

CITY OF RYE

NOTICE

There will be a regular meeting of the City Council of the City of Rye on Wednesday, March 14, 2012, at 8:00 p.m. in the Council Room of City Hall. *The Council will convene at 7:30 p.m. and it is expected they will adjourn into Executive Session at 7:31 p.m. to discuss 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 February 29, 2012.
5. Mayor's Management Report
 - Legal Update
6. Review of the Forest Avenue Safe Streets Project.
7. Presentation by the EAGR Committee on proposed changes to the City of Rye Tree Ordinance Legislation.
8. Discussion of a proposed change to Local Law Chapter 90 "Fences and Walls" to further define the "Front Division Line" on corner lots.
9. Authorization for the City Manager to enter into an agreement with FPM Group, Ltd. to perform hydrology and environmental engineering services regarding the impact on flood storage analysis at the Project Home Run site.
Roll Call.
10. Resolution to transfer funds from the Contingency account and the Building and Vehicles fund, to fund the position of City Engineer/Public Works Superintendent and upgrade the existing staff position to Assistant Civil Engineer.
Roll Call.
11. Consideration of a request by the Milton Elementary School PTO to approve a parade to precede the Milton Elementary School Fair on Saturday, March 31, 2012 from 9:00 a.m. to 10:15 a.m.
12. Residents may be heard on matters for Council consideration that do not appear on the agenda.
13. Bid Award for Street Materials (Bid #1-12).
Roll Call.

14. Resolution to authorize expenditure of police donation funds for the purchase of police boots or shoes.
Roll Call.
15. Consideration of proposed revision of the Rules and Regulations of the City of Rye Police Department: General Order# 121.04.
16. Miscellaneous communications and reports.
17. Old Business.
18. New Business.
19. Adjournment.

The next regular meeting of the City Council will be held on Wednesday, March 28, 2012 at 8:00 p.m.

** 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 3/14/12.



CITY COUNCIL AGENDA

NO. 4

DEPT.: City Clerk

DATE: March 14, 2012

CONTACT: Dawn F. Nodarse

AGENDA ITEM Draft unapproved minutes of the Regular Meeting of the City Council held February 29, 2012, as attached.

FOR THE MEETING OF:

March 14, 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 February 29, 2012, as attached.

DRAFT UNAPPROVED MINUTES of the
Regular Meeting of the City Council of the City of
Rye held in City Hall on February 29, 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. Councilman Jovanovich made a motion, seconded by Councilman Filippi and unanimously carried to immediately adjourn into executive session to discuss personnel matters. Councilman Sack and Mayor French arrived at 7:45 p.m. Mayor French made a motion, seconded by Councilman Filippi and unanimously carried to adjourn the executive session at 8:31 p.m. The regular session began at 8:44 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

- Councilwoman Keith and her family will be moving to Texas and she will be stepping down from the Council after the June 13th meeting.
- The Council will make an appointment to fill the seat until the end of this year, and there will be an election in November to fill out the remainder of the term.

4. Draft unapproved minutes of the regular meeting of the City Council held February 8, 2012

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 February 8, 2012, as amended.

5. Mayor's Management Report

- Request regarding the display of sculptures on Purchase Street during the Rye Arts Centers' Figurative Sculpture exhibition

Helen Gates, Director of the Rye Arts Center, and Bob Clyatt spoke about a proposal to display art on Purchase Street, the lawn of the Rye Arts Center and possibly the Village Green. The exhibit will begin on May 6th with a reception at the Rye Arts Center, and will run until June 16th and will feature 20 artists from outside of Rye. During this time the Arts Center will hold workshops, family events and educational discussions. It is expected that the event will draw many visitors to the City. The pieces will be mounted on top of 10 foot poles to keep the sculptures out of "harm's way". Artists will be invited to Rye to walk Purchase Street and identify five to ten locations to place the sculptures. The sculptures will go up in late April and be taken down before Memorial Day. The City will be asked to add a rider to its liability insurance to cover the sculptures and the Department of Public Works will be asked to assist in the installation.

- Update from the Landmarks Advisory Committee

Committee members Jack Zahringer, Maurio Sax, Richard Hourahan and Sheri Jordan updated the Council on two issues that the Landmarks Advisory Committee is dealing with in connection with their agenda to "Keep Historical Rye, Rye". The Committee would like to have the three "milestones" in the City landmarked. The milestones, which go back to the time of Benjamin Franklin, were purchased from the State in 1927 by John Morehead and replaced near their original locations. The Committee is also working to identify and save historical homes that are more than 100 years old. They said it is important to have a visible record of Rye that tells about the different areas of the City. A subcommittee will go out and look at structures and how they are landscaped and communicate with the homeowners to inform them about their homes and neighborhoods.

- Legal Update

Corporation Counsel Wilson reported on the following matters:

- *Butler v. Planning Commission* – This Article 78 proceeding is now fully submitted before the Supreme Court, Westchester County.
- *McKeever v. City of Rye* – A trial is scheduled be held in City Court on March 7th in connection with this matter. The case is being handled by attorneys for the City's insurance carrier.

Mayor French said that the Council is dealing with a personnel matter that has been made public and will report to the public on it when there is something to say on the issue.

6. Presentation by the Finance Committee on Healthcare costs

Norm McMaster, a former member of the Finance Committee, made a presentation on the issue of retiree healthcare trends. The presentation highlighted the following areas:

- Five Year trends in payroll taxes, retirement contributions to New York State, employee healthcare costs and retiree healthcare costs.
- The amounts of unfunded retiree healthcare liabilities and their financial burden on the citizens of Rye.
- Many private sector companies and small to mid-sized governments are phasing out retiree healthcare benefits.
- New York State is not addressing the problem, but other states and local governments are addressing the costs of retiree healthcare in various ways.
- The Empire Center for New York State Policy's paper on retiree healthcare costs entitled "Iceberg Ahead", which clarifies key issues and provides recommendations for dealing with the issue of retiree healthcare costs.
- The book "Boomerang" by Michael Lewis, which outlines "Service Level Insolvency" such as fewer police and firefighters and other staffing and service cuts that can happen when municipalities fail to deal with the issue of rising retiree healthcare costs.

City Manager Pickup said that the issues covered in the report emphasize the need for mandate relief with the imposition of the tax cap requirements. Legislative action is needed at higher levels of government to offer relief to municipalities, which is a difficult process to go through in New York. The City is working through the collective bargaining process and retiree benefits are part of the issues being discussed.

Councilwoman Parker noted that New York State instituted Tier V that extended the retirement age and that Governor Cuomo has suggested going to a Tier VI. She suggested that an updated report dealing with how this will affect the City would be helpful.

7. Public Hearing to amend the City of Rye Charter: Article 13, for the Board of Wardens to report directly to the City Manager

Councilwoman Parker made a motion, seconded by Councilman Filippi and unanimously carried, to open the public hearing.

Members of the public commenting on the proposed local law included former Councilman *Andy Ball, 80 Central Avenue, and Ray Tartaglione*. Mr. Ball said he was not sure where the Wardens and volunteers stood on the issue, but cautioned the Council to take a long-term view before making the proposed change and consider what the change could do to the moral of the volunteers. Mr. Tartaglione said he did not think the Council should rush to judgment because not everyone was comfortable speaking in public and urged the Council to look at the issue of why the Fire Department meeting was not televised first.

Councilwoman Parker and Councilman Sack, who have been meeting with both career and volunteer members of the Fire Department, suggested that it might be better to wait on codifying the proposed change of having the Board of Wardens report directly to the City Manager until the process of reviewing the operation of the department to determine how it should be run going forward is complete. Mayor French and Councilmembers Jovanovich, Keith, Brett and Filippi said that the proposed change was a positive step that has the support of the Board of Wardens and is a good first step in moving the discussion on the Fire Department forward.

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

Councilman Jovanovich made a motion, seconded by Mayor French, to adopt the following local law:

**CITY OF RYE
LOCAL LAW NO. 1 2012**

**A Local Law to amend the Charter, Article 13, for the Board
of Wardens of the City of Rye Fire Department to report
directly to the City Manager**

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

Section 1: Article 13, Fire Department

§ C13-1. Head of Department: Board of Fire Wardens.

The members of the 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 Fire Wardens. 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 companies shall constitute the Board of Fire Wardens.

§C13-2. Election of officers.

- A. The members of the Fire Department shall elect annually by ballot from 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.

- A. The Board of Fire Wardens in conjunction with the City Manager, 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 City Manager shall make recommendations with 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 City Manager 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 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, in conjunction with the City Manager 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 officers, 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 Fire Wardens, and their compensation shall be fixed by the Council.

§C13-5. City Manager.

The Board of Fire Wardens shall report to the City Manager. The City Council shall be the final authority over the Fire Department.

Section 2: This local law will take effect immediately on filing in the office of the Secretary of State

ROLL CALL:

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

The local law was adopted by a 5-2 vote

8. Public Hearing to amend local law Chapter 191, Vehicles and Traffic, of the Rye City Code, Section 47, subsection (E) to delineate the hours for “all night” parking

City Manager Pickup said that the purpose of the proposed local law was to clarify the times for all night parking permits in City lots in order to codify what has been the practice.

Councilman Filippi made a motion, seconded by Councilwoman Keith and unanimously carried, to open the public hearing.

The only member of the public commenting on the proposed local law was *Jim Amico*, 350 Midland Avenue, who said that people who live in the apartment buildings need parking.

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

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

**CITY OF RYE
LOCAL LAW NO. 2 2012**

**A Local Law to amend Chapter 191, Vehicles & Traffic,
Section 191- 47 (E), “Parking applications fees and location” of
the Code of the City of Rye.**

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

Section 1:

§191-47 (E) Parking time limits and fee.

Residents of the City of Rye desiring an all-night parking permit shall, upon application to the City Clerk and payment of an annual fee, receive a tag or license permitting him/her to park his/her automobile between the hours of 7:00 p.m. and 7:00 a.m.

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

ROLL CALL:

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

The local law was adopted by a 7-0 vote

Agenda Item 11 was taken out of order

9. Consideration to set a Public Hearing to adopt a Home Rule Message to authorize the City of Rye to collect a transfer tax on the sale of real estate

City Manager Pickup said that since the last discussion of this item, a comparison was done regarding cash sales in Rye vs. Greenwich. The proposed tax would add additional closing costs to a sale of a property in Rye. An example was given that it would add about \$25,000 to a \$2.5 million sale. Mayor French said it was his understanding that the State Legislature will renew certain taxes that are in place such as the Hotel Occupancy Tax, but is reluctant to establish any new taxes. City Manager Pickup said that in many cases when transfer taxes have been approved, the money has been targeted for specific purposes. Councilwoman Brett, the liaison to the Government Policy and Relations Committee, said that the Committee is looking into this issue and their initial view is that it is complicated. She asked if they should continue with their work if it was unlikely that such a tax would be approved. Other members of the Council said that a report from the Committee would be a good way to get more information on the issue so the Council can make an informed decision about pursuing the imposition of a transfer tax in Rye in order to help offset the 2% tax cap. City Manager Pickup said it is practice in Albany to have a Home Rule message prior to acting and there is no guarantee that they will act on it in the current legislative session. *Joseph Latwin* said that before the City goes forward with a transfer tax on cash sales they should examine the potential consequences very carefully.

10. Consideration to increase the payment amount for the sole recipient of the Police Pension Fund

Councilwoman Parker said there is only one widow who still receives money from this fund. She has not had an increase since 2001 and receives less than \$3,000. Ms. Parker said that the Council should consider authorizing a cost of living adjustment. City Manager Pickup said that any change would have to be done by local law, especially if there would be an annual adjustment.

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

Caroline Grist, 77 Dearborn Avenue, and Kirsten Vasho, 85 Dearborn Avenue, urged the Council to implement a complete ban on gas-powered leaf blowers, saying the current seasonal ban does not go far enough. They said that the use of leaf blowers causes health issues in children.

City Court Judge *Joe Latwin* presented the Council with lapel pins from the Rye United Football Club, the local professional soccer club from Rye, England. The pins commemorate the club's 75th anniversary.

Jim Amico, 350 Midland Avenue, read a statement saying that the current Council spends time on their own personal agendas and not resident's issues. He asked why an agenda item dealing with a stop sign on Midland Avenue was removed from the agenda. Mayor French said that the City is still working with the County on the issue and the item will be put on the agenda when it is ready for presentation.

Arthur Stampleman, 720 Milton Road, spoke about the issue of the #76 bus route. He said that he has learned that the Department of Transportation is considering the application of Liberty Lines regarding the expansion of the #13 bus route. The matter will then go before an Administrative Law Judge in Albany. Liberty Lines has been asked by the Legislature to prepare cost estimates for adding Milton Point to the #13 bus route. Councilwoman Parker said that she tried to contact the County Executive but he was out of the Country. The City Manager is trying to coordinate schedules to have a meeting.

Jordan Glass, Esq., who represents HealtheHarbor, quoted from the City Code about the Council's ability to investigate and hold hearings. He suggested that former Mayor John Carey provide the Council with suggestions for an independent counsel to conduct an investigation into the allegations against Mayor French. He said he would present the City with a check for \$16,894.19 for legal fees for an investigation, if the Council would agree to his terms: utilize an independent counsel suggested by John Carey; that Mayor French agree to match the amount of legal fees, which would be paid to the Vincenzo Tamburro Memorial fund; and that Mayor French resign if the investigation goes against him.

After Agenda Item 17

Ray Tartaglione read a statement about comments made at the last Council meeting. He said that he did not donate money to Councilman Sack's campaign and did not support his campaign but did support the Mayor's campaign and attended a fund raiser for Mayor French at the home of Robert Schubert. He said the Mayor also spent time at his home during the campaign discussing Rye issues with him.

12. Two appointments to the Conservation Commission/Advisory Council for a three-year term, by the Mayor with Council approval

Councilman Jovanovich made a motion, seconded by Councilwoman Keith and unanimously carried, to appoint Christopher Mignone and Tracy Stora to the Conservation Commission/Advisory Council for three-year terms expiring on January 1, 2015.

13. Consideration of proposed revision of the Rules and Regulations of the City of Rye Police Department: General Order# 103.10

City Manager Pickup said that the reason for the proposed change is that even though it has only been used once in Rye, the rank and file of the Police Department would like to see the policy on Tasers more widespread because it has become a useful tool to eliminate potential injuries for police officers due to violent confrontations.

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

RESOLVED that the City Council of the City of Rye hereby approves the proposed revision of the Rules and Regulation of the City of Rye Police Department: General Order #103.10, “Deployment of Electro-muscular Disruption Device (Taser).”

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

This agenda item was taken after agenda item 12.

