amount of the deposit, whichever shall be greater, except that whenever a permittee has filed a bond in lieu of a deposit, in accordance with Subsection F of this section, said fee shall be \$2.50~~ established on a per linear foot basis of street opening measured along the length of the street opening or ~~\$180~~ the fee as set forth in the fee schedule, whichever shall be greater; ~~except that no~~ No fee shall be charged to a public service corporation for the installation or relocation of poles. Said fee is to cover the cost of issuing and recording the permit and the supervision and inspection of the work done in connection therewith; and
- (3) A surcharge ~~of \$175~~ for each street opening permit. The surcharge shall be set annually by the City Council as set forth in the fee schedule.
- (4) Test holes (keyhole openings). The fee for test holes is set forth in the fee schedule ~~shall be a minimum of \$60 per hole.~~

**Section 2. This local law will take effect immediately on filing in the Office of the Secretary of State.**

Deleted language is [bracketed] and new language is underlined



# CITY COUNCIL AGENDA

NO. 11

DEPT.: Corporation Counsel

DATE: May 25, 2011

CONTACT: Kristen K. Wilson, Esq.

**AGENDA ITEM:** Consideration to set a Public Hearing for June 15, 2011 on modifications to Special Permit Applications submitted by New Cingular Wireless PCS, LLC ("AT&T"): #TC010 for an existing wireless telecommunications facility on the roof top of 66 Milton Road and #TC013 for an existing wireless telecommunications facility at 350 Theodore Fremd Avenue.

**FOR THE MEETING OF:**

May 25, 2011

**RYE CITY CODE,  
CHAPTER  
SECTION**

**RECOMMENDATION:** That the Council set a public hearing.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** New Cingular Wireless PCS, LLC ("AT&T") is seeking approval for modifications to their existing wireless telecommunications facilities located on the roof of the Blind Brook Lodge at 66 Milton Road and at 350 Theodore Fremd Avenue.

The application was reviewed and approved by the Board of Architectural Review (BAR).

See attached.

April 5, 2011

Via Federal Express

Mayor French and Members of the City Council  
c/o Mr. Vincenzo Tamburro  
City Hall  
1051 Boston Post Road  
Rye, New York 10580

Re: New Cingular Wireless PCS, LLC ("AT&T") Site Q73  
Antenna and Equipment Upgrades at Existing AT&T Site  
CC Case #: TC 010  
BP Case #: P0512521  
Premises: 66 Milton Road, Rye, New York  
Tax Map Designation: Section 146.11, Block 1, Lot 73

---

Dear Mayor French and Members of the City Council:

On behalf of our client, New Cingular Wireless PCS, LLC ("AT&T"), we respectfully submit this application and its enclosures pursuant to Section 196-5V of the Rye City Code in connection with minor modifications proposed by AT&T to upgrade its existing wireless telecommunication facility located at 66 Milton Road, Rye, New York. These upgrades are in furtherance of AT&T's Long Term Evolution "LTE" deployment and the provision of enhanced services to the public.

Prior AT&T Approvals

AT&T was previously granted special permit approval by the City Council as incorporated in CC Case No. TC 010 and was issued a Building Permit #P0512521 for the existing facility. The zoning approval was for panel antennas mounted on the cupola of the existing building and associated unmanned equipment cabinets on the rooftop of the existing building.

Proposed AT&T Upgrade

AT&T proposes to add three (3) new panel antennas to the exterior of the existing cupola. Remote radio head units will be installed inside the cupola and additional fiber and coax cables will be routed inside the existing cable trays on the roof. An additional receive only Global Positioning Satellite ("GPS") antenna will be installed on the existing equipment platform railing along with two small cabinets (24"x 23" x 27"). None of these upgrades will be readily visible to the public given the treatment applied to the antennas to replicate a brick color scheme. All of these minor modifications are consistent with the prior issuance of a special use permit to AT&T by the City Council.

Application Materials

In addition to this letter, AT&T submits eight (8) copies of the following documentation in support of its modification application:

- (A) City Telecommunications Special Permit Application Form;
- (B) Copy of AT&T's Prior Approvals;
- (C) Structural Letter, prepared by URS Corporation, dated January 18, 2011, which concludes the existing building can structurally accommodate AT&T's proposed antenna modifications;
- (D) RF Exposure Analysis, prepared by Bechtel Communications, dated February 5, 2011, evidencing that the maximum power density from the proposed antennas is well below the maximum permissible exposure limit established by the FCC;
- (E) Photographs of the existing facility.

In addition to the forgoing, we also enclose eight (8) sets of full size drawings prepared by URS Corporation, last revised February 1, 2011.

SEORA & Waiver Requests

This minor upgrade to AT&T's existing wireless facility site is exempt from SEQRA as a Type II action. See 6 NYCRR Section 617.5(c)(7) and NYSDEC guidance on pg. 31 of the Department's SEQRA Handbook. As such, no environmental assessment form or SEQRA action is required for review. Additionally, given the minor nature of the upgrade, AT&T requests that waivers for all but the above information be granted pursuant to Section 196-5U and V of the City Code.

Fees & Use of Outside Consultants

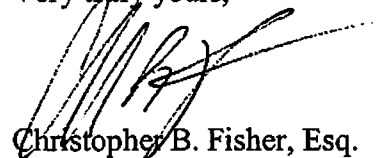
Enclosed please find two (2) checks made payable to the City of Rye in the amounts of \$3,000.00 and \$5,000.00 representing the application and escrow fees. Given the minor nature of this project, we respectfully request that the City's retention of any third party consultant be limited to a paper review and report on the updated MPE report included as Exhibit C and for an amount not to exceed \$1,000.

Timing of Review

Given the limited nature of this upgrade with no significant changes to the building and our client's desire to provide enhanced services to the public, we would ask that this matter be processed at the Board's earliest convenience and within the 90 day timeframe provided for by the FCC for this type of application.

Thank you for your understanding of this request on behalf of our client and please do not hesitate to contact me.

Very truly yours,



Christopher B. Fisher, Esq.

**Enclosures**

cc: Joseph Sweet, AT&T (w/out enclosures)  
Michael Gerard, AT&T (w/out enclosures)  
Doug Gardner, Bechtel (w/enclosures)  
Bernard Morgan, Bechtel RF (w/out enclosures)  
Joe Falivene, URS Corporation (w/out enclosures)

April 8, 2011

Mayor French and Members of the City Council  
c/o Mr. Vincenzo Tamburro  
City Hall  
1051 Boston Post Road  
Rye, New York 10580

Re: New Cingular Wireless PCS, LLC ("AT&T") Site NYNYNY0868  
Antenna and Equipment Upgrades at Existing AT&T Site  
CC Approval Date: April 15, 1998  
Premises: 350 Theodore Fremd Avenue, Rye, New York  
Tax Map Designation: Section 146.0, Block 1, Lot 62.2

Dear Mayor French and Members of the City Council:

On behalf of our client, New Cingular Wireless PCS LLC ("AT&T"), we respectfully submit this application and its enclosures pursuant to Section 196-5V of the Rye City Code in connection with minor modifications proposed by AT&T to upgrade its existing wireless telecommunication facility located at 350 Theodore Fremd Avenue, Rye, New York. These upgrades are in furtherance of AT&T's Long Term Evolution "LTE" deployment and the provision of enhanced services to the public.

Prior AT&T Approvals

AT&T was previously granted special permit approval by the City Council on April 15, 1998 for the existing facility on the roof of this commercial building along I-95. The zoning approval incorporated nine (9) panel antennas mounted on the penthouse of the existing building and associated unmanned equipment cabinets within an equipment room in the penthouse of the existing building.

Proposed AT&T Upgrade

AT&T's existing facility consists of only six (6) panel antennas mounted on the penthouse despite having been approved for nine (9). AT&T proposes to add the remaining three (3) panel antennas in the originally approved location on the penthouse as well as a receive only Global Positioning Satellite ("GPS") antenna. Remote radio head units will also be installed on the existing penthouse facility. In addition, AT&T will add new fiber and coax cables inside the existing cable tray and additional equipment will be installed inside the existing equipment area. None of these upgrades will materially change the existing facility and its limited visibility to the public. All of these minor modifications are consistent with the prior issuance of a special use permit to AT&T by the City Council.

Application Materials

In addition to this letter, AT&T submits eight (8) copies of the following documentation in support of its modification application:

- (A) City Telecommunications Special Permit Application Form;
- (B) Copy of AT&T's Prior Approval Resolution;

- (C) Structural Letter, prepared by URS Corporation, dated January 18, 2011, which concludes the existing building can structurally accommodate AT&T's proposed modifications;
- (D) RF Exposure Analysis, prepared by Bechtel Communications, dated February 6, 2011, evidencing that the maximum power density from the proposed antennas is well below the maximum permissible exposure limit established by the FCC;
- (E) Photographs of the existing facility.

In addition to the forgoing, we also enclose eight (8) sets of full size drawings prepared by URS Corporation, last revised March 10, 2011.

SEQRA & Waiver Requests

This minor upgrade to AT&T's existing wireless facility site is exempt from SEQRA as a Type II action. See 6 NYCRR Section 617.5(c)(7) and NYSDEC guidance on pg. 31 of the Department's SEQRA Handbook. As such, no environmental assessment form or SEQRA action is required for review. Additionally, given the minor nature of the upgrade, AT&T requests that waivers for all but the above information be granted pursuant to Section 196-5U and V of the City Code.

Fees & Use of Outside Consultants

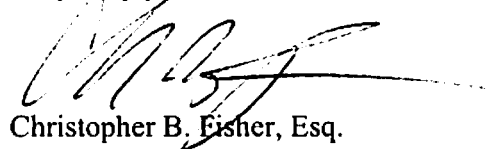
Enclosed please find two (2) checks made payable to the City of Rye in the amounts of \$3,000.00 and \$5,000.00 representing the application and escrow fees. Given the minor nature of this project, we respectfully request that the City's retention of any third party consultant be limited to a paper review and report on the updated MPE report included as Exhibit D and for an amount not to exceed \$1,000.

Timing of Review

Given the limited nature of this upgrade with no significant changes to the building and our client's desire to provide enhanced services to the public, we would ask that this matter be processed at the Board's earliest convenience and within the 90 day timeframe provided for by the FCC for this type of application.

Thank you for your understanding of this request on behalf of our client and please do not hesitate to contact me.

Very truly yours,



Christopher B. Fisher, Esq.

Enclosures

cc: Joseph Sweet, AT&T (w/out enclosures)  
Michael Gerard, AT&T (w/out enclosures)  
Doug Gardner, Bechtel (w/enclosures)  
Jung Lee, Bechtel (w/out enclosures)  
Bernard Morgan, Bechtel (w/out enclosures)  
Joe Falivene, URS (w/out enclosures)



# CITY COUNCIL AGENDA

NO. 12

DEPT.: Planning

DATE: May 25, 2011

CONTACT: Christian K. Miller, AICP, City Planner

**AGENDA ITEM:** Consideration to set a Public Hearing for August 10, 2011 regarding a request by Avon to amend Local Law Chapter 90, Section 90-10, "Rear or side line fences in business districts" to allow for a fence height of six feet, and Chapter 197, Section 197-86, "Zoning Table B", to clarify the minimum lot size.

