

## CITY OF RYE

### NOTICE

There will be a regular meeting of the City Council of the City of Rye on Wednesday, November 16, 2011, at 8:00 p.m. in the Council Room of City Hall. *The Council will convene at 7:15 p.m. and it is expected they will adjourn into Executive Session at 7:16 p.m. to discuss real estate matters.*

### AGENDA

1. Pledge of Allegiance.
2. Roll Call.
3. General Announcements.
4. Draft unapproved minutes of the regular meeting of the City Council held November 2, 2011.
5. Presentation of the Citizen's Budget.
6. Mayor's Management Report
  - Legal Update
7. Public Hearing to add a proposed Local Law to prohibit the use of plastic bags by Rye Merchants.
8. Residents may be heard on matters for Council consideration that do not appear on the agenda.
9. 2012 Budget Review: Police Department.
10. Consideration to set a Public Hearing to adopt the revised City of Rye Financial Policy and a revision to the Rye City Charter.
11. Consideration to set a Public Hearing to amend the City of Rye Charter for the creation of a Public Safety Commissioner to head the Police Department and the Fire Department reporting directly to the City Manager.
12. Home Rule Resolution supporting S5902(Oppenheimer)/A8556(Latimer) extension of the City of Rye Hotel Occupancy Tax.  
Roll Call.
13. Miscellaneous communications and reports.
14. Old Business.
15. New Business.

16. Adjournment.

\* \* \* \* \*

The next regular meeting of the City Council will be held on Wednesday, December 7, 2011. The City Council will hold a Budget Workshop on Wednesday, November 30, 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".

\* There will be no Mayor Office Hours on November 16, 2011.



# CITY COUNCIL AGENDA

NO. 4

DEPT.: City Clerk

DATE: November 16, 2011

CONTACT: Dawn F. Nodarse

**AGENDA ITEM** Draft unapproved minutes of the regular meeting of the City Council held November 2, 2011, as attached.

**FOR THE MEETING OF:**

November 16, 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 November 2, 2011, as attached.

***DRAFT UNAPPROVED MINUTES*** of the  
Regular Meeting of the City Council of the City of  
Rye held in City Hall on November 2, 2011 at 8:00  
P.M.

PRESENT:

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

ABSENT: PAULA J. GAMACHE, Councilwoman

The Council convened at 7:43 p.m. Councilman Filippi made a motion, seconded by Councilman Jovanovich and unanimously carried, to immediately adjourn into executive session to discuss personnel matters. Councilwoman Parker arrived at 7:47 p.m. and Councilman Sack arrived at 8:01 p.m. Councilman Filippi made a motion, seconded by Councilman Jovanovich and unanimously carried, to adjourn the executive session at 8:17 p.m. The regular meeting convened at 8:21 p.m.

1. Pledge of Allegiance

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

2. Roll Call

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

3. General Announcements

- Police Officer Mike Kenny will be honored by the Lions Club.
- Resident Peter Sinnott has offered to contribute mulch to protect the roots of trees along the parking lot at Highland Avenue. (The City hopes this donation can count as a contribution toward the City's local share for the flooding in August.)
- Assemblyman Latimer will reach out to ConEd to set up a meeting regarding concerns over power outages at Blind Brook Lodge during the snow storm over the weekend. Residents should be notified when the meeting is set up.
- The City should consider free parking in the downtown during Christmas week.

4. Draft unapproved minutes of the regular meeting of the City Council held October 19, 2011

Councilman Filippi made a motion, seconded by Councilwoman Keith and unanimously carried, to approve the minutes of the regular meeting of the City Council held on October 29, 2011, as submitted.

5. Mayor's Management Report

- Finalize 2012 Budget Schedule and Topics

City Manager Pickup presented a list of dates and topics for upcoming budget meetings:

11/9	Presentation of Manager's Budget and Tax Cap Analysis
11/14	EMS and Library Budget review
11/16	Police Department Budget Review
11/21	Budget workshop if necessary
11/30	Discussion of debt and revenues and review of Council budget questions
12/7	Public hearing on budget
12/14	Budget workshop if necessary
12/21	Budget Adoption

There was a discussion among the Council about adding presentations by the Enterprise Funds, the Fire Department and on health care costs. There was also a request to move the Police Presentation to November 21<sup>st</sup> if possible. City Manager Pickup said he would review the calendar based on Council suggestions.

- Update from the Government Policy and Research Committee on Prevailing Wage Standards

This presentation was deferred to a later date

- Legal Update

Corporation Counsel Wilson reported on the following:

- 2 Central Avenue (Black Bass Grill property) – The owners have submitted an application to the Zoning Board seeking variances for the property. They are also working on retaining a contractor to do the asbestos removal work. (A suggestion was made that the City should notify the neighbors of the property when the asbestos work would be done. Resident Jim Amico said that neighbors should be notified wherever a building is demolished that might contain asbestos and the City should make sure the contractors follow proper procedures.)
- *Munding v. Planning Commission* – Judge Colangelo rendered a decision in the City's favor in connection with an Article 78 proceeding brought by a resident challenging a decision made by the Planning Commission regarding semi-permanent tents utilized by Wainwright House during the summer season.
- *Highland Tenants Association v. R.A. Cohen, et al* – The City was served with a law suit this week that also includes the County and the State concerning an oil spill that occurred at The Highlands apartment building after Hurricane Irene. There is an Order to Show Cause served with a return date of November 9<sup>th</sup>. The City's insurance carrier has not

yet issued a coverage determination and may not do so by the return date for the Order to Show Cause. Ms. Wilson put forth a Resolution for the City to retain the firm of Harris Beach to represent the City's interests in the interim while the coverage decision is awaited. If there is coverage, the carrier will reimburse the City for any costs incurred prior to the determination being made.

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

**RESOLVED**, that the City Council of the City of Rye hereby retains the firm of Harris Beach, at the rate of \$215 per hour, to represent the City's interests in connection with the matter *Highland Tenants Association v. City of Rye, et al.*

ROLL CALL:

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

The Resolution was adopted by 6-0 vote.

City Manager Pickup also updated the Council on the recent storm and the stop sign on Purchase Street at Locust Avenue.

Mr. Pickup said that the stop sign on Purchase Street at Locust Avenue will be moved slightly in order to accommodate the size of the tree. This will be done after the lights are installed.

In connection with the snow storm the previous weekend, Mr. Pickup said trucks were out salting and plowing the streets and that there was more of an impact on trees and wires than during Hurricane Irene. He added that it was disappointing that ConEd did not assign a municipal liaison to the City until Tuesday and did not coordinate a response with municipal crews until this morning. He said the City had called ConEd asking for liaisons as early as Saturday evening. Mr. Pickup added that he would be meeting for the first time the next day with a Public Assistance person from FEMA in connection with the August Hurricane.

6. Discussion of amending the City of Rye Charter for the creation of a Public Safety Commissioner with the Fire Department reporting directly to the City Manager

City Manager Pickup said that as a result of the Recession Task Force, the Council has indicated that they want the City to look at opportunities for flattening the organization where possible. An item that will be proposed in the 2012 budget is the issue of Article XIII in the City Charter which establishes the Board of Wardens with the administrative responsibility for the operation of the Fire Department, with the City Manager in an advisory position to the Board.

The Council might want to make a decision to change that relationship and have both the paid and volunteer departments report to the City Manager in order to deal with the issues of inter-operability of training and communications and administration and oversight of the Department. The proposal was discussed with the Board of Wardens in June. Since there is a retirement coming up in the full-time staff that will necessitate other changes in the Department, it may be time to move the proposal forward. A study was done in 2004 by an outside consulting group that offered a range of proposals. This change was proposed and had not been implemented but gives the Council an option for further efficiencies in the public safety department going forward. The City will have to look at structural and operational changes in order to maximize public safety dollars and keep delivering the services that Rye residents expect. The Wardens were asked for their input over the summer and input is also sought from members of the Department as well as the volunteers. Another recommendation would be to consider the creation of a Public Safety Commissioner position. Mr. Pickup said that if the City cannot find internal efficiencies in the Fire Department, the next step would be to start looking outside the City

It was suggested that the operational impacts of these proposals should be included in the budget discussion. A question was raised that the proposed changes might not be able to be made by Council action and would require a referendum. The City Manager was asked to re-circulate the 2004 report.