14. Resolution to declare the RTV Globecaster as surplus
Roll Call.

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

WHEREAS the staff of RCTV has determined that the RTV Globecaster production switcher, Serial Number PA 199829 is obsolete or no longer useful to the City; and

WHEREAS, the staff of RCTV has recommended that said equipment be declared surplus, now, therefore, be it

RESOLVED, that said equipment is declared surplus, and, be it further

RESOLVED, that authorization is given to the City Comptroller to sell or dispose of said equipment in a manner that will serve in the best interests of the City.

ROLL CALL:

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

The Resolution was adopted by a vote of 6 in favor and one abstention

15. Miscellaneous Communications and Reports

Councilwoman Keith said that the Sustainability Committee is creating posters to create awareness about the ban on plastic bags. They will give an update at the March 14th meeting on the sustainability audit and to ask the Council to make an Earth Week declaration about the “No Idling” event that will be held in conjunction with Mamaroneck and Larchmont. Ms. Keith also said there will be an upcoming presentation regarding pedestrian safety issues on Forest Avenue.

Mayor French said that the Rye Town Park Commission meeting had been held earlier in the evening at City Hall and the Commission has decided to do away with the \$2.00 beach entrance fee for fireworks nights. The Mayor also said that former Councilman Gerry Seitz has asked for Council reaction to his parking proposal for downtown. The Mayor reported that he and Councilwoman Parker had attended a NYCOM conference in Albany this week.

16. Old Business

Councilwoman Keith asked for updates on the following projects:

- 2 Central Avenue – Black Bass Grill – Corporation Council Wilson said the contractors were supposed to be on site this week to remove the asbestos. She and Building Inspector Maureen Eckman have been unsuccessfully trying to contact the contractor for an update.
- Central Avenue Bridge - City Manager Pickup said that all the requested documents are in front of the Department of Transportation and the City is waiting for an answer.
- Sluice Gate – City Manager Pickup said the specs are out; a pre-bid meeting will be held and the project should come back to the Council for award at the second March meeting.

Ms. Keith also asked about County flood money. Mayor French said that most of the money this year is going to flood mitigation projects on County owned properties. City Manager Pickup said that the City needs to find out how to access the \$50 million allocation across New York State for flood mitigation projects.

17. New Business

There was no new business to be discussed.

18. Adjournment

Councilman Filippi made a motion, seconded by Councilwoman Keith and unanimously carried, to adjourn into executive session to discuss real estate matters at 11:44 p.m. Councilwoman Keith made a motion, seconded by Councilman Jovanovich and unanimously carried to adjourn the executive session at 12:07 a.m.

There being no further business to discuss Councilwoman Keith made a motion, seconded by Councilman Jovanovich and unanimously carried, to adjourn the meeting at 12:07 a.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk



CITY COUNCIL AGENDA

NO. 5

DEPT.: City Council

DATE: March 14, 2012

CONTACT: Mayor Douglas French

AGENDA ITEM: Mayor's Management Report

FOR THE MEETING OF:

March 14, 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:

- Legal Update



CITY COUNCIL AGENDA

NO. 6

DEPT.: Planning

DATE: March 14, 2012

CONTACT: Christian K. Miller, AICP, City Planner

AGENDA ITEM: Review of the Forest Avenue Safe Streets Project.

FOR THE MEETING OF:

March 14, 2012

RYE CITY CODE,

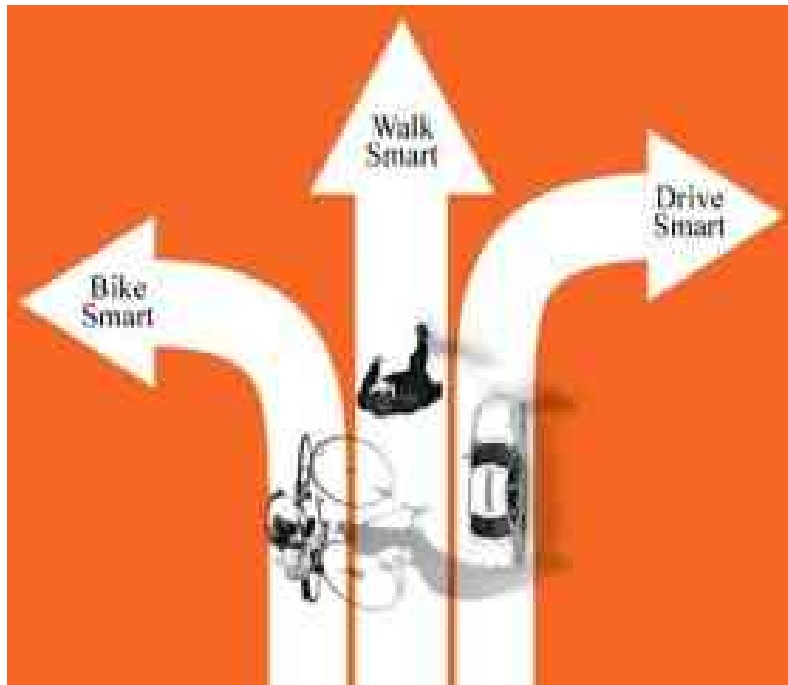
CHAPTER

SECTION

RECOMMENDATION: Authorize staff to implement the project.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The Rye Shared Roadways Committee recommended in their June 2011 report the repaving and restriping of Forest Avenue to include 9 or 10-foot travel lanes. The report also recommended designating “priority shared roadway corridors” such as Forest Avenue to include lane markings such as sharrows to improve pedestrian and bicycle safety. This project, which is being funded by the YMCA’s generous grant of \$20,000, would advance the recommendations in the Committee’s report. The project includes striping a 10- to 12-foot travel lane the entire length of Forest Avenue. This will allow for a “shoulder/offset area” from the edge of pavement of no more than 0-3.5 feet. The project also includes adding sharrows on Forest Avenue every 200-250 feet and (subject to available funding) providing enhancements to the existing crosswalk on Forest at the Hewlett Avenue intersection. The project does NOT include any removal of existing structures in the right-of-way, nor does it include any widening of Forest Avenue. The project will be implemented after the paving of Forest Avenue between Cornell Place and Green Avenue, scheduled for this summer. The purpose of the meeting is to formally present the project to the City Council, address any questions or comments, and obtain Council authorization to implement the project this summer. Attached is information available on the City’s website prepared by the Rye Shared Roadways Committee.

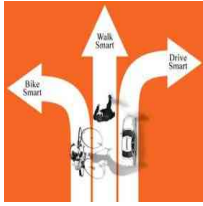


RYE SHARED ROADWAYS COMMITTEE

A Blueprint for Rye

Interim Report

Presented to the Rye City Council
June 15, 2011



Rye Shared Roadways Committee

RSRC Background and Mission

The Rye Shared Roadways Committee (RSRC) was chartered in September 2010 by Rye City Council for the purpose of evaluating, recommending and prioritizing ways for the City of Rye to become a safer and more enjoyable walking and biking community.

Committee members include a cross section of our community: concerned residents, non-profit organizations, schools, and community leaders. Our belief is that our community wants and will increasingly demand a greater feeling of safety on our roadways when walking and biking, improved ability to leave cars behind for local trips, and more opportunities for safe outdoor exercise and recreation.

Our Process

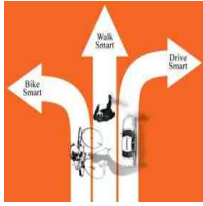
Our approach was straightforward. We began by identifying key non-motorist user groups in the community (e.g., school kids, seniors, commuters and shoppers). We then determined key “civic nodes” or destinations of those users including schools, the Rye MTA station and the Central Business District. We identified the routes employed by those user groups to get to those destinations, and observed those users traveling those routes.

Our Initial Recommendations

We grouped our findings into three categories:

- A. Engineering Projects for review for inclusion in the CIP process
- B. Changes or additions to formal policies and procedures requiring Council legislative action
- C. Education and Awareness opportunities.

This full report that follows this summary is preliminary. Our final report will be presented at the end of July 2011.

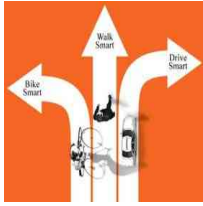


Rye Shared Roadways Committee

A. Projects to be included in the Capital Improvement Plan

The first section, grouped by general category, contains observations and recommendations, many of which are engineering and construction projects which should be included in the next update to the Capital Improvement Plan. We did not attempt to rank them in order of importance or timing, but instead simply present them for action as and when the timing and funding are appropriate.

1. **Sidewalk installation and maintenance.** This is in the current CIP, but the budgeted amount should be increased to accommodate the long list of identified issues.
2. **Crosswalk installation and maintenance.** In conjunction with our “priority corridors” recommendation which follows, this would include the use of raised crosswalks, alternate materials, accompanying signage and other treatments.
3. **Re-paving and re-striping of Forest Avenue.** This will include widening of the roadway where feasible which in turn will require moving or removal of resident-placed rocks in the City right-of-way, striping to a narrow 9-10 foot lane width, and indicated road markings.
4. **Theo Fremd Ave from Blind Brook north through the Purchase/Purdy intersection.** Elements of this recommendation exist in the current CIP (repair of the Blind Brook retaining wall, and the Traffic Signal project.) Those projects should be supplemented to include a sidewalk and crosswalk or re-striping to create pedestrian buffer where no sidewalk is feasible.
5. **Rye Metro North train station.** A version of this recommendation is included in the current CIP. There is an existing renovation plan developed previously by MetroNorth which should be reviewed for adequacy of crosswalks, signage, lighting, definition of vehicle travel lanes, bike parking, etc, and augmented with features such as bike racks and lockers.
6. The **Loudon Woods embankment wall.** This is included in the current CIP. The wall needs to be reinforced or rebuilt, thereby re-opening a critical sidewalk for commuters and schoolkids.
7. **Eve Lane easement.** There is strong community demand for improving and maintaining this shortcut which needs improvements.
8. The **5 Corners intersection at Kelly’s.** We recommend a conceptual study for this difficult intersection.
9. **Fireman’s Memorial.** Possible redesign as a proper traffic circle, with improved crosswalks, markings, signage and signal timing.



Rye Shared Roadways Committee

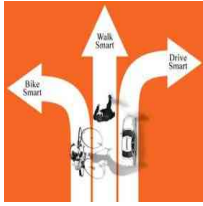
Additional critical issues were identified, especially regarding sidewalks and crosswalks in the vicinity of schools, which should be addressed during the Annual Sidewalk/Curbing and Street Resurfacing programs. These issues are noted in the report.

B. Policy recommendations requiring Council legislative action

In addition to engineering projects, we've identified opportunities for improvement via Council legislative action. These types of actions provide a framework that guides the choice and details of project work. The philosophies, awareness and citizen advocacy that have taken us to this point need to be institutionalized into the City's practices and procedures to assure continuity of this process.

Our recommendations may in some cases be controversial. They should be vetted, with public input.

1. **Council should adopt a "Complete Streets" resolution.** This would provide the guiding vision and directives for all projects, whether new design, retrofit or maintenance. This resolution should also provide for a Complete Streets Advisory Board, the designation of a Complete Streets project coordinator, and designation of a grant consultant.
2. **The City of Rye should designate select routes or zones as "priority shared roadway corridors".** Zones with this designation would receive priority for maintenance and improvement measures such as raised crosswalks, improved signage, improved roadway markings, and repair/repaving. Such a designation would be applied, for instance, to Forest Avenue, already heavily-used by cyclists, pedestrians and motorists, or to school zones or key routes approaching the central business district.
3. **Council should update its sidewalk and crosswalk policies and ordinances.** Policies should improve and clarify such components as design, maintenance, accompanying signage, standards for when crosswalks and sidewalks are unusable due to construction, and snow removal. They should include an annual survey of conditions. For sidewalks, the model of complaint-based abutter responsibility for maintenance and repair should be revisited, and the positioning of utility poles should be addressed.



Rye Shared Roadways Committee

Education and Awareness

Educating the public is a critical component in creating a pedestrian and bike friendly community. It is more effective when introduced at a young age, and practiced by everyone in the family. Our report contains ideas and suggestions for initiatives targeting everyone from school kids to seniors. Many are best accomplished through partnership with other entities such as the Board of Education, Safe Routes to School, etc. Some suggestions may require Council approval, such as approval of a car-free Sundays in the CBD, or sponsorship of programs targeting reduced car use, such as Bike/Walk Commuter days.

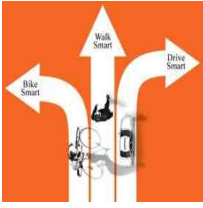
Funding

The Shared Roadways Committee recognizes that the availability of funding is a significant impediment to achieving timely resolution of many of these points. We recommend the following (recognizing that the City may already have these steps in place)

- **Remain vigilant to grant opportunities and vigorously pursue them**, enlisting community advocates to help monitor and apply for them.
- **Prioritize the *overall* Capital Improvement Plan** (not just the Transportation projects) with consideration toward re-allocation of priority to issues affecting roadway safety, at the expense of other nice-to-have but less critical items.
- **Consider a bond issue** as a funding source. Term funding is appropriate for projects that have long lives. Additionally, interest rates are at historic lows, so the cost of borrowing is commensurately low.

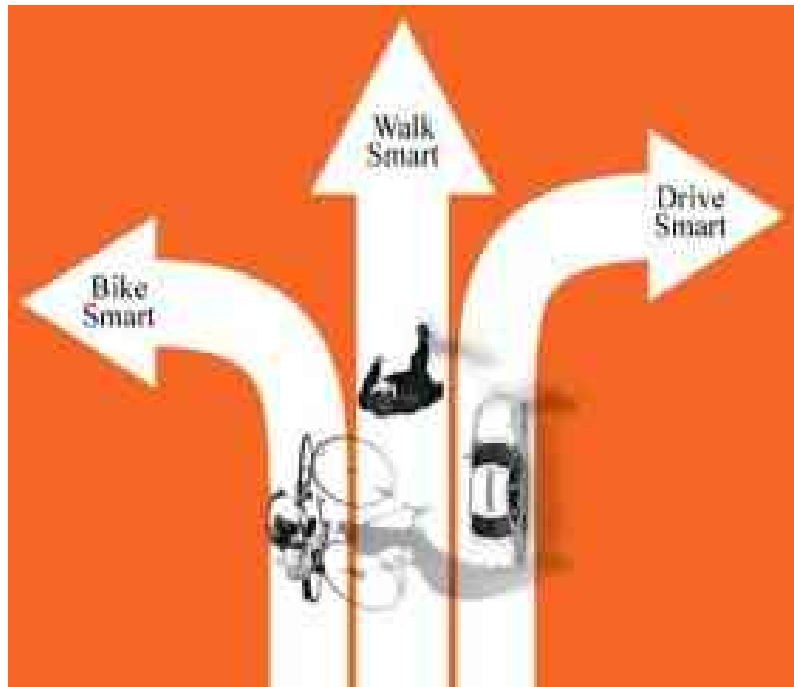
Next Steps

- **Review and finalize the project list** for inclusion in the CIP with City staff, in time for the budgeting process.
- **Hold a workshop** as soon as practical, to review and discuss our findings and recommendations in more depth. Members of the community should be invited and encouraged to attend.