**FOR THE MEETING OF:**

May 25, 2011

**RYE CITY CODE,**

**CHAPTER**

**SECTION**

**RECOMMENDATION:** Schedule a hearing on the proposed local law for the Council's August 10, 2011 meeting and refer the matter to the City Planning Commission and Westchester County Planning Board. City Council should also declare their intent to be Lead Agency pursuant to SEQRA.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**

The petition (Avon, Inc.) seeks an amendment to Chapter 90, *Fences*, and Chapter 197, *Zoning*, of the City Code to allow six-foot high fences in the front yard setback for properties in the B-5 Interchange Office Building District. The current restriction is limited to four feet in the front yard setback. The proposed local law would also amend the City Zoning Code to reduce the minimum lot size in the B-5 District from four to three acres. One of the two properties owned by Avon has never met this zoning requirement and requires a change in the code to clarify this regulatory discrepancy.

Please see attached submission from the petitioner.



McCULLOUGH, GOLDBERGER & STAUDT, LLP

ATTORNEYS AT LAW

1311 MAMARONECK AVENUE, SUITE 340

WHITE PLAINS, NEW YORK

10605

(914) 949-6400

FAX (914) 949-2510

WWW.MCULLOUGHGOLDBERGER.COM

FRANK S. McCULLOUGH (1905-1998)  
EVANS V. BREWSTER (1920-2005)

FRANK S. McCULLOUGH, JR.  
CHARLES A. GOLDBERGER  
JAMES STAUDT  
LINDA B. WHITEHEAD  
SETH M. MANDELBAUM  
EVAN M. EISLAND

MICHAEL V. CARUSO  
JOANNA C. FELDMAN  
DEBORAH A. GOLDBERGER  
EDMUND C. GRAINGER, III  
PATRICIA W. GURAHIAN  
ALICE D. KORNFELD  
RUTH F.L. POST

May 17, 2011

Honorable Mayor French  
and Members of the City Council  
City of Rye  
1051 Boston Post Road  
Rye, New York 10580

Re: Avon Products, Inc. & Avon Capital Corporation  
Petition for Amendments to the City of Rye Code  
601 Midland Avenue  
Rye, New York

Dear Mayor French & Members of the Council:

This firm represents ACC/Avon Products, Inc. (hereinafter "Avon") in connection with the above referenced Petition for Amendments to the City of Rye Code (the "Petition"), regarding the premises located at 601 Midland Avenue, Rye, New York (the "Property"). The Property is located in the B-5 Zoning District, in which "office buildings to accommodate, as principal users, executive, administrative, clerical, professional or scientific staffs of business or professional organizations, together with accessory uses incident thereto" are permitted subject to additional standards and requirements and site plan approval from the Planning Commission.

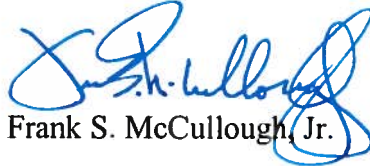
As you may be aware, Avon is prepared to make a substantial capital investment in the overall renovation of the office/distribution facility (the "Facility") that Avon has operated at the Property since the late 1950s, including upgrades to the Property, which will result in the retention of 650 jobs in the City of Rye. While it was originally thought that the Facility only requires amended site plan approval from the Planning Commission, it has now become apparent that an amendment to the Rye Code with respect to the height of fences on properties in the B-5 Zoning District in order to provide adequate security for office buildings in the B-5 zone (as well as a minor amendment to the minimum lot size for office buildings in the B-5 Zoning District) is

also required in connection with the Facility. You should also be aware that only three (3) properties in Rye (the Avon office building site, the adjoining Avon vacant parcel and the Marriott hotel site) are zoned B-5.

Based on the foregoing, we have enclosed the Petition, together with a completed Full Environmental Assessment Form, for the Council's consideration. We respectfully request on behalf of Avon that this matter be placed on the May 25, 2011 City Council agenda for consideration of a resolution referring the Petition to the Planning Commission and Westchester County Planning Department for their recommendation and comments, and scheduling a public hearing on the Petition for the August 10, 2011 Council meeting (in order to allow for sufficient time for all recommendations and comments to be received).

If you have any questions or require additional information, please do not hesitate to contact our office.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Frank S. McCullough, Jr.", is written over a printed name.

Frank S. McCullough, Jr.

FSM:smm

cc: Avon Capital Corporation  
Scott Pickup--City Manager  
Christian Miller--City Planner

CITY OF RYE CITY COUNCIL  
COUNTY OF WESTCHESTER: STATE OF NEW YORK

-----X  
Matter of the Petition of:

AVON PRODUCTS, INC.  
& AVON CAPITAL CORPORATION,  
Petitioners.

**PETITION FOR  
AMENDMENTS  
TO CITY OF RYE  
CODE**

PROPERTY LOCATION:  
601 Midland Avenue, Rye, NY  
Sheet 139.20, Block 1, Lot 3  
-----X

TO THE MAYOR AND MEMBERS OF THE CITY COUNCIL OF THE CITY OF RYE:

PETITIONERS, AVON PRODUCTS, INC. and AVON CAPITAL CORPORATION (hereinafter collectively referred to as "Petitioners"), with an address at 1345 Ave. of Americas New York, NY 10105-0196, hereby petition the City Council of the City of Rye for amendments to the Code of the City of Rye as follows:

**INTRODUCTION**

1. Avon Products, Inc. is a Corporation duly formed and existing under and by virtue of the laws of the State of New York, and Avon Capital Corporation duly formed and existing under and by virtue of the laws of the State of Delaware and authorized to do business in the State of New York.

2. Petitioners are the lessee<sup>1</sup> of the property located at 601 Midland Avenue, Rye, New York (the "Property"). The approximately 14.84 acre Property is located at the intersection of Midland Avenue and Peck Avenue, in the B-5 (Interchange Office Building) Zoning District.

3. The Property is currently improved with an approximately 173,000 square foot office building which has been occupied by Avon since the late 1950s, together with related

---

<sup>1</sup> The Property was conveyed by Avon Capital Corporation to the Westchester County Industrial Development Agency ("IDA") in 1996, and immediately leased back to Avon by the IDA, in a typical IDA arrangement. Avon maintains full control over the Property and its operations thereon.

parking lots and infrastructure. The campus is gated for security with the main entrance located on Midland Avenue, with a secondary secure access point off of Peck Avenue. Although the building has been renovated over the years, the overall building and Property are now in serious need of renovations and upgrades to continue to serve Avon's needs.

4. An application for amended site plan review in connection with the proposed renovations and upgrades is currently pending before the Rye Planning Commission. While it was originally thought that the Facility only requires amended site plan approval from the Planning Commission, it has now become apparent that an amendment to the Rye Code with respect to the height of fences on properties in the B-5 Zoning District (as well as a minor amendment to the minimum lot size in the B-5 Zoning District) is also required in connection with the Facility.

5. Therefore, Petitioners are hereby requesting that the City Council of the City of Rye amend Chapter 90 of the Rye Code "Fences and Walls" and Chapter 197 "Zoning" as set forth below.

6. A copy of the proposed Zoning Text Amendment is attached hereto as Exhibit 1. No changes whatsoever to the existing zoning designation of the Property, or any other properties, is requested.

### **PROPOSED TEXT AMENDMENTS**

7. The proposed text amendment to Chapter 90 would permit fences and freestanding walls, not to exceed six feet in height, to be located within 35 feet of the line abutting a street in the B-5 Zoning District.

8. The proposed text amendment to Chapter 197 would clarify the minimum lot size requirement in the B-5 Zoning District, such that the minimum lot size would be 3 acres for a freestanding parcel that is not being aggregated with another lot pursuant to Footnote (l) to Table B to Chapter 197.

9. The proposed text amendments would not have any adverse impact on the City of Rye for several reasons. First, the only other properties zoned B-5 are the parcel on the other side of Interstate 95 from the subject Property (also owned by Avon), and the hotel property on the Rye/Port Chester border.

10. In addition, the proposed text amendments would allow six foot tall fences on parcels in the B-5 Zoning District within 35 feet of lot lines or a street, but would not otherwise change the fact that six foot tall fences are currently permitted elsewhere on all lots in all business districts.

11. Finally, the proposed text amendments will facilitate a significantly better site plan for the Avon Property, by allowing for better security on a limited number of appropriately located parcels of land, with no adverse impact to the surrounding areas.

12. For all of the foregoing reasons, it is respectfully submitted that the proposed text amendments should be granted.

**WHEREFORE**, Petitioners respectfully request that the City Council of the City of Rye amend the Code of the City of Rye as set forth above.

Dated: Rye, New York  
May 17, 2011

Respectfully submitted,  
MCCULLOUGH, GOLDBERGER & STAUDT, LLP  
on behalf of:

AVON CAPITAL CORPORATION and  
AVON PRODUCTS, INC.

EXHIBIT 1

PROPOSED TEXT AMENDMENTS

CITY COUNCIL  
CITY OF RYE, NEW YORK

LOCAL LAW NO. \_\_ OF 2011

A LOCAL LAW TO REVISE CHAPTERS 90 "FENCES AND WALLS"  
AND 197 "ZONING"  
OF THE CITY OF RYE CODE

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

**Section One.** Chapter 90 of the City of Rye Code is hereby amended by replacing the existing Section 90-10 with the following:

**§ 90-10. Fences in business districts.**

In all business districts, no fence or freestanding wall which exceeds six feet in height may be erected along a rear or side division line or anywhere on the lot within 35 feet of such line (measured by the shortest distance to such line); except that, if the lot abuts a street, the height of a fence or wall located within 35 feet of the line abutting a street may not exceed four feet; and, if the lot adjoins a lot within a residence district, the height may not exceed the height that would be allowed on the adjoining lot. The foregoing notwithstanding, in the B-5 Interchange Office Building Districts only, a fence or freestanding wall not to exceed six feet in height may be erected within 35 feet of the line abutting a street.

Deleted: Rear or side line f

**Section Two.** Table B: Business Districts Area, Yard, Height and Miscellaneous Regulations of Chapter 197 of the City of Rye Code is hereby amended by replacing the 4 acre minimum lot area in Column 5 for office buildings in the B-5 District with a 3 acre minimum lot area requirement. All other provisions of Column 5 of Table B, including note references, shall remain the same.

**Section Three.** If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

**Section Four.** This Local Law shall take effect immediately upon filing with the Secretary of State.

**617.20**  
**Appendix A**  
**State Environmental Quality Review**  
**FULL ENVIRONMENTAL ASSESSMENT FORM**

**Purpose:** The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible enough to allow introduction of information to fit a project or action.