7. Discussion of the “Development and Planning Standards” Intermunicipal Agreement Compliance for the Flood Mitigation Project at the Blind Brook Dam

City Manager Pickup said that when the City applied to the County for funding for the Sluice Gate, the standards in question were in draft form and have since been formally adopted by the County. Adoption of the standards is part of the IMA that provides the \$1.1 million in funding from the County. The Council is being asked to refer the proposed standards to the City’s Boards and Commissions that have land use oversight for their comments. It will then come back to the Council in order to incorporate the proposed standards into the City’s existing land use standards in order to be in compliance with the terms of the IMA. Changes would be made by local law through the public hearing process. The City will also have to incorporate the standards when it renews its Hazard Mitigation Plan.

A request was made that the Corporation Counsel inquire if the County had coordinated the document so it is not contradictory with State and Federal legislation. The City Manager was asked to schedule another presentation on the Sluice Gate.

8. Discussion of a draft Resolution regarding flooding including preventative measures and flood consequences

Mayor French said the Council wants to pass a resolution that asks the City’s Boards and Commissions and residents to have greater sensitivity and scrutiny around flood-related projects and also creates a permanent Flood Action Committee, with Council liaison, to advise the Council. There was a discussion among the Council about the importance of educating the

public as well as the architects, landscapers and contractors about steps they can take to be more responsive to flooding issues.

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

WHEREAS, the City of Rye has suffered from severe floods over the last decade that have seriously damaged public and private property; and

WHEREAS, flooding has caused homeowners, the City, and other property owners millions of dollars for the cost of emergency services, restoration, and mitigation; and

WHEREAS, it is forecast that Rye will continue to suffer from such destructive floods in the coming years; and

WHEREAS, the City urges the appropriate Departments, Boards, Committees and Commissions to develop educational material regarding the viability of certain site development solutions; and

NOW, THEREFORE, BE IT RESOLVED, that the City of Rye attaches the highest priority to prevent flood damage; and be it further

RESOLVED, that the City urges all property owners in Rye, both public and private, to consider the consequences of their decisions that may exacerbate flooding in the City; and be it further

RESOLVED, that the City wishes to create a permanent Flood Action Committee with a Council liaison to advise the City Council on flood related projects and activities in and around the City of Rye; and be it further

RESOLVED, that the City direct all Departments, Boards, Committees, and Commissions to take additional scrutiny in reviewing land-use applications and variances with a greater sensitivity to stormwater impacts and to strive to subsequently monitor these applications on an on-going basis.

ROLL CALL:

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

The Resolution was adopted by 6-0 vote.



9. Discussion of a draft Resolution to open Oakland Beach at Rye Town Park for public access during the off-season

Councilwoman Parker said that as of November 1<sup>st</sup>, the beach at Rye Town Park was scheduled to be closed to public access. She said she had attended the last meeting of the Rye Town Park Commission (Commission) and asked them to consider keeping beach access open during the off season. She said they were agreeable if the is what the Council wants. Ms. Parker also said she believed it was a good time to consider reinstituting a previous policy of having a section of the beach designated where dogs could be off-leash and offered a proposed resolution that would include both options. There was a discussion about including the language about dogs on the beach without bringing the issue back to the Commission and also whether the City should pass legislation that would allow dogs to be off-leash in the park before 9:00 a.m. Corporation Counsel Wilson advised that due to the enabling legislation for Rye Town Park, any law passed by the City of Rye could not trump the Rye Town Park Commission's ability to run and operate the park. Members of the public including *John Carolin, Dawn Wilson, Josh Nathan, Laura Brett, Young Kim and Rene Lipsio* spoke in favor of keeping the beach open during the off-season and allowing dogs on the beach if their owners follow the rules and also urging the County to allow dogs on Playland Beach as well. Councilwoman Parker decided to withdraw the sections from her proposed resolution that dealt with dogs on the beach in order to bring the issue back to the Rye Town Park Commission. Corporation Counsel Wilson said that there would have to be signage put up regarding people being on the beach when there is no staff. City Manager Pickup said he is awaiting clarification from Rye Town regarding sanitation collection since they already pick up trash in the park during the winter. Mayor French said it was the consensus of the Council to go forward with public access to the beach, with one gate opened by City staff in the morning and closed at dusk from November through April.

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

**WHEREAS**, the City Council authorizes the City Manager to enter into an Agreement with the Rye Town Park Commission; and

**WHEREAS**, the Rye Town Park Commission has indicated that they will take the lead from Rye City Council regarding winter public access to Oakland Beach and Rye Town Beach at Rye Town Park; and

**WHEREAS**, the Rye City Council finds that public beaches should be accessible for use by the public during the off-season;

**NOW, THEREFORE, BE IT RESOLVED**, that the Rye City Council hereby recommends to the Rye Town Park Commission the following policy for use for the 2011-2012 winter, early spring season,

1. Oakland Beach and Rye Town Beach at Rye Town Park will be open for the winter.

2. This rule will remain in place until the close of the middle weekend in April each year.

ROLL CALL:

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

The Resolution was adopted by 6-0 vote.

Mayor French added that he had spoken with the consultant who is doing the dissolution study for the Town of Rye and indicated that if the Town is dissolved, the City would be in favor of operating Rye Town Park under the right financial conditions. However, if the dissolution study does not happen, the Council should approach the State Legislature about changing the make up of the Commission to get better representation for the City.

10. Residents may be heard on matters for Council consideration that do not appear on the agenda

*John Carolin, 66 Milton Road*, thanked City Manager Pickup and Councilman Sack for approaching ConEd to correct the power source on the Post Road. He said that residents of Blind Brook Lodge cannot continue to be inconvenienced by power outages. In response to a question about ConEd prioritizing restoration of power to buildings with a certain percentage of seniors, City Manager Pickup said that normally they prioritize for the greatest number of people first but in the current situation their response was below normal. The creation of a volunteer committee that could aid people without power was mentioned.

*Ray Tartaglione*, suggested moving this agenda item to the beginning of the agenda for seniors. Mayor French indicated that anyone who has special requirements could contact him in advance about being moved up in the agenda. Mr. Tartaglione said he wanted to make a presentation regarding a property owned by the Mayor where he believes illegal building work was done in order to get the City Manager to investigate the Mayor. Mayor French directed Mr. Tartaglione to address his concerns to the City Manager, who is the Chief Enforcement Officer of the City or to the Building Department. Councilman Jovanovich said that the Council is forbidden from getting involved with enforcement matters in Rye's City Manager form of government. City Manager Pickup said that no violation has been issued in question with the property owned by Mayor French and he would sit down with Mr. Tartaglione and discuss his concerns.

*Rene Lipsio, Palisade Road*, said that the bump outs installed at Palisade Road and Midland Avenue are horrible and make things worse for residents and that speeding has increased. She asked when the stop sign would be put up. She also complained about construction work being done at the location. City Manager Pickup said that a proposal with a design of the stop sign has been submitted to the County, but they have significant reservations and the project cannot go forward without a County permit. The issue of the importance of enforcement of speeding violations was discussed as well as asking outside construction vendors

to take school and senior's schedules into consideration when making deliveries. City Manager Pickup said the Council can impose restrictions relating to construction but advised that it must balance the property issues relating to construction with the right-of-way issues. He said additional restrictions that would require daily inspections of construction sites would require hiring additional staff that is not in the proposed budget. He added that issues related to curb cuts caused a bigger obstruction in the right-of-ways than delivery trucks.

