

CITY OF RYE

NOTICE

There will be a regular meeting of the City Council of the City of Rye on Wednesday, January 25, 2012, at 8:00 p.m. in the Council Room of City Hall. The meeting will be preceded by a Workshop on the Fire Department beginning at 7:00 p.m.

AGENDA

1. Pledge of Allegiance.
2. Roll Call.
3. General Announcements.
4. Draft unapproved minutes of the regular meeting of the City Council held January 11, 2012.
5. Mayor's Management Report
 - Update from the Rye Cable and Communications Committee
 - Discussion of the Strategic Workshop Agenda
 - Update on the Flood Mitigation Sluice Gate Project
 - Legal Update
6. Home Rule Resolution supporting S5902(Oppenheimer)/A8556(Latimer) extension of the City of Rye Hotel Occupancy Tax.
Roll Call.
7. Consideration of a Resolution of acceptance for a grant from the New York State Department of Environmental Conservation for reimbursement for equipment purchased by the Department of Public Works.
8. Discussion regarding appointments to the Conservation Commission/Advisory Council.
9. Acceptance of Grant Award from Governor's Traffic Safety Committee in the amount of \$2,680 for participation in the "Selective Traffic Enforcement" program.
10. Residents may be heard on matters for Council consideration that do not appear on the agenda.
11. One appointment to the Finance Committee for a three-year term, by the Mayor with Council approval.
12. Two appointments to the Landmarks Advisory Committee for a three-year term, by the Mayor with Council approval.
13. One appointment to the Rye Playland Advisory Committee for a three-year term, by the Mayor with Council approval.

14. Miscellaneous communications and reports.
15. Old Business.
16. New Business.
17. Adjournment.

The next regular meeting of the City Council will be held on Wednesday, February 8, 2012. The City Council will hold a Strategic Workshop on Saturday, January 28, 2012 at 9:15 a.m. at Whitby Castle.

** 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 under "RyeTV Live".

* There will be no Office Hours of the Mayor on 1/25/12.



CITY COUNCIL AGENDA

NO. 4

DEPT.: City Clerk

DATE: January 25, 2012

CONTACT: Dawn F. Nodarse

AGENDA ITEM Draft unapproved minutes of the Regular Meeting of the City Council held January 11, 2012, as attached.

FOR THE MEETING OF:

January 25, 2012

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 January 11, 2012, as attached.

DRAFT UNAPPROVED MINUTES of the
Regular Meeting of the City Council of the City of
Rye held in City Hall on January 11, 2012 at 8:00
P.M.

PRESENT:

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

ABSENT: None

The Council convened at 7:35 p.m. Councilwoman Parker made a motion, seconded by Councilman Jovanovich and unanimously carried to immediately adjourn into executive session to discuss real estate matters. Councilman Sack arrived at 7:55 p.m. Councilwoman Keith made a motion, seconded by Councilman Filippi and unanimously carried to adjourn the executive session at 8:06 p.m. The regular session began at 8:12 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. The State of the City Address by the Mayor

“Good evening, it is an honor to once again stand before you as Mayor of the City of Rye to present the *State of the City* on this night and in this year – the year when the City celebrates its 70th anniversary of becoming a City.

“Mayor Platt, Rye’s first Mayor and whose portrait hangs in the Mayor’s Conference room said in his inaugural address, given less than one month after World War II had been declared, said that the world “...was in troublesome times ...had we known such times were coming I sometimes wonder whether we would

have undertaken this course ... In any event we have a job to do, we will carry on...”

“70 years later, while the circumstances are far different, the same spirit now is called for all of us – for now is the time for the City to once again be pioneers and look forward, and not be historians and look back. Government as we know it needs to continue to change and we need to lead it.

“There is a basic pact when each of us moved to Rye – great schools, great services, great value. That pact was threatened in 2011 as two forces – the prolonged economic recession and Mother Nature – put significant financial and emotional strain on the residents who make up our community.

- ❑ Residents like the retired couple who have spent their lives in Rye and now on a fixed income can no longer afford the rapid rise of School, City and County property taxes.
- ❑ Residents like the working couple who need two incomes to be able to afford to live here – but one has lost their job and remains unemployed.
- ❑ Or, residents like the working professional who is under-employed and has experienced a significant drop in their compensation and retirement plan; yet have incurred spikes in their healthcare coverage expenses.
- ❑ Or residents whose homes have faced drops in property values based on market conditions or flood waters.

“Those are the conditions that shape the actions and policies of this Mayor, this Council and this City Management.

“So, the state of the City tonight is one of resilience. Here are the highlights of what to expect in 2012 and the New Year.

“Property Tax Relief – In the Spring of 2009 we began calling for property tax relief. The prior 10 years at that time had an average property tax increase for City services of 6.5% for each year for 10 years. Since then, the property tax increase has totaled only 5.4% for the last 3 years -- or an average of 1.8% per year. While the average property tax levy increase per year in the prior 10 years was about \$1M in each year, for the last 3 years that amount has totaled to roughly that amount. So, we will continue to manage costs and explore new revenue sources such as the transfer tax on cash sales for example.

“Healthcare – At a time when property values are declining or holding flat, mandated federal healthcare legislation and New York State pensions are growing at double-digits – putting enormous strain on local governments. While New York State manages the pension system and seems unlikely to make any meaningful reforms, the City will need to address the growing unfunded liability

of employee healthcare to include reviewing with our City Manger and Finance Committee healthcare plan design, plan savings, and employee contributions.

“Preventative Litigation -- Two things we know, one, everyone wants to sue the City; and two, every municipality has a different structure for their law department. We took a different approach and looked at legal services from a business perspective. Rather than pay attorneys hourly rates to get us out of disputes, we changed the model and are paying a fixed rate to help pre-empt disputes by having Corporation Counsel at City Hall working with staff, Council and our boards. We also have one of the leading municipal law firms in the state at the ready should we need additional legal support. The results speak for themselves. Legal expenses and the litigation hourly rate are down, our docket is shrinking, and we have either settled favorably or won our cases.

“The One-Taxpayer Approach – Along with coming together in 2011 to settle the long-standing Osborn Home dispute, the School district and the City have worked together on pedestrian safety and recreation initiatives. This has carried through in coordinating capital planning and exploring shared services. This will continue in 2012.

“Fair and Affordable Labor Deals – The ability to pay for Rye taxpayers during the continued economic recession and in particular with the consolidation of the financial services industry of which Rye residents are tied closely to, calls for the City and its Police and Fire Department unions to agree on new fair and affordable labor deals as those contracts expired years ago.

“Flood Mitigation. Rye has flooded and will flood again. This chamber has been filled the last 5 years with residents – and rightfully so, who are frustrated that the City (the people who have sat and sit at this dais) have not done more. But real mitigation is going to need real investment. The message from the Federal, State and County is clear; the local stakeholder needs to make a significant financial commitment first. Yet, Rye is divided on this issue. We will let the people decide and will work to put forth a flood mitigation measure for a public vote by the end of this year. Our plan is to retain more water upstream, starting behind Bowman Dam and to ensure that individuals and businesses make smarter/safer decisions for preparedness downstream.

“Capital Investment -- The City’s roads and infrastructure are worn. Purchase Street for example, the heart of the City, has not been fully re-paved since 1985. The City will review with the community infrastructure priorities for immediate need, to include recommendations from our Shared Roadways Committee, and will review how best to fund capital improvements that may include a potential bond at the end of this year.

“Trash Collection – One of the basic staples of living in the City is to have your trash picked up – no one does it better than our DPW department. But are there ways to save money for the long-term? The City Council will ask the City

Manager and our Finance Committee to tap into the experts on waste management to identify and make recommendations.

“The Fire Department – The Fire Department has served the City extraordinarily well for decades and is a pillar of our community. Few residents realize though that our volunteer firefighters and paid firefighters each report into 2 separate entities. In any organization, especially when dealing with public safety and in a tax-cap world, the buck needs to stop with one person. The City Manager and I have spent the past year speaking with the Board of Wardens, Fire Chiefs, paid personnel, and volunteer firefighters discussing better alignment and we hope to finalize a plan in the coming weeks to meet these objectives.