**Full EAF Components:** The full EAF is comprised of three parts:

- Part 1:** Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.
- Part 2:** Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifies whether an impact can be mitigated or reduced.
- Part 3:** If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

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**THIS AREA FOR LEAD AGENCY USE ONLY**

**DETERMINATION OF SIGNIFICANCE -- Type 1 and Unlisted Actions**

**Identify the Portions of EAF completed for this project:**

Part 1

Part 2

Part 3

Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

- A. The project will not result in any large and important impact(s) and, therefore, is one which **will not** have a significant impact on the environment, therefore **a negative declaration will be prepared.**
- B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore **a CONDITIONED negative declaration will be prepared.\***
- C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore **a positive declaration will be prepared.**

\*A Conditioned Negative Declaration is only valid for Unlisted Actions

Proposed Amendments to the City of Rye Code

---

Name of Action

City of Rye City Council

---

Name of Lead Agency

---

Print or Type Name of Responsible Officer in Lead Agency

---

Title of Responsible Officer

---

Signature of Responsible Officer in Lead Agency

---

Signature of Preparer (If different from responsible officer)



**PART 1--PROJECT INFORMATION**  
**Prepared by Project Sponsor**

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

Name of Action Proposed Amendments to the City of Rye Code

Location of Action (include Street Address, Municipality and County)

B-5 Zoning District on the City of Rye Zoning Map

Name of Applicant/Sponsor Avon Products, Inc and Avon Capital Corporation

Address 1345 Avenue of the Americas

City / PO New York State NY Zip Code 10105-0169

Business Telephone 212-282-5103

Name of Owner (if different) Westchester County Industrial Development Agency

Address Michaelian Office Building, Room 903

City / PO White Plains State NY Zip Code 10601

Business Telephone 914-995-2916

Description of Action:

Text Amendments to Chapter 90 "Fences and Walls" and Chapter 197 "Zoning" of the City of Rye Code, to allow six (6) foot high fences anywhere on a lot in the B-5 Zoning District, and to reduce the minimum lot size for office buildings in the B-5 Zoning District to 3 acres, in connection with proposed renovations to the existing 173,000 SF Avon office building at 601 Midland Avenue.

**Please Complete Each Question--Indicate N.A. if not applicable**

**A. SITE DESCRIPTION**

Physical setting of overall project, both developed and undeveloped areas.

1. Present Land Use:  Urban  Industrial  Commercial  Residential (suburban)  Rural (non-farm)  
 Forest  Agriculture  Other Office Use

2. Total acreage of project area: 14.84 acres.

APPROXIMATE ACREAGE	PRESENTLY	AFTER COMPLETION
Meadow or Brushland (Non-agricultural)	_____ acres	_____ acres
Forested	<u>3.10</u> acres	<u>2.08</u> acres
Agricultural (Includes orchards, cropland, pasture, etc.)	_____ acres	_____ acres
Wetland (Freshwater or tidal as per Articles 24,25 of ECL)	_____ acres	_____ acres
Water Surface Area	_____ acres	_____ acres
Unvegetated (Rock, earth or fill)	_____ acres	_____ acres
Roads, buildings and other paved surfaces	<u>7.29</u> acres	<u>7.60</u> acres
Other (Indicate type) <u>landscaping and lawns</u>	<u>4.45</u> acres	<u>5.16</u> acres

3. What is predominant soil type(s) on project site? Uf - Urban Land

- a. Soil drainage:  Well drained \_\_\_\_\_% of site  Moderately well drained 100% of site.  
 Poorly drained \_\_\_\_\_% of site

b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? 0 acres (see 1 NYCRR 370).

4. Are there bedrock outcroppings on project site?  Yes  No

a. What is depth to bedrock 0 to 10 (in feet)

5. Approximate percentage of proposed project site with slopes:

0-10% 83%  10- 15% 4%  15% or greater 13%

6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or National Registers of Historic Places?  Yes  No

7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks?  Yes  No

8. What is the depth of the water table? 1.5-7 (in feet)

9. Is site located over a primary, principal, or sole source aquifer?  Yes  No

10. Do hunting, fishing or shell fishing opportunities presently exist in the project area?  Yes  No

11. Does project site contain any species of plant or animal life that is identified as threatened or endangered?  Yes  No

According to:

NYSDEC Environmental Mapper database

Identify each species:

12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations?)

Yes  No

Describe:

13. Is the project site presently used by the community or neighborhood as an open space or recreation area?

Yes  No

If yes, explain:

14. Does the present site include scenic views known to be important to the community?  Yes  No

15. Streams within or contiguous to project area:

None

a. Name of Stream and name of River to which it is tributary

16. Lakes, ponds, wetland areas within or contiguous to project area:

None per site inspection by Stephen W. Colman of Environmental Consulting , LLC.

b. Size (in acres):

17. Is the site served by existing public utilities?  Yes  No
- a. If YES, does sufficient capacity exist to allow connection?  Yes  No
- b. If YES, will improvements be necessary to allow connection?  Yes  No
18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304?  Yes  No
19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617?  Yes  No
20. Has the site ever been used for the disposal of solid or hazardous wastes?  Yes  No

**B. Project Description**

1. Physical dimensions and scale of project (fill in dimensions as appropriate).

- a. Total contiguous acreage owned or controlled by project sponsor: 14.84 acres.
- b. Project acreage to be developed: 14.84 acres initially; 14.84 acres ultimately.
- c. Project acreage to remain undeveloped: 0 acres.
- d. Length of project, in miles: 0.4 (if appropriate)
- e. If the project is an expansion, indicate percent of expansion proposed. 2.3 %
- f. Number of off-street parking spaces existing 507; proposed 585
- g. Maximum vehicular trips generated per hour: 47 (upon completion of project)?
- h. If residential: Number and type of housing units:

	One Family	Two Family	Multiple Family	Condominium
Initially	_____	_____	_____	_____
Ultimately	_____	_____	_____	_____

- i. Dimensions (in feet) of largest proposed structure: (fence) 6 ft height; \_\_\_\_\_ width; \_\_\_\_\_ length.
- j. Linear feet of frontage along a public thoroughfare project will occupy is? 820 ft.

2. How much natural material (i.e. rock, earth, etc.) will be removed from the site? TBD tons/cubic yards.

3. Will disturbed areas be reclaimed  Yes  No  N/A

a. If yes, for what intended purpose is the site being reclaimed?

Proposed site development and landscaping

b. Will topsoil be stockpiled for reclamation?  Yes  No

c. Will upper subsoil be stockpiled for reclamation?  Yes  No

4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? 0.29 acres.

5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project?

Yes  No

6. If single phase project: Anticipated period of construction: 13 months, (including demolition)

7. If multi-phased:

a. Total number of phases anticipated \_\_\_\_\_ (number)

b. Anticipated date of commencement phase 1: \_\_\_\_\_ month \_\_\_\_\_ year, (including demolition)

c. Approximate completion date of final phase: \_\_\_\_\_ month \_\_\_\_\_ year.

d. Is phase 1 functionally dependent on subsequent phases?  Yes  No

8. Will blasting occur during construction?  Yes  No

9. Number of jobs generated: during construction 25 ; after project is complete 181

10. Number of jobs eliminated by this project 0 .

11. Will project require relocation of any projects or facilities?  Yes  No

If yes, explain:

12. Is surface liquid waste disposal involved?  Yes  No

a. If yes, indicate type of waste (sewage, industrial, etc) and amount \_\_\_\_\_

b. Name of water body into which effluent will be discharged \_\_\_\_\_

13. Is subsurface liquid waste disposal involved?  Yes  No Type \_\_\_\_\_

14. Will surface area of an existing water body increase or decrease by proposal?  Yes  No

If yes, explain:

15. Is project or any portion of project located in a 100 year flood plain?  Yes  No

16. Will the project generate solid waste?  Yes  No

a. If yes, what is the amount per month? 2.8 tons

b. If yes, will an existing solid waste facility be used?  Yes  No

c. If yes, give name Private Carter ; location \_\_\_\_\_

d. Will any wastes not go into a sewage disposal system or into a sanitary landfill?  Yes  No

e. If yes, explain:

17. Will the project involve the disposal of solid waste?  Yes  No

a. If yes, what is the anticipated rate of disposal? \_\_\_\_\_ tons/month.

b. If yes, what is the anticipated site life? \_\_\_\_\_ years.

18. Will project use herbicides or pesticides?  Yes  No

19. Will project routinely produce odors (more than one hour per day)?  Yes  No

20. Will project produce operating noise exceeding the local ambient noise levels?  Yes  No

21. Will project result in an increase in energy use?  Yes  No

If yes, indicate type(s)

22. If water supply is from wells, indicate pumping capacity N/A gallons/minute.

23. Total anticipated water usage per day 2,200 gallons/day.

24. Does project involve Local, State or Federal funding?  Yes  No

If yes, explain:



2. What is the zoning classification(s) of the site?

B-5 Interchange Office Building

3. What is the maximum potential development of the site if developed as permitted by the present zoning?

FAR = 0.5 - Maximum Building Area 323,274 sf  
Building Coverage 30% -Maximum Footprint 226,292 sf

4. What is the proposed zoning of the site?

No change

5. What is the maximum potential development of the site if developed as permitted by the proposed zoning?

Not applicable

6. Is the proposed action consistent with the recommended uses in adopted local land use plans?

Yes

No

7. What are the predominant land use(s) and zoning classifications within a ¼ mile radius of proposed action?

B-1 - Neighborhood Business District  
B-4 - Office Building District  
B-5 - Interchange Office District  
B-6 - General business District  
RA-1 - General Apartment District (5,000 SF/family minimum)  
RA-4 - Apartment District (2,500 SF/family minimum)  
R-1- One-Family District (1 acre minimum)  
R-2 - One-Family District (1/2 acre minimum)  
R-3 - One-Family District (1/3 acre minimum)

8. Is the proposed action compatible with adjoining/surrounding land uses with a ¼ mile?

Yes

No

9. If the proposed action is the subdivision of land, how many lots are proposed? N/A

a. What is the minimum lot size proposed? \_\_\_\_\_



10. Will proposed action require any authorization(s) for the formation of sewer or water districts?  Yes  No

11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)?

Yes  No

a. If yes, is existing capacity sufficient to handle projected demand?  Yes  No

12. Will the proposed action result in the generation of traffic significantly above present levels?  Yes  No

a. If yes, is the existing road network adequate to handle the additional traffic.  Yes  No

**D. Informational Details**

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

**E. Verification**

I certify that the information provided above is true to the best of my knowledge.

Applicant/Sponsor Name Avon Products, Inc. and Avon Capital Corporation Date May, 2011

Signature 

Title Partner, McCullough, Goldberg & Staudt - Attorney for Applicant

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment.