*Jim Amico, Midland Avenue*, spoke about several matters:

- He said the City has the authority to do anything it wants in connection with construction. He said delivery and construction vehicles should not be able to park on sidewalks and the Police Department should be issuing tickets.
- He said he wanted a stop sign put up at Midland and Palisade and that the City does not need County approval to do so. He disagrees with what the County says about the stop sign and believes a stop sign would have prevented two accidents involving children. He accused the City Manager of forcing the County to issue a letter against the erection of a stop sign. (City Manager Pickup said he does not have the authority to force a County official to do anything against their will.)
- He presented copies of a letter sent to the School Board regarding their proposed renovation to the High School/Middle School campus and said the City was asking the Police Department not to enforce violations around the schools. (City Manager Pickup said the purpose of the letter was to notify the Board of Education that the preferred solutions of the City Council were to do as much pedestrian and traffic and safety improvements on the site as possible because changes will not be able to be made after the building is constructed.)

Agenda Item 13 was taken out of order.

11. Resolution to re-allocate \$3,943.43 of the remaining 2002 Recreation Bond proceeds scheduled towards payment of 2012 Debt Service to use towards the 2011 final payment on the Rye Town Park roof project

City Manager Pickup said that the Council had previously authorized debt proceeds to be utilized to pay for the City's share of the roof repair project at Rye Town Park. The final bills indicate that the actual project cost came in above the allocated appropriation of the Recreation Bond proceeds. The action required is to modify the original Resolution to reflect the additional payment for the project.

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

**RESOLVED**, that the City Council of the City of Rye hereby authorizes the reallocation of \$3,943.43 of the remaining 2002 Recreation Bond proceeds, scheduled toward the payment of the 2012 Debt Service, to be used towards the 2011 final payment on the Rye Town Park roof project.

ROLL CALL:

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

The Resolution was adopted by 6-0 vote.

12. Authorization for the City Manager to enter into an Intermunicipal Agreement with Consolidated Edison Company of New York, Inc. to allow access for a DEC-approved remedial investigation and clean-up

City Manager Pickup said that as a result of the manufacturing of gas that used to go on by ConEd at the facility that is currently used for storage and maintenance there is a substance that has been left as a residue of the process that the Department of Environment Conservation (DEC) wants remediated. In order to continue the clean up ConEd needs access to Gagliardo Park to do testing and monitoring. He said there is no danger from the material to safety and health and the City would be entitled to receive any reports issued.

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

**RESOLVED**, that the City Manager is hereby authorized to enter into an Intermunicipal Agreement with Consolidated Edison Company of New York, Inc. to allow access to property located at 31 Hill Street for a DEC-approved remedial investigation and clean-up.

ROLL CALL:

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

The Resolution was adopted by 6-0 vote.

13. Consideration of authorizing the City Manager to endorse the implementation of an easement between the Apawamis Club and Henry F. Skelsey and the City of Rye

*Barbara Cummings, Esq.*, an attorney representing the owner of 16 Sunset Lane, a street where a sewer line is being put in, asked the Council to amend the proposed Easement Agreement to reflect an extension of the easement so that the sewer can be connected to his house as well. Corporation Counsel Wilson said that the language of the easement allows for the

easement to be extended to additional properties along Sunset Lane in the future. City Manager Pickup said the City was accepting the easement for the maintenance of the sewer line. It was suggested that the language of the easement be changed to specifically reference the 16 Sunset Lane property.

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

**RESOLVED**, that the City Manager is authorized to accept a Sanitary Sewer Easement between the Apawamis Club and Henry F. Skelsey and the City of Rye.

ROLL CALL:

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

The Resolution was adopted by 6-0 vote.

14. Consideration of proposed revision of the Rules and Regulations of the City of Rye Police Department

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

**RESOLVED**, that the proposed revision of the Rules and Regulations of the City of Rye Police Department, a new General Order #113.20, "Hate Crimes", is hereby approved.

ROLL CALL:

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

The Resolution was adopted by 6-0 vote.

15. Miscellaneous Communications and Reports

Councilwoman Keith congratulated the YMCA on the forum they recently held on Diabetes Awareness.

16. Old Business

Mayor French brought up several topics. Feedback on the proposed local law banning plastic bags should be forwarded to Councilwoman Keith prior to the public hearing that will be held on November 16. Councilman Filippi is working on the Tree Ordinance. The Distracted Driving Pledge should be reconsidered at the beginning of the year. Feedback from the Shared Roadways workshop should be reconsidered.

Councilwoman Keith asked for an update on the Central Avenue Bridge. City Manager Pickup said the City has submitted everything to the Department of Transportation and is waiting for authorization to proceed. Ms. Keith asked if the Black Bass demolition could coincide with the Bridge repair. Corporation Counsel Wilson said that the City is working with the owner who has filed for a demolition permit and is trying to get an asbestos contractor. The permit will be issued when the asbestos issue is resolved.

17. New Business

Mayor French asked for clarification on the requirements for the Charter change for the Fire Department discussed under Agenda Item 6. Corporation Counsel Wilson said that based on the scope of changes discussed, she believed it could be done by local law and would not require a referendum but she said she would look into it.

18. Adjournment

There being no further business to discuss Councilman Filippi made a motion, seconded by Councilwoman Keith and unanimously carried, to adjourn the meeting at 11:10 p.m.

Respectfully submitted,

Dawn F. Nodarse  
City Clerk



# CITY COUNCIL AGENDA

NO. 5      DEPT.: City Manager's Office      DATE: November 16, 2011  
CONTACT: Scott D. Pickup, City Manager

**AGENDA ITEM:** Presentation of the Citizen's Budget.

**FOR THE MEETING OF:**  
November 16, 2011  
**RYE CITY CODE,**  
CHAPTER  
SECTION

**RECOMMENDATION:**

**IMPACT:**     Environmental     Fiscal     Neighborhood     Other:

**BACKGROUND:**  
A presentation will be made by the Finance Committee of the Citizen's Budget.



# CITY COUNCIL AGENDA

NO. 6

DEPT.: City Council

DATE: November 16, 2011

CONTACT: Mayor Douglas French

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

**FOR THE MEETING OF:**

November 16, 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:

- Legal Update





# CITY COUNCIL AGENDA

NO. 7

DEPT.: City Council

DATE: November 16, 2011

CONTACT: Councilwoman Suzanna Keith

**ACTION:** Public Hearing to add a proposed local law to prohibit the use of plastic bags by Rye Merchants.

**FOR THE MEETING OF:**

November 16, 2011

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:**

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** A proposal was presented by the Sustainability Committee to the City Council to adopt a new ordinance prohibiting the use of plastic bags for retail checkout of purchased goods. The Committee previously presented the proposal to the Rye Merchants at a Chamber of Commerce meeting; their support for the proposal is evidenced in numerous signatures on the Sustainability petition for the new ordinance.

See attached draft Local Law and petition.

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

**A Local Law to add Chapter 154 “Retail Checkout Bags” to the City Code of the City of Rye to encourage the use of reusable checkout bags and prohibit the use of plastic bags for retail checkout of purchased goods**

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

**Section 1. Chapter 154 Retail Checkout Bags**

**§ 154-1. Purpose.**

The intent of this ordinance is to improve the environment in Rye by encouraging the use of reusable checkout bags and banning the use of plastic bags for retail checkout of purchased goods. Retail establishments are encouraged to make reusable bags available for sale.

**§ 154-2. Justification.**

Non-biodegradable plastic bags often are discarded into the environment and end up polluting our waterways, clogging sewers, endangering marine life and causing unsightly litter. These bags last hundreds of years in landfills and are a potential source of harmful chemicals when they do break down.