Rye Shared Roadways Committee

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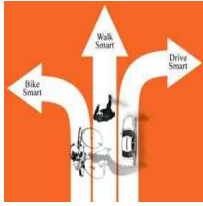
RYE SHARED ROADWAYS COMMITTEE

A Blueprint for Rye

DRAFT FINAL REPORT

Presented to the Rye City Council
June 15, 2011

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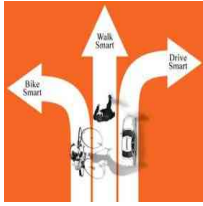
INTRODUCTION

Rye is not alone in its concern for traffic and pedestrian safety. The statistics below provide us with a wider perspective and impetus to move forward with recommendations outlined in this interim report.

- From 2000 - 2009 an automobile struck a pedestrian every 7 minutes in the US. This is the same number of deaths as from a jumbo jet crashing every month.
- Nearly 3,900 children 15 years and younger were killed while walking from 2000 through 2007, representing between 25 and 30 percent of all traffic deaths.
- Pedestrian injury is the third leading cause of death by unintentional injury for children 15 and younger, according to CDC mortality data.
- 76% of all trips under one mile in metro areas, a distance walkable in 20 minutes or bikeable in 10 minutes, are by car. In 2001 half of schoolkids living between $\frac{1}{4}$ and $\frac{1}{2}$ mile (approximately 5-10 minutes' walk) arrived in a private vehicle. In 1969, 90% of school kids who lived within one mile of school, and 48% of all kids, walked to school. In 2001, those numbers were 31% and 15% respectively.
- For children living close to their schools (within 2 miles), half of the parents thought the amount or speed of traffic was a serious issue in letting their kids walk to school. Less than a quarter thought crime or weather was a serious issue.
- In 2008-9, about 25% of children 5-15 years old reported taking no walks or bike rides outside for any reason in the previous week. Nearly 1/3 of younger adults aged 16-65, and almost half of Americans 65 and older report taking no walks outside for any purpose in the previous week.



Our generation now has experience with a lifestyle grown increasingly dependent on the automobile. The results have included road related injuries and death, dependence on



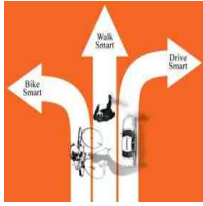
Rye Shared Roadways Committee

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petroleum, increased pollution, global warming, increasing sedentary lifestyles, obesity, and congestion, to mention a few.

Communities are waking up to the problems that arise when planning centers around cars. Over the last several years, there has been a growing focus on pedestrian safety, livable communities' initiatives, environmental sustainability, and responsible planning, even as budgets become ever tighter at all levels of government.

The Shared Roadways Committee was chartered in the Fall of 2010 to provide citizen input into the planning and capital planning processes in Rye. It builds upon the groundbreaking work of the earlier Temporary Trailways and Schools Safety Committee which in 2007 undertook a similar mission to this Committee's. In addition to prior TTSSC work, the committee drew upon the work of two Complete Streets related projects undertaken by the Rye Y: the Oct. 2010 Complete Streets workshop conducted with the County DOT and Alta Planning and Design (focused on Boston Post Rd. stretching from the Rye train station to Rye High School); and the NYU Capstone project which focused on the Forest Ave. corridor from Grace Church St. to Van Wagenen.



Rye Shared Roadways Committee

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COMMITTEE BACKGROUND

We were chartered in September 2010 by the City of Rye City Council, for the purpose of evaluating, recommending and prioritizing ways for the City of Rye to become a safer and more enjoyable walking and biking community. We are comprised of a cross section of our community: concerned residents, non-profit organizations, schools, and community leaders. Our belief is that our community wants and will increasingly demand a greater feeling of safety on our roadways when walking and biking, improved ability to leave cars behind for local trips, and more opportunities for safe outdoor exercise and recreation.

Our goal is to make Rye a more environmentally sustainable, healthy and more livable community for a range of ages and user groups by improving and enhancing safe pedestrian and bicycle opportunities. We are working to achieve this by working with City Staff to identify problems and areas for improvement, recommending changes and additions to City policies, educating and informing the community on a range of related topics, and seeking to institutionalize these approaches into the long term planning process.

COMMITTEE MEMBERS

Jimmy Amico

Steve Cadenhead (co-chair)

Doug Carey

Lucy Cassidy

Helen Gates

Susan Gervais

Maureen Gomez (co-chair)

Katy Keohane Glassberg

Gregg Howells

Dinah Howland

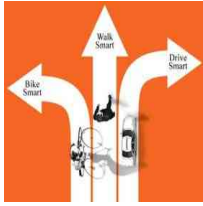
Howard Husock

David Kimmel

Kate Madigan

Martha McDade

Bob Zahm



Rye Shared Roadways Committee

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COMMITTEE PROCESS

Our approach was straightforward. We began by identifying key non-motorist user groups in the community, such as school kids, seniors, commuters and shoppers. We then determined key “civic nodes” or destinations of those users, such as schools, the Rye MTA station and the Central Business District. We identified the routes employed by those users to get to those destinations, and observed those users traveling those routes.

Key users on whom we focused our efforts

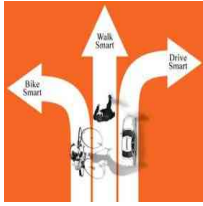
- Kids who are or could be walking or biking to school
- Commuters who are or could be walking or biking to the train
- Shoppers and employees who are or could be walking or biking to the CBD
- Joggers, bikers, walkers and others who are or could be walking, jogging or biking through their neighborhoods, to Rye’s parks, historical sites, central business district, etc.
- Rye’s older residents and people with disabilities

Key Destinations of our users in the City of Rye

- Schools
- Rye Train Station
- Central business district
- Forest Avenue
- Parks and the Nature Center

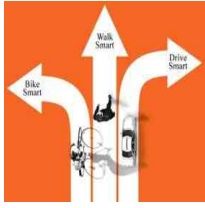
Over a period of months, various teams of committee members observed pedestrian, motorist and cyclist behavior throughout Rye. Our initial findings, described in the subsequent section, are presented in 3 categories:

- **Projects** to be included in the CIP
- **Legislative recommendations** requiring Council action
- **Education and Awareness** opportunities.



SIDEWALKS

<u>Observations</u>	<u>Recommendations</u>
<ol style="list-style-type: none"> 1. Sidewalk maintenance suffers from a “poverty of the commons”. All costs fall to the property owner with virtually all benefits accruing to the public. 2. Repairs & clearance driven by complaint-based enforcement; no systematic review / scheduling of repairs leading to long repair times and general deterioration 3. Undefined sidewalk standards continue unsafe situations; e.g., blocked lines of sight; utility poles in sidewalks, narrow paths moving walkers into streets; incomplete sidewalks; etc. 4. Sidewalk obstruction “clearance” standards are undefined and inconsistently enforced; e.g., width of snow clearance; removal of obstructing foliage; siting of utility poles in sidewalks; etc. City snow clearance results in blocked sidewalks and does nothing for bus stops 	<ol style="list-style-type: none"> 1. The City takes over administration of sidewalks compliance. Annually survey and publish sidewalk conditions; notify abutter of requirements, their options, timeframe for remediation, penalties. Set timeframe for full citywide compliance (e.g. 7 years). .Employ construction zones for efficiency. 2. Update and codify definitions of sidewalks, sidewalk clearance, and obstruction removal, construction requirements including minimum width, shy space, utility pole placement, level and continuous with driveways etc. Implement appropriate penalty structure for noncompliance. 3. Change city snow clearance practices to prevent snow accumulation on sidewalks. Automatically clear and bill responsible party after [] hours. Establish “will-shovel” snow removal registry ala “No Knock” registry



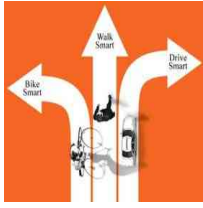
New sidewalks needed

- Nursery side of Milton Road
- North Street's East side along Nature Center & to Playland Parkway Access road.
- North side of Fremd from municipal parking lot to Purchase St.

Existing sidewalks needing immediate attention

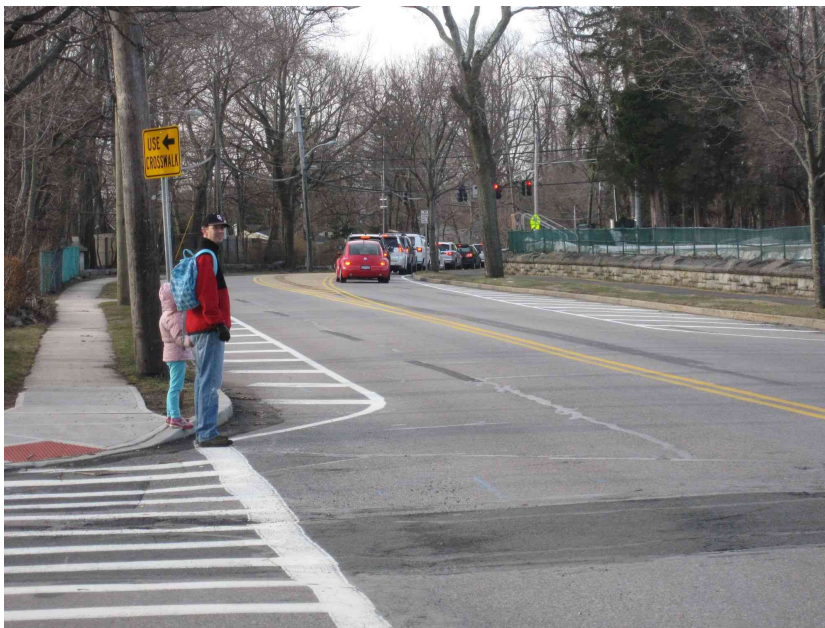
- BPR fm Marshlands to Rye Pool
- Locust Ave. sidewalk west of Fremd
- Osborn home sidewalk
along the Playland access road continuing along Theall Road to the Osborn home



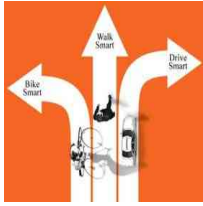


CROSSWALKS

<u>Observations</u>	<u>Recommendations</u>
<ol style="list-style-type: none">1. Crosswalks absent in important locations; some in wrong locations2. Crosswalks often in poor condition3. Markings not uniform4. No use of newer technologies (raised crosswalks, textured materials, retro-reflective materials)5. Aren't always accompanied by appropriate signage6. Sight often blocked by parked cars	<ol style="list-style-type: none">1. Within identified priority corridors consider "branding" our crosswalks with creative touches<ul style="list-style-type: none">• raised crossing• alternate materials and color schemes• accompanying markings and signage2. Enforce no parking within [10] feet



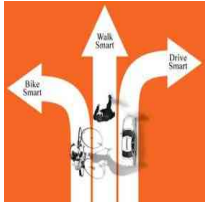
Sonn Drive at Boston Post Road



CROSSWALKS (continued)

New crosswalks needed or current crosswalks that need to be moved

1. Forest Avenue at Eve Lane: raised
2. Forest Avenue at Hewlett: add crosswalk from Hewlett to Forest on the right-hand/south side of the intersection; change the location of the crosswalk at Hewlett and Forest to the south side of Forest
3. Purchase Street near BPR/Square House: include bumpout and bollards
4. Billington and Platt, south side
5. Midland at approximately the mid-point of the school's basketball court on the East and Rye Rec's field on the West
6. Milton near or after Fairlawn
7. Dearborn at Halstead or Fairlawn
8. Old Post Road & BPR in front of the Osborn
9. BPR at Sonn Dr.
10. Across Parsons and across BPR at that intersection: raised with bumpout
11. BPR near Thistle/Peck
12. Fireman's Memorial
13. Highland Road at Wappanocca
14. Highland Road at Mendota
15. Apawamis at Milton: raised
16. Milton Road at Nursery Field
17. BPR at Old Post Road near RM/HS
18. Oakland Beach Rd entering Disbrow Park
19. Purchase Street at Fremd, north side
20. Rye MTA station

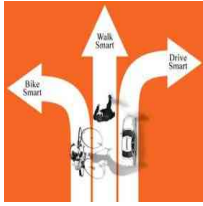


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CROSSWALKS (continued)





FOREST AVENUE

Observations

1. Heavily used as a recreational path for bicyclists, pedestrians and joggers. Pedestrians, including people pushing baby carriages, school children, and bicyclists all utilize the roadway
2. Absence of sidewalks north of [Apawamis] forces pedestrians and joggers into the flow of traffic
3. No designated shoulder.
4. Road lies generally within the center of a 50-foot wide City right-of-way.
5. Residents have placed large rocks along the sides of the road in the City right-of-way.



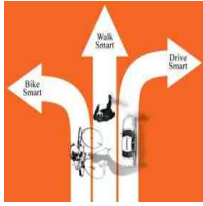
example of white rocks along Forest Ave

Recommendations

1. When repaving, construct additional shoulders would provide additional room for pedestrians and bicyclists that would be outside of the travel-way for motor vehicles. Motorist travel lane dieted to 10' width.
2. Add roadway markings along the entire length of Forest Avenue indicating to motorists to share the Road with recreational users
3. Move some crosswalks
 - North side of Playland
 - Corner of Hewlett and Forest from North side of the street to the South side of the Street
 - Eve Lane
4. Raise and paint crosswalks so that they are more visible
5. Establish and enforce policy re rocks: 15' minimum distance from center of roadway.