## PART 2 - PROJECT IMPACTS AND THEIR MAGNITUDE

### Responsibility of Lead Agency

**General Information** (Read Carefully)

- ! In completing the form the reviewer should be guided by the question: Have my responses and determinations been **reasonable**? The reviewer is not expected to be an expert environmental analyst.
- ! The **Examples** provided are to assist the reviewer by showing types of impacts and wherever possible the threshold of magnitude that would trigger a response in column 2. The examples are generally applicable throughout the State and for most situations. But, for any specific project or site other examples and/or lower thresholds may be appropriate for a Potential Large Impact response, thus requiring evaluation in Part 3.
- ! The impacts of each project, on each site, in each locality, will vary. Therefore, the examples are illustrative and have been offered as guidance. They do not constitute an exhaustive list of impacts and thresholds to answer each question.
- ! The number of examples per question does not indicate the importance of each question.
- ! In identifying impacts, consider long term, short term and cumulative effects.

**Instructions** (Read carefully)

- a. Answer each of the 20 questions in PART 2. Answer **Yes** if there will be **any** impact.
- b. **Maybe** answers should be considered as **Yes** answers.
- c. If answering **Yes** to a question then check the appropriate box(column 1 or 2)to indicate the potential size of the impact. If impact threshold equals or exceeds any example provided, check column 2. If impact will occur but threshold is lower than example, check column 1.
- d. Identifying that an Impact will be potentially large (column 2) does not mean that it is also necessarily **significant**. Any large impact must be evaluated in PART 3 to determine significance. Identifying an impact in column 2 simply asks that it be looked at further.
- e. If reviewer has doubt about size of the impact then consider the impact as potentially large and proceed to PART 3.
- f. If a potentially large impact checked in column 2 can be mitigated by change(s) in the project to a small to moderate impact, also check the **Yes** box in column 3. A **No** response indicates that such a reduction is not possible. This must be explained in Part 3.

	1	2	3
	Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

### Impact on Land

1. Will the Proposed Action result in a physical change to the project site?

NO  YES

**Examples** that would apply to column 2

- |  |                                     |                          |                              |                             |
|--|-------------------------------------|--------------------------|------------------------------|-----------------------------|
| • Any construction on slopes of 15% or greater, (15 foot rise per 100 foot of length), or where the general slopes in the project area exceed 10%. | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Construction on land where the depth to the water table is less than 3 feet.   | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Construction of paved parking area for 1,000 or more vehicles.   | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface.   | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Construction that will continue for more than 1 year or involve more than one phase or stage.  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Excavation for mining purposes that would remove more than 1,000 tons of natural material (i.e., rock or soil) per year.                         | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Construction or expansion of a sanitary landfill.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Construction in a designated floodway.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

2. Will there be an effect to any unique or unusual land forms found on the site? (i.e., cliffs, dunes, geological formations, etc.)

NO  YES

• Specific land forms:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

**Impact on Water**

3. Will Proposed Action affect any water body designated as protected? (Under Articles 15, 24, 25 of the Environmental Conservation Law, ECL)

NO  YES

**Examples** that would apply to column 2

• Developable area of site contains a protected water body.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Dredging more than 100 cubic yards of material from channel of a protected stream.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Extension of utility distribution facilities through a protected water body.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Construction in a designated freshwater or tidal wetland.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

4. Will Proposed Action affect any non-protected existing or new body of water?

NO  YES

**Examples** that would apply to column 2

• A 10% increase or decrease in the surface area of any body of water or more than a 10 acre increase or decrease.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Construction of a body of water that exceeds 10 acres of surface area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No



1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

6. Will Proposed Action alter drainage flow or patterns, or surface water runoff?

NO       YES

**Examples** that would apply to column 2

- |  |                          |                          |                              |                             |
|--|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action would change flood water flows                   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action may cause substantial erosion.                   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action is incompatible with existing drainage patterns. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will allow development in a designated floodway. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts:   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

**IMPACT ON AIR**

7. Will Proposed Action affect air quality?

NO       YES

**Examples** that would apply to column 2

- |   |                          |                          |                              |                             |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action will induce 1,000 or more vehicle trips in any given hour.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will result in the incineration of more than 1 ton of refuse per hour.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Emission rate of total contaminants will exceed 5 lbs. per hour or a heat source producing more than 10 million BTU's per hour. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will allow an increase in the amount of land committed to industrial use.                                       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will allow an increase in the density of industrial development within existing industrial areas.               | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts:  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

**IMPACT ON PLANTS AND ANIMALS**

8. Will Proposed Action affect any threatened or endangered species?

NO       YES

**Examples** that would apply to column 2

- |   |                          |                          |                              |                             |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Reduction of one or more species listed on the New York or Federal list, using the site, over or near the site, or found on the site. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Removal of any portion of a critical or significant wildlife habitat.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Application of pesticide or herbicide more than twice a year, other than for agricultural purposes.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

9. Will Proposed Action substantially affect non-threatened or non-endangered species?

NO  YES

**Examples** that would apply to column 2

• Proposed Action would substantially interfere with any resident or migratory fish, shellfish or wildlife species.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action requires the removal of more than 10 acres of mature forest (over 100 years of age) or other locally important vegetation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

**IMPACT ON AGRICULTURAL LAND RESOURCES**

10. Will Proposed Action affect agricultural land resources?

NO  YES

**Examples** that would apply to column 2

• The Proposed Action would sever, cross or limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Construction activity would excavate or compact the soil profile of agricultural land.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• The Proposed Action would irreversibly convert more than 10 acres of agricultural land or, if located in an Agricultural District, more than 2.5 acres of agricultural land.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
<ul style="list-style-type: none"> <li>The Proposed Action would disrupt or prevent installation of agricultural land management systems (e.g., subsurface drain lines, outlet ditches, strip cropping); or create a need for such measures (e.g. cause a farm field to drain poorly due to increased runoff).</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<ul style="list-style-type: none"> <li>Other impacts:</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

**IMPACT ON AESTHETIC RESOURCES**

11. Will Proposed Action affect aesthetic resources? (If necessary, use the Visual EAF Addendum in Section 617.20, Appendix B.)

NO  YES

**Examples** that would apply to column 2

<ul style="list-style-type: none"> <li>Proposed land uses, or project components obviously different from or in sharp contrast to current surrounding land use patterns, whether man-made or natural.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<ul style="list-style-type: none"> <li>Proposed land uses, or project components visible to users of aesthetic resources which will eliminate or significantly reduce their enjoyment of the aesthetic qualities of that resource.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<ul style="list-style-type: none"> <li>Project components that will result in the elimination or significant screening of scenic views known to be important to the area.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<ul style="list-style-type: none"> <li>Other impacts:</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

**IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES**

12. Will Proposed Action impact any site or structure of historic, prehistoric or paleontological importance?

NO  YES

**Examples** that would apply to column 2

<ul style="list-style-type: none"> <li>Proposed Action occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or National Register of historic places.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<ul style="list-style-type: none"> <li>Any impact to an archaeological site or fossil bed located within the project site.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<ul style="list-style-type: none"> <li>Proposed Action will occur in an area designated as sensitive for archaeological sites on the NYS Site Inventory.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

	1	2	3
	Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

• Other impacts:

**IMPACT ON OPEN SPACE AND RECREATION**

13. Will proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities?

NO     YES

**Examples** that would apply to column 2

- |   |                          |                          |                              |                             |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|
| • The permanent foreclosure of a future recreational opportunity. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • A major reduction of an open space important to the community.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts:  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

**IMPACT ON CRITICAL ENVIRONMENTAL AREAS**

14. Will Proposed Action impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6NYCRR 617.14(g)?

NO     YES

List the environmental characteristics that caused the designation of the CEA.

**Examples** that would apply to column 2

- |   |                          |                          |                              |                             |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action to locate within the CEA?                                   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will result in a reduction in the quantity of the resource? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will result in a reduction in the quality of the resource?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will impact the use, function or enjoyment of the resource? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts:  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |



1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

**IMPACT ON TRANSPORTATION**

15. Will there be an effect to existing transportation systems?

NO       YES

**Examples** that would apply to column 2

- |  |                          |                          |                              |                             |
|--|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Alteration of present patterns of movement of people and/or goods. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will result in major traffic problems.             | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts:   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

**IMPACT ON ENERGY**

16. Will Proposed Action affect the community's sources of fuel or energy supply?

NO       YES

**Examples** that would apply to column 2

- |   |                          |                          |                              |                             |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action will cause a greater than 5% increase in the use of any form of energy in the municipality.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two family residences or to serve a major commercial or industrial use. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts:  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

**NOISE AND ODOR IMPACT**

17. Will there be objectionable odors, noise, or vibration as a result of the Proposed Action?

NO       YES

**Examples** that would apply to column 2

- |  |                          |                          |                              |                             |
|--|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Blasting within 1,500 feet of a hospital, school or other sensitive facility.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Odors will occur routinely (more than one hour per day).   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will produce operating noise exceeding the local ambient noise levels for noise outside of structures. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will remove natural barriers that would act as a noise screen.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts:   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |



	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Proposed Action will set an important precedent for future projects.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action will create or eliminate employment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

20. Is there, or is there likely to be, public controversy related to potential adverse environment impacts?

NO  YES

**If Any Action in Part 2 Is Identified as a Potential Large Impact or If you Cannot Determine the Magnitude of Impact, Proceed to Part 3**

## Part 3 - EVALUATION OF THE IMPORTANCE OF IMPACTS

### Responsibility of Lead Agency

Part 3 must be prepared if one or more impact(s) is considered to be potentially large, even if the impact(s) may be mitigated.

**Instructions** (If you need more space, attach additional sheets)

Discuss the following for each impact identified in Column 2 of Part 2:

1. Briefly describe the impact.
2. Describe (if applicable) how the impact could be mitigated or reduced to a small to moderate impact by project change(s).
3. Based on the information available, decide if it is reasonable to conclude that this impact is **important**.

To answer the question of importance, consider:

- ! The probability of the impact occurring
- ! The duration of the impact
- ! Its irreversibility, including permanently lost resources of value
- ! Whether the impact can or will be controlled
- ! The regional consequence of the impact
- ! Its potential divergence from local needs and goals
- ! Whether known objections to the project relate to this impact.



# CITY COUNCIL AGENDA

NO. 13

DEPT.: City Manager

DATE: May 25, 2011

CONTACT: Scott Pickup, City Manager

**AGENDA ITEM:** Authorization for the City Manager to enter into an Agreement with the County of Westchester for 2011-2012 Prisoner Transportation Services.

**FOR THE MEETING OF:**

May 25, 2011

**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 Agreement is for a two-year period commencing January 1, 2011 through December 31, 2012.

See attached documentation.