**§ 154-3. Definitions.**

The following words, terms and phrases, when used in this Division, shall have the meanings ascribed to them in this section:

**CHECKOUT BAG** - a carryout bag that is provided to a customer at the point of sale. The term "checkout bag" does not include plastic produce bags or plastic bags measuring 28" by 36" or larger in size.

**PLASTIC PRODUCE or GARMENT BAG** - a flexible container made of very thin plastic material with a single opening that is used to transport clothing from a dry cleaner, produce, meats or other items selected by customers to the point of sale.

**RETAIL SALES** - the transfer to a customer of goods in exchange for payment occurring in retail stores, sidewalk sales, farmers' markets, flea markets and restaurants. The term "retail sales" does not include sales of goods at yard sales, tag sales, other sales by residents at their home, and sales by not-for-profit organizations.

**RECYCLABLE PAPER BAG** - a paper bag that should have the following characteristics: (1) contains no old growth fiber; (2) is 100% recyclable overall and contains a minimum of 40% post-consumer recycled content; and (3) displays the words "Reusable" and "Recyclable" on the outside of the bag.

**REUSABLE BAG** - a bag with handles that is specifically designed and manufactured for multiple reuse and is: (1) made of cloth or other fabric; and/or (2) made of durable plastic that is at least 2.25 mils thick.

**§ 154-4. Restriction on checkout bags.**

- A. Any person engaged in retail sales shall provide only reusable bags and/or recyclable paper bags as checkout bags to customers.
- B. Nothing in this section shall preclude persons engaged in retail sales from making reusable bags available for sale to customers.

**§ 154-5. Effective date.**

This Chapter shall become effective six (6) months following its adoption to allow retail establishments to dispose of their existing inventory of plastic checkout bags and convert to alternative packaging materials.

**§ 154-6. Penalties for offenses; continuing violations.**

- A. In the event that there is noncompliance with this chapter, the owner of the property or the owner's agent or the person performing such violation shall be notified in writing and shall forthwith stop with the violating activity. Such notice shall be in writing and may be served upon a person to whom it is directed either by delivering it personally to him or her or by posting same upon a conspicuous portion of the property and sending a copy of same by certified mail.
- B. The penalty for each violation shall be up to \$150.00.
- C. Each occurrence of a violation, and each day that such violation continues, shall constitute a separate violation and shall be subject to a separate penalty and may be cited as such.

**Section 2.** This local law will take effect six months upon filing in the Office of the Secretary of State.

**MERCHANT SIGNATURES AS OF: Wednesday, November 9, 11**

<b>Name</b>	<b>Signed Pledge</b>
<b>Alfred Harcourt Foundation</b>	1
<b>Angelas</b>	1
<b>Arcade Booksellers</b>	1
<b>Benefit Cosmetics</b>	1
<b>Better Homes/Rand Realty</b>	1
<b>Blue Monster Promotions</b>	1
<b>Blush</b>	1
<b>Bubble and Tweet</b>	1
<b>Carpet Trends</b>	1
<b>Citibank</b>	1
<b>Coldwell Banker/Country Properties</b>	1
<b>Corner Stone Caterers</b>	1
<b>Crozier-Gedney Architects</b>	1
<b>Dock Deli</b>	1
<b>Financial Spyglass</b>	1
<b>Fong's Dry Cleaning</b>	1
<b>Fresh Green Light</b>	1
<b>Gallery 52</b>	1
<b>Great Stuff</b>	1
<b>Hampton White</b>	1
<b>Houlihan Lawrence</b>	1
<b>Jay Heritage Center</b>	1
<b>June and Ho</b>	1
<b>JWH Design and Cabinetry</b>	1
<b>Le Beastro</b>	1
<b>Lola</b>	1
<b>Longford's Ice Cream</b>	1
<b>Morgan's Fish House</b>	1
<b>The Open House</b>	1
<b>Parkers</b>	1
<b>Patisserie Salzburg</b>	1
<b>Pilates Studio of Rye</b>	1
<b>Planet Pizza</b>	1
<b>Post Rd Market</b>	1

<b>DBA Allstate Insurance</b>	1
<b>R&amp;M Woodrow Jewelers</b>	1
<b>Rhythm in Rye</b>	1
<b>Rock Island Sound</b>	1
<b>Rockridge Deli</b>	1
<b>Ruby's Oyster Bar &amp; Bistro</b>	1
<b>Rye Art &amp; Framing</b>	1
<b>Rye Beach Pharmacy</b>	1
<b>Rye Beverage Mart</b>	1
<b>Rye Health and Fitness</b>	1
<b>Rye Historical Society</b>	1
<b>Rye Nature Center</b>	1
<b>Rye Town Park</b>	1
<b>Scissors on the Sound</b>	1
<b>Silver Rush</b>	1
<b>State Farm</b>	1
<b>The Framing Corner of Rye</b>	1
<b>The Rye Free Reading Room</b>	1
<b>The Rye Grill &amp; Bar</b>	1
<b>The Rye Record</b>	1
<b>The Rye Stationer</b>	1
<b>Trapp Optician</b>	1
<b>Tutta Bella Spa and Salon</b>	1
<b>Twinkle Toes</b>	1
<b>UPS</b>	1
<b>Wainwright House</b>	1
<b>Weezie D.</b>	1
<b>Wine At Five</b>	1
<b>Wish</b>	1

---

**TOTAL YES**      63

Notes:

- One "no": Sole Ryeders
- Most, but not all, are Chamber of Commerce members
- There is one signature for Rye Grill & Bar, Morgan's, Ruby's (same owner)
- There is one signature for Wish and Twinkle Toes (same owner)
- Jay Heritage head "signed" via email

## **RETAIL SHOPPING BAG ORDINANCE – FAQs**

### **Justification/Background**

Q: Why do we need a retail shopping bag ordinance?

A: Single-use, disposable plastic bags are a major source of litter and pollution in our environment. These bags do not biodegrade, are extremely difficult to recycle, and can only be “reused” once before being discarded. Most are never used more than once to transport goods from a store. The proposed ordinance is part of a larger educational campaign to encourage the use of reusable bags, thereby contributing to a cleaner, healthier environment.

Q: Is the problem really that bad, that we need to pass new legislation?

A: Yes. There is nothing useful about single-use bags. The lasting damage from a disposable plastic bag that is used – on average - for only 12 minutes before discarded, is huge. Plastic bags will remain in the environment hundreds, if not thousands, of years, and destroy wildlife, clog storm drains and fill landfills. This legislation will demonstrate that Rye understands the need to protect its environment by moving away from our “disposable” habit to a “reusable” one.

Q: Why isn’t an education campaign enough to get the point across?

A: Sometimes education is not enough to change habits that are considered part of every day life, but are actually of no value to the community, and can be harmful to many. As members of a community, we accept regulations imposed on us every day: we’re not allowed to litter; we must recycle; we are required to pick up after our dogs; we must use a seatbelt. This legislation is similar to these forms of legislation where voluntary compliance has not achieved the desired results because of reluctance of individuals to change their behavior.

Retail establishments impose rules too, that we, as shoppers, accept: Costco, for example, has imposed its own “regulation” by not offering bags to customers. It’s good business because it cuts costs.

Q: Is this a new concept?

A: No. Many communities, just like Rye, have understood the need to solve their litter and pollution problems by passing similar ordinances. Westport, CT, Southampton Village, NY and Chestertown, MD are three municipalities nearby that have passed ordinances, but there are hundreds of towns, cities and countries that have similar ordinances.

Q: What about “biodegradable” plastic bags? Why not use them?

A: Studies have shown that these types of bags do not effectively disintegrate back into nature<sup>1</sup>. A far more important point is that these bags are disposable and thus, counter to the objective of reducing the amount of waste and pollution in our

---

<sup>1</sup> “Facing the Dirty Truth About Recyclable Plastics”  
<http://e360.yale.edu/content/feature.msp?id=2400>

environment.