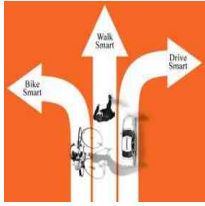


widened and striped, with rocks moved



THEO FREMD AVENUE

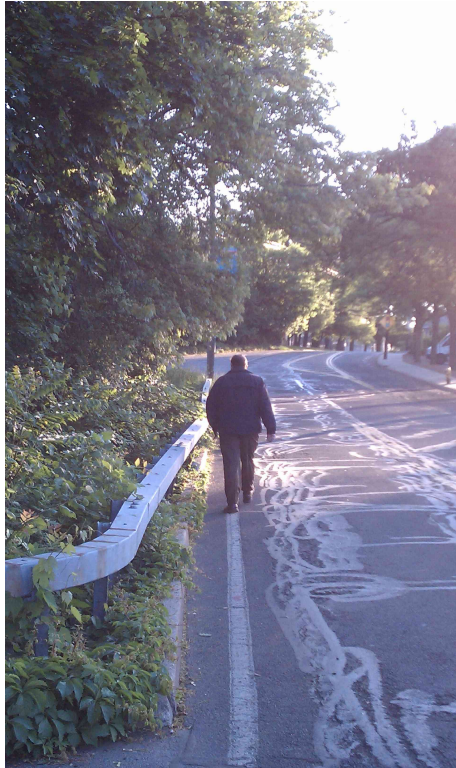
<u>Observations</u>	<u>Recommendations</u>
<ol style="list-style-type: none">1. Sidewalk ends on north side east of Blind Brook. Narrow lanes and no shoulder or sidewalk at Blind Brook retaining wall make walking & cycling unsafe, cause peds to walk directly in travel lane at Brook retaining wall.2. Well worn goat path approaching Purchase Street.3. No crosswalk on Northern side of Purchase Street, but this is where commuters to train and bus want to & do cross4. Purchase Purdy intersection difficult as streets aren't aligned straight, lanes are narrow especially for turning.5. Utility poles in middle of sidewalk SW of Central Ave.	<ol style="list-style-type: none">1. At left turn into municipal parking lot, reduce buffered space to allow striped width for walking along Blind Brook retaining wall. Extend striping through parking lot to Blind Brook bridge, where sidewalk begins. Remove telephone pole that has no wiring. Move utility pole and support wire from middle of sidewalk at Blind Brook bridge.2. Add sidewalk on northern side from municipal lot to Purchase St.3. Add raised crosswalk on at Purchase St., North side.4. Add left turn lane north onto Purchase street; turn arrow signal? Stop signs?5. Move utility poles 5' from curb.

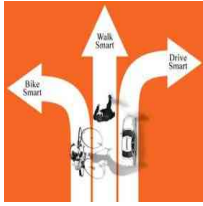


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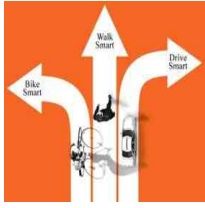
THEO FREMD AVENUE (continued)





CENTRAL BUSINESS DISTRICT

<u>Observations</u>	<u>Recommendations</u>
<ol style="list-style-type: none">1. No crosswalk on Northern side of Purchase Street at Fremd, but this is where pedestrians to train and bus regularly cross.2. Purchase Purdy intersection difficult due to mis-alignment of streets. Lanes are narrow especially for turning.3. There is no legal way for pedestrians to cross BPR at Purchase Street. Instead they must to go approx. 200' to the Locust Ave. intersection to cross.4. Often a shortage of short-term parking for those running quick errands. Drivers forced to circle the area looking for short-term parking, increasing traffic and pollution in the shopping and restaurant district. There is abuse of parking limits: drivers return to top up into meters ignoring 45-minute or two-hour limits.5. Essentially no bike racks in CBD.	<ol style="list-style-type: none">1. Add raised crosswalk2. Add left turn lane from Theo Fremd north onto Purchase street with turn arrow signal3. Improve the BPR/Purchase St junction with a new crosswalk, bump-outs, safety bollards, and sharrows.4. Investigate smart parking technologies, which:<ul style="list-style-type: none">• reduce enforcement costs.• enable raising parking rates during peak demand times, ensuring spaces• increase revenue• increase convenience (easier to find a spot).• encourage more bike and pedestrian access5. Convert car parking spaces to bike parking; one parking space = 8-22 bike parking spaces6. Add bike racks throughout the CBD



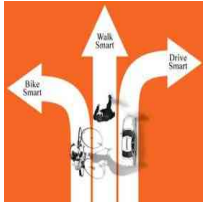
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RYE METRO NORTH TRAIN STATION

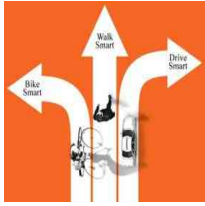
<u>Observations</u>	<u>Recommendations</u>
<ol style="list-style-type: none">1. Congestion at station; no clear markings for traffic or pedestrians.2. No clear and designated pedestrian pathway from the business district to the train station.3. Parking lot has not been repaved in over 20 years4. Poor lighting5. Danger spot at Station Plaza/Purchase St. intersections. Motorists surprised by pedestrians walking toward town.6. Rye residents not sufficiently aware of walking times to CBD/train station.	<ol style="list-style-type: none">1. Review renovation plan for Station Plaza developed previously by MetroNorth review for adequacy of crosswalks, signage, lighting, definition of vehicle travel lanes, bike parking, etc. Augment with features important to Rye (e.g., bike racks and lockers).2. Sacrifice some car parking spaces with convenient spaces to lock up bikes; one parking space = 8-22 bike parking spaces3. Create sets of maps as to who lives within walking and/or biking range, educate Rye residents and encourage walking and biking to train.





RYE HIGH SCHOOL / MIDDLE SCHOOL

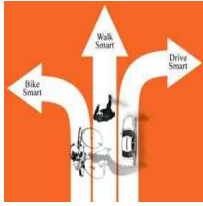
<u>Observations</u>	<u>Recommendations</u>
<ol style="list-style-type: none">1. There is no crossing of BPR from the High school to the Nature Center for pedestrians. The north-bound turn from Parsons onto the BPR encourages speeding and creates a more difficult crossing for pedestrians.2. Motorists continue to drive through crosswalks, especially the one on Parsons directly in front of the school.3. Children living off of Forest Avenue closer to Grace Church Street use the Eve Lane cut through to arrive to Midland, where they then take the Rye Rec path to Milton where they are crossed by the Crossing guard.4. Children walking from town on BPR have to walk in front of many active driveways. Long curb cuts create awkward and dangerous car/pedestrian interfaces.	<ol style="list-style-type: none">1. Add crosswalks and a pedestrian refuge island to improve the pedestrian/bike connection across BPR to the recommended sidewalk adjacent to the Nature Center.2. Restripe and resign crosswalk. Add portable traffic bollards where necessary. Paint zebra stripes and place signage indicating “students X-ing”3. Repave and repair steps at the Eve Lane cut through.4. Add a sidewalk on the east side of BPR from Central Avenue north to Parsons (along the Nature Center parallel to Blind Brook).
<p><u>Additional recommendations</u></p> <ul style="list-style-type: none">• Create a formal path to the back door of the school for students who bicycle and walk from the intersection of Boston Post Road and Old Post Road.• Move bike racks to the front of the school by the MS benches.• Leave the gates open so that kids can cut through without climbing the fence.	



Rye Shared Roadways Committee

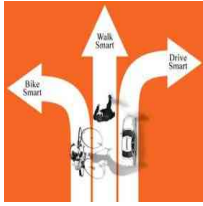
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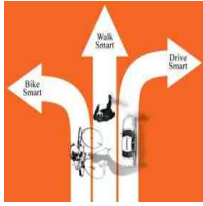
OSBORN SCHOOL

<u>Observations</u>	<u>Recommendations</u>
<ol style="list-style-type: none">1. The Boston Post Road intersection is frequently blocked particularly by northbound left turns with nowhere to go on Osborn road. This reduces visibility for the crossing guard and children.2. Parents and children continue to cross the Boston Post Road at the Northern Entrance to the back of the school, in spite of signage directing them to the crosswalk.3. The sidewalks are narrow and in many areas only allow for a single pedestrian. They are often encroached with vegetation or not cleared after a snow fall4. Drivers exiting the back lot are forced to dangerously nose their cars onto BPR to observe the traffic coming Northbound on BPR.	<ol style="list-style-type: none">1. Review parking procedures in the front and rear lots at Osborn to try and alleviate parking overflow onto BPR.2. Re-educate parents and children on the basics of crosswalk safety. And encourage use of the “official crosswalk” at Oakland.3. Review present sidewalk policy and issue fines to homeowners who do not maintain their sidewalks clear and unobstructed.4. Improve sight distance by adding a mirror on the corner of Sonn Drive and BPR
<p><u>Additional recommendations</u></p> <ol style="list-style-type: none">1. Reconfigure both the front and rear lots to try and accommodate more cars thereby reducing the volume of cars on BPR. Retime lights where necessary.2. Initiate a pilot "flag crossing" program at unmanned crosswalks near schools.3. Work with the SRTS group to formalize crosswalk education.	



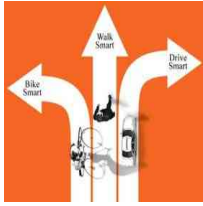
MILTON SCHOOL

<p><u>Observations</u></p> <ol style="list-style-type: none"> 1. At the intersection of Milton and Oakland Beach there is a walking signal to cross Milton on the North side of the street. There is no walking signal to cross the West side of Oakland Beach. Because the only sidewalk on this road is on the West side of Milton all walkers are forced to cross on this side of the road where there is no walking signal. 2. Presently the children North of Oakland Beach Avenue commute to school by traversing a number of interior streets without the aid of one crosswalk. 3. Crosswalk at Forest and Hewlett. Cars making a left onto Forest from Hewlett are encountering children in the crosswalk. 	<p><u>Recommendations</u></p> <ol style="list-style-type: none"> 1. Consider the placement of an additional Pedestrian Crossing signal at the Le Panetierre corner of Oakland Beach and Milton 2. Consider the placement of a new crosswalk on or near Dearborn Ave. to aid those families in the Northern Oakland Beach neighborhood safer travel to school. 3. Consider moving the crosswalk from the North side of Forest to the Southside.
<p><u>Projects and Actions</u></p> <ol style="list-style-type: none"> 1. Modify crosswalk signals at the corner of Oakland Beach Ave/Milton Avenue. 2. Construct a new crosswalk in the Dearborn vicinity. 3. Employ the recommendations made by the Capstone team for Forest Avenue. 4. Initiate a pilot "flag crossing" program at unmanned crosswalks near schools. 	



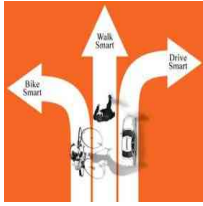
MIDLAND SCHOOL

<p><u>Observations</u></p> <ol style="list-style-type: none">1. Crosswalks and their location have been discovered to be the largest issue concerning Midland School.	<p><u>Recommendations</u></p> <ol style="list-style-type: none">1. Restripe and resign all crosswalks pertaining to Midland School.2. Consider eliminating the center crosswalk and moving to a two crosswalk scenario: with one at the North playground; and one at the South in alignment with the current dismissal pattern.
<p><u>Projects and Actions</u></p> <ol style="list-style-type: none">1. Construct a new northern crosswalk bisecting Midland at approximately the mid-point of the school's basketball court on the East and Rye Rec's field on the West.2. Construct a new southern crosswalk would be installed at the corner of the traffic circle and cross to Billington court.3. Initiate a pilot "flag crossing" program at unmanned crosswalks near schools.4. Restripe a new designated drop off zone by the new crosswalk	



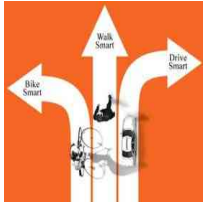
RECREATION

<u>Observations</u>	<u>Recommendations</u>
<ol style="list-style-type: none">1. No bike lanes exist in the City of Rye. Cyclists and pedestrians share the roadway with motorists2. There is inadequate signage and roadway marking.3. There are no designated bike routes	<ol style="list-style-type: none">1. Bike Racks<ul style="list-style-type: none">• Schools• Train Station• Require bike racks for new commercial development2. Designate selected roadways as bike/recreation routes; improve with markings and signage<ul style="list-style-type: none">• ECG• Historic and Recreation Route3. Improve bike/Recreational safety<ul style="list-style-type: none">• Improve signage• Sharrows• Consider wider shoulders, rather than sidewalks where possible.• Eliminate hazards and obstructions in high recreation areas



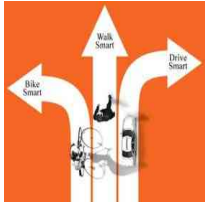
RYE'S OLDER RESIDENTS

<u>Observations</u>	<u>Recommendations</u>
<ul style="list-style-type: none"> • Rye's seniors are not entirely familiar with the latest pedestrian safety laws. • When surveyed, The Firemen's memorial and 5 corner intersections were noted to be confusing and dangerous both to the motorist and the pedestrian. • Universally complained of speeding on Theo Fremd and Forest Avenue. • Felt at risk when walking due to motorists speaking and texting. • Felt that there were insufficient handicapped parking spaces in the CBD. 	<ol style="list-style-type: none"> 1. Recruit organizations such as AARP, Carfit, and AAA to give senior seminars on topics such as: <ul style="list-style-type: none"> • Pedestrian/Crosswalk Safety • Driving Skills Refresher Course • How medication can affect driving performance • Tips on route planning, best times to drive, and avoidance of dangerous intersections. 2. Redesign the Firemen's Memorial as a proper traffic circle, with necessary markings and signage. 3. Redesign 5 corners to include traffic signals with arrows and visibly marked crosswalks. Adjust timing of signals to allow for the slower gate stride of the older pedestrian. 4. Increase police enforcement on priority corridors such as Forest Avenue and Theo Fremd. 5. Encourage walking to the CBD by mapping routes that are "senior" friendly. Those with few if any impediments.