“Emergency services -- To supplement the great work by our first responders in emergency situations, the Council since Tropical Storm Irene has met with local organizations and leaders to discuss the creation of a volunteer network that could assist the community in many ways to include housing, transportation, working at shelters, communication and outreach, or clearing up debris to name a few. More on this to come. In addition, our public notification e-mail and text system – nixle.com that complements the reverse 911 phone calls continues to expand. Every Rye resident should sign up for this notification service to stay informed of emergency, public safety, weather and traffic issues around our City.

“Recreation Services – Our recreational facilities, fields and open space are foundational to our quality of life here in Rye, but now is time to review them in a broader strategic context collectively to see if there are ways to optimize recreation opportunities. Why is it that Rye Recreation Summer Camps do not use Rye Town Park, or why Rye organizations go outside of Rye to hold their functions and not at the City-owned Whitby Castle, or that organizations such as the YMCA and others are in need of space for community programming, but the Damiano Center sits dormant. I would like to propose a Recreation Taskforce that is made up of key stakeholders to see where opportunities can be accelerated and scaled. And of course, we will continue to have our voice heard with the County as they look at the future of Playland and appreciate their inclusion of us in the process.

“Environmental Sustainability – In response to public interest, we established an environmental sustainability committee to put together a sustainability plan for the City to look at our community carbon footprint, recycling improvements and community education. Their efforts have reflected the growing interests of a broad cross-section of Rye residents.

“Preserving History -- Our history is what ties our generations together and we have continued to make it a priority of who we are as a community. One example is the public-private partnership to restore the Friends Meeting House and the Bird Homestead has proven very successful and is bringing a community spirit to that area after 10 years of being dormant.

“So, as the City Council of the City of Rye pauses at this address and to recognize the 70th Birthday of the City; we want to acknowledge the contributions of all those who have served before us; and also that we will heed the words spoken by Mayor Platt at his inauguration “... to govern wisely for the greater benefit of all.”

“So thank you to our City Manager Scott Pickup, his management team and the City employees. Thank you to our many committees, groups, and organizations -- the volunteers who spend hours advocating for their organizations, serving government committees and planning for the future.

“A special thanks to my colleagues. Let me again be the first one this year to say thank you for your public service to Rye. Our role as Mayor and Council is to balance the needs by making decisions – sometimes very tough ones. We have done that and will continue to do so. So, on behalf of the Council, we look forward to 2012, ready to represent you, work with you and ready to serve. Thank you.”

4. Resolution to accept a donation from the Key Bank Foundation to the Rye Nature Center in the amount of \$4,000

City Manager Pickup said this was the second year that Key Bank had given grant money to the Nature Center. Mayor French read a Resolution from Key Bank Foundation regarding a donation of \$4,000 to the Friends of Rye Nature Center in support of the Summer Camp Scholarship Fund for Inner-City Students. Lisa Sadler, representing the Friends of the Rye Nature Center, accepted the check for \$4,000 and offered thanks on behalf of the Board and staff of the Nature Center.

5. General Announcements

- The death of Robert Schubert was noted and condolences were offered to his family.
- People were reminded not to let their cars idle for more than three minutes.
- The City will be working with the NYU Capstone Graduate School on the complete streets model for planning. A meeting will be held at City Hall on February 6 at 10:00 a.m.

6. Draft unapproved minutes of the Regular Meeting of the City Council held December 21, 2011

Councilwoman Keith made a motion, seconded by Councilman Jovanovich and unanimously carried to approve the minutes of the regular meeting of the City Council held on December 21, 2011, as amended.

7. Mayor's Management Report

- Update on the Flood Mitigation Sluice Gate Project

David Weiss from WSP Sells provided an update on the Sluice Gate Project. He said the project is entering the final steps in order to get the sluice gate constructed in 2012. The engineering design has been completed and all the necessary environmental permits have been secured. The process now involves final coordination between the City and the Village of Rye Brook and the Town of Harrison. There is a Rye Brook Planning Board meeting on January 12th and it is hoped that the project will be referred back to the Board of Trustees for a public hearing on January 24th. An Intermunicipal Agreement (IMA) has been executed between the City and Rye Brook. They have met with the Harrison Planning Board and they are requiring the execution of another IMA between the City and the Town of Harrison and Village of Rye Brook as a stipulation of their approval, as well as receipt of the Emergency Action Plan for the Bowman Dam. The draft IMA from Harrison is currently being reviewed. After approvals are received from both Rye Brook and Harrison, the project can be advertised. This should happen by early spring at the latest, with construction commencing in early summer. The construction duration for the project is about 8-12 weeks and should be completed by end of summer or early fall. City Manager Pickup said that the goal is to have the sluice gate operational by September 1st. He said that the project is still within the initial budget that Sells developed almost three years ago. The City has dealt with six agencies (state, federal and local) in order to get this project done. The City has always maintained the dam property and will continue to do so. Mr. Weiss was asked to expedite the approval process in the other municipalities due to the public safety nature of the project.

- Update on Upper Pond Expansion Project

City Manager Pickup said one of the projects looked at along the Blind Brook corridor was an expansion of detention behind the dam. The City must: (1) find out what the rock profile is by testing multiple sites to determine how deep it could go before hitting rock; (2) the material must be tested for contamination and, if found to be contaminated, it must be dealt with in a different method; and (3) determine how much additional storage can be gained behind the dam, in order to estimate what the project would cost. Mr. Weiss said the exploratory work on the rock must be done first because it is important to know how much the pond can be expanded before the overall cost can be estimated. The project could provide for more storage, which would have a positive effect on water surface reduction down stream, especially when worked in tandem with the sluice gate. Mr. Pickup said that he has been told the grant application, which has been fully submitted for a long time, is undergoing federal review. As soon as the money is released the City will be ready to start the work in the field. The timeframe for the field work on the rock surface profile would be about two weeks and then Sells would analyze the data and refine the model, which could be done in a few weeks.

- Update on 2 Central Avenue – Black Bass Grill property

City Manager Pickup said there was a contractor issue with the asbestos contractor regarding the disposal and removal methods that is delaying the project. It may require the City to take the owners back to City Court and have the Court set a new timeframe.

- Update on Central Avenue Bridge Project

City Manager Pickup said that the State has put in a 5% retainage requirement that is new to the project. Staff is working on the project financing to make sure the City is still within that dollar amount. If not, the City will have to ask the State for more money.

- 76 Bus Route

Councilwoman Parker spoke about the recent cancellation of the Route 76 bus by the County Executive and said she has heard from many people who rely on the bus and are affected by the cancellation. She said she has questions regarding the legality of the County Executive's decision, which was made without notification to the City. Councilman Sack said that the City should have been given an opportunity to provide input to the County on why the bus route should have been maintained, even if the ultimate decision had been the same. Councilman Jovanovich said he had been told by the County Executive's Office that the Milton Point loop of the bus route was the least efficient in the Bee Line system and suggested that it would have been helpful if this information has been shared earlier in the discussion. Councilwoman Parker reiterated that the City Council needs to take a stand because the decision negatively impacts citizens of Rye and said the County should make cuts somewhere else in their budget. Joe Murphy and Ted Carroll urged the Council to challenge the County's decision.

- Library Agreement

Mayor French said the annual Agreement with the Library will reflect a reduction in hours of operation by eight hours to 41 hours. Kitty Little, Director of the Library said the Library would maintain the same hours in summer and winter.

8. Discussion on a Resolution to establish a Flood Advisory Committee

The Council discussed the current draft Resolution. A suggestion was made to add a clause regarding the Committee seeking funding opportunities.