Received

MAY 19 2011

City Manager's Office  
Rye, New York

Robert P. Astorino  
County Executive

Department of Correction

Kevin M. Cheverko  
Commissioner

May 17, 2011

City of Rye  
Mr. Scott Pickup  
1051 Boston Post Road  
Rye, New York 10580

Dear Mr. Pickup,

Please find enclosed an original agreement between the Department of Correction and the City of Rye to provide prisoner transportation between the City of Rye and the Westchester County Jail for the term commencing January 1, 2011 and terminating December 31, 2012. Please remember to include a Certificate of Insurance (general liability and auto liability) naming Westchester County as additional insured. If you are self insured, please provide a Self Insured Employers Workers' Compensation Form (SI12) which certifies that compensation has been secured.

After filling out and signing all pertinent sections and returning the original copy to this office, a fully executed copy will be returned to you.

If you have any questions or comments, please do not hesitate to me at (914) 231-1336.

Sincerely,

Candace Intervallo  
Assistant Director of Administrative Services

CHI/ms  
Encl.

**PRISONER TRANSPORTATION--ZONE RATE**

**THIS AGREEMENT**, made this \_\_\_\_\_ day of \_\_\_\_\_, 2011

by and between:

**THE COUNTY OF WESTCHESTER**, a municipal corporation of the State of New York having an office and place of business in the Michaelian Office Building, 148 Martine Avenue, White Plains, New York 10601

(hereinafter referred to as the "County")

and

**CITY OF RYE** a municipality of the State of New York having its office and place of business at 1051 Boston Post Road, Rye, New York 10580

(hereinafter referred to as the "Municipality")

WHEREAS, pursuant to Sections 500-c and 500-d of the Corrections law prisoners are required to be transported from local municipalities to the Westchester County Jail in Valhalla, New York; and

WHEREAS, the County and the Municipality agree to cooperate in providing such prisoner transportation.

NOW, THEREFORE, in consideration of the terms and conditions herein contained, the County and the Municipality agree as follows:

1. **PRISONER TRANSPORTATION**: Except for prisoners arrested by the Westchester County Department of Public Safety, the Municipality shall provide round trip prisoner transportation using its own police department personnel and vehicles between the Municipality and the Westchester County Department of Correction for all prisoners remanded to the Westchester County Jail by court order or required to appear before the local

court within the Municipality. The County will reimburse the Municipality for the actual number of round trips. All municipalities, where possible, shall hold prisoners for one daily trip to the Department of Correction.

2. **REIMBURSEMENT**: The Municipality shall be reimbursed by the County for prisoner transportation services at the rate plus mileage per round trip indicated in the Zone Rate Plan attached hereto as Appendix "A" and made a part hereof. The rate will be paid as follows:

For transportation to County Jail subsequent to arrest - 1 round trip plus mileage;

For Transportation from County Jail to local court; no return - 1 round trip plus mileage;

For Transportation from County Jail to local court; remand to County Jail, where the time expended does not exceed three (3) hours - 2 round trips plus mileage;

Only in the following circumstances will an hourly rate and mileage fee be paid, as an alternative to the zone rate set forth above:

- a. Transportation of female prisoners (1 officer and 1 matron). A minimum of four (4) hours will be reimbursed for a matron; or
- b. Transportation of seven (7) or more prisoners (requiring an additional officer); or
- c. Transportation of prisoners charged with Class A felonies OR classified by Department of Correction as an "A" or "AA" prisoner considered to present danger may warrant (requiring an additional officer); or
- d. Transportation from County Jail to local court and remand to County Jail where time expended exceeds three (3) hours.

In the event that any one of conditions "a" through "d" above are met, then the actual per hour personnel costs incurred by the Municipality will be paid at the hourly wage



and fringe benefit cost as determined in the applicable collective bargaining agreement between the Municipality and the Municipal Police Association for police officers and/or matrons plus a mileage.

Reimbursement for mileage shall be at the rate of fifty cents (\$.50) per mile, or at the then current Internal Revenue Service mileage rate, multiplied by the mileage indicated in Appendix "A".

3. **MEALS**: The County shall reimburse the Municipality for meals provided to post-arraignment prisoners for the actual and reasonable costs incurred and receipts submitted as part of the municipality's monthly voucher submitted to the Department of Correction.

4. **TERM**: This Agreement shall commence on January 1, 2011 and shall terminate on December 31, 2012. The County may, upon thirty (30) days written notice to the Municipality, terminate this Agreement in whole or in part when it deems it to be in its best interest. In such event, the Municipality shall be compensated and the County shall be liable only for payment for services rendered prior to the effective date of termination.

5. **PAYMENT**: Requests for reimbursement shall be submitted by the Municipality on a monthly basis on properly executed County claim forms and paid after approval by the Commissioner of Correction. The number of round trips made, prisoners transported and dates should be listed on the claim forms submitted to the Department of Correction. Reimbursement request shall be subject to audit by the County, and the Municipality shall keep and make available to the County such detailed books and records as are reasonably necessary to substantiate the basis for reimbursement. The Municipality shall not be entitled to reimbursement for any prisoner transportation expense not specifically provided for herein.

The total aggregate cost to the County under this Agreement and the agreements with the other municipalities for zone rate prisoner transportation pursuant to the Resolution approved by the Board of Acquisition and Contract on May 12, 2011, shall not

exceed \$1,106,607. This Agreement shall be deemed executory only to the extent of the monies appropriated and available for the purpose of this Agreement and no liability on account hereof shall be incurred by the County beyond the amount of such monies.

6. **INSURANCE AND INDEMNIFICATION:** All personnel and vehicles engaged in prisoner transportation duties shall at all times remain and be deemed the employees and property of the Municipality. In addition to, and not in limitation of the insurance provisions contained in Schedule "B" of this Agreement, the Municipality agrees to indemnify, defend and hold the County, its officers, employees and agents harmless from and against any and all liability, loss, damage or expense the County may suffer as a result of any and all claims, demands, causes of action or judgments arising directly or indirectly out of the transportation of prisoners for which reimbursement is sought hereunder for losses arising out of the negligent acts or omissions of the Municipality, its agents or employees.

7. **ENTIRE AGREEMENT:** This Agreement constitutes the entire and integrated agreement between and among the parties hereto and supersedes any and all prior negotiations, agreements and conditions, whether written or oral. Any modification or amendment to this Agreement shall be void unless it is in writing and subscribed by the party to be charged.

8. **APPLICABLE LAW:** This Agreement shall be construed and enforced in accordance with the laws of the State of New York.

9. **APPROVALS:** This Agreement is subject to the approval of the Westchester County Board of Legislators, the Westchester County Board of Acquisition and Contract and the governing legislative body of the Municipality.

IN WITNESS WHEREOF, the County and the Municipality have executed this Agreement on the \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_.

**THE COUNTY OF WESTCHESTER**

By: \_\_\_\_\_  
Kevin Cheverko  
Commissioner of Correction

By: \_\_\_\_\_  
(Name)  
(Title)

Approved by the Westchester County Board of Legislators by Act No 36 – 2011 on the 21<sup>st</sup> day of March, 2011.

Approved by the Board of Acquisition and Contract of the County of Westchester on the 12<sup>th</sup> day of May, 2011.

Approved by the \_\_\_\_\_ of the \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Approved as to form and  
manner of execution:

Approved as to form and  
manner of execution:

\_\_\_\_\_  
Assistant County Attorney  
The County of Westchester  
K/V/dcr/Zone Rate Agmt. 10

\_\_\_\_\_

**MUNICIPALITY'S ACKNOWLEDGEMENT**

STATE OF NEW YORK        )  
  ) ss.:  
COUNTY OF WESTCHESTER )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2011, before me personally came  
\_\_\_\_\_, to me known, and known to me to be the  
\_\_\_\_\_ of \_\_\_\_\_,  
the municipal corporation described in and which executed the within instrument, who being by me  
duly sworn did depose and say that he, the said \_\_\_\_\_ resides at  
\_\_\_\_\_  
and that he is \_\_\_\_\_ of said municipal corporation.

\_\_\_\_\_  
Notary Public        County

CERTIFICATE OF AUTHORITY  
(Municipality)

I, \_\_\_\_\_,  
(Officer other than officer signing contract)  
certify that I am the \_\_\_\_\_ of the \_\_\_\_\_  
(Title)  
\_\_\_\_\_  
(Name of Municipality)

(the "Municipality") a corporation duly organized in good standing under the \_\_\_\_\_  
(Law under which organized, e.g., the New York Village  
Law, Town Law, General Municipal Law)

named in the foregoing agreement that \_\_\_\_\_  
(Person executing agreement)

who signed said agreement on behalf of the Municipality was, at the time of execution  
\_\_\_\_\_ of the Municipality,  
(Title of such person),

that said agreement was duly signed for on behalf of said Municipality by authority of its  
\_\_\_\_\_  
(Town Board, Village Board, City Council)

thereunto duly authorized, and that such authority is in full force and effect at the date hereof.

\_\_\_\_\_  
(Signature)

STATE OF NEW YORK )  
                          ss.:  
COUNTY OF WESTCHESTER)

On this \_\_\_\_\_ day of \_\_\_\_\_, 2011, before me personally came \_\_\_\_\_  
\_\_\_\_\_ whose signature appears above, to me known, and know to be the  
\_\_\_\_\_ of \_\_\_\_\_,  
(title)

the municipal corporation described in and which executed the above certificate, who being by  
me duly sworn did depose and say that he, the said \_\_\_\_\_  
resides at \_\_\_\_\_, and that he is  
the \_\_\_\_\_ of said municipal corporation.  
(title)

\_\_\_\_\_  
Notary Public          County

**APPENDIX A**

**ZONE PLAN REIMBURSEMENT RATES  
WITH DISTANCE TRAVELED TO AND FROM  
WESTCHESTER COUNTY DEPARTMENT OF CORRECTION**

**(Effective Term: January 1, 2011 through December 31, 2012)**

**POLICE AGENCY** **ROUND TRIP DISTANCE**

**ZONE #1** (1 - 10 Miles)

Reimbursed Rate Per Round Trip: (1/1/11 – 12/31/11) \$171.45  
(1/1/12 – 12/31/12) \$177.45

Plus mileage reimbursed at \$.50 (or the then current IRS mileage rate) times distance.

Elmsford, Village	6 Miles
Mount Pleasant, Town	7 Miles
Sleepy Hollow, Village	8 Miles
Pleasantville, Village	8 Miles
Tarrytown, Village	10 Miles

**ZONE #2** (11 - 20 Miles)

Reimbursed Rate Per Round Trip: (1/1/11 – 12/31/11) \$180.03  
(1/1/12 – 12/31/12) \$186.33

Plus mileage reimbursed at \$.50 (or the then current IRS mileage rate) times distance.

Irvington, Village	12 Miles
Briarcliff Manor, Village	14 Miles
New Castle, Town	16 Miles
North Castle, Town	16 Miles
Dobbs Ferry, Village	17 Miles
Ardsley, Village	18 Miles
Scarsdale, Village	19 Miles
Ossining, Village	20 Miles
Ossining, Town	20 Miles
Hastings-on-Hudson, Village	20 Miles

**ZONE #3** (21 - 30 Miles)

Reimbursed Rate Per Round Trip: (1/1/11 – 12/31/11) \$188.57  
(1/1/12 – 12/31/12) \$195.17

Plus mileage reimbursed at \$.50 (or the then current IRS mileage rate) times distance.