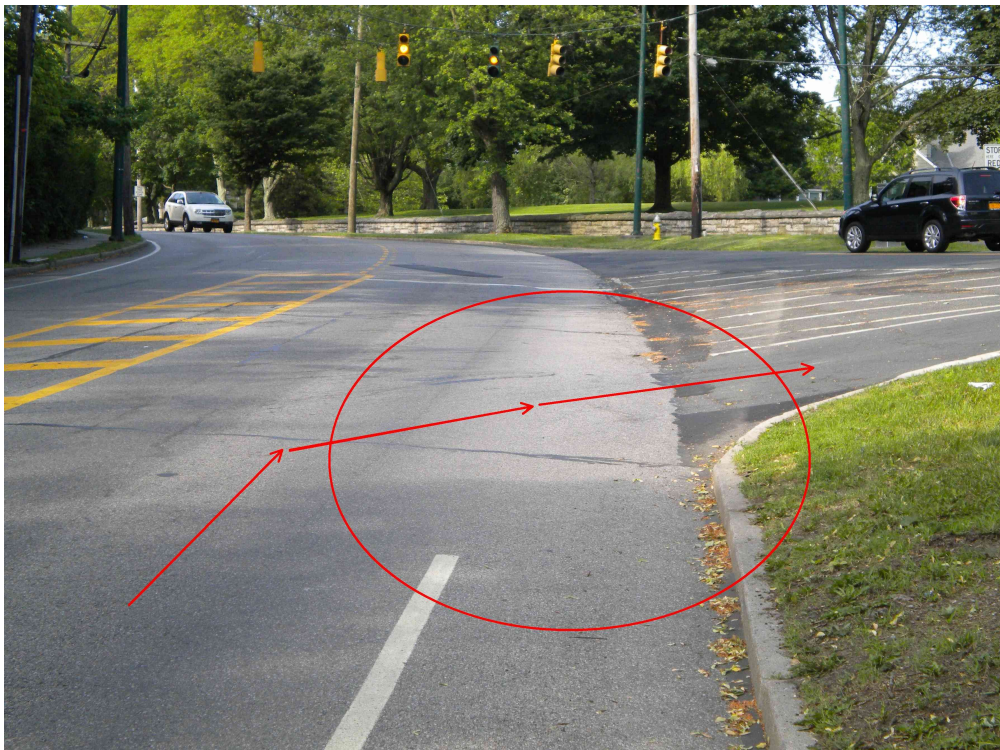
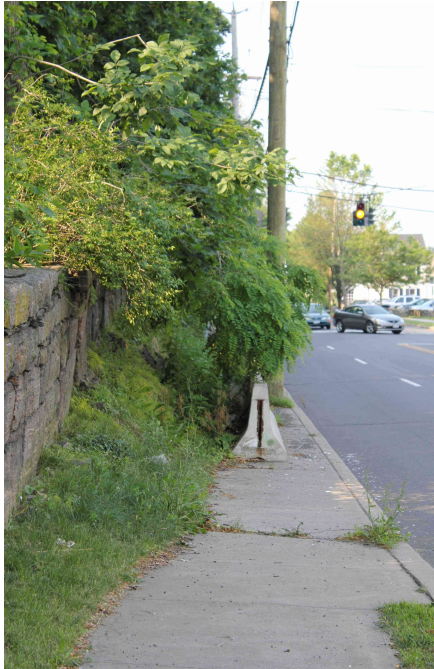
OTHER KEY CAPITAL PROJECTS

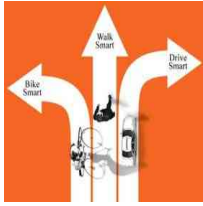
<u>Observations</u>	<u>Recommendations</u>
<ol style="list-style-type: none"> 1. The 5 Corners intersection at Kelly’s is confusing to all users of the road. Ascertaining who has the right of way is difficult, and the crosswalks have poor or inadequate signage. 2. Roadways at the Fireman's Memorial are confusing and difficult for cyclists and pedestrians. 3. The rock wall/embankment on Boston Post Road opposite Purdy Avenue (“Loudon Woods wall”) has been shedding rocks, compromising slope and wall stability. The wall straddles private and City right-of-way property lines. 4. BPR still challenging for cyclists: striped shoulder fades in/out. 5. Intersection of Apawamis at Milton is too wide to cross safely. Drivers also fail to stop at the stop sign. 6. Midland children in the vicinity of Forest Avenue closer to Grace Church Street use the Eve Lane cut through to arrive at Midland. Path and steps are dangerously slippery when icy. 7. Midland children near Forest Ave north of Fieldstone would like to cut through the Synagogue property to Midland. 	<ol style="list-style-type: none"> 1. Redesign the Firemen’s Memorial as a proper traffic circle, with necessary markings and signage. 2. Redesign 5 corners to include traffic signals with arrows and visibly marked crosswalks. Adjust timing of signals to allow for the slower gate stride of the older pedestrian. 3. Draft a public/private agreement (with Loudon Woods homeowners) to secure funds to repair wall. 4. BPR: add signage and shared lane marking; wide enough to re-stripe bike lane? 5. Consider making an all-way stop. 6. Repave and repair steps at the Eve Lane cut through. 7. Reach agreement with Community Synagogue to allow cut-through.



Rye Shared Roadways Committee

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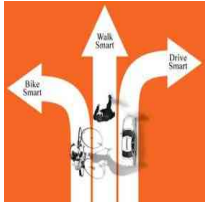




RECOMMENDATIONS FOR COUNCIL LEGISLATIVE ACTION

The Committee identified opportunities for improvement via Council legislative action. These types of actions provide a framework that guides the choice and details of project work. Also, the philosophies, awareness and citizen advocacy that have taken us to this point need to be institutionalized into the City's practices and procedures to assure continuity of this process. Our recommendations may in some cases be controversial. They should be vetted, with public input.

1. **Endorse an effective Complete Streets policy**, which would include the creation of a Complete Streets Advisory Board, the designation of a Complete Streets project coordinator, and designation of a grant consultant.
2. **Formally designate “priority shared corridors”** Such a designation might be applied, for instance, to Forest Avenue, already heavily-used by cyclists, pedestrians and motorists, or to school zones or key routes approaching the central business district. Zones with this designation would have priority for maintenance and improvement measures such as raised crosswalks, improved signage, improved roadway markings, and repair/repaving.
3. **Update sidewalk and crosswalk policies and ordinances.** Policies should improve and clarify such components as design, maintenance, accompanying signage, standards for when crosswalks and sidewalks are unusable due to construction, and snow removal. They should include an annual survey of conditions. For sidewalks, the model of complaint-based abutter responsibility for maintenance and repair should be revisited, and the positioning of utility poles should be addressed.
4. **Begin to consider how to balance and trade off parking spaces for pedestrian and cycling enhancements.**
5. **Investigate available “smart parking” technologies**, which hold the promise of reduced enforcement costs; enabling raising parking rates during peak demand times, ensuring spaces and increasing revenue while simultaneously increasing convenience (easier to find a spot); and encouraging more biking and walking.
6. **Create or update bicycle parking and riding ordinances.**
7. **Begin to specify and/or update street design guidelines** for appropriate sidewalk and travel lane widths, bicycle facilities, street trees and plantings,

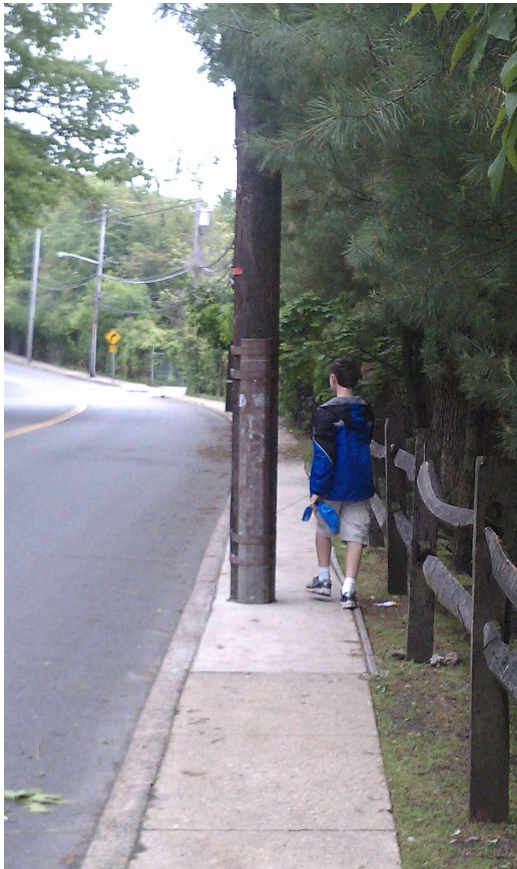


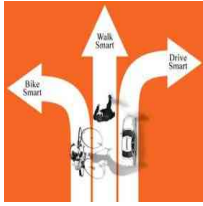
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lighting fixtures, street furniture, etc. Consider general calming techniques such as striping most travel lanes with posted speeds of 30MPH to no more than 10 feet.

- 8. **Approve an ordinance requiring minimum distance from the curb or shoulder for utility poles.** Agree a plan and timetable with Con Edison to achieve compliance.





Rye Shared Roadways Committee

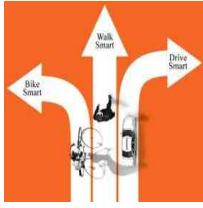
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EDUCATION AND ENCOURAGEMENT

Educating the public is probably the most critical component in creating a pedestrian and bike friendly community. It is also the most challenging. In order to insure the most positive outcome, students must be introduced to the concept of Pedestrian safety at a very young age.

EDUCATION INITIATIVES

- **Elementary schools**
 - Formalize a more consistent Pedestrian Safety program at all of the schools
 - Rollout safety programs in the fall of each year
 - Safety pledges, handbooks, etc...
 - Modules that can be pushed in to the physical education class
- **MS/HS**
 - Roll out a program for incoming 6th graders
 - Revisit the Youth Committee position that used to liaise with City Council
 - Encourage students to form a chapter of Students against Destructive Decisions at Rye High
 - Enlighten kids to the software available to disable cell phones while driving
 - Show ATT video at an assembly at the beginning of the year
 - Invite speaker from video to visit/address the school
- **Parents**
 - Continue with forums such as the Dangerous Driving Forum held on 3/24
 - Reach out to parents on Back-to-school nights to get them to sign safety pledges;
 - Show AT&T video clip on the dangers of texting and driving



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EDUCATION AND ENCOURAGEMENT (continued)

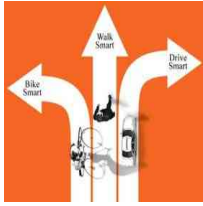
EDUCATION (cont'd)

- **Seniors**
 - Liaise with Older Driver Coalition to roll out specific modules geared toward senior drivers
 - Liaise with AARP for actual Driving Courses for Seniors
- **Community wide:** Create a communications and marketing plan that includes a Rye Complete Streets website with links from the City's website

ENCOURAGEMENT:

- **Elementary Schools:**
 - Roll out Walking School Buses on Tuesday, May 17th
 - Explore the “lose 25” regarding reducing car drop off by 25%
- **MS/HS**
 - Get students to participate in a “Text Free Tuesday”
 - Have the Rye Youth Council Players conduct role plays with the emphasis on Pedestrian Safety
 - Distribute fun incentives with safety messages; Frisbees, hacky sacks, Lance Armstrong type bracelets
- **Residents & Commuters**
 - Initiate Walk/Bike Commuter days
 - Car free Sundays on Purchase Street during the summer months





Rye Shared Roadways Committee

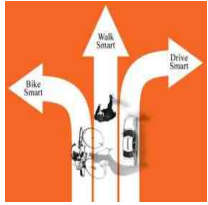
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FUNDING

The Shared Roadways Committee recognizes that a lack of funding or unstable funding sources – especially over long periods of time – can cause a program to struggle or even fail. Having an organizational structure in place that includes sound funding mechanisms is imperative for a program at any stage, but it is especially important in the critical first years. Everyone in the Rye community is a stakeholder benefiting from safer and better planned roadways. Thus, broad-based community support is a very important element of the Shared Roadways model. For this reason, it is also realistic to assume that a Complete Streets effort will receive funding from more than one source.


The City should pursue funding these recommendations from a variety of sources:

- If not already being done, the City should assure that it remains vigilant to grant opportunities and vigorously pursue them, perhaps enlisting community advocates to help monitor and apply for them.
- City could use existing Capital Improvement budgets in a more thoughtful “Complete Streets” manner. Include these elements complete streets improvements to the existing paving, striping, and reconstruction budgets.
- City staff and Council should consider prioritizing the overall Capital Improvement Plan (not just the Transportation projects). perhaps re-allocating priority to issues affecting roadway safety, at the expense of other items.
- The City should consider a bond issue as a funding source. Long-term funding is appropriate for projects that have long lives. Additionally, interest rates are at historic lows, so the cost of borrowing is similarly relatively low.
- Public-private partnerships, including fundraising, sponsorships and other special projects: In some smaller communities such as Rye, like-minded organizations such as the chamber of commerce, museum or preservation organizations may also help fund (or help raise funds) for the Complete Streets effort. Often times, this follows an educational process that helps all of these organizations see how their partnership with the Complete Streets program spells success for all.



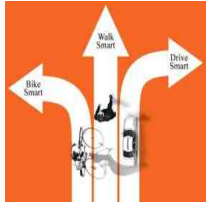
Rye Shared Roadways Committee

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 Which Federal Program is Right for My Project?								
	Transportation Enhancements (TE)	High Priority Projects (HPP)	Congestion Mitigation and Air Quality Improvement (CMAQ)	New, TE Surface Transportation Program (STP)	Safe Routes to Schools (SRTS)	Recreational Trails Program (RTP)	Highway Safety Improvement Program (HSIP)	Section 402- State and Community Highway Safety Grant Program
Percent of Federal Bikes/Ped Funding	41.0%	20.8%	16.0%	8.0%	1.0%	1.0%	0.8%	n/a
Program Purpose	To expand travel choice and enhance the transportation experience by improving the cultural, historic, aesthetic and environmental aspects of our transportation infrastructure.	To fund key transportation projects deemed important by elected officials.	To fund transportation projects to improve air quality and reduce traffic congestion in areas that do not meet air quality standards.	To provide flexible funding that may be used by States and localities for projects on any Federal-aid highway, including the HSP, bridge projects on any public road, transit capital projects, and safety and intercity bus terminals and facilities.	To enable and encourage children to walk and bicycle to school, and to facilitate the planning, development and implementation of projects that will improve safety and reduce traffic, fuel consumption, and air pollution in the vicinity of schools.	To provide funds to the States to develop and maintain recreational trails and trail-related facilities for both nonmotorized and motorized recreational trail uses.	To fund highway safety projects aimed at reducing highway fatalities and serious injuries.	To create safety programs aimed at reducing crashes, deaths, injuries, and property damage.
Eligible Infrastructure	All bike/ped infrastructure that has a relationship to surface transportation (as opposed to recreation alone)	All bike/ped infrastructure	Most bike/ped infrastructure including bike paths, lanes, racks, lockers, bike sharing programs	All bike/ped infrastructure	Bike/ped infrastructure within a 2 mile radius of the school	Bike trails, trailside and trailhead facilities, both development and maintenance	Bike lanes, bike parking, racks, locks and signage	None
Eligible Non-Infrastructure	Safety and educational programs for pedestrians and cyclists are also eligible	None	Most bike/ped programs and "outreach related to safe bicycle use," and "establishing and funding State bicycle/pedestrian coordinator positions..."	All bike/ped programs	Encouragement, Enforcement and Education activities for children in grades K-5	Trail construction and maintenance equipment; land and easement acquisition; safety and environmental education; assessment of trail conditions; state program administration	States can spend 10 percent of their HSIP funds on public awareness campaigns, education programs and enforcement activities	Safety programs such as bike or pedestrian safety education, helmet distribution, or distribution of safety information
Key Project Requirements	Must relate to surface transportation, and must comply with all federal administrative laws that apply to highway projects	No official requirements, but offices need to know how the project will help their community and that list of officials endorse the project	1) Must be spent in non-attainment and maintenance areas. 2) Will be evaluated on air quality emissions	n/a	Focus is on making it safe for more children (grades K-5) to walk and bicycle to school	50% of state's funding must be used for nonmotorized trail projects; 50% for recreation; 40% for projects that encourage diversity of use of trail corridor, trailhead, etc. (categories may overlap); projects encouraged to have environmental benefit and use youth conservation and service corps	Project must address goals written in State Highway Safety Plan (SHSP)	Project must address goals written in State Highway Safety Plan (SHSP)
Funding Timing	Different in every state; see www.enhancements.org/stateprofile.asp to learn about your state	HPPs are decided every 6 years with the transportation bill. Appropriations projects are similar to HPPs, but are decided annually with the appropriations bill	Different in every state and MPO	n/a	Different in every state	Varies by state	HSIP Projects decided every year; SHSP updated every year as well	n/a
Local Match Required	Varies, usually 10%	No match requirement, but projects with a local match are generally prioritized	Typically 20%	10%	None	Typically 20%, some 50%	10%	n/a
Who Should I Talk to About This?	State TE Coordinator	Congressional Office	MPO to find out who runs your CMAQ Program	Bike/Ped Coordinator	DOT SRTS Coordinator	State Trail Administrator	Bicyclist Coordinator; HSIP Manager	DOT Traffic Safety Office
For More Info?	National Transportation Enhancements Oversight House	Congressional Office	"Congestion Mitigation and Air Quality Improvement Program," Advocacy Advance Report	n/a	Safe Routes to School National Partnership	FRWA Web site: www.fewa.dot.gov/management/moreinfo/index.htm	"Highway Safety Improvement Program," Advocacy Advance Report	"Section 402," Advocacy Advance Report

¹ FY2008. Does not include Recovery Act funds.