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

WHEREAS, the City of Rye has suffered from numerous floods dating back decades and has seen valuable private and public property lost and significantly damaged on numerous occasions; and

WHEREAS, the City would like to incorporate best practices as it relates to flood mitigation into its decisions and activities; and

WHEREAS, there are state, regional and local initiatives that could be considered in developing methods to prevent and mitigate damage from flooding; and

WHEREAS, it is desirable to have a Flood Advisory Committee (the "FAC") to research, study and recommend actions that the City could consider in mitigating flood impacts both on a local and regional level;

NOW, THEREFORE, BE IT RESOLVED, that the City of Rye Flood Advisory Committee (FAC) is hereby established; and be it further

RESOLVED, that the FAC shall consist of no less than seven (7) members and no more than nine (9) members, all residents of the City of Rye, to serve three-year terms; and be it further

RESOLVED, that the initial appointments shall be staggered with three one-year terms, three two-year terms; and three three-year terms, and be it further

RESOLVED, that if only seven members are initially appointed, the appointments shall include three one-year terms, two two-year terms and two three-year terms; and be it further

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

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

1. Establish FAC rules and procedures for meetings;
2. Identify, research, and recommend various flood mitigation measures that the City Council could consider adopting or incorporating into its practices;
3. Report directly to the City Council any policy changes that could decrease the impacts from flooding;
4. Develop “best practices” for private homeowners to protect their property during storms;
5. Advise the City Council on any regional or state-wide policy changes including local legislative enactments that address flooding; and
6. Assist in seeking funding and grant opportunities to help mitigation efforts.

ROLL CALL:

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

The Resolution was adopted by a 7-0 vote.

9. Consideration to opt into legislative relief enacted by New York State granting tax relief to property owners whose properties were catastrophically impacted from Hurricane Irene/Tropical Storm Lee

City Manager Pickup said that legislation was adopted by the State in December. Based on damage reports that were done by the Department of State CEDAR teams in the City about 63 residential and 13 commercial structures were considered to have major damage. The threshold that will trigger the reduction in assessment is 50% of the total value. Because of property values in the City it is extremely difficult for Rye to meet the types of damages, but if the Council approves the legislation, the Assessor will be able to accept documentation submitted by individual homeowners for review in order to make a determination. Applications must be submitted by March 8th. The legislation must be approved by January 23rd in order to allow for an appeal process for tax payers who do not agree with a determination made by the Assessor. The legislation only covers a one-year period and should apply to school taxes as well as city taxes.

Holly Kennedy said that because of FEMA rules she did not believe any homes in Rye would qualify for the relief and suggested it was more important that residents be made aware of the normal annual process of grieving their tax assessments in June.

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

RESOLVED that the City Council of the City of Rye hereby opts into the legislative relief enacted by New York State granting tax relief to property owners whose properties were catastrophically impacted from Hurricane Irene/Tropical Storm Lee.

ROLL CALL:

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

The Resolution was adopted by a 7-0 vote.

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

Ted Carroll, Jim Amico, Jordan Glass, Esq., and Ray Tartaglione all read statements in honor of Robert Schubert and the situation regarding his pond and the actions of the City.

Sis D'Angelo spoke about the environment in Rye and said the City should force houses to get on sewers in order to keep garbage from leaching into waterways. She also said something

must be done to clean up the area around Purchase Street and stop people from putting garbage out during the day.

Charmaine Neary spoke about clear-cutting of trees on Midland Avenue due to construction. She said the City should consider the affects of clear-cutting of old growth trees. Mayor French said that this issue is addressed in a draft Tree Ordinance that is being reviewed.

11. Appointment of the 2012 Deputy Mayor by the Mayor

Mayor French appointed Councilman Peter Jovanovich as Deputy Mayor for a one-year term commencing January 1, 2012, to serve as Deputy Mayor in the Mayor's absence.

12. Appointment of a Council Member as Trustee of the Police Pension Fund, by the Mayor with Council approval, for a one-year term

Mayor French made a motion, unanimously approved by the Council, to appoint Councilwoman Catherine Parker as Trustee of the Police Pension Fund for a one-year term commencing January 1, 2012.

13. Designation of the City Council's Audit Committee by the Mayor

Mayor French appointed Councilwoman Suzanna Keith and Councilman Peter Jovanovich to the City Council's Audit Committee, along with himself, for a one-year term commencing January 1, 2012.

14. Designation of the days and time of regular meetings of the City Council

Councilman Jovanovich made a motion, seconded by Councilwoman Parker and unanimously carried, designating the following dates for regular meetings of the City Council in 2012:

- January 11
- January 25
- February 8
- February 29
- March 14
- March 29
- April 4
- April 18
- May 9
- May 23
- June 13

July 11

August 6 – Presentation of the CIP

August 8

September 12

October 10

October 24

November 7

November 14 – Presentation of the Budget

November 28

December 5

December 19

15. Designation of the City Council Liaisons by the Mayor

Mayor French designated City Council liaisons as follows:

Mayor French -- Rye City School Board, Rye Town Park, Audit Committee, Legal Case Management Committee, Rye Cable and Communications Committee

Councilmember Laura Brett -- Flood Advisory Committee, Government Policy & Research Committee, Landmarks Advisory Committee

Councilmember Richard Filippi -- Conservation Commission/Advisory Council, Recreation Commission, Board of Architectural Review

Councilmember Peter Jovanovich -- Planning Commission, Rye Free Reading Room, Audit Committee

Councilmember Suzanna Keith -- Traffic & Pedestrian Safety Committee, Finance Committee, Sustainability Committee, Audit Committee

Councilmember Catherine Parker -- Rye Playland Advisory Committee, Rye Merchants Association, Emergency Medical Services, Police Pension Fund, Rye Senior Advocacy Committee

Councilmember Joseph Sack -- Rye Town Park, Legal Case Management Committee, Board of Appeals, Rye Golf Commission

Mayor French said that he and Councilman Sack would continue to serve as voting members of the Rye Town Park Commission and Councilman Jovanovich would continue to serve as Council representative and voting member of the Planning Commission for a two year term.

16. Designation of official City newspaper

Councilman Jovanovich made a motion, seconded by Councilman Filippi, to designate The Journal News as the official City newspaper.

ROLL CALL:

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

The Resolution was adopted by a 7-0 vote.

17. Appointments to Boards and Commissions, by the Mayor with Council approval

Councilwoman Keith made a motion, seconded by Councilman Filippi, and unanimously carried to approve the following appointments to Boards and Commissions for three-year terms expiring on January 1, 2015:

- A) Alan Weil, Serge Nivelles and Maureen Powers to the Board of Appeals
- B) Carmen Aguilar to the Board of Architecture Review
- C) Edward Dunn to the Board of Ethics
- D) C. Nicholas Hodnett to the Conservation Commission/Advisory Council
- E) Warren Keegan to the Finance Committee
- F) Andrew Curtin, Elaine DiConstanzo and Matthew Thomas to the Government Policy & Research Committee
- G) Maurio Sax to the Landmarks Advisory Committee
- H) Nicholas Everett and Martha Monserrate to the Planning Commission
- I) Thomas Maloney, Esther Martensen and Steven Verille to the Recreation Commission
- J) Al Vitiello and Nicholas D. Loddo, Jr. to the Traffic & Pedestrian Safety Committee
- K) Russell Gold to the Rye Town Park Advisory Committee.

Mayor French designated the following people to serve as Chairs of Committees for a one-year term expiring on January 1, 2013:

- A) Alan Weil as Chair of the Board of Appeals
- B) Carmen Aguilar as the Chair of the Board of Architectural Review
- C) Nicholas Everett as the Chair of the Planning Commission.

The Mayor noted that the Finance Committee has chosen Paula Schaefer and Warren Keegan to serve as its Co-Chairs.

18. Designation of the amounts of faithful performance bonds:

Councilman Jovanovich made a motion, seconded by Councilman Filippi, to recommend the following amounts of faithful performance bonds:

- | | | |
|----|------------------|--------------|
| A. | City Comptroller | \$ 1,000,000 |
| B. | City Clerk | \$ 500,000 |
| C. | City Marshall | \$ 100,000 |

ROLL CALL:

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

The Resolution was adopted by a 7-0 vote.