Q: Why aren't paper bags targeted?

A: The objective of the ordinance is to promote the use of reusable bags by reducing our dependence on single-use bags. It is a simple fact that single-use plastic bags are a chronic litter and pollution problem while paper bags, though not ideal, have far higher recycling rates and will biodegrade.

Q: Won't the proposed ordinance hurt business owners as paper bags, on average cost more than plastic?

A: Although they are less expensive than paper bags for retailers, plastic bags represent an insignificant portion of retailer operating expenses. No Westport business, for example, has closed down due to the elimination of plastic bags from its inventory as a result of the 2008 Westport ordinance.

The proposed ordinance is part of a larger campaign to reduce single-use bags. The use of disposable bags will decline as shoppers adopt reusable bags, allowing businesses to purchase less disposable bags and promote the sale of reusable bags.

Two studies conducted by Fairfield University one year after Westport passed its ordinance shows a significant increase in reusable bag rates (approx. 50%) at the Westport Stop & Shop relative to those in neighboring towns (Wilton and Norwalk: approx. 10 – 15%)<sup>2</sup> The Westport Stop & Shop management embraced the spirit of the ordinance to its advantage through the use of store signs and sales of reusable bags.

Q: Won't the proposed ordinance hurt consumers?

A: There will be a minimal cost associated with purchasing a few, inexpensive reusable bags. It is unlikely that retail prices will be affected by the elimination of plastic bags.

### **The Proposed Ordinance**

Q: To whom does the Checkout Bag Ordinance apply?

A: The ordinance targets only retail transactions. Its goal is to reduce the use of disposable plastic bags, which are often discarded less than an hour after, but remain in our environment virtually forever.

Q: Who is exempt?

A: The ordinance does not apply to plastic bags used for personal use in the home. It does not apply to the sales of goods at yard sales, tag sales, other sales by residents at their home, and sales by non-profit organizations.

Q: What plastic bags from a store can still be used?

---

<sup>2</sup> Fairfield Uni. Retail Checkout Bag Surveys, 5/8/10; and June 2010

A: The ordinance does not apply to thick plastic bags -- those that at least 2.25 mils thick and sometimes called "reusable" shopping bags -- and plastic bags made of very thin plastic material with a single opening that is used for produce, meats, dry cleaning, newspapers or other items.

Q: How will retailers compensate for not being allowed to use single use plastic bags?

A: They will be able to use reusable bags and recyclable paper bags.

Q: Is the proposed ordinance too limited to make a difference?

A: No. By targeting the plastic bags that are used for the least amount of time before being disposed, we can make a real impact in our community. It's also important to reiterate that this is part of a larger educational campaign to encourage the use of reusable bags.

Q: What is the effective date?

A: Six months after the date of passage.

Q: What is a "recyclable paper bag"?

A: A recyclable paper bag has the following characteristics: (1) contains no old growth fiber, (2) is 100% recyclable overall and contains a minimum of 40% post-consumer recycled content, and (3) displays the words "Reusable" or "Recyclable" on the outside of the bag.

Q: What is a "reusable bag"?

A: A reusable bag is a bag with handles that is specifically designed and manufactured for multiple reuse and is (1) made of cloth or other fabric, and/or (2) made of durable plastic that is at least 2.25 mils thick.

Q: Can retailers "sell" shopping bags to their customers?

A: Yes. Any bag provided by a retailer can be sold to its customers, including paper, cloth or canvas shopping bags. Retailers are encouraged to promote the use of reusable bags, and sell them with their logo, if desired.

Q: What is the enforcement procedure?

A: The [City of Rye] is not required to check stores for compliance, but will respond to any complaints. A notice of non-compliance will be delivered to the person in violation of the ordinance.

Q: What is the penalty for non-compliance?

A: Up to \$150. Each day that a violation continues will constitute a separate violation and penalty.

Q: What will I use if I need to line my trash bin or pick up dog waste?

A: Garbage bags, newspaper bags will still be available.



- Also: - Lola's  
 - Woodrow  
 - Hampton White  
 - Trapp.  
 - Corner Store  
 - Rye Beach  
 - Paterson.

## PLEDGE OF SUPPORT FOR REUSABLE BAGS

I pledge to encourage the use of reusable bags by eliminating single-use plastic bags from my inventory.

I recognize that although they were introduced just 25 years ago, single-use plastic bags have become an environmental problem and threaten the natural beauty of our coastal community.

I am encouraged by recent legislative action in many coastal communities, including Westport, CT, Southampton, NY and Colchester, MD to ban plastic bags from their retail stores.

	Business Name	Owner/Manager	Contact
1.	ARCADE Booksellers	PATRICK COCCOZZO	
2.	Wine At Five	CAI PALMER	
3.	Coastal Store (Rye)	Harold M. Jr	Manning
4.	<del>Rye Rhythmic</del>	Renee Drummond	Renee
5.	The Rye Stationer	Antonella Dattilo	
6.	WISH / Twinkle Toes	Dennis Madson	
7.	Rye Historical Society	Laure Brett	Sjordan@ryehistorical.soc
8.	Rye Nature Center	Christine Siller	christinesiller@ryenaturecenter.org
9.	Alfred Harcourt Foundation	Peter Juannini	PeterJuannini@gmail.com
10.	June and Ho	Jo Pal	Ho, June
11.	Rye Town Park	Bill Langer	same
12.	Carpet Trends	Margaret Ricketts	margaret@carpettrends.com
13.	Longford's Ice Cream	CHRISTINE VITA	cvita27@gmail.com
14.	Archie's Lounge	Kyle Kure	KMPRRM@bocittmeaweb.com
15.	Benefit Companies	Jennifer Ayde	Rye@Benefittees.com
16.	Chronic Coedney Deductals	Ray DeBruin	
17.	RYE HEALTH and Fitness	J.M.	tommy.martinez47@Yahoo.com
18.	Blush	Ara Sobalvado	Blushinrye10580@hotmail.com
19.	Bubble + Tweet	Iske Regras	bubbleandtweet@gmail.com

## PLEDGE OF SUPPORT FOR REUSABLE BAGS

I pledge to encourage the use of reusable bags by eliminating single-use plastic bags from my inventory.

I recognize that although they were introduced just 25 years ago, single-use plastic bags have become an environmental problem and threaten the natural beauty of our coastal community.

I am encouraged by recent legislative action in many coastal communities, including Westport, CT, Southampton, NY and Colchester, MD to ban plastic bags from their retail stores.

	Business Name	Owner/Manager	Contact
1.	Framingham Corner	Pat Pato	Pat Pato
2.	The Rye Record	Robin Gaurand	Robin Gaurand
3.	Silver Rush	DENIS MATHEWS	Denise MATHEWS
4.	Rye Free Reading Room	Kitty Little (Dir.)	Kitty Little
5.	The Open House	Barbara Sperling	office of the open house co
6.	JWH Design & Cabinetry	Jennifer Howard	Same
7.	HAMPTON WHITES	John Josephine	same.
8.	Rhythm in Rye	Vanesia Ay	Renee Drummond
9.	Carpet Trends	Margaret Ricketts	same
10.	Blue Monster Promotions	Marc Kozak	same
11.	Blue monster Promotions	Cheryl Kozak	same
12.	Better Homes, Gardens Land Realty	Arlyne Ashkins	Kathy Yavari
13.	Wainwright House	Hilary Jones	same
14.	Parkus	Catherine Parke	same
15.	Eric Jeffries Citibank	DAVID Parks	Eric Jeffries
16.	Allstate	Zygi Nemzer	Zygi Nemzer
17.			
18.			
19.			