² All Advocacy Advance Reports can be found at www.bikeleague.org/advocacy/reports



Rye Shared Roadways Committee

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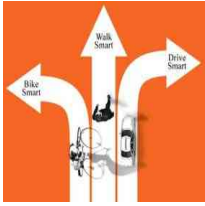
What Program Is My Project Eligible For?



Transportation Enhancements
Congestion Mitigation and Air Quality Improvement (CMAQ)
Surface Transportation Program
Safe Routes to Schools
Recreational Trails Program
Highway Safety Program
Program (HSP)
State and Community Highway Safety Grant Improvement
Safety Grant Program (Section 402)
National Highway System
Scenic Byways
Federal Lands Highway Program
Highway Bridge Program
Trans. and Community and System Preservation and State/Metropolitan Planning Funds
Access to Jobs/Reverse Commute (AJRC)
Federal Transit Capital
Transit Enhancements

	Transportation Enhancements	Congestion Mitigation and Air Quality Improvement (CMAQ)	Surface Transportation Program	Safe Routes to Schools	Recreational Trails Program	Highway Safety Program (HSP)	State and Community Highway Safety Grant Improvement	Safety Grant Program (Section 402)	National Highway System	Scenic Byways	Federal Lands Highway Program	Highway Bridge Program	Trans. and Community and System Preservation and State/Metropolitan Planning Funds	Access to Jobs/Reverse Commute (AJRC)	Federal Transit Capital	Transit Enhancements
Bicycle and pedestrian plan	*	*	*									*	*			
Bicycle lanes on roadway	*	*	*	*		*			*	*	*	*			*	*
Paved shoulders	*	*	*	*					*	*	*	*				
Signed bike route	*	*	*	*					*	*	*	*				
Shared use path/trail	*	*	*	*	*				*	*	*	*				
Single track hike/bike trail					*											
Spot improvement program	*	*	*	*		*										
Maps		*	*	*			*									
Bike racks on buses	*	*	*	*										*	*	
Bicycle parking facilities	*	*	*	*					*					*	*	
Trail/highway intersection	*	*	*	*	*	*			*	*	*	*				
Bicycle storage/service center	*	*	*	*								*		*	*	*
Sidewalks, new or retrofit	*	*	*	*		*			*	*	*	*		*	*	*
Crosswalks, new or retrofit	*	*	*	*		*			*	*	*	*		*	*	*
Signal improvements	*	*	*	*		*			*	*	*	*				
Curb cuts and ramps	*	*	*	*		*			*	*	*	*				
Traffic calming			*	*		*						*				
Coordinator position		*	*	*								*				
Safety/education position		*	*	*			*									
Police patrol			*	*			*									*
Helmet promotion	*	*	*	*			*									*
Safety brochure/book	*	*	*	*	*		*									*
Training	*	*	*	*	*		*									*

Source: "FHWA Guidance: Bicycle and Pedestrian Provisions of Federal Transportation Legislation," <http://www.fhwa.dot.gov/ENVIRONMENT/bikeped/bp-guid.htm#fp4> (Last Accessed 8/3/2010)



Rye Shared Roadways Committee

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RECOMMENDED NEXT STEPS

1. Finalize the recommendations for inclusion in the updated Capital Improvement Plan.
2. Host a Shared Roadways workshop in which to explore future Council legislative action and to get input from the public, especially:
 - adoption of a “Complete Streets” resolution.
 - designation of “priority shared roadway corridors”.
 - updating of sidewalk and crosswalk policies and ordinances.
3. Finalize the formal report from this Committee.
4. Create the walk / ride boundary maps around key civic nodes.
5. Continue to implement Education and Encouragement initiatives.
6. Examine current Capital Projects schedule through a Complete Streets lens.

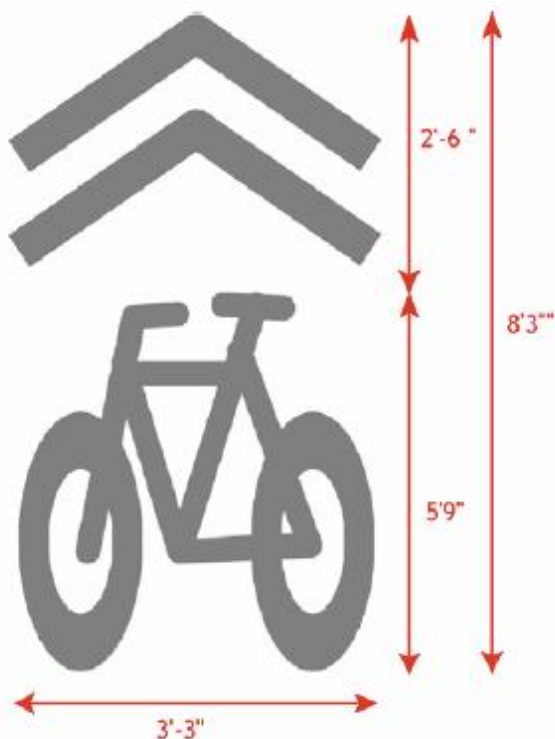
Rye Shared Roadways

Sharrows
Make Rye's streets safer



- *What is a "sharrow"?*

- A "shared-lane marking arrow" or "sharrow" is a painted emblem on the roadway.
- It is intended to encourage the safe co-existence of motorists and cyclists.
- These road markers remind motorists that they are sharing the route with bicyclists.



- Sharrows indicate the preferred path of travel for cyclists (where they should ride in the roadway).
- Sharrows indicate to motorists the possible presence of bike traffic in the roadway.
- Shared lanes are different from bike lanes. Bike lanes are set aside for bicyclists and are marked by a solid white line and a different symbol.
- Sharrows are an effective, flexible and inexpensive alternative to striped bike lanes.

1...



• Use sharrows on roadways when...

- they are crowded and well traveled,
- they have bicycle traffic,
- they are too narrow for a motor vehicle and a bicycle to travel side by side within the same traffic lane,
- bicycle lanes are not possible or feasible, and
- when the posted speed limit is 35 mph or below.
- Sharrows are also effective in traffic circles.



• Studies show that sharrows...



- succeed in reducing the distance between cyclists and motorists,
- succeed in reducing incidences of "dooring" (where the motorist exiting the car opens the door into the path of the cyclist),
- reduce incidences of cyclists riding the wrong way on the road, and
- reduce incidences of bikes riding on sidewalks.

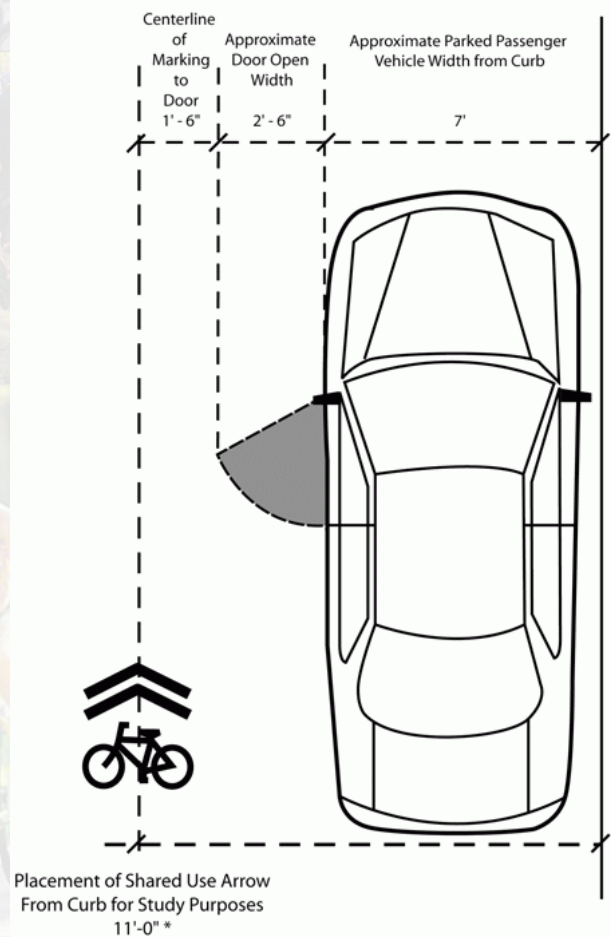
Rye Shared Roadways

Sharrows
Make Rye's streets safer



• *Benefits*

- Improved safety on the roadways
- Increased awareness that the roadways are shared with non-motorized traffic
- Extremely low cost
- Extremely easy to implement
- Stimulates discussion about biking safety and awareness
- Consistent with Rye's stated interest in improving the safety and enjoyment of pedestrian and biking activities.

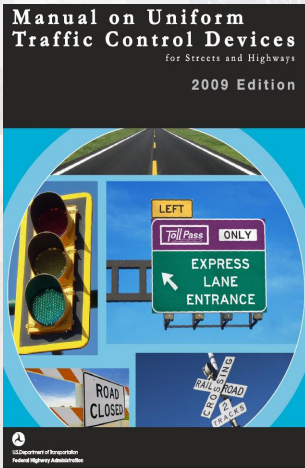


* Selection of this placement is based on the following:
-- Average car door opens to 96" from curb (per DPT field observations),
-- average width of bicycles 2'
-- 6" clearance from door to bicycle handlebar is desired minimum shy distance

• *Next steps*

- Establish trial implementations
- Work with City Council and staff to choose locations
- Educate motorists and cyclists on their meaning and usage





Section 9C.07 Shared Lane Marking *

Option:

The Shared Lane Marking shown in Figure 9C-9 may be used to:

- A. Assist bicyclists with lateral positioning in a shared lane with on-street parallel parking in order to reduce the chance of a bicyclist's impacting the open door of a parked vehicle,
- B. Assist bicyclists with lateral positioning in lanes that are too narrow for a motor vehicle and a bicycle to travel side by side within the same traffic lane,
- C. Alert road users of the lateral location bicyclists are likely to occupy within the traveled way,
- D. Encourage safe passing of bicyclists by motorists, and
- E. Reduce the incidence of wrong-way bicycling.

Guidance:

- The Shared Lane Marking should not be placed on roadways that have a speed limit above 35 mph.

If used in a shared lane with on-street parallel parking, Shared Lane Markings should be placed so that the centers of the markings are at least 11 feet from the face of the curb, or from the edge of the pavement where there is no curb.

If used on a street without on-street parking that has an outside travel lane that is less than 14 feet wide, the centers of the Shared Lane Markings should be at least 4 feet from the face of the curb, or from the edge of the pavement where there is no curb.

If used, the Shared Lane Marking should be placed immediately after an intersection and spaced at intervals not greater than 250 feet thereafter.

Option:

Section 9B.06 describes a Bicycles May Use Full Lane sign that may be used in addition to or instead of the Shared Lane Marking to inform road users that bicyclists might occupy the travel lane.





CITY COUNCIL AGENDA

NO. 7

DEPT.: City Manager

DATE: March 14, 2012

CONTACT: Scott D. Pickup, City Manager

AGENDA ITEM: Presentation by the EAGR Committee on proposed changes to the City of Rye Tree Ordinance Legislation.

FOR THE MEETING OF:

March 14, 2012

**RYE CITY CODE,
CHAPTER
SECTION**

RECOMMENDATION:

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The Environmental Advocacy Group of Rye (EAGR) and the Conservation Commission/Advisory Council have proposed changes to the existing City tree ordinance – Chapter 187 of the Rye City Code.

See attached.

March 7th, 2012

Dear City Council member,

The Environmental Advocacy Group of Rye is pleased to present our proposed revised and improved City of Rye Tree Ordinance (Chapter 187). This revised ordinance has the endorsement of the Rye Sustainability Committee, Conservation Commission/Advisory Council and members of the Planning Commission. Since our last presentation concerning Chapter 187 at the City Council meeting on September 28th, 2010, we have gathered feedback from local tree service experts and addressed the concerns that were raised at that meeting. Below is an outline of the most significant amendments. All insertions and revisions to the current Chapter 187 are marked as underlined in the attached document for ease of reference.