Rye Brook, Village	23 Miles
Harrison, Town	23 Miles
Croton-on-Hudson, Village	24 Miles
Rye, City	25 Miles
Mount Kisco, Village	25 Miles
Tuckahoe, Village	25 Miles
Eastchester, Town	25 Miles
Port Chester, Village	28 Miles
Bronxville, Village	30 Miles
Mamaroneck, Village	30 Miles
Pelham, Town	30 Miles

**ZONE #4** (31 - 40 Miles)

Reimbursed Rate Per Round Trip: (1/1/11 – 12/31/11) \$197.19  
(1/1/12 – 12/31/12) \$204.09

Plus mileage reimbursed at \$.50 (or the then current IRS mileage rate) times distance.

Mamaroneck, Town	31 Miles
Larchmont, Village	32 Miles
Pelham Manor, Village	35 Miles
Buchanan, Village	35 Miles

## **SCHEDULE "B"**

### **STANDARD INSURANCE PROVISIONS** **(MUNICIPALITY)**

1. Prior to commencing work, the Municipality shall obtain at its own cost and expense the required insurance from insurance companies licensed in the State of New York, carrying a Best's financial rating of A or better, and shall provide evidence of such insurance to the County of Westchester, as may be required and approved by the Director of Risk Management of the County. The policies or certificates thereof shall provide that thirty days prior to cancellation or material change in the policy, notices of same shall be given to the Director of Risk Management of the County of Westchester by registered mail, return receipt requested, for all of the following stated insurance policies. All notices shall name the Municipality and identify the Agreement.

If at any time any of the policies required herein shall be or become unsatisfactory to the County, as to form or substance, or if a company issuing any such policy shall be or become unsatisfactory to the County, the Municipality shall upon notice to that effect from the County, promptly obtain a new policy, submit the same to the Department of Risk Management of the County of Westchester for approval and submit a certificate thereof. Upon failure of the Municipality to furnish, deliver and maintain such insurance, the Agreement, at the election of the County, may be declared suspended, discontinued or terminated. Failure of the Municipality to take out, maintain, or the taking out or maintenance of any required insurance, shall not relieve the Municipality from any liability under the Agreement, nor shall the insurance requirements be construed to conflict with or otherwise limit the contractual obligations of the Municipality concerning indemnification. All property losses shall be made payable to and adjusted with the County.

In the event that claims, for which the County may be liable, in excess of the insured amounts provided herein are filed by reason of any operations under the Agreement, the amount of excess of such claims or any portion thereof, may be withheld from payment due or to become due the Municipality until such time as the Municipality shall furnish such additional security covering such claims in form satisfactory to the County of Westchester.

2. The Municipality shall provide proof of the following coverage (if additional coverage is required for a specific agreement, those requirements will be described in the "Special Conditions" of the contract specifications):

(a) Workers' Compensation. Certificate form C-105.2 (9/07) or State Fund Insurance Company form U-26.3 is required for proof of compliance with the New York State Workers' Compensation Law. State Workers' Compensation Board form DB-120.1 is required for proof of compliance with the New York State Disability Benefits Law. Location of operation shall be "All locations in Westchester County, New York."



Where an applicant claims to not be required to carry either a Workers' Compensation Policy or Disability Benefits Policy, or both, the employer must complete NYS form CE-200, available to download at: [www.wcb.state.ny.us](http://www.wcb.state.ny.us) (click on Employers/Businesses, then Business Permits/Licenses/Contracts to see instruction manual).

If the employer is self-insured for Worker's Compensation, he/she should present a certificate from the New York State Worker's Compensation Board evidencing that fact (Either SI-12, Certificate of Workers' Compensation Self-Insurance, or GSI-105.2, Certificate of Participation in Workers' Compensation Group Self-Insurance).

(b) Employer's Liability with minimum limit of \$100,000.00.

(c) Commercial General Liability Insurance with a minimum limit of liability per occurrence of \$1,000,000.00 for bodily injury and \$100,000.00 for property damage or a combined single limit of \$1,000,000.00 (c.s.l.), naming the County of Westchester as an additional insured. This insurance shall indicate the following coverages:

- (i) Premises - Operations.
- (ii) Broad Form Contractual.

(d) Automobile Liability Insurance with a minimum limit of liability per occurrence of \$1,000,000.00 per occurrence for bodily injury and a minimum limit of \$100,000.00 per occurrence for property damage or a combined single limit of \$1,000,000.00 unless otherwise indicated in the contract specifications. This insurance shall include for bodily injury and property damage the following coverages:

- (i) Owned automobiles.
- (ii) Hired automobiles.
- (iii) Non-owned automobiles.

3. All policies of the Municipality shall be endorsed to contain the following clauses:

(a) Insurers shall have no right to recovery or subrogation against the County of Westchester (including its employees and other agents and agencies), it being the intention of the parties that the insurance policies so effected shall protect both parties and be primary coverage for any and all losses covered by the above-described insurance.

(b) The clause "other insurance provisions" in a policy in which the County of Westchester is named as an insured, shall not apply to the County of Westchester.

(c) The insurance companies issuing the policy or policies shall have no recourse against the County of Westchester (including its agents and agencies as aforesaid) for payment of any premiums or for assessments under any form of policy.

(d) Any and all deductibles in the above described insurance policies shall be assumed by and be for the account of, and at the sole risk of, the Municipality.



# CITY COUNCIL AGENDA

NO. 14 DEPT.: City Manager's Office DATE: May 25, 2011  
CONTACT: Scott Pickup, City Manager

**AGENDA ITEM:** Appointment of Christian K. Miller, AICP, City Planner to the Watershed Advisory Board to represent the City of Rye.

**FOR THE MEETING OF:**  
May 25, 2011  
**RYE CITY CODE,**  
CHAPTER  
SECTION

**RECOMMENDATION:** That the Mayor and Council approve the appointment of Christian K. Miller, AICP.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**  
The Long Island Sound Watershed Intermunicipal Council (LISWIC), in conjunction with Westchester County, developed a County Storm Water Management Law which was approved by the County Board of Legislators and signed by the County Executive. The legislation establishes a Watershed Advisory Board and calls for the appointment of one member from each municipality. The City Manager recommends that Christian Miller, AICP be the representative for the City of Rye.  
  
See attached.

# Received

MAR 17 2011

City Manager's Office  
Rye, New York

March 16, 2011



Honorable Douglas H. French  
Mayor  
City of Rye  
1051 Boston Post Road  
Rye, New York 10580

Dear Mayor French:

I write as chairperson of the Long Island Sound Watershed Intermunicipal Council (LISWIC), of which the City of Rye is a member. The mission of LISWIC is to organize, manage and improve the Council as a means of encouraging cooperation among the member municipalities. As you know, the cooperating municipalities share a number of common goals, including the prevention of non-point source pollution, the remediation of existing pollution and seeing how best to alleviate intermunicipal flooding problems.

The purpose of my letter is to update you on the activities of LISWIC in the past year.

**ANNUAL REPORT:** Please find enclosed a copy of the 2010 LISWIC Annual Report, which is forwarded for your information.

**WESTCHESTER COUNTY STORM WATER MANAGEMENT LAW:** LISWIC has been working with Westchester County to develop a County Storm Water Management Law. I am enclosing a copy of the Westchester County Storm Water Management Law, which has been approved by the County Board of Legislators and signed by the County Executive. I encourage you to share this County Law with the Members of your Legislative body and executive staff.

In particular, please note Section 241.260 of the legislation (Basin-wide Watershed Advisory Boards). This Watershed Advisory Board for each watershed area shall be made up of one member from each municipality in the watershed and shall be appointed by the chief elected official of each local municipality. LISWIC is requesting that each chief elected official in the LISWIC watershed area appoint a member of LISWIC from their community to serve in this capacity. Our recommendation is based on the amount of work LISWIC has put into this issue and the fact that LISWIC worked very closely with the County in the development of this law.

We thank you for your anticipated cooperation.

Sincerely,

A handwritten signature in blue ink, appearing to read "C. B. Strome, III".

CHARLES B. STROME, III  
Chair

cc: Scott Pickup, City Manager  
George Mottarella, Director of Public Works

## LISWIC

### NINTH ANNUAL REPORT – January 2010 through December 31, 2010

LISWIC amended its by-laws in January 2008 to make its fiscal year reflect the calendar year and to have its Annual Report and Annual Meeting in January as opposed to its previous fiscal year of October 1, to September 30.

The main objective of the Long Island Sound Watershed Intermunicipal Council (LISWIC) has been to organize, manage, and improve the Council as a means of encouraging cooperation among the member municipalities. The cooperating municipalities share a number of common goals including the prevention of non-point source pollution, the remediation of existing pollution and seeing how best to alleviate intermunicipal flooding problems. The members of the Council are the Cities of Mount Vernon, New Rochelle, Rye and White Plains, the Town of Mamaroneck, the Town-Villages of Harrison and Scarsdale and the Villages of Larchmont, Mamaroneck, Pelham, Pelham Manor, Port Chester, and Rye Brook.

LISWIC is organized under bylaws and is governed by an Executive Committee and Board of Representatives. The Executive Committee officers elected for one year terms in 2010 were: Charles Strome, Chair (City of New Rochelle), Stephen Altieri, Vice-Chair (Town of Mamaroneck), Anne McAndrews, Treasure (Village of Larchmont) and Phyllis Wittner, Secretary (Town of Mamaroneck). The two members from the Board of Representatives elected to the serve on the Executive Committee were Scott Pickup (City of Rye) and Christopher Bradbury (Village of Rye Brook).

The Board of Representatives consists of two members and up to three alternates representing each municipality. A part-time Coordinator serves as the staff aide. Meetings are held monthly or as needed. Subcommittees are formed when specific issues are to be investigated.

#### **TREASURER'S REPORT:**

The Treasurer's Report, maintained by the Village of Larchmont, covered the period of January 1, 2010 through December 31, 2010. This report was presented to the Board at its January 15<sup>th</sup>, 2010 meeting. Based on this report, it was determined that there are sufficient funds available for LISWIC's operations. It was unanimously decided that there was no need to collect dues for 2010.

#### **REGIONAL STORMWATER MANAGEMENT DISTRICT (RMSD)**

**BACKGROUND:** (See previous Annual Reports for more detailed account). After several years of planning, discussion and the development of a *Feasibility Report – Regional Stormwater Management District*, and the drafting of several versions of legislation creating the Stormwater Management District to eventually be submitted to the State, it was determined that approval by the State Legislature and Governor would be highly unlikely and LISWIC's focus should be on the development of a Westchester County Stormwater Management District.