SARA GODDARD

914-645-6808

**PLEDGE OF SUPPORT FOR REUSABLE BAGS**

I pledge to encourage the use of reusable bags by eliminating single-use plastic bags from my inventory.

I recognize that although they were introduced just 25 years ago, single-use plastic bags have become an environmental problem and threaten the natural beauty of our coastal community.

I am encouraged by recent legislative action in many coastal communities, including Westport, CT, Southampton, NY and Colchester, MD to ban plastic bags from their retail stores.

	Business Name	Owner/Manager	Contact
1.	Tutta Bella Spa & Salon	Annette Pugliese	914-921-0881
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			
19.			

# RYE SUSTAINABILITY COMMITTEE

Sara Goddard: 921-0715

## PLEDGE OF SUPPORT FOR REUSABLE BAGS

I pledge to encourage the use of reusable bags by eliminating single-use plastic bags from my inventory.

I recognize that although they were introduced just 25 years ago, single-use plastic bags have become an environmental problem and threaten the natural beauty of our coastal community.

I am encouraged by recent legislative action in many coastal communities, including Westport, CT, Southampton, NY and Colchester, MD to ban plastic bags from their retail stores.

	Business Name	Owner/Manager	Contact
1.	POST ROAD MARKET	Gerard McGinnis <sup>L</sup>	
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			
19.			





SARA GODDARD  
goddard sw@gmail  
com

914-645-6808

### RYE SUSTAINABILITY COMMITTEE



Rye Sustainability  
Committee

### PLEDGE OF SUPPORT FOR REUSABLE BAGS

I pledge to encourage the use of reusable bags by eliminating single-use plastic bags from my inventory.

I recognize that although they were introduced just 25 years ago, single-use plastic bags have become an environmental problem and threaten the natural beauty of our coastal community.

I am encouraged by recent legislative action in many coastal communities, including Westport, CT, Southampton, NY and Colchester, MD to ban plastic bags from their retail stores.

	Business Name	Owner/Manager	Contact
1.	Weezie D.	Suzie Belizaire	(14) <del>914</del> 930-7355
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			

SARA GODDARD



### RYE SUSTAINABILITY COMMITTEE



Rye Sustainability Committee

### PLEDGE OF SUPPORT FOR REUSABLE BAGS

I pledge to encourage the use of reusable bags by eliminating single-use plastic bags from my inventory.

I recognize that although they were introduced just 25 years ago, single-use plastic bags have become an environmental problem and threaten the natural beauty of our coastal community.

I am encouraged by recent legislative action in many coastal communities, including Westport, CT, Southampton, NY and Colchester, MD to ban plastic bags from their retail stores.

	Business Name	Owner/Manager	Contact
1.	JWH DESIGNS	JENNIFER HOWARD	jhoward@jwhdesigns.com
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			

## PLEDGE OF SUPPORT FOR REUSABLE BAGS

I pledge to encourage the use of reusable bags by eliminating single-use plastic bags from my inventory.

I recognize that although they were introduced just 25 years ago, single-use plastic bags have become an environmental problem and threaten the natural beauty of our coastal community.

I am encouraged by recent legislative action in many coastal communities, including Westport, CT, Southampton, NY and Colchester, MD to ban plastic bags from their retail stores.

	Business Name	Owner/Manager	Contact
1.	do/e	Carole Spender	921-3162
2.	Russ Woodrow Jewellers	Bill Wood	967-0464
3.	Hampton Whites	Owner/Manager	481-5765
4.	TADD OPTICONS	Bob	967-5565
5.	Angela's	Angela GUITARD	481-5894
6.	RUIYAN MORGANS	Michelle	921-4166
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			
19.			

## PLEDGE OF SUPPORT FOR REUSABLE BAGS

I pledge to encourage the use of reusable bags by eliminating single-use plastic bags from my inventory.

I recognize that although they were introduced just 25 years ago, single-use plastic bags have become an environmental problem and threaten the natural beauty of our coastal community.

I am encouraged by recent legislative action in many coastal communities, including Westport, CT, Southampton, NY and Colchester, MD to ban plastic bags from their retail stores.

	Business Name	Owner/Manager	Contact
1.	Rye Beach Pharmacy	Ken Gigante	914-967-0836 / kennig@ryebch.com
2.	CORNER STONE	LIZ STONE	914 967-0035
3.	PATISSERIE GILHARRIS	M. Gilharis	914 921-4448
4.	FRESH GREEN LIGHT	DM MO	914-921-2283
5.	Financial Spyglass	Steve Marchal	914-921-6500
6.	UPS Store	Larry Levin	914 967-5870
7.	Rock Ridge	Emma Lazar	967-2435
8.	State Farm Rye Agency	Angela Caputo	967-9250
9.	Dalley 52	Dan Daley	914-921-1585
10.	Muller	Bill Muller	914 630 4530
11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			
19.			



# The Thick and Thin of Plastic Bags

By J.T. McWilliams, President, Multi-Pak USA  
<http://www.multipakUSA.com>

Whether you're new to ordering plastic (poly) bags or a seasoned pro, it doesn't hurt to know more about how the plastic bag industry measures the thickness of plastic bags.

In the United States, the *gauge* (that is, the thickness) of a poly bag is measured in *mils*.

## What Is a Mil?

A mil is a unit of measurement that is equal to .001". (This is also referred to as "one one-thousandth of an inch.") Think of it this way:

1 mil = .001"

... so therefore ...

1000 mil = 1" (Not that you'd ever order plastic bags this thick!)

Here's a quick conversion table that covers the standard ranges of thicknesses:

Mil Thickness	Thousandth of an Inch Thickness	Best For ...
½ mil	.0005"	Short-term use for lightweight products. A grocery store bag is ½ mil. A dry cleaning bag is ¾ mil.
¾ mil	.00075"	
1 mil	.001"	Storing, displaying, and shipping everyday items such as food or clothes. A bread bag is 1.5 mils thick. A trade show bag or retail boutique bag is usually 2 mils.
1.5 mils	.0015"	
2 mils	.002"	
3 mils	.003"	Providing scuff protection and tear resistance during shipping, especially for heavy or abrasive items. Industrial pallet covers are 3 mils.
4 mils	.004"	
5 mils	.005"	

**Quick Tip**  
To convert from thousandth of an inch to mils, move the decimal point three spaces to the right. For example, .002" becomes 2 mils, and .0035 becomes 3.5 mils.

**Note:** Countries outside the U.S. sometimes express the thickness of plastic bags in microns (mic). One mil is equal to 25.4 microns.

### **How to Choose a Plastic Bag's Thickness**

In the plastic bag industry, it's crucial to specify the right gauge for the bags you're ordering. Before specifying a bag's thickness, think about:

- The item the bag will contain. Consider the size of the item, as well as its weight. For example, a heavy, medium-sized item would require a thicker gauge than a light, large-sized item.
- How much protection the bag should provide for the item. If the item is delicate or easily scratched, use a thicker gauge.
- The length of time the bag will be used. If you want the bag to be reusable, specify a gauge of at least 2 mils (.002").

**Quick Fact**  
Plastic bag manufacturers measure a bag's gauge with a tool called a *micrometer*.

If you've still got questions about specifying the gauge of your plastic bags, ask us! Drop us an email at [sales@multipakusa.com](mailto:sales@multipakusa.com) or call us toll-free at 1-800-229-9950.

Multi-Pak USA, Inc. supplies plastic/poly bags and closely-related products to businesses nationwide for use in a variety of **industrial** and **promotional** applications. We invite you to try our simple online Request for Quote form for your next order. For more information, visit our Web site at <http://www.multipakUSA.com> or call 1-800-229-9950.



**Hefty SteelSak.**

Our Hefty® SteelSak® trash bags are thick, strong bags for tough clean up - great for moving and storage, too.