19. Resolution to accept a Local Government Records Management Improvement Fund Grant from the State Archives and Records Administration (SARA)
Roll Call

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

WHEREAS, the City of Rye has been awarded a Local Government Records Management Improvement Fund grant in the amount of \$2,915 to hire an Archival Clerk to evaluate personnel records maintained in the City Manager's files from 1961 to 1977 in order to reconstruct the appropriate files for each employee for the period; and

WHEREAS, the 2012 Annual Budget made no provision for either the estimated revenue or appropriation of these grant funds; now, therefore, be it

RESOLVED, that the City Council accepts the award of this grant; and be it further

RESOLVED, that the City Comptroller be authorized to amend the 2012 Budget as follows:

Increase the General Fund Records Management estimated revenues for State Aide Records Management in the amount of \$2,915

Increase the General Fund Records Management appropriations for Consultants in the amount of \$2,915

ROLL CALL:

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

The Resolution was adopted by a 7-0 vote.

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

This agenda item was tabled until a later date in order to provide the Council with more time for review.

21. Miscellaneous Communications and Reports

Councilwoman Keith reported that Rye TV has a Facebook page. The Sustainability Committee is looking at having a meeting with the City Manager on bio-fuels. They are also looking for information on the carbon footprint of the City, which is a key point to start the Sustainability Plan. They are looking to work with City staff and other communities on a “No Idling Day” on April 30th. An Eye on Rye has been completed to promote community awareness of the new Plastic Bag Ordinance. TPS will be meeting on Thursday.

Councilwoman Parker said that she had attended a Chamber of Commerce meeting and had been asked what would be done about the graffiti in the walkway leading to Car Park 3. City Manager Pickup said that DPW crews have been busy with tree work, but would be taken care of it. Ms. Parker said that the members of the Chamber of Commerce are aware of the Plastic Bag Ordinance.

Mayor French said that the Government Policy and Research Committee will look into the transfer tax proposal and report back to the Council. He said that he and City Manager Pickup will be meeting with the School Superintendant and School Board President to see if a coordinated meeting should be set up between both Boards regarding bonding. A community forum was held on Rye Town Park last Saturday and the feedback was positive to the changes that have been made. He added that he believes labor at the park must be reduced in order to cut costs. Councilwoman Keith said that a meeting would be held at Village Hall in Mamaroneck on the baseline report on the issue of the dissolution of the Town of Rye.

22. Old Business

Councilman Filippi asked if the water poles have been put up by United Water yet. City Manager Pickup said the proposal was still before the Board of Architectural Review.

23. New Business

Councilwoman Keith said that the Shared Roadways Committee has recommended that the City pass a Resolution adopting a Complete Streets Policy. She said she would circulate the Committee’s proposal for review in order for it to come back on a future agenda. She also suggested that it might be time to revisit the “No Texting Pledge”.

Mayor French said he had spoken with Bob Clyatt about having artists put sculptures on Purchase Street in May. City Manager said he was waiting to hear back from Mr. Clyatt.

24. Adjournment

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

Respectfully submitted,

Dawn F. Nodarse
City Clerk



CITY COUNCIL AGENDA

NO. 5

DEPT.: City Council

DATE: January 25, 2012

CONTACT: Mayor Douglas French

AGENDA ITEM: Mayor's Management Report

FOR THE MEETING OF:

January 25, 2012

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:

- Update from the Rye Cable and Communications Committee
- Discussion of the Strategic Workshop Agenda
- Update on the Flood Mitigation Sluice Gate Project
- Legal Update



CITY COUNCIL AGENDA

NO. 6

DEPT.: City Manager's Office

DATE: January 25, 2012

CONTACT: Scott Pickup, City Manager

ACTION: Home Rule resolution supporting S5902-A (Oppenheimer)/ A8556B (Latimer) extension of City of Rye Hotel Occupancy Tax.

FOR THE MEETING OF:
January 25, 2012

RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION: That the City Council approve the resolution.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The Hotel tax will expire and must be renewed. The legislation has been introduced; a Home Rule resolution is needed before the bill can advance in Albany.

Note: the Hotel Tax was previously approved by the City Council on November 16, 2011. The City was advised by Assemblyman George Latimer that the Council resolution must be adopted in the same year that the Bill will be adopted.

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 SENATEOctober 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.



CITY COUNCIL AGENDA

NO. 7

DEPT.: City Manager's Office

DATE: January 25, 2012

CONTACT: Scott Pickup, City Manager

AGENDA ITEM Consideration of a Resolution of acceptance for a grant from the New York State Department of Environmental Conservation for reimbursement for equipment purchased by the Department of Public Works.

FOR THE MEETING OF:

January 25, 2012

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council consider the approval of the grant resolution.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The Department of Public Works applied for a grant from the New York State Department of Environmental Conservation for a 50% reimbursement on a split body recycling packer truck. The City Council must approve a resolution of acceptance for the City to receive the monies in the amount of \$120,000.

See attached resolution.

RESOLUTION

Resolution Authorizing the Filing of an Application for a State Grant-In-Aid for a Municipal Waste Reduction and/or Recycling Project and Signing of the associated State Contract, Under the Appropriate Laws of New York State.

WHEREAS, the State of New York provides financial aid for municipal waste reduction and municipal recycling projects; and

WHEREAS, the City of Rye herein called the MUNICIPALITY, has examined and duly considered the applicable laws of the State of New York and the MUNICIPALITY deems it to be in the public interest and benefit to file an application under these laws; and

WHEREAS, it is necessary that a Contract by and between THE PEOPLE OF THE STATE OF NEW YORK, herein called the STATE, and the MUNICIPALITY be executed for such STATE Aid;

NOW, THEREFORE, BE IT RESOLVED by the Rye City Council:

1. That the filing of an application in the form required by the State of New York in conformity with the applicable laws of the State of New York including all understanding and assurances contained in said application is hereby authorized.
2. That George Mottarella is directed and authorized as the official representative of the MUNICIPALITY to act in connection with the application and to provide such additional information as may be required and to sign the resulting contract if said application is approved by the STATE;
3. That the MUNICIPALITY agrees that it will fund its portion of the cost of said Municipal Waste Reduction and Recycling Project.
4. That the MUNICIPALITY or MUNICIPALITIES set forth their respective responsibilities by attached joint resolution relative to a joint Municipal Waste Reduction and/or Recycling Project.
5. That this resolution shall take effect immediately.

CM COPY

**NYSDEC Division of Solid & Hazardous Materials
Bureau of Waste Reduction & Recycling**

**Municipal Waste Reduction & Recycling
Capital Project Pre-Application**

This form entitles the applicant to be considered for a waste reduction/recycling grant administered by the NYSDEC. It is NOT a full application. Upon notice from NYSDEC the applicant will be required to complete a full application.

Step1 Provide some identifying information:

Applicant City of Rye	DEC Region 3
County <input type="checkbox"/>	County Westchester
Check Applicant type(s):	
City <input checked="" type="checkbox"/>	Town <input type="checkbox"/>
Village <input type="checkbox"/>	Local Public Authority <input type="checkbox"/>
Local Public Benefit Corporation <input type="checkbox"/>	School District <input type="checkbox"/>
Other District <input type="checkbox"/>	Native American tribe or nation (in NYS) <input type="checkbox"/>

Project Name or Description: **Split Body Recycling Packer Truck**

Project Manager: **George J. Mottarella, City Engineer**
(name & title of Municipal Employee who can provide project information)

Address: **141 Oakland Beach Ave.
Rye, N.Y. 10580**

Phone: **914-967-7461**

E-mail: **gmottarella@ryeny.gov**

Project category: (check all that apply)

Recycling Equipment/Structures/Facilities <input type="checkbox"/>	Recycling Collection Vehicle(s) <input checked="" type="checkbox"/>
Composting Equipment/Structures/Facilities <input type="checkbox"/>	Waste Reduction Equipment/Structures <input type="checkbox"/>

A. Total project cost \$ **240,000.00**

B. Percent use for Recycling/Composting **100 %** (only projects from 50% to 100% dedicated qualify)

C. State Share Request (50% x A x B) \$ **120,000.00**

Please do NOT fill-in the green fields. They will calculate values automatically

Are the items in this pre-application **completely purchased?**

Are the items in this pre-application **partly purchased?**

Are the items in this pre-application **not yet purchased?**

Step 2. Provide a brief SCOPE OF WORK for your project. (one paragraph)

Purchase a split body recycling packer truck and eliminate open body recycling trucks.