## **WESTCHETER COUNTY AND STORMWATER MANAGEMENT DISTRICT**

**BACKGROUND:** In 2008, Westchester County Legislator Thomas Abinanti, Chair of the County Board of Legislators Environment and Energy Committee, proposed a County law to “create a new agency and countywide district to develop and implement a comprehensive storm water management plan for Westchester County...” During 2008 and 2009 conversations ensued between LISWIC representatives and County officials on this idea. Legislator Abinanti appeared at the September 25, 2009 meeting to discuss his proposed legislation. As a result, LISWIC formed a Stormwater Management District Steering Committee to meet with County officials to develop a viable piece of legislation for both local municipalities’ and the County’s perspective.

During 2010, this Steering Committee, led by Al Gatta, held many meetings and conversations with County officials to develop appropriate County Legislation. The following is a review of that process in 2010:

At the January 15, 2010 LISWIC meeting, a new draft (#6) of the proposed legislation to create a regional stormwater district was presented. This draft authorized the County to establish a district in partnership with the local municipalities where the County provides the legal authority and the decision-making powers remain in the hands of the local municipalities. The steering committee sought comments on this draft from the full Board of Directors. At the March 3, 2010 LISWIC meeting, Al Gatta lead a further discussion of the proposed draft law and provided the following highlights:

- Organization of districts and programs on a watershed basis.
- Watershed and Stormwater Advisory Boards would serve the County as advisors and recommend priorities for capital projects.
- Watershed and Stormwater Advisory Boards would be required to have a watershed wide comprehensive plan and capital improvement program with funding priorities before any of the member municipalities would be eligible for County funding.
- Member municipalities would be required to have maintenance and repair funding in their annual operating budgets and commit to maintain stormwater facilities in their communities.
- The legislation would facilitate a local role in decision making in regard to County funding of capital projects. Final authority would rest with the County for a yes or no vote only, and would not allow substitute projects.
- The legislation would create a methodology for the County to establish stormwater fees to help pay for County funding of potential capital projects.

It was decided that the draft legislation would be sent to each LISWIC municipality's chief elected official and LISWIC representatives. At the April 23, 2010 LISWIC meeting, Al Gatta presented a local law, introduced to the County Board of Legislators by Legislator Abinanti. This legislation would authorize the establishment of a flood control program. The LISWIC subcommittee of Al Gatta, Chuck Strome and Anne McAndrews reviewed the County's proposed law and reported their recommendations to the rest of the LISWIC representatives. At the August 6, 2010 LISWIC meeting, Al Gatta reviewed his discussions with Peter Eschweiler of the County's Flood Action Task Force. Those discussions were designed to compare the differences between the County's law and LISWIC's law. In September, 2010 a new draft was prepared as a result of those discussions. Between October and December 2010, a final piece of legislation was presented to the Board of Legislators and was adopted. Unfortunately, the legislation was vetoed by the County Executive in December. (It should be noted that in early 2011, legislation was again approved and this time signed by the County Executive.)

#### **WHITE PLAINS BECOMES MEMBER OF LISWIC:**

During 2010, the City of White Plains officially became a member of LISWIC. In August, Dennis Power, Councilman from White Plains attended the LISWIC Board meeting and indicated White Plains' desire to become a member of LISWIC. At the October 1, 2010 meeting, LISWIC unanimously voted to accept White Plains as a member and to amend the Bylaws to reflect their membership. The City has signed the IMA and paid their initial dues and as a result is now a member of LISWIC.

#### **OTHER ISSUES:**

The following matters were also considered by LISWIC in 2010:

In January, the document *Protecting Long Island Sound by Upgrading Sewage Treatment Plants* was posted on the LISWIC website. Also in January, at the LISWIC Board meeting the Guest Speaker was Ana Hiraldo, of Westchester County, who gave a presentation to the Board on the County's efforts to provide shared municipal services. At the April 23, 2010 Board meeting, Nancy Seligson, Councilwoman from the Town of Mamaroneck, discussed the New York State Department of Environmental Conservation Phase II Stormwater management program and asked the LISWIC representatives for suggestions for improving the program.

APPENDIX – 1

LISWIC BOARD OF REPRESENTATIVES – January – December, 2010

<u>MEMBERS</u>	<u>ALTERNATE</u>	<u>TITLE</u>
<b>Harrison</b>		
Michael Amodeo		Town Engineer
	Joan Walsh	Supervisor
<b>Larchmont</b>		
Marlene Kolbert		Trustee
	Josh Mandell	Mayor
	Anne McAndrews	Trustee
<b>Mamaroneck Town</b>		
Stephen V. Altieri		Town Administrator
Phyllis Wittner		Councilwoman
	Nancy Seligson	Councilwoman
<b>Mamaroneck Village</b>		
Rich Slingerland		Village Manager
Dan Sarnoff		Assistant Village Manager
	Norman Rosenblum	Mayor
<b>Mount Vernon</b>		
Curtis J. Woods		Deputy Commissioner of Public Works
<b>New Rochelle</b>		
Charles B. Strome, III		City Manager
Omar Small		Assistant to the City Manager

APPENDIX-I – con't

LISWIC BOARD OF REPRESENTATIVES – January – December 2010

<u>MEMBERS</u>	<u>ALTERNATE</u>	<u>TITLE</u>
<b>Pelham</b>		
Robert Yamuder		Village Administrator
Terri Rouke		Village Clerk
	Michael Shirman	General Foreman, Department of Public Works
<b>Pelham Manor</b>		
John Pierpont		Village Manager
	Maryalice Barnett	Personnel Manager
<b>Port Chester</b>		
Christopher Russo		Village Manager
Gary Racaniello		General Foreman, Department of Public Works
<b>Rye Brook</b>		
Christopher Bradbury		Village Administrator
	David Burke	Assistant to the Administrator
<b>Rye City</b>		
Scott Pickup		City Manager
	George Mottarella	Director of Public Works
<b>Scarsdale</b>		
Stephen Pappalardo		Deputy Village Manager
Elizabeth Marrinan		Village Planner
	Alfred Gatta	Village Manager
	John Goodwin	Assistant Village Manager
<b>White Plains</b>		
Dennis J. Power		Councilman

LISWIC Coordinator: Elizabeth Paul



**LOCAL LAW INTRO NO. 2 - 2011**

A LOCAL LAW authorizing the County of Westchester to establish a storm water management program.

BE IT ENACTED by the County Board of the County of Westchester as follows:

Section 1. A new Article III-A of Chapter 241 of the Laws of Westchester County is hereby added to read as follows:

**ARTICLE III-A**

**WESTCHESTER COUNTY STORM WATER MANAGEMENT LAW**

**Sec. 241.252. Short Title.**

This Local Law shall be known and cited as the “Westchester County Storm Water Management Law.”

**Sec. 241.253. Legislative findings and intent.**

The County Board of Legislators recognizes and finds that:

1. The local municipalities within the County should not be solely responsible for storm water management.
2. The County should cooperate with these local municipalities as well as the governments of the United States, the State of New York and the adjoining states, counties and other localities for the purpose of storm water management.
3. The County should create incentives for local municipalities to work cooperatively with each other and the County on a watershed basis, subject to appropriations, and to establish partnerships for the preparation of watershed-wide storm water management plans.

4. The County should provide, subject to appropriations, financial assistance to eligible local municipalities for approved Storm Water Management Projects that are contained in the County's Reconnaissance Plan and which meet established criteria.

5. In light of these findings, it is the intention of the County Board of Legislators that this Article relating to storm water management acknowledge the authority of the County to appropriate and expend county funds to protect public and private property within the County from floods and to comply with the procedures set forth in New York State County Law §223 relating to flood control. In addition, the Storm Water Advisory Board and the Basin-wide Watershed Advisory Boards which are created in this article shall explore, among other things, the feasibility and desirability for the creation of drainage and small watershed protection districts for local municipalities as another viable option to address the issue of flooding in Westchester County as provided in Articles 5-A and 5-D in New York State County Law.

**Sec. 241.254. Definitions.**

For the purposes of this article, the following terms shall mean:

1. Commissioner of Planning: the Commissioner of Planning of the County or his or her designee.
2. Commissioner of Public Works and Transportation: the Commissioner of Public Works and Transportation of the County or his or her designee.
3. Construction: construction or reconstruction, including enlargement, extension, modification or improvement.
4. County: the County of Westchester.
5. County Board: the County Board of Legislators

6. Flood or Storm Water Management Problem: any overflowing of water onto land located within a flood hazard area of the County as designated by the Federal Emergency Management Agency or other areas related to flooding or storm water management as designated in the Reconnaissance Plan.

7. Local municipality: any city, town, or village within the County.

8. Municipality: local municipalities, drainage and small watershed protection districts, inter-municipal councils, or other public agency or authority, any part of the area of jurisdiction of which lies within the County.

9. Phase I Funding: funds approved subject to appropriations and by act of the County Board for the detailed design, specification, and construction documents for a Storm Water Management Project.

10. Phase II Funding: funds approved subject to appropriations and by act of the County Board for the implementation and construction of a Storm Water Management Project.

11. Storm Water Management: any activities or strategies for controlling flooding and minimizing damage therefrom, including the design and construction of storm water management facilities.

12. Storm Water Management Facilities: any canals, ditches, collection systems, reservoirs, dams, levees, sluiceways, dredging, holding basins, floodways, pumping stations, swales, detention ponds, culverts, bio-retention areas, sand filters, infiltration trenches, or any other works or structures for the conservation, control, development utilization, and disposal of flood water.

13. Storm Water Management Project: any project proposed and/or undertaken by the County alone or pursuant to an inter-municipal agreement to address flood and storm water management problems.

**Sec. 241.255. Reconnaissance Plan.**

1. The Reconnaissance Plan is a conceptual plan prepared on a watershed basis, that locates and describes areas of flood or storm water management problems, existing storm water management facilities, and proposed or potential capital improvements that are appropriate to reduce flooding and flood damage.

2. Within 180 days after this article takes effect, or such other longer period as the County Board may by act direct, the Commissioners of Planning and Public Works and Transportation shall jointly proceed to make such inventories, surveys and investigations of the six (6) major watersheds, streams and watercourses in the county, their runoff producing characteristics, and related matters, as may be necessary to enable the Commissioner of Planning to formulate a proposed Reconnaissance Plan for the County, to serve as the basis for the funding of Storm Water Management Projects, subject to appropriations. In making such inventories, surveys and investigations, the Commissioners of Planning and Public Works and Transportation may utilize any maps or other materials prepared by the Federal Emergency Management Agency and other government authorities and municipalities.

3. In preparing the Reconnaissance Plan, the Commissioner of Planning shall:

a. consult with and consider the recommendations of the Storm Water Advisory Board and other County agencies and departments;

b. consult with and consider the recommendations of the chief elected officials of the local municipalities, or their designated representatives, and any other municipality and obtain their recommendations for storm water management facilities and practices;

c. utilize available documents and reports that may exist in each municipality to avoid replicating existing data and the costs associated therewith; and

d. consult with and consider the recommendations of any basin-wide watershed advisory board or other interested organization.