For tough clean up jobs  
Great for moving and storage  
Strength you can depend on



1.3 mils

**Hefty® SteelSak® Bags Help You**



**Around the House**

- In the Kitchen & Dining Room
- In the Attic & Basement
- In the Yard & Garage
- With Home Improvements



**On the Go**

- At School & Work
- While Camping



**Fun & Entertainment**

- At Parties
- During Holidays
- With Arts & Crafts
- With Games & Activities



**Featured Tip**

After your next woodworking project, store the leftover pieces of wood in durable Hefty® SteelSak® Bags.

**Hefty® SteelSak® Bags are available in the following sizes:**

SteelSak® Drawstring 30 Gallon Large Trash Bags



Click here for ways to save money and have more fun at family gatherings.



**Hefty® Trash Bags (Official)** on Facebook

Like 127,737

Share 26

Home|Waste Bags & Cans|Plates, Bowls, Cups and Cutlery|Food Storage Bags|Disposable Cookware|Home Storage

Privacy Policy|Terms of Use|**Contact Us**

© 1999-2011 Pactiv Corporation

Sample Paper Bag in use by CVS



Signage at Stop & Shop





# CITY COUNCIL AGENDA

NO. 9      DEPT.: City Manager's Office      DATE: November 16, 2011  
CONTACT: Scott Pickup, City Manager

**AGENDA ITEM:** 2012 Budget Review: Police Department.

**FOR THE MEETING OF:**

November 16, 2011

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:**

**IMPACT:**    Environmental    Fiscal    Neighborhood    Other:

**BACKGROUND:**



# CITY COUNCIL AGENDA

NO. 10

DEPT.: Finance

DATE: November 16, 2011

CONTACT: Jean Gribbins, City Comptroller

**AGENDA ITEM:** Consideration to set a Public Hearing to adopt the revised City of Rye Financial Policy and a revision to the Rye City Charter.

**FOR THE MEETING OF:**

November 16, 2011

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** That the City Council set the Public Hearing for December 7, 2011.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** A presentation on the proposed changes was made to the City Council at a special meeting held on September 28, 2011. A Public Hearing must be held to discuss and adopt the proposed changes.

See attached.

**NOTE: Blue is the existing Charter, Black is the addition to the Charter that Council will consider for adoption.**

City of Rye  
Proposed Charter Change  
Disaster Bonding Exemption

A. All bond resolutions, except as hereinafter provided, authorizing the issuance of bonds in excess of 10% of the average of the gross annual budget of the city for the preceding three years shall be adopted by a vote of at least five members of the Council and shall be subject to the approval of a majority of the qualified voters voting at a general or special election.

B. All bond resolutions, except as hereinafter provided, authorizing the issuance of bonds in excess of 5% of the average of the gross annual budget of the city for the preceding three years but not more than 10% of such average shall be adopted by a vote of at least five members of the Council and shall be subject to a permissive referendum, provided that the aggregate of the proposed bond issue and the outstanding obligations under bonds previously issued subject to a permissive referendum does not exceed 10% of such average.

C. The Council may, by a vote of at least five members thereof, authorize the issuance of bonds not in excess of 5% of the average of the gross annual budget of the city for the preceding three years, provided that the aggregate of the proposed bond issue and the outstanding obligations under bonds previously issued without being subject to any referendum does not exceed 5% of such average.

E. The provisions of this section shall not apply to bond resolutions authorizing the issuance of bonds for the payment of capital improvements or equipment proposed to be constructed or acquired for purposes determined by resolution of the Council to be required for public safety purposes requiring urgent action, in an amount not exceeding \$1,000,000 in the aggregate in any fiscal year, and provided that on the date of adoption of said bond resolution, the Council determines that the aggregate of the proposed bond authorization and the outstanding principal amount of obligations previously issued for public safety purposes requiring urgent action in reliance on this paragraph E does not exceed \$2,500,000. In making such determination, the Council shall disregard certain such outstanding obligations to the extent provided below. Such determination shall be conclusive for all purposes of this paragraph E, irrespective of whether through inadvertence or otherwise such determination is later found to be inaccurate. In the event that the Council determines that the aggregate of the proposed bond authorization and the outstanding obligations issued for public safety purposes requiring urgent action exceeds \$2,500,000, the Council may authorize a mandatory public referendum on the question whether such bond authorization shall become effective. In the event of approval of such authorization at a referendum, such authorization shall become effective and i) the obligations issued or to be issued in reliance on such bond authorization, and ii) the outstanding amount of obligations previously issued or authorized for public safety purposes requiring urgent action in reliance on this paragraph E on the date of adoption of such bond authorization, shall be thereafter disregarded for all purposes of this paragraph E.

F. The provisions of this section shall not apply to bond resolutions authorizing the issuance of bonds for the payment of capital improvements or equipment proposed to be constructed or acquired for purposes determined by resolution of the Council to be required as a result of a natural disaster, as declared by the Federal Government and requiring urgent action, in an amount not exceeding \$2,500,000 in the aggregate in any fiscal year, and provided that on the date of adoption of said bond resolution, the Council determines that the aggregate of the proposed bond authorization and the outstanding principal amount of obligations previously issued for natural disaster reconstruction purposes requiring urgent action in reliance on this paragraph F does not exceed \$2,500,000. In making such determination, the Council shall disregard certain such outstanding obligations to the extent provided below. Such determination

shall be conclusive for all purposes of this paragraph F, irrespective of whether through inadvertence or otherwise such determination is later found to be inaccurate. In the event that the Council determines that the aggregate of the proposed bond authorization and the outstanding obligations issued for public safety purposes requiring urgent action exceeds \$2,500,000, the Council may authorize a mandatory public referendum on the question whether such bond authorization shall become effective. In the event of approval of such authorization at a referendum, such authorization shall become effective and i) the obligations issued or to be issued in reliance on such bond authorization, and ii) the outstanding amount of obligations previously issued or authorized for public safety purposes requiring urgent action in reliance on this paragraph F on the date of adoption of such bond authorization, shall be thereafter disregarded for all purposes of this paragraph F.





# CITY COUNCIL AGENDA

NO. 11

DEPT.: City Manager's Office

DATE: November 16, 2011

CONTACT: Scott Pickup, City Manager

**ACTION:** Consideration to set a Public Hearing to amend the City of Rye Charter for the creation of a Public Safety Commissioner to head the Police Department and the Fire Department reporting directly to the City Manager.

**FOR THE MEETING OF:**

November 16, 2011

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** That the City Council set the Public Hearing for December 7, 2011.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** Due to 2012 Staff retirements, a recommendation has been made to create a Public Safety Commissioner which would include management of Police and Fire Services. These changes would incorporate updating the Rye City Charter so that the Fire Department would have a direct reporting relationship to the City Manager.

See attached.

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

**A Local Law to amend the City Charter Article 12 “Department of Police” and Article 13 “Fire Department” to rename the Head of the Department and to have the Head report to the City Manager’s office**

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

**Section 1. Rye City Charter Article 12 “Department of Police”**

**§ C12-1. Head of Department; subordinates.**

- A. There shall be a Department of Police, the head of which shall be the Commissioner of ~~Police~~ **Public Safety**, who shall be appointed by the City Manager, and he shall serve at the pleasure of the City Manager. The Commissioner of ~~Police~~ **Public Safety** shall have at least the qualification and experience specified by the Council.
- B. In addition to the Commissioner of ~~Police~~ **Public Safety**, the Council shall determine the number of Lieutenants, Sergeants and patrolmen, all of whom shall be appointed by the Commissioner.
- C. The Commissioner of ~~Police~~ **Public Safety** shall appoint, as vacancies in the Department occur, all officers and members thereof. He may also appoint bay constables and special officers for such purposes and upon such occasions as he may deem proper if not in conflict with law or this chapter.
- D. The Mayor and City Manager shall be ex-officio members of the police force of the City and shall have all the powers conferred upon policemen.
- E. The ~~Police~~ **Public Safety** Commissioner shall, when he deems it necessary for the good of the Department, suspend or remove any officer or employee whom he may appoint or employ, except as otherwise provided by law.