Municipal Waste Reduction & Recycling Capital Project Pre-Application (continued)
Step 3. Describe what will be ACCOMPLISHED with this grant (one paragraph).

The split body packer truck has two separate compartments, one for co-mingled materials, the other for pulp, and is designed to compact and eject separately. The split body packer truck provides a lower height to dump recycling boxes, reducing possible injuries to operators. A packer truck will also eliminate multiple trips for dumping due to compaction capabilities.

Step 4. Provide a BUDGET.

You may fill in the form below or submit a separate attachment for your budget.

Period Covered by this Grant Request 2011 to 2017

Description of expense	Total Cost	Recycling Use Percent	Eligible Cost
Purchase Spilt Packer Truck	\$240,000.00	100 %	\$240,000.00
		%	\$0.00
		%	\$0.00
		%	\$0.00
		%	\$0.00
		%	\$0.00
		%	\$0.00
		%	\$0.00
		%	\$0.00
		%	\$0.00

Attach an additional chart, if necessary

Total Eligible Expenses - \$ 240,000.00

State Aid Requested (50% of Total Eligible Expenses) - \$ 120,000.00

GSP Marketing Inc.

Manufacturer of



G-S Products

WASTE / RECYCLING EQUIPMENT

5000series

OVER TOP LOAD RECYCLING BODIES



Designed and built with the operator in mind



Available in 18 to 50 yard bodies



5000series

Designed, engineered and built for ease of operation

Owners, mechanics, and operators contribute their professional experience to the highly productive 5000series.

The 5000series is the most thought through over top load recycling body built. Our design team spent countless hours with owners, mechanics, and operators to obtain their thoughts and opinions on what makes a great over top loading unit. We have taken this information and combined it with our engineering to build what we believe is the most productive unit on the market.

We start with curved shell side walls for added strength. Second, our large volume loading bins are located so the operator has easy access to them. Other features include simple to use controls, a 52 degree bin dump angle that ensures bin cleanout, standard LED body and optional work lights. As with all our bodies, the 5000series is designed for maximum legal payloads. Our bodies are built in 18 to 50 yard capacities, with many custom configurations designed in a simple, easy to maintain unit.

Contact us to schedule on-site demonstrations for your routes.

SPECIFIC FEATURES

- Curved shell construction for added strength
- Standard and high capacity flatback loading bins
- Easy to operate controls
- Air controls all body functions
- 52 degree bin dump angle — ensures cleanout
- 5 degree bin tilt (during lift) — minimizes spills
- Zero top gap — reduces overhead hazards
- No-whip, no-spill overhead geometry
- Available in 18 to 50 yard capacity
- Single and tandem axle applications

AVAILABLE OPTIONS

- 5700 compactor with twin 4" hydraulic cylinders
- Onboard plastic densifier
- Adjustable partitions with sliding access doors
- Up to 7 autolock cart attachments per side
- Warning and work lights





CITY COUNCIL AGENDA

NO. 8

DEPT.: City Council

DATE: January 25, 2012

CONTACT: Mayor French

AGENDA ITEM Discussion regarding appointments to the Conservation Commission/Advisory Council.

FOR THE MEETING OF:

January 25, 2012

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council review the charter mission of the CC/AC and consider outstanding appointments to the Commission.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The Conservation Commission/Advisory Council should consist of not less than six members or more than nine members. The Commission currently has four members which is below the threshold to hold meetings. Additional appointments are needed. The current members include:

<u>Current Committee Members</u>	<u>Expiration Date</u>
Loriel DeCaro, Chair	1-1-13
Paul Berte	1-1-14
C. Nicholas Hodnett	1-1-15
Jim Nash	1-1-14

See attached background and mission statement.

CONSERVATION COMMISSION/ADVISORY COUNCIL

BACKGROUND

The Conservation Commission was created by Article 17 of the Charter of the City of Rye, NY and was then designated as a Conservation Advisory Council pursuant to Article 12-F of the General Municipal law by Resolution of the Rye City Council at its regular meeting held on November 6, 1974.

In 1997, a Budget Account was established by the then City Manager funded by an additional building permit application fee to be used for hiring an environmental consultant by the Rye City Building Inspector or the CC/AC to provide environmental impact evaluations of proposed construction and subdivision plans, when desired. This same funding stream was used in the training of CC/AC members involved with the Commission's State Environmental Quality Review Act (SEQRA) Committee and in assisting the Building Inspector and Rye Nature Center staff with guidance regarding wetlands delineation procedures. In January 1998, the City Manager appointed a new director to the Rye Nature Center (RNC). The same year the Conservation Commission was renamed as the Conservation Commission/Advisory Council; and authorized to serve as the supervising body of the Rye Nature Center and as advisor to other City of Rye agencies on matters of environmental importance.

MISSION STATEMENT

The City of Rye Conservation Commission Advisory Council (CC/AC) is responsible for managing the City's conservation facilities and programs. Toward this end, it undertakes the following activities:

- ❖ Assists in the administration of environmental regulatory activities;
- ❖ Provides education materials related to environmental issues;
- ❖ Inventories its natural resources;
- ❖ Retains professional consultants, when necessary; and
- ❖ Provides public services by fostering citizen involvement in local and regional environmental issues.

In furtherance of its mission, the six to nine members of the CCAC are appointed by the Mayor with the consent and approval of the City Council. The members attend City Council meetings, Planning Commission meetings, and other pertinent meetings to stay abreast of municipal issues. In addition, CCAC fosters and encourages public participation in recycling, administration of the municipality's Tree Ordinance, keeping residents informed about environmental issue and assisting the Friends of the Rye Nature Center (FRNC) in fulfilling their mission.



CITY COUNCIL AGENDA

NO. 9

DEPT.: Police

DATE: January 25, 2012

CONTACT: Commissioner William R. Connors

AGENDA ITEM: Acceptance of Grant Award from Governor's Traffic Safety Committee in the amount of \$2,680 for participation in the "Selective Traffic Enforcement" (STEP) program.

FOR THE MEETING OF:

January 25, 2012

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the City Manger be authorized to accept the Grant Award from the Governor's Traffic Safety Committee in the amount of \$2,680.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The City of Rye Police Department has been awarded a grant of \$2,680 from the Governor's Traffic Safety Committee to participate in the "Selective Traffic Enforcement" (STEP) program. The goal of the program is to reduce the rate of preventable traffic accidents and fatalities in Westchester County by increasing public awareness through traffic safety enforcement.

The Agreement is for a five-year period commencing October 1, 2011 through September 30, 2016.

See attached.



William R. Connors
Police Commissioner

POLICE DEPARTMENT

City of Rye, New York

21 McCullough Place

Rye, N. Y. 10580

Phone: (914) 967-1234

FAX: (914) 967-8341



January 11, 2012

Memorandum for: Scott D. Pickup, City Manager

Subject: **INTER-MUNICIPAL AGREEMENT RE: SELECTIVE TRAFFIC ENFORCEMENT (STEP) GRANT FUNDING**

Attached is an Inter-Municipal Agreement (IMA) prepared by the Westchester County Department of Public Works and Transportation regarding the allocation of grant funding pursuant to the New York State Governor's Traffic Safety Committee (GTSC) Fiscal Year 2012 Selective Traffic Enforcement Program (STEP) for the period from October 1, 2011 through September 30, 2016. The document renews a prior contract that was in effect from 2006 through 2011.

The Department has been awarded \$2,680 to be used prior to September 30, 2012.

Pending review by the Corporation Counsel as to form, I recommend that it be executed to enable the Department to continue grant-funded traffic enforcement.

Submitted for your consideration.

A handwritten signature in cursive script that reads "William R. Connors".

William R. Connors
Police Commissioner

WRC/wrc

Robert P. Astorino
County Executive

Department of Public Works and Transportation

John J. Hsu, P.E.
Commissioner

January 6, 2012

*****FY 2012 STEP Grant (Selective Traffic Enforcement Program)*****

Dear Chief of Rye Police Department:

We are pleased to inform you of the approval of the FY 2012 STEP Grant (Selective Traffic Enforcement Program) by the NYS Governor's Traffic Safety Committee (GTSC).