- In both Article I (Findings and Purpose) and Article III (Trees on Private Property), we have added language which would encourage residents to plant trees in order to highlight the emphasis on the many communal benefits conferred by trees and to re-tone the ordinance so it sounds less prohibitive and exculpatory.
- The proposed revisions include the creation of a “Tree Review Committee” which would include a member of the City staff as well as relevant lay persons. The primary function of the Tree Review Committee would be to help manage any increase in the workload incurred by the strengthened tree ordinance (which we do not necessarily expect).
- We have reworked the ordinance so that the provisions regarding Trees on Private Property now appear ahead of the provisions regarding Trees on Public Property.
- The most significant proposed revision to the current ordinance is represented in Article III (Trees on Private Property), § 187-4 - Removal of trees. In the current ordinance, there are no regulations pertaining to the removal of trees on private property that are not situated within the regulated setbacks. The proposed revisions would require property owners to apply for a permit for the removal of a tree or trees with a Diameter at Breast Height (DBH) greater than eight inches located anywhere on their property. Thus the removal of a tree or trees with a DBH greater than eight inches would trigger the need for a permit. A single, granted permit would cover any tree removal activity whether it be for a single tree or multiple trees. It is recommended that permit fees be kept small (\$20?) to minimize the compliance burden placed on property owners who may have damaged trees or where removal of trees is beneficial for safety reasons.
- The general guidelines regarding tree removal permit approval/denials are outlined within Article III (Trees on Private Property), § 187-5, B.
- Trees may be removed when diseased, damaged, or if they pose a safety risk (see § 187-5, B.).
- As with the Leaf Blower ordinance, our proposals include a provision for the City Manager to waive the regulations regarding tree removal for a reasonable amount of time after the occurrence of an extreme weather event (see Article III (Trees on Private Property), § 187-5, C.).
- We have inserted provisions for mitigation planting in Article III (Trees on Private Property), § 187-5, D. This provision would potentially require tree removal permit applicants to replace any tree which is the subject of an application.
- The City of Rye would be subject to the same removal criteria as those for private property under the proposed amendments (see Article IV, § 187-17 – Removals on City Property).

We hope that this clarifies the changes we are proposing to the current tree ordinance. We also attach a draft of the PowerPoint presentation that we will be making at the City Council meeting on March 14th.

Respectfully,

Carolyn Cunningham; Sara Goddard; Melissa Grieco; Bill Lawyer; Jim Nash

Rye City Tree Ordinances – Chapter 187

[**HISTORY.** Adopted by the Council of the City of Rye 2-4-1942 as Art. 4 of Ch. 5 of the General Ordinances; amended in its entirety 11-7-1990 by L.L. No. 17-1990. Subsequent amendments noted where applicable.]

ARTICLE I - Findings and Purpose (§ 187-1)

§ 187-1 Findings and purpose.

The preservation and maintenance of trees and wooded lands is necessary to protect the health, safety and general welfare of the City of Rye because trees provide shade, impede soil erosion, aid water absorption, reduce stormwater runoff, enhance air quality, mitigate global climate change, offer a natural barrier to noise, provide a natural habitat for wildlife, enhance property values, and add to the aesthetic quality of the community.

The uncontrolled destruction of trees deprives the community of all these benefits. The purpose of this Local Law is to encourage the planting of trees, preserve trees and minimize their damage and removal, thereby enhancing the health, property values and general welfare of the residents of the City of Rye.

ARTICLE II - Definitions (§ 187-2)

§ 187-2 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

APPROVAL AUTHORITY: The approval authority for this ordinance shall be a “Tree Review Committee” consisting of, at minimum, a member of the City staff (Designated Authority i.e. the City Naturalist, Tree Foreman or other), a member of the Conservation Commission Advisory Council, and a member of the Planning Commission. At least one of the Tree Review Committee members must be knowledgeable about forestry or arboriculture, such as a certified arborist, licensed landscape architect, or practicing ecologist. Alternatively, a trained consultant may be consulted by the Approval Authority in matters of trees/forestry on an as-needed basis. If the Tree Review Committee is unable to act on a permit application due to absence or other reason, then the member of the City Staff (Tree Foreman or other) shall act as the Approval Authority until such time as the Tree Review Committee is convened.

CITY NATURALIST: The naturalist for the City of Rye or tree authority (designated authority) as designated by the City Manager with the consent of the Conservation Commission.

DBH (Diameter Breast Height): The diameter of a tree measured at a point 4.5 feet above ground level at the base of the tree on the uphill side.

INVASIVE SPECIES: A non-native species that adversely affects the habitats they invade economically, environmentally or ecologically and are listed in the Invasive Plant Atlas of New England (IPANE) as amended. Also refer to <http://plants.usda.gov/> as amended.

Rye City Tree Ordinances – Chapter 187

PERSON: Any individual, firm, partnership, association, or corporation or other legal entity.

PROTECTED TREE: A tree designated by the City with the consent of the owner upon finding that the tree is unique because of the tree's age, history, special beauty or other characteristics.

RIGHT-OF-WAY: The strip of land over which facilities such as roads and sidewalks are built as identified on the official City Map.

SHRUB: A woody plant of relatively low height, having several stems arising from the base and lacking a single trunk; a bush.

TREE: All woody plants having one well-defined stem and a more or less definitely formed crown and attaining a height of at least 15 feet and a diameter of not less than two inches at maturity.

TREE FOREMAN: The labor foreman in charge of trees or such representative designated by the General Foreman of the Department of Public Works.

ARTICLE III - Trees on Private Property (§ 187-3 — § 187-8)

[Amended 12-20-2000 by L.L. No. 18-2000; 11-30-2005 by L.L. No. 4-2005]

§ 187-3 - Planting of Trees

Given the numerous benefits that trees confer upon the City of Rye, this ordinance encourages the planting of trees by private and public entities to maintain and increase their extent within the City. As such, aside from the prohibition against planting INVASIVE SPECIES, it is the intent of this ordinance that no impediments be placed on the planting of trees in appropriate locations and that no tree planting permit, review, or fee be applied to such actions. It is vital to plant “the right tree in the right place” so this ordinance encourages tree planters to thoroughly research and review the species characteristics, mature size and necessary maintenance of a tree before making the decision to plant it.

No INVASIVE SPECIES may be planted on lands anywhere within the City.

§ 187-4 - Removal of trees.

No person shall remove one or more trees with a DBH of eight inches or greater without first obtaining a tree removal permit from the Department of Public Works.

§ 187-5 - Granting of permit; stop orders.

A. Application for permits must be made by the owner and other person, firm or corporation, if any, actually performing the work, in writing, to the Department of Public Works. Approval of permits shall be made by the Approval Authority.

Where an action requires a discretionary approval from another commission, such as in the case of a subdivision (see Chapter 170, Article IV, §15D) or wetland (see Chapter 195, §4) permit

Rye City Tree Ordinances – Chapter 187

application requiring Planning Commission approval, that commission would be the Approving Authority. In such instances, the Tree Review Committee may be asked to act in an advisory capacity to the applicable Approving Authority. Where no other permit is required, or where only non-discretionary permits are required, such as a building permit, then the Tree Review Committee would be the Approving Authority, subject to an appropriate appeals process for grievances.

Denial of permits by the Approval Authority may be appealed to the City Planning Commission pursuant to the review procedures under this Code. The City Planning Commission is authorized and empowered to obtain the assistance, when necessary, of persons especially qualified by reason of training or experience in tree planting, preservation and landscaping. This assistance shall include persons or bodies such as the Board of Architectural Review to determine the impact of a particular tree removal upon the aesthetics, character, and appearance to a designated property and its surrounding neighborhood. The City Planning Commission will take into consideration such impacts when determining whether to issue a tree removal permit.

B. In approving or denying tree removal permits, the Approving Authority shall give consideration to the following general guidelines:

- Trees may be removed for the placement of a primary structure on a lot.
- Trees may be removed for the placement of necessary infrastructure.
- Trees may be removed if dead, diseased, or for reasons of safety as determined by a certified arborist or licensed landscape architect.
- Trees may be removed if they pose potential damage to property.

In addition to these general guidelines, the Approval Authority may use its own judgment when determining if other factors justify tree removal. Wherever possible, the Approval Authority should encourage applicants to modify proposed plans to avoid or minimize tree removal activities.

C. After an extreme weather event, and at the discretion of the City Manager, removal of damaged trees may be allowed without a permit for a reasonable period of time.

D. Mitigation Planting - Replacement Trees. (a) An applicant will be required, as a condition to granting the application for a permit, to replace any tree which is the subject of the application under conditions specified in the issued permit. It is the intent of this ordinance that tree replacement be required in all cases. However, if tree removal is granted for reasons of safety to health/property, for disease, or for financial hardship, the requirement for replanting may be waived. (b) Replacement trees shall be a minimum of 3 inch caliper. All mitigation planting shall be done in accordance with acceptable planting practices. (c) Trees that fail to survive as a result of the restoration work required for a period of two calendar years following planting shall be replaced by the property owner. The Approval Authority may inspect tree plantings.

E. Stop order. If the Approval Authority determines the removal, cutting or destruction of trees for which a permit has been granted is not proceeding according to the permit, the Tree Foreman,

Rye City Tree Ordinances – Chapter 187

or an agent designated by the City Manager, may issue a stop order. Work will not resume until approved corrective measures are undertaken.

§ 187-6 Removal of branches overhanging highways.

Where privately owned trees encroach upon any street, right-of-way, park or other public place, the Tree Foreman is authorized to remove branches overhanging any public street, right-of-way, park or other public place, or if, in his or her judgment, such trees are dangerous to the public, he or she is authorized to remove them.

§ 187-7 Removal of dead trees.

Where any dead tree or trees located on private property adjacent to a public street, right-of-way, park or other public place constitute a danger or are potentially dangerous to the traveling public, the Tree Foreman may serve personally or by mail upon the owner of said property a written notice to remove the dead tree or trees, and upon failure to do so within 20 days after the service of said notice, the City, through its contractors, agents or employees, may remove the same and assess the cost thereof against the property affected by said assessment, to be levied, collected and enforced in the same manner as taxes upon said property for City purposes are levied, collected and enforced.

§ 187-8 Prohibited use of City transfer station for trunks and stumps.

It shall be unlawful for any person to place, deposit or dump on the City's transfer station any trunks, limbs or branches of trees in excess of six inches in diameter, and, further, it shall be unlawful to use said transfer station for the deposit of tree stumps.

ARTICLE IV Protected Trees (§ 187-9)

§ 187-9 Protected trees.

Trees designated as protected may not be removed unless the City Naturalist (or designated authority) determines, because of their condition, they are a danger to persons or property or that they are diseased and cannot be saved. A tree may be designated as protected by the Board of Architectural Review after a public hearing. Such designation may be made because of the tree's age, history, uniqueness or special beauty. No protected tree designation may be made without the written consent of the tree's owner.

ARTICLE V Trees on Public Property (§ 187-10 — § 187-17)

[Amended 11-30-2005 by L.L. No. 4-2005]

§ 187-10 Planting of trees.

No person shall plant any tree, shrub or other vegetation within the limits of any public street, right-of-way, park or other public place without first obtaining a permit from the Department of Public Works and complying with the following requirements. Such a permit shall be granted only upon the determination by the Tree Foreman, after consulting with the Police Department, that such a planting will not create a traffic hazard and will not interfere with the use of such street, right-of-way, park or other public place by the public and that such planting will enhance the beauty and appearance of the street, right-of-way, park or other public place and the surrounding area.

Rye City Tree Ordinances – Chapter 187

A. Trees planted within the limits of any public street, right-of-way, park or other public place shall be of a species and quality approved by the Tree Foreman and shall be planted at least 30 feet apart unless otherwise authorized by the Tree Foreman. Each tree shall measure not less than 2 1/2 inches nursery caliper.

B. Should any tree, shrub or plant planted within the limits of any public street, right-of-way, park or other public place pursuant to any such permit, in the opinion of the Tree Foreman, at any time constitute a traffic hazard, interfere with the use of such street, right-of-way, park or other public place by the public or detract from the beauty and appearance of the street, right-of-way, park or other public place or the surrounding area, such tree, shrub or plant will be removed.

§ 187-11 - Injuries to public trees.

The following acts as to City trees are prohibited: namely, to injure trees by chopping into them, scarring the trunks, driving nails into the trunks or limbs, building fires near trunks or under branches and pouring or depositing substances injurious to growth on soil near trees, including oil, gasoline, tar, creosote, salt or other injurious substances.

§ 187-12 - Attaching of signs to trees or shrubs.

No person shall attach any sign, bill, card, notice or advertisement to any tree or shrub in any public street, right-of-way, park or public place.

§ 187-13 - Permit required for treating public trees.

No person shall prune, spray, treat cavities, fertilize, cable, brace or otherwise treat or cause to be treated City trees without first having obtained a permit from the Department of Public Works and approved by the Tree Foreman. No City employee shall treat City trees without first consulting the Tree Foreman.

§ 187-14 - Deposit to guarantee proper work.

Before a permit shall be issued, the applicant must deposit with the Department of Public Works a sum of money equal to the cost of such treatment as a guaranty that said work will be properly done. The Department of Public Works shall pay this money to the Comptroller. This sum of money shall be returned after the work has been inspected by the Tree Foreman, provided that he or she shall certify that said work is up to standard. If it is not properly done, the Tree Foreman shall cause the work to be completed to his or her satisfaction. After the completion of the work, the Tree Foreman shall certify to the Comptroller the cost of completing the work, and the surplus remaining after deducting such cost shall be returned to the applicant.

§ 187-15 - Use of spurs, insulated wires or guy wires.

Any person, including public utilities, their agents, servants and employees, is prohibited from climbing trees with the aid of spurs. Any wires of public utilities passing among the branches of City trees shall be properly insulated so as to prevent damage to said trees. Guy wires shall not be attached to trees in such a manner as to girdle or restrict growth. When it is necessary to attach any guy wires or cables, such devices shall be attached by means of lag hooks screwed into the trunks or by eyebolts passing through the trunk.

Rye City Tree Ordinances – Chapter 187

§ 187-16 - Removal of limbs.

When it is necessary to remove limbs to make clear passage for wires and where the removal of such limbs might injure a tree or spoil its symmetry or otherwise mar its appearance, it shall be necessary to obtain a permit from the Department of Public Works before starting such work. It shall not be necessary to secure a permit for the usual periodical removal of small branches to allow the free passage of wires, but any such work will be subject to inspection by the Tree Foreman, and where such work is not up to standard, any expense incurred by the City in repairing the same will be charged to the public utility responsible.

§ 187-17 - Removals on City Property.

The same removal criteria that is set forth in Article III, §187-4 of this Chapter for private property also applies wholly to City-owned properties including City of Rye parks, Golf Course and Nature Center.

ARTICLE VI Responsibilities of City (§ 187-18)

¹§ 187-18 (a) It is the responsibility of the City to plant and maintain public trees. The City may remove any tree which is in an unsafe condition or is harmful to sewers, electric power lines, gas lines, water lines or other public improvements. (b) The City shall not remove, top off, or substantially alter the shape of any living tree in the absence of one of the above conditions. Trees that are severely damaged by storms or other causes, or trees under utility wires or other obstructions where pruning practices are impractical, may be exempted from this provision. (c) Where public trees are to be planted under utility lines, selections shall be made of a species compatible to be planted under power lines and other utilities. This Article does not prohibit the planting of public trees by property owners provided that the General Foreman of the Department of Public Works has reviewed and approved such plantings.