**§ C12-2. Powers and duties.**

- A. The Department of Police shall have all functions customarily performed by a police department, and shall exercise all powers and perform all duties pertaining to or necessarily incident thereto.
- B. Under the supervision of the City Manager, the Commissioner of ~~Police~~ **Public Safety** shall promulgate and enforce rules and regulations governing police discipline, practices and procedures for the administration of the department for the discipline and efficiency of the police force. The rules and regulations shall be approved by the Council before becoming effective. He shall have the authority to administer oaths and take evidence, affidavits and acknowledgements in all proceedings relating to the Department.

C. In addition, the Commissioner of ~~Police~~ **Public Safety** shall:

- 1) Exercise the powers to request and grant public assistance as provided in § 209-m of the General Municipal Law.
- 2) In coordination with the head of the Department of Public Works, supervise the application and maintenance of all pavement markings in the streets, sidewalks, parking areas and all other public places, and the installation and maintenance of all traffic signs and signals within the City.
- 3) Be responsible for the administration, supervision and training of the auxiliary police and shall coordinate the same with the Deputy Local Director of Disaster and Emergency Services.
- 4) Be responsible for the administration and supervision of policemen assigned to policing and enforcing all laws and ordinances applicable to the Rye Town Park and the maintenance of order therein.
- 5) Assist the City Manager in the administration of flood, disaster and other emergency plans.
- 6) Be responsible for the administration in coordination with other municipalities, of an emergency ambulance service on behalf of the inhabitants of the City.
- 7) Institute and formulate, in coordination with the heads of other Departments of the City, safety programs to reduce accidents and avoid injury or damage to persons and property.
- 8) Perform such other duties as may be prescribed by law, the Council or the City Manager.

**Section 2. Article 13 “Fire Department”**

**§ C13-1. Head of Department; ~~Board of Fire Wardens~~ Commissioner of Public Safety.**

The members of several fire companies of the City shall constitute the Fire Department of the City of Rye, the head of which shall be the ~~Board of Wardens~~ **Commissioner of Public Safety**. The maximum number of members of each company shall be fixed by the Council. The Fire Chief, the First and Second Assistant Fire Chiefs and the Wardens of such company shall constitute the Board of Fire Wardens.

**§ C13-2. Election of officers.**

- A. The members of the Fire Department shall elect annually by ballot by their members a Fire Chief, a First Assistant Fire Chief, and a Second Assistant Fire Chief and their election shall be subject to the approval of the Council.
- B. Each of the several fire companies shall elect annually by ballot from their own members a Warden for a term of two years.

**§ C13-3. Powers and duties of the Board of Fire Wardens.**

- A. The Board of Fire Wardens, **under the supervision of the Commissioner of Public Safety**, shall have control and supervision of the Fire Department and of all equipment and apparatus thereof, subject to the authority and control of the Council.
- B. The Board, **in conjunction with the Commissioner of Public Safety**, shall make recommendations with respect to the employment of such persons as the Council may deem necessary and proper in the Department within budgetary limitations.
- C. The Board shall fill any vacancies in the offices of Fire Chief and First and Second Assistant Fire Chiefs, subject to the approval of the Council.
- D. The Board, **in conjunction with the Commissioner of Public Safety**, shall, subject to the approval of the Council, adopt and enforce rules and regulations, not inconsistent with the provisions of the Civil Service Law or any other law, for the control, disposition and discipline of the officers, members and employees of the Department, for their training and efficiency, and for the use and care of equipment and apparatus of the Department.
- E. The Board shall approve the by-laws adopted by the several fire companies for the government and discipline of their members.
- F. The Fire Department shall comply with City regulations, practices and procedures relating to the administration, employees, purchasing and accountability of City property, except as otherwise provided by the Council.

**§ C13-4. Powers of Fire Chief.**

- A. The Fire Chief shall be Chairman of the Board of Fire Wardens and preside at meetings of the Board and Fire Department.
- B. He shall, under the direction and control of the ~~Board~~ **Commissioner of Public Safety**, have supervision of the officers, members and employees, and the equipment and apparatus of the Fire Department and also, shall have exclusive control of the officer, members and employees of the Department at all fires, inspections and reviews.

- C. He may appoint from members of the Department “call men” on a part-time basis when necessary, subject to the approval by the Board of Wardens, and their compensation shall be fixed by the Council.

**§ C13-5. City Manager.**

**The Commissioner of Public Safety shall report to the City Manager.**

**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 will take effect on March 1, 2012.



# CITY COUNCIL AGENDA

NO. 12

DEPT.: City Manager's Office

DATE: November 16, 2011

CONTACT: Scott Pickup, City Manager

**ACTION:** Home rule resolution supporting S5902 (Oppenheimer)/ A8556 (Latimer) extension of City of Rye Hotel Occupancy Tax.

**FOR THE MEETING OF:**  
November 16, 2011

**RYE CITY CODE,**  
CHAPTER  
SECTION

**RECOMMENDATION:** That the City Council approve the resolution.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** The tax expires this year and must be renewed. The legislation has been introduced; a home rule resolution is needed before the bill can advance in Albany.

See attached.

**S5902 OPPENHEIMER** No Same as  
ON FILE: 10/06/11 Taxation  
TITLE....Extends the occupancy tax in the city of Rye until September 1, 2015  
10/05/11 REFERRED TO RULES

---

**OPPENHEIMER**  
Amd S2, Chap 89 of 2009  
Extends the occupancy tax in the city of Rye until September 1, 2015.

---

**STATE OF NEW YORK**

---

5902

2011-2012 Regular Sessions

**IN SENATE**October 5, 2011

---

Introduced by Sen. OPPENHEIMER -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend chapter 89 of the laws of 2009 amending the tax law relating to the imposition of an occupancy tax in the city of Rye, in relation to extending the effectiveness thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. Section 2 of chapter 89 of the laws of 2009 amending the  
2 tax law relating to the imposition of an occupancy tax in the city of  
3 Rye, is amended to read as follows:  
4 § 2. This act shall take effect immediately and shall expire and be  
5 deemed repealed [~~three years after such date~~] September 1, 2015.  
6 § 2. This act shall take effect immediately.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD13332-02-1

---



**NEW YORK STATE SENATE  
INTRODUCER'S MEMORANDUM IN SUPPORT  
submitted in accordance with Senate Rule VI. Sec 1**

BILL NUMBER: S5902

SPONSOR: OPPENHEIMER

TITLE OF BILL:

An act to amend chapter 89 of the laws of 2009 amending the tax law relating to the imposition of an occupancy tax in the city of Rye, in relation to extending the effectiveness thereof

PURPOSE OR GENERAL IDEA OF BILL:

To authorize the City of Rye to extend a room occupancy tax not to exceed 3%, ending in 2015.

SUMMARY OF PROVISIONS:

Section 1202 of the tax law is amended to extend authority of the City of Rye to enact such a tax, ending in 2015.

JUSTIFICATION:

The City of Rye seeks to continue the authority granted in 2006 and 2009 to impose a 3% daily room tax on hotel, motel, or similar place of public accommodation. These are necessary, non-property tax revenues to support City expenses including offset impacts of rising pension costs, healthcare costs and other expenses not fully discretionary.

PRIOR LEGISLATIVE HISTORY:

A.8015B/S.5387A - Signed into law as Chapter 313 of 2006

FISCAL IMPLICATIONS:

The City estimates continuing revenues of \$60,000 per year minus implementation costs. None to the state.

EFFECTIVE DATE:

This act shall take effect immediately.

---