For the period 10/01/11 to 9/30/12, your police department is authorized to spend the following amount \$ 2,680 for increased traffic safety enforcement. Unfortunately, the 2012 grant was decreased due to budget cuts. The GTSC's funding is based on a formula using criteria such as previous performance and crash rates. As a result, police departments have been awarded different amounts.

This year, a new five (5) year Inter-Municipal Agreement (IMA) must be processed by your municipality to participate in this program as the previous IMA has expired. Blank copies of the new IMAs are enclosed in triplicate. Forward all three (3) copies to your municipal offices for processing. The completed IMAs must include a Certificate of Liability Insurance Accord Form from your municipality's insurance carrier listing the County of Westchester as the Additional Insured for the above grant title. The term of these new IMAs will be from 10/01/11 to 9/30/16.

After your municipality has completed processing, forward all three (3) signed original IMAs to Westchester County Traffic Safety, 148 Martine Avenue Suite 400B, White Plains, New York 10601. The County will process and a fully executed original will be returned to your municipality upon completion.

Once the IMA has been completely executed by both parties, reimbursements can be made to your municipality for STEP enforcement. We will continue to use the same reimbursement forms as previous years. Payment vouchers with backup should continue to be submitted to the County Traffic Safety Office. Remember that payment vouchers require backup, such as, your department's approved payroll sheets listing officers' names and hourly rates. Reporting forms listing types and numbers of summonses must also be forwarded.

If we can be of any assistance, please do not hesitate to contact us at 995-2271. We are looking forward to another year of successful enforcement programs. Thank you in advance for your assistance and participation in this important traffic safety program.

Sincerely,



Barbara Peters-DeMeo
Project Director

Enclosures – Three blank Inter-Municipal Agreements for STEP Grant

Administration	Fleet/Garage Operations	Road Maintenance	Valhalla Operations	White Plains Operations
Engineering	38 Brockway Place	198 Lake Street	Operations Building	148 Martine Avenue
148 Martine Avenue	White Plains, NY 10604	White Plains, NY 10604	Valhalla, NY 10595	White Plains, NY 10601
White Plains, NY 10601	Tel: (914) 995-4961	Tel: (914) 995-4951	Tel: (914) 231-1294	Tel: (914) 995-4156
westchestergov.com/dpw	Fax: (914) 995-3709	Fax: (914) 995-6233	Fax: (914) 231-1164	Fax: (914) 995-6146

SELECTIVE TRAFFIC ENFORCEMENT PROGRAM GRANT

10/01/2011 - 9/30/2016

INTER-MUNICIPAL AGREEMENT

COUNTY OF WESTCHESTER

AGREEMENT made the _____ day of _____, 20__ between the County of Westchester, 148 Martine Avenue, White Plains, New York 10601 (hereinafter referred to as the "County"), and

(Name of Municipality)

(Address)

(hereinafter referred to as the "Municipality")

WHEREAS, the County receives grant funds from the Governor's Traffic Safety Committee each year to administer a program of Selective Traffic Enforcement for Traffic Safety; and

WHEREAS, the County desires that the Municipality participate in the program in order to reduce the rate of preventable traffic accidents and fatalities in Westchester County by increasing public awareness through traffic safety enforcement.

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

1. Services: The Municipality shall participate in the County's Selective Traffic Enforcement for Traffic Safety Grant Program (hereinafter the "Program") in accordance with and as described in Schedule "A" which is attached hereto and made a part hereof.

2. **Payment:** For the services rendered pursuant to this Agreement, the Municipality shall be reimbursed an amount not to exceed the dollar amount set forth in Schedule A-1 annexed hereto during the first year of this Agreement. Payments in subsequent years may vary depending on the grant funds that the County receives from the Governor's Traffic Safety Committee for this Program.

Payment under this Agreement shall be made after completion of the services described in Schedule "A" to the satisfaction of the County, submission of properly executed payment vouchers of the County, and only after approval by the Commissioner of Public Works or his duly authorized representative ("Commissioner"). All payment vouchers must be accompanied by a numbered invoice and must contain the invoice numbers where indicated. All invoices submitted during each calendar year shall utilize consecutive numbering and be non-repeating. Except as specifically set forth in this Agreement, no payment shall be made by the County to the Municipality for out-of-pocket expenses or disbursement made in connection with the services rendered or the work to be performed hereunder.

All payments made by the County to the Municipality will be made by electronic funds transfer ("EFT") pursuant to the County's Vendor Direct program. Municipalities who are not already enrolled in the Vendor Direct Program, will be required to fill out and submit an EFT Authorization Form prior to receiving payments. The EFT Authorization Form, Instructions and related information are annexed hereto as Schedule "B". Payments will be automatically credited to the Municipality's designated bank account at the Municipality's financial institution. Payments are anticipated to be deposited two business days after the voucher/invoice is processed for payment. Saturdays, Sundays, and legal holidays are not considered business days. Under the Vendor Direct program you will receive an e-mail notification two days prior to the day the payment will be credited to your designated account. The e-mail notification will come in the form of a remittance advice with the same information that currently appears on County check stubs and will contain the date that the funds will be credited to your account. All information received will be treated and handled as strictly confidential.

The completed Authorization Form must be returned by the Municipality to the Department of Finance prior to payments being made. In rare cases, a hardship waiver may be granted. For a Hardship Waiver Request Form, please contact the Finance Department.

3. Term: The work to be performed pursuant to the terms of this Agreement shall commence promptly on October 1, 2011 and shall be completed no later than September 30, 2016, unless terminated sooner by the County as set forth herein. The Municipality shall issue progress reports to the County as the Commissioner may direct and shall immediately inform the Commissioner in writing of any cause for delay in the performance of its obligations under this Agreement.

4. Records: All records compiled by the Municipality in completing the work described in this Agreement, including but not limited to written reports, studies, plans, specifications and all other similar recorded data, shall be provided to the County upon request. The Municipality will retain copies of such records for minimum period of six (6) years beyond the term of this Agreement.

5. No Assignment: Any purported delegation of duties or assignment of rights under this Agreement without the prior express written consent of the County is void. The Municipality shall not subcontract any part of the work without the written consent of the County. All subcontracts shall provide that subcontractors are subject to all terms and conditions set forth in the contract documents. All work performed by a subcontractor shall be deemed work performed by the Municipality.

6. Compliance with Laws: The Municipality shall comply, at its own expense, with the provisions of all applicable state and municipal requirements and with all state and federal laws applicable to the Municipality as an employer of labor or otherwise. The Municipality shall further comply with all rules, regulations and licensing requirements pertaining to its professional status and that of its employees, partners, associates, subcontractors and others employed to render the services hereunder.

7. No Discrimination: The Municipality expressly agrees that neither it nor any contractor, subcontractor, employee, or any other person acting on its behalf shall discriminate against or intimidate any employee or other individual on the basis of race, creed, religion, color, gender, age, national origin, ethnicity, alienage or citizenship status, disability, marital status, sexual orientation, familial status, genetic predisposition or carrier status during the term of or in connection with this Agreement, as those terms may be defined in Chapter 700 of the Laws of Westchester County.

8. Insurance & Indemnification: In addition to, and not in limitation of the insurance requirements contained in Schedule "C" entitled "Standard Insurance Provisions", attached hereto and made a part hereof, the Municipality agrees:

(a) the Municipality shall indemnify and hold harmless the County, its officers, employees and agents from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorneys' fees or loss arising directly or indirectly out of, and to the extent attributable to, the negligent acts or omissions or the willful misconduct hereunder by the Municipality or third parties under the direction or control of the Municipality; and

(b) to provide defense for and defend, at its sole expense, any and all claims, demands or causes of action directly or indirectly arising out of this Agreement which arise out of the negligent acts or omissions or the willful misconduct of the Municipality or third parties under the direction or control of the Municipality, and to bear all other costs and expenses related thereto.