4. The Commissioner of Planning shall submit the Reconnaissance Plan to the County Board as soon as practicable, which shall include, but not be limited to:

a. A comprehensive map of the watersheds, streams and watercourses wholly or partially within the county; their runoff producing characteristics, and related matters;

b. A comprehensive inventory of the existing flood and storm water management problems in the County, and including those problems that may be located on County-owned or municipally-owned properties;

c. Recommendations concerning the construction of Storm Water Management Facilities at appropriate sites within the county to alleviate the identified problems, and recommendations on the reduction of flooding and flood damage that can be achieved by improvement in building and land use codes and procedures, or by the implementation of other Best Management Practices.

d. A list of proposed Storm Water Management Projects for Phase I and Phase II funding, and preliminary estimates, to be provided by the Commissioner of Public Works and Transportation, of the cost of constructing the proposed Storm Water Management Projects and the method of financing for Phase I and Phase II funding, as appropriate;

e. Identification of local municipalities interested in executing inter-municipal agreements with the County on Storm Water Management Projects and the recommended terms and conditions of such appropriate inter-municipal agreements;

f. Recommendations concerning rules, regulations, and legislation as may be required for the management of flood water within the County and for the operation and administration of Storm Water Management Facilities; and

g. Recommendations on such other matters as deemed necessary or appropriate, including areas or problems requiring further research, analysis and study before a formal inclusion in the Reconnaissance Plan.

5. The Commissioner of Planning shall submit status reports to the County Board on the development of the Reconnaissance Plan and all current and proposed Storm Water Management Projects for inclusion in the Reconnaissance Plan on or before June 30 and December 31 of each year.

6. The County Board may approve, or amend and approve, the Reconnaissance Plan as proposed by the Commissioner of Planning by act of the County Board. Once the Reconnaissance Plan is approved by the County Board, it may be amended by the County Board as deemed necessary. The Reconnaissance Plan and any proposed amendments shall not become effective until approved by the County Board.

**Sec. 241.256. Storm Water Management Projects.**

Subject to appropriations and in accordance with New York State County Law §223, the County Board may authorize the Phase I or Phase II funding of any Storm Water Management Project shown on the Reconnaissance Plan. The County Board authorization to execute an inter-municipal agreement shall determine, to the extent allowable under Federal, State and local laws, the portion of the cost of the Storm Water Management Project to be paid by the County and the portion to be paid by any other governmental entity involved in the Storm Water Management Project. No Storm Water Management Project may be authorized by the County Board unless the in-

tended participating municipalities first agree (i) to comply with all of the Federal, State and local laws and regulations relating to the storm water management, and (ii) to certify such compliance.

**Sec. 241.257. Municipal Participation.**

**1. Eligibility Criteria.**

- a. All local municipalities are eligible, and encouraged to apply, for County financial assistance for projects to address flood or storm water management problems.
- b. Local municipalities must provide a clear description of the area-wide benefit that will result from a proposed Storm Water Management Project, with detailed information on the size of the area that will benefit, the number of people and properties protected and any benefit to County-owned infrastructure in regard to improved health and life safety and a reduction in physical and economic impacts from flooding.
- c. Local municipalities must participate financially with significant local funds, grants, and/or in-kind services in a minimum amount of fifty percent (50%) of total Storm Water Management Project costs, of which up to thirty percent (30%) of the municipal share may be in-kind services as identified in the municipal budget for the Storm Water Management Project and as otherwise allowable pursuant to applicable Federal, State and local laws and regulations. Under no circumstances shall the municipal share of in-kind services exceed fifteen percent (15%) of the total project cost.
- d. Local municipalities must provide a certification from a qualified licensed professional engineer that the Storm Water Management Project will not create or exacerbate flooding conditions in the County.
- e. Applications must clearly demonstrate how the local municipality has addressed flooding as part of its comprehensive planning process.

f. Local municipalities must adopt, amend and enforce local laws and ordinances (including but not limited to, zoning, overlay zones, floodplain regulations, stormwater regulations, best storm water management practices, stricter building and development standards) as well as any other development standards prepared by the Storm Water Advisory Board and approved by the County Board, to limit flood risk and flood damage and to reduce the volume of stormwater runoff discharged from sites.

g. Local municipalities must demonstrate the preparation and submission for approval of a Community Hazard Mitigation Plan, in accordance with Federal Emergency Management Agency guidelines, that identifies flood prone areas, inventories historic flood damage, and describes recommended actions.

h. Local municipalities must adopt a resolution that commits the local municipality to work cooperatively with other municipalities and the County on watershed planning efforts.

i. Applications must include a description of other ways in which the local municipality has or will attempt to reduce flooding and flood damage including studies, actual projects or otherwise.

## **2. Selection Criteria.**

Storm Water Management Project applications for funding will be prioritized according to the following criteria:

- a. Recommendations in the Reconnaissance Plan.
- b. Nature and extent of the flooding problem and extent of recorded or potential risk to individuals, properties and public health.
- c. Degree to which the Storm Water Management Project will reduce the identified problem(s).



- d. Expected time to complete the Storm Water Management Project.
- e. Degree to which the local municipality has taken steps to reduce flooding and flood impacts/risk on its own or in conjunction with other municipalities.
- f. The commitment of the local municipality to provide the local match for the Storm Water Management Project, the amount of total project costs, and the available County funding.
- g. Degree to which other feasible alternatives exist.
- h. Degree to which the storm water management problems are inter-municipal in nature, and the extent to which the proposed resolution will involve greater inter-municipal cooperation and result in more effective storm water management.

**3. Application and Review Procedures for Phase I Funding.**

- a. Local municipalities shall submit a preliminary application for Phase I funding and attend a preliminary meeting with County staff to review the scope of the proposed Storm Water Management Project contained in the Reconnaissance Plan and evaluate eligibility criteria and to determine if additional information is needed.
- b. Following this initial review, the local municipality shall submit a completed Phase I funding application to the County for consideration. Phase I funding is limited to the preparation of detailed plans and specifications for any Storm Water Management Project contained in the Reconnaissance Plan. The local municipality shall consult with the County and complete such other administrative tasks as well as finalize inter-municipal agreements for Phase I funding, as appropriate. Applications for Phase I funding shall be reviewed and recommendations made to the County Board by the Departments of Planning and Public Works and Transportation and the Storm Water Advisory Board regarding the plans and specifications for construction, as defined in this Article, of Storm Water Management Projects. The

approval of a Phase I funding by the County Board shall comply with all of the procedures and requirements set forth in New York State County Law §223.

c. The County Board's approval for Phase I funding does not guarantee funding for Phase II construction.

#### **4. Application and Review Procedures for Phase II Funding**

Upon the completion of the development of detailed design, specification, and construction documents for a Storm Water Management Project contained in the Reconnaissance Plan by a local municipality at its own expense or for which Phase I funding has been provided by the County, a local municipality may apply for Phase II funding. Such application for Phase II funding shall follow the same review process as those set forth above for a Phase I application and shall be in compliance with all of the procedures and requirements set forth in New York State County Law §223.

#### **Sec. 241.258. Terms, Conditions, Rules, and Regulations.**

1. The Commissioner of Planning, and the Commissioner of Public Works and Transportation, after consultation with the Storm Water Advisory Board, may recommend the adoption of any legislation including, but not limited to, terms, conditions, rules, and regulations, regarding Storm Water Management Projects and application procedures and any inter-municipal agreements for a proposed Storm Water Management Project.

2. The Commissioners' recommendations shall be consistent with the Reconnaissance Plan and shall:

- a. address the priorities set in the Reconnaissance Plan;
- b. describe the basis and reasons for the selection of a Storm Water Management Project;

- c. specify the basis for the proposed contributions toward the costs of Storm Water Management Projects by the County and each of the involved municipalities, in accordance with Federal, State and local laws; and
- d. describe the appropriate allocation of responsibility for the construction and maintenance of Storm Water Management Projects by the County and involved municipalities.

**Sec. 241.259. Storm Water Advisory Board.**

1. There shall be a Storm Water Advisory Board which shall advise the Commissioner of Planning, the Commissioner of Public Works and Transportation, the County Executive, and the County Board in matters relating to storm water management, and shall perform and exercise such other and related duties required by the Commissioner of Planning, the Commissioner of Public Works and Transportation, the County Executive, and the County Board.
  2. The Storm Water Advisory Board will consist of 12 members, as follows:
    - a. Ten voting members, five appointed by the County Executive, and five appointed by the County Board;
    - b. A County Legislator appointed by the Chairman of the County Board to serve as an ex-officio, non-voting member; and
    - c. The Commissioner of Planning, an ex officio non-voting member, who shall serve as the Chair of the Storm Water Advisory Board.
  3. In selecting the members to be appointed, the County Executive and the County Board shall give due consideration to the geographic distribution of the members within the county and within the cities, towns and villages thereof, and shall select members who by virtue of their professional training, familiarity with county and municipal government, or experience and involvement in storm water management are particularly well qualified to serve.

4. The ten voting members of the Storm Water Advisory Board shall serve two year terms, except that of those first five appointed by the County Board, two shall be appointed for a term of one year, and three for two years, and those first five appointed by the County Executive, three shall be appointed for a term of one year, and two for two years, thereby resulting in half of the appointed members' terms expiring December 31<sup>st</sup> in odd-numbered years, and the balance on December 31<sup>st</sup> in even-numbered years.

**Sec. 241.260. Basin-wide Watershed Advisory Boards**

1. Local municipalities in a watershed may form a Basin-wide Watershed Advisory Board. The Watershed Advisory Board members shall be appointed by the chief elected official of each local municipality and the number of members shall equal the number of local municipalities in the watershed. One member from each local municipality shall be appointed.

2. The Basin-wide Watershed Advisory Board shall:

- a. fulfill the duties relative to making recommendations of Storm Water Management Projects for inclusion in the Reconnaissance Plan;
- b. advise the Commissioner of Planning in the preparation of Reconnaissance Plan and any other matters relating to storm water management within their watershed; and
- c. shall adopt such internal structure, rules, and procedures as may be necessary to accomplish its responsibilities.

Section 2. This Local Law shall take effect immediately after its enactment.



# CITY COUNCIL AGENDA

NO. 15

DEPT.: City Council

DATE: May 25, 2011

CONTACT: Mayor French

**AGENDA ITEM:** One appointment to the Rye Cable and Communications Committee for a three-year term expiring on January 1, 2014, by the Mayor with Council approval.

**FOR THE MEETING OF:**

May 25, 2011

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** That the Council approve the appointment of Lisa Tidball.

**\*\*NOTE:** as a non-resident, Lisa will be appointed as a non-voting member of the Committee.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**



# CITY COUNCIL AGENDA

NO. 16

DEPT.: City Council

DATE: May 25, 2011

CONTACT: Mayor French

**ACTION:** Designation of the Chairman of the Rye Cable and Communications Committee by the Mayor.

**FOR THE MEETING OF:**

May 25, 2011

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:**

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**