9. Notices: All notices of any nature referred to in this Agreement shall be in writing and either sent by registered or certified mail postage pre-paid, or sent by hand or overnight courier, or sent by facsimile (with acknowledgment received and a copy of the notice sent by overnight courier), to the respective addresses set forth below or to such

other addresses as the respective parties hereto may designate in writing. Notice shall be effective on the date of receipt.

To the County:

Commissioner of Public Works
Michaelian Office Building, Room 518
148 Martine Avenue
White Plains, New York 10601

With a copy to:

County Attorney
Michaelian Office Building, Room 600
148 Martine Avenue
White Plains, New York 10601

To the Municipality:

10. Termination: The County, upon ten (10) days notice to the Municipality, may terminate this Agreement in whole or in part when the County 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 already rendered under this Agreement prior to the effective date of termination.

11. Entire Agreement: This Agreement and its attachments constitute the entire Agreement between the parties with respect to the subject matter hereof and shall supersede all previous negotiations, commitments and writings. It shall not be released, discharged, changed or modified except by an instrument in writing signed by a duly authorized representative of each of the parties.

12. Counterparts: This Agreement may be executed simultaneously in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument. This Agreement shall be construed and enforced in accordance with the laws of the State of New York.

13. **Conflicts:** In the event of any conflict between the terms of this Agreement and those of its attachments, the terms of the Agreement shall control.

IN WITNESS WHEREOF, the County of Westchester and the Municipality have caused this Agreement to be executed.

THE COUNTY OF WESTCHESTER

BY: _____
John J. Hsu, P.E.
Commissioner of Public Works and
Transportation

MUNICIPALITY

BY: _____
(Name and Title)

Authorized by the Westchester County Board of Legislators by Act No. 153-2011.

Authorized by the Westchester County Board of Acquisition and Contract on 12/1/11.

Approved as to form and
manner of execution:

Assistant County Attorney
The County of Westchester

MUNICIPALITY'S ACKNOWLEDGEMENT

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

On this _____ day of _____, 20__, 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., 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
_____ thereunto duly authorized, and that such authority
(Town Board, Village Board, City Council)
is in full force and effect at the date hereof.

(Signature)

STATE OF NEW YORK)

ss.:

COUNTY OF WESTCHESTER)

On this _____ day of _____, 20__, before me personally came _____
_____ whose signature appears above, to me known, and know to be the
_____ of _____,
(title) (entity)

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

SCHEDULE "A"



State of New York Governor's Traffic Safety Committee STEP Grant

STEP Narrative

Fatalities and personal injuries resulting from motor vehicle crashes continue to be a serious societal problem. A large percentage of these traffic crashes can be directly attributed to speeding and other aggressive driving behaviors. While public information and education efforts help prevent some of these incidents, directed traffic law enforcement is the proven key to eliminating these behaviors and their resulting crashes.

This agency agrees to participate in the "STEP" To Reduce Unsafe Driving Behaviors component of the Comprehensive Traffic Law Enforcement Program, to target speeding and aggressive driving violations in its jurisdiction. "STEP" is an acronym for Selective Traffic Enforcement Program, which refers to planned enforcement activities targeting identified crash causing traffic violations and/or behaviors at their specific times and places of occurrence.

This agency also agrees to analyze its crash problem with respect to where, when and why they are occurring and to develop enforcement strategies to prevent them. These strategies will be primarily directed at speeding and other aggressive driving violations including: failure to yield the right of way, following too closely, unsafe passing or lane usage and disregarding traffic control devices, including red light running and other moving violations. Strategies may include traffic details, checkpoints, saturation patrols, dedicated roving patrols, corridor enforcement, or any other reasonable effort designed to reduce the jurisdiction's crash problem. Multi-agency efforts are highly effective and are strongly encouraged. Coordinating selective traffic enforcement details in conjunction with other traffic safety programs is also encouraged; conducting these details during National Lifesavers Weekend, Fourth of July weekend, or periods during county or regional special enforcement efforts such as blanket patrols can greatly increase their impact. It is also understood that this agency, using funding provided in this STEP grant, will actively participate in a coordinated speed enforcement mobilization (dates to be announced) during the summer months.

Passing a stopped school bus is an aggressive driving act that occurs thousands of times each school day in New York State. To reduce the frequency of occurrence and to protect our children, this agency may also use a portion of the grant budget to participate in Operation Safe Stop Day (a program that seeks to advise the public about the dangers of passing a stopped school bus through enforcement and education) on a date to be announced in March . To be reimbursed for this activity this agency will complete and submit an Operation Safe Stop Violation Report (available from the GTSC website) within one week of the enforcement detail

In addition, this agency agrees to use the STEP funding provided by the GTSC, in a dedicated status, to support overtime selective enforcement patrols targeting speeding and aggressive driving violations. As previously noted, personal services funding is provided to support overtime activities; dedicated regular time expenditures will only be reimbursed for part-time officers, who by the nature of their employment are not eligible for overtime status. It is understood that grant funding will be used to supplement existing traffic law enforcement activities and that the agency will be required to specifically identify and justify costs attributed to this project, during the time period specified in this grant application. Agencies not vouching for the actual rate of individual participating officers will be asked to explain and justify the requested hourly rate.

Schedule "A-1"

WESTCHESTER COUNTY STEP 2012		
Agency:	Grant Amt.	Vendor #
Ardley	\$1,060	992997
Bedford	\$2,680	997571
Briarcliff Manor	\$1,060	930123
Bronxville	\$1,060	996188
Buchanan	\$1,060	930102
Croton	\$1,060	710338
Dobbs Ferry	\$1,060	993206
Eastchester	\$4,665	993219
Elmsford	\$1,060	930110
Greenburgh	\$4,665	992890
Harrison	\$4,665	930114
Hastings	\$1,060	710331
Irvington	\$1,060	981393
Larchmont	\$1,060	996515
Lewisboro	\$1,060	993576
Mamaroneck-T	\$1,060	995821
Mamaroneck-V	\$4,665	710336
Mt. Kisco	\$1,060	988468
Mt. Pleasant	\$2,680	936743
Mt. Vernon	\$4,665	993152
New Castle	\$2,680	993224
New Rochelle	\$4,665	930128
North Castle	\$1,060	930129
North Salem	\$1,060	983475
Ossining-Village	\$4,665	993212
Peekskill	\$2,680	998589
Pelham	\$1,060	930135
Pelham Manor	\$1,060	993213
Pleasantville	\$1,060	993214
Port Chester	\$2,680	993215
Pound Ridge	\$1,060	709553
Rye	\$2,680	993153
Rye Brook	\$1,060	991821
Scarsdale	\$2,680	936719
Sleepy Hollow	\$1,060	995140
Tarrytown	\$2,680	993217
Tuckahoe	\$1,060	991250
W. C. Public Safety	\$8,010	None
White Plains	\$6,955	992496
Yonkers	\$6,955	997479
Yorktown	\$4,665	701728
TOTAL	\$104,000	

SCHEDULE "B"

Westchester County Vendor Direct Program Frequently Asked Questions

1. WHAT ARE THE BENEFITS OF THE ELECTRONIC FUNDS TRANSFER (EFT) ASSOCIATED WITH THE VENDOR DIRECT PROGRAM?

There are several advantages to having your payments automatically deposited into your designated bank account via EFT:

Payments are secure – Paper checks can be lost in the mail or stolen, but money deposited directly into your bank account is more secure.

You save time – Money deposited into your bank account is automatic. You save the time of preparing and delivering the deposit to the bank. Additionally, the funds are immediately available to you.

2. ARE MY PAYMENTS GOING TO BE PROCESSED ON THE SAME SCHEDULE AS THEY WERE BEFORE VENDOR DIRECT?

Yes.

3. HOW QUICKLY WILL A PAYMENT BE DEPOSITED INTO MY ACCOUNT?

Payments are deposited two business days after the voucher/invoice is processed. Saturdays, Sundays, and legal holidays are not considered business days.

4. HOW WILL I KNOW WHEN THE PAYMENT IS IN MY BANK ACCOUNT AND WHAT IT IS FOR?

Under the Vendor Direct program you will receive an e-mail notification two days prior to the day the payment will be credited to your designated account. The e-mail notification will come in the form of a remittance advice with the same information that currently appears on your check stub, and will contain the date that the funds will be credited to your account.

5. WHAT IF THERE IS A DISCREPANCY IN THE AMOUNT RECEIVED?

Please contact your Westchester County representative as you would have in the past if there were a discrepancy on a check received.

6. WHAT IF I DO NOT RECEIVE THE MONEY IN MY DESIGNATED BANK ACCOUNT ON THE DATE INDICATED IN THE E-MAIL?

In the unlikely event that this occurs, please contact the Westchester County Accounts Payable Department at 914-995-4708.

7. WHAT MUST I DO IF I CHANGE MY BANK OR MY ACCOUNT NUMBER?

Whenever you change any information or close your account a new Vendor Direct Payment Authorization Form must be submitted. Please contact the Westchester County Accounts Payable Department at 914-995-4708 and we will e-mail you a new form.

8. WHEN COMPLETING THE PAYMENT AUTHORIZATION FORM, WHY MUST I HAVE IT SIGNED BY A BANK OFFICIAL IF I DON'T INCLUDE A VOIDED CHECK?

This is to ensure the authenticity of the account being set up to receive your payments.



Westchester County • Department of Finance • Treasury Division

Electronic Funds Transfer (EFT) Vendor Direct Payment Authorization Form

Authorization is:
(check one)

- New
- Change
- No Change

INSTRUCTIONS: Please complete both sections of this Authorization form and attach a voided check. See the reverse for more information and instructions. If you previously submitted this form and there is no change to the information previously submitted, ONLY complete lines 1 through 6 of section 1.

Section I - Vendor Information

1. Vendor Name:		
2. Taxpayer ID Number or Social Security Number:		
3. Vendor Primary Address		
4. Contact Person Name:		Contact Person Telephone Number:
5. Vendor E-Mail Addresses for Remittance Notification:		
6. Vendor Certification: <i>I have read and understand the Vendor Direct Payment Program and hereby authorize payments to be received by electronic funds transfer into the bank that I designate in Section II. I further understand that in the event that an erroneous electronic payment is sent, Westchester County reserves the right to reverse the electronic payment. In the event that a reversal cannot be implemented, Westchester County will utilize any other lawful means to retrieve payments to which the payee was not entitled.</i>		
_____ Authorized Signature	_____ Print Name/Title	_____ Date

Section II- Financial Institution Information

7. Bank Name:		
8. Bank Address:		
9. Routing Transit Number:		10. Account Type: (check one) <input type="checkbox"/> Checking <input type="checkbox"/> Savings
11. Bank Account Number:		12. Bank Account Title:
13. Bank Contact Person Name:		Telephone Number:
14. FINANCIAL INSTITUTION CERTIFICATION (required ONLY if directing funds into a Savings Account OR if a voided check is not attached to this form): <i>I certify that the account number and type of account is maintained in the name of the vendor named above. As a representative of the named financial institution, I certify that this financial institution is ACH capable and agrees to receive and deposit payments to the account shown.</i>		
_____ Authorized Signature	_____ Print Name / Title	_____ Date

(Leave Blank - to be completed by Westchester County) - Vendor number assigned

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Electronic Funds Transfer (EFT) Vendor Direct Payment Authorization Form

GENERAL INSTRUCTIONS

Please complete both sections of the Vendor Direct Payment Authorization Form and forward the completed form (along with a voided check for the account to which you want your payments credited) to:

Section I - VENDOR INFORMATION

1. Provide the name of the vendor as it appears on the W-9 form.
2. Enter the vendor's Taxpayer ID number or Social Security Number as it appears on the W-9 form.
3. Enter the vendor's complete primary address (not a P.O. Box).
4. Provide the name and telephone number of the vendor's contact person.
5. Enter the business e-mail address for the remittance notification. **THIS IS VERY IMPORTANT.** This is the e-mail address that we will use to send you notification and remittance information two days prior to the payment being credited to your bank account. We suggest that you provide a group mailbox (if applicable) for your e-mail address. You may also designate multiple e-mail addresses.
6. Please have an authorized Payee/Company official sign and date the form and include his/her title.

Section II - FINANCIAL INSTITUTION INFORMATION

7. Provide bank's name.
8. Provide the complete address of your bank.
9. Enter your bank's 9 digit routing transit number.
10. Indicate the type of account (check one box only).
11. Enter the vendor's bank account number.
12. Enter the title of the vendor's account.
13. Provide the name and telephone number of your bank contact person.
14. If you are directing your payments to a Savings Account OR you can not attach a voided check for your checking account, this line needs to be completed and signed by an authorized bank official. **IF YOU DO ATTACH A VOIDED CHECK FOR A CHECKING ACCOUNT, YOU MAY LEAVE THIS LINE BLANK.**

SCHEDULE "C"

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 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, a temporary permit may be issued if the employer completes form C-105.2 in duplicate. A copy of form C-105.2 is sent to the Worker's Compensation Board, Information Unit for investigation and report.)

If the employer is self-insured for Worker's Compensation, he should present a certificate from the New York State Worker's Compensation Board evidencing that fact.

(b) Employer's Liability with minimum limit of \$100,000.

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

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

All Contracts involving the use of explosives and demolition shall provide the above coverage with elimination of the XCU exclusion from the policy, or proof that XCU is covered.

(d) Automobile Liability Insurance with a minimum limit of liability per occurrence of \$1,000,000 for bodily injury and a minimum limit of \$100,000 per occurrence for property damage or a combined single limit of \$1,000,000 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 and certificates of insurance of the Municipality shall 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. 11 DEPT.: City Council DATE: January 25, 2012
CONTACT: Mayor French

AGENDA ITEM: One appointment to the Finance Committee for a three-year term expiring on January 1, 2015, by the Mayor with Council approval.

FOR THE MEETING OF:
January 25, 2012
RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION: That the Council approve the appointment of Julia Killian.

IMPACT: Environmental Fiscal Neighborhood Other:

<u>Current Committee Members</u>	<u>Expiration Date</u>
Warren Keegan, Co-Chair	1-1-15
Paula Schaefer, Co-Chair	1-1-13
David Blank	1-1-13
Michael Caponiti	1-1-13
Frederic Dunn	1-1-13
Michael Guarnieri	1-1-13
Laura Leach	1-1-14
Stephen Meyers	1-1-14
John Monaghan	1-1-14
David Mullane	1-1-13



CITY COUNCIL AGENDA

NO. 12 DEPT.: City Council DATE: January 25, 2012
CONTACT: Mayor French

AGENDA ITEM: Two appointments to the Landmarks Advisory Committee for a three-year term expiring on January 1, 2015, by the Mayor with Council approval.

FOR THE MEETING OF:
January 25, 2012
RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION: That the Council approve the appointment of Sheri Jordan and Karen Yannett.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND

<u>Current Committee Members</u>	<u>Expiration Date</u>
George Zahringer, Chair	1-1-13
Richard Hourahan	1-1-14
Rex Gedney	1-1-13
Sean Jancski	1-1-14
Daniel Kelly	1-1-14
Maurio Sax	1-1-15
Laura Brett, Council Liaison	1-1-13



CITY COUNCIL AGENDA

NO. 13

DEPT.: City Mayor

DATE: January 25, 2012

CONTACT: Mayor French

ACTION: One appointment to the Rye Playland Advisory Committee for a three-year term expiring on January 1, 2015, by the Mayor with Council approval.

FOR THE MEETING OF:

January 25, 2012

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council approve the re-appointment of Jerry Bourkney.

IMPACT: Environmental Fiscal Neighborhood X Other:

BACKGROUND:

<u>Current Committee Members</u>	<u>Expiration Date</u>
Charles Dorn, Chair	1-01-13
Jerry Bourkney	1-01-12
Joan Marshall Cresap	1-01-13
Mack Cunningham	1-01-14
Lloyd Emanuel	1-01-14
Garrick Gelinis	1-01-13
Lucinda McKinnon	1-01-14
Ellen Slater	1-01-14