²ARTICLE VII Responsibilities of Utility Companies (§ 187-19)

(a) Utilities, or their agents, responsible for maintaining rights of way in the City shall follow the tree maintenance practices established by the International Society of Arboriculture (ISA) and American National Standards Institute (ANSI), which have been approved and recommended by the National Arbor Day Foundation. (b) Trimming of habitat shall be in a reasonable manner to protect the health and appearance of the tree. Utilities performing work at street level or below shall take reasonable precautions against inflicting injury to any tree and/or its roots. If a utility proposes to remove any tree, advance permission must be obtained from the General Foreman of the Department of Public Works, except in the event of an emergency when a tree has fallen on a distribution line.

ARTICLE VIII Penalties for Offenses (§ 187-20)

§ 187-20 Penalties for offenses.

¹ Language copied from the Village of Tuckahoe updated tree ordinance adopted in 2010.

² Language copied from the Village of Tuckahoe updated tree ordinance adopted in 2010.

Rye City Tree Ordinances – Chapter 187

A. Any person who removes or causes to be removed a tree without first obtaining a required permit must pay a penalty and shall be required by the City to plant replacement trees. When replacement is determined by the City to be impractical an additional fine may be imposed in accordance with the Penalties for Offenses Article set forth herein. Any such fine will be deposited into a tree replacement fund. If multiple trees cannot be planted on the site of the violation, other available planting spaces on public property may be considered to accommodate the balance of the penalty. No certificate of occupancy shall be issued for any new construction on property on which occurred any violation of this chapter unless and until the provisions of this subsection have been complied with.

B. In addition to any other penalty, any person, firm or corporation or individual hired by such firm or corporation violating any provision of this chapter shall be subject to a civil penalty enforceable and collectible by the City in the amount of (\$500) for each and every tree removed, cut down or destroyed in violation of this chapter. Each week's continued violation of any provision of this Local Law shall constitute an additional violation and may result in fines of up to (\$500) per day. Fines will be deposited into a tree replacement fund.

C. In addition to the foregoing, any person, firm or corporation engaged in the business of tree removal or care who or which shall aid, assist or abet in the violation of this chapter may be denied the status of a permittee under § 187-5 for a reasonable period of time to ensure future compliance, in the discretion of the City Naturalist (or designated authority), subject to appeal to the City Manager.

ARTICLE IX Enforcement (§ 187-21)

§ 187-21 Enforcement.

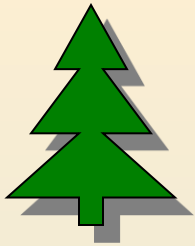
The City Naturalist (or designated authority), tree foreman and Building Inspector, with the assistance of the police, shall enforce this chapter.



Chapter 187

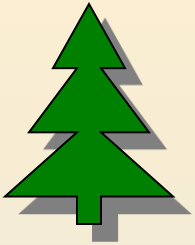
Rye City Tree Ordinance

Presentation to the Rye City Council 3.14.12



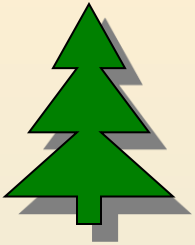
EAGR's Efforts To Date

- Circulated a petition in support of the CC/AC eight point memo dated November 5th, 2009 which had endorsement by the Planning Commission.
- Gathered over 136 signatures from Rye residents in support of the petition.
- Presented our ideas and suggestions to the City Council on September 28th, 2011.
- Gathered feedback from tree service personnel and arborists.
- Revised Chapter 187 as a working draft incorporating City Council feedback, suggestions from tree experts, language from neighboring municipalities ordinances, and our ideas.
- All efforts and ordinance proposals are backed by the CC/AC and Rye Sustainability Committee.



Reasons to Pass a New Tree Ordinance

- The main intention of the revised ordinance is to curtail the unnecessary clear-cutting of healthy, mature trees on lots in Rye.
- The revised ordinance brings us in line with those of neighboring Westchester municipalities.
- Passing an up-to-date tree ordinance will continue the momentum of the Retail Shopping Bag ordinance which established the City of Rye as a sustainability trailblazer in Westchester.
- Trees are under constant threat from all corners including invasive species, invasive plants, and development.
- Trees mitigate flooding – a MAJOR issue for the City of Rye.
- Healthy, mature trees enhance property values by as much as 10% (*USDA Forest Service*).



Quotes from Concerned Rye Residents

"Some of the most wonderful things in Rye are the graceful, mature trees that are all over our beautiful city. I urge the City Council to pass the new legislation to help better protect these trees from unnecessary clear-cutting and removal we can all enjoy their beauty for years to come."

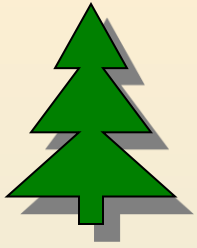
Suki Van Dijk, 62 Garden Street, Rye

"During the past few years I have been dismayed to witness every single tree being cut down on sites where a new home will be constructed. A number of these lots are on Forest Avenue, or what I now refer to as "the former Forest Avenue." It is negligent to allow the unnecessary cutting of healthy trees, with no policy being enforced, and I believe it is time to pass an updated tree ordinance which will bring us in line with those of surrounding communities."

Ellen Deixler, 9 Stonycrest Road, Rye

"After every heavy rain, hoses appear in driveways along my street in Milton Point to pump water out of basements and yards. The resulting stormwater flows down the hill and into Blind Brook . Yet, removals of mature trees continue unabated to make room for slate patios, huge decks, longer driveways and oversized houses. Rye's flooding problem will only get worse if soft tree ordinances continue."

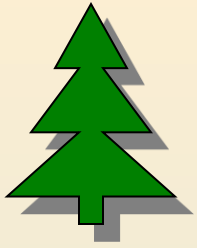
Tracy Stora, 3 Fairlawn Court, Rye



Images of Tree Removals in the City of Rye



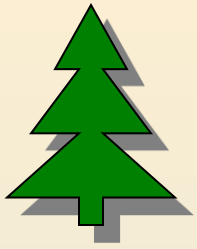
186 Forest Avenue



Images of Tree Removals in the City of Rye



186 Forest Avenue



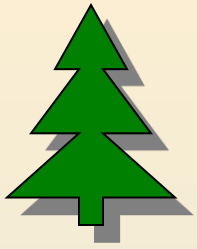
Images of Tree Removals in the City of Rye



Before



After



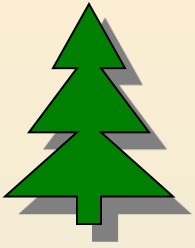
Images of Tree Removals in the City of Rye



Before



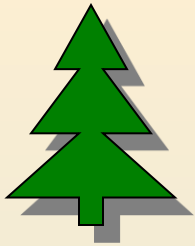
After



Images of Tree Removals in the City of Rye

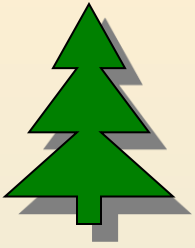


City of Rye Golf Course



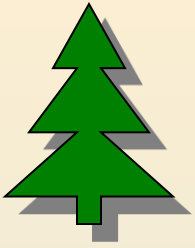
Westchester County Tree Ordinance Comparison

Municipality	Permit Required for Tree Removal on Private Property	Permit Required for Tree Removal on Public Property	Chapter #	Date of Ordinance Adoption
Rye	ONLY WITHIN SETBACKS	PERMITS ONLY REQUIRED FOR PLANTING!	Chapter 187	1990
Greenburgh	YES (Trees with DBH>6")	YES	Chapter 260	1991
Harrison	YES		Chapter 220	1989
Mamaroneck	YES (Trees with DBH>6")	YES	Chapter 207	1988
Rye Brook	YES (Trees with DBH>8")	YES	Chapter 235	2009
Tuckahoe	YES (Trees with DBH>10")	YES	Chapter 21A	2010



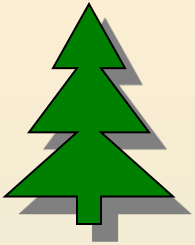
Incentives for Planting Trees

- **OLD ORDINANCE:** Prohibitive language concerning planting used throughout.
- **NEW ORDINANCE:** Encourages planting the right tree in the right place, and prohibits planting of invasive species.



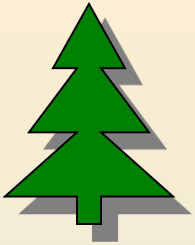
Changes to Private Property Removal Criteria

- **OLD ORDINANCE:** Permit required for tree removal only within “setbacks.”
- **NEW ORDINANCE:** Permit required for removal of any tree/trees with a DBH>8” located anywhere within private property.



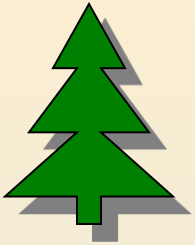
Changes to Public Property Removal Criteria

- **OLD ORDINANCE:** Not applicable.
- **NEW ORDINANCE:** Applies to all City-owned properties including City of Rye parks, Golf Course and Nature Center.



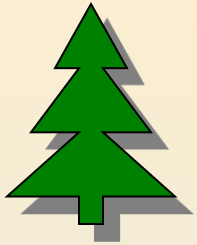
Tree Review Committee

- **OLD ORDINANCE:** No committee.
- **NEW ORDINANCE:** Formation of a “Tree Review Committee” which would include a member of the City staff.



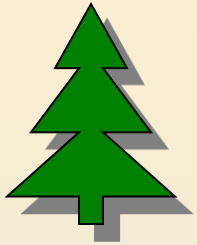
Mitigation Planting

- **OLD ORDINANCE:** Not applicable.
- **NEW ORDINANCE:** Required in ALL cases (exceptions noted within ordinance).



Extreme Weather Events

- **OLD ORDINANCE:** Not applicable.
- **NEW ORDINANCE:** Ordinance includes a provision for the City Manager to waive the removal regulations for a period of time after an extreme weather event.



Next Steps...

We urge the City Council to set a date for a Public Hearing concerning adoption of a revised Chapter 187.



CITY COUNCIL AGENDA

NO. 8 DEPT.: Corporation Counsel DATE: March 14, 2012
CONTACT: Kristen K. Wilson, Corporation Counsel

AGENDA ITEM: Discussion of a proposed change to Local Law Chapter 90 "Fences and Walls" to further define the "Front Division Line" on corner lots.

FOR THE MEETING OF:
March 14, 2012
RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION:

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: Changes have been proposed to Local Law Chapter 90 "Fences and Wall" regarding the front division line for corner lot properties which do not front on Boston Post Road.

See attached draft Local Law.

**CITY OF RYE
LOCAL LAW NO. __ OF 2012**

A Local Law to amend Chapter 90 “Fences and Walls” to the City Code of the City of Rye to further define “Front Division Line”

Be it enacted by the Rye City Council as follows:

Section 1. Chapter 90 Fences and Walls

§ 90-2. Definitions.

When used in this chapter, the following words shall have the meaning stated here. Words used in this chapter which are not defined here shall have the meaning defined by Chapter 197. Words not defined by this chapter or by Chapter 197 shall have the meaning established by common usage.

DIVISION LINE, FRONT

In the case of a lot abutting upon only one street, the property boundary line separating the lot from the street; in the case of a lot abutting more than one street, other than a corner lot, any such property boundary for the area which has been previously designated by the lot owner, pursuant to Chapter 197, as being the front yard or which has been irrevocably designated by the lot owner, pursuant to this chapter, as being the front division line. Each lot may have only one front division line unless it is a corner lot, as defined by Chapter 197 (§ 197-1), which would have two front division lines. **For the purposes of Chapter 90 only and notwithstanding the foregoing, in the case of a corner lot on Boston Post Road between the northern end of Old Post Road and Osborn Road where an existing residence does not front on Boston Post Road, such property shall be deemed to have only one front division line, that being the property boundary line separating the lot from the street upon which the residence faces.**

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



CITY COUNCIL AGENDA

NO. 9

DEPT.: City Manager

DATE: March 14, 2012

CONTACT: Scott Pickup, City Manager

AGENDA ITEM: Authorization for the City Manager to enter into an agreement with FPM Group, Ltd. to perform hydrology and environmental engineering services regarding the impact on flood storage analysis at the Project Home Run site.

FOR THE MEETING OF:

March 14, 2012

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council authorize FPM Group, Ltd. to assist the City with the analysis of the Project Home Run site.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: FPM Group, Ltd. will be retained to meet with the City to review the City's objectives, review the flooding analysis done by the engineering firm of Leonard Jackson and participate in a meeting with the town of Harrison regarding the Project Home Run site. The initial expense for engineering fees are estimated at \$5,000 and are not to exceed \$10,000.



CITY COUNCIL AGENDA

NO. 10

DEPT.: Finance

DATE: March 14, 2012

CONTACT: Jean Gribbins, City Comptroller

AGENDA ITEM: Resolution to transfer funds from the Contingency account and the Building and Vehicles fund, to fund the position of City Engineer/Public Works Superintendent and upgrade the existing staff position to Assistant Civil Engineer.

FOR THE MEETING OF:
March 14, 2012

RECOMMENDATION: That the City Council adopt the following resolution:

WHEREAS, City staff has determined that the amounts required for the positions of City Engineer/Public Works Superintendent and Assistant Civil Engineer were not anticipated and were not provided for in the adopted 2012 budget by \$105,000, and,

WHEREAS, the General Fund Contingent Account has a balance of \$300,000, now therefore be it

RESOLVED, that the City Comptroller is authorized to transfer \$70,000 from the General Fund Contingent Account to the Engineering Department, and

WHEREAS, \$35,000 of the \$602,000 transferred from the General Fund to the Building and Vehicle fund for 2009 DPW Vehicle & Equipment Projects has not been spent due to vehicles and equipment costing less than budgeted,

RESOLVED, that the City Comptroller is authorized to transfer \$35,000 from the Building & Vehicle Fund to the General Fund Engineering Department.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: Use and status of the Contingent Account:

01/01/2012 Beginning balance	\$300,000
03/14/2012 Transfer to Engineering for staff positions	<u>(70,000)</u>
03/14/2012 Balance	<u>\$230,000</u>



CITY COUNCIL AGENDA

NO. 11

DEPT.: City Manager

DATE: March 14, 2012

CONTACT: Scott D. Pickup

AGENDA ITEM: Consideration of a request by the Milton Elementary School PTO to approve a parade to precede the Milton Elementary School Fair on Saturday, March 31, 2012 from 9:00 a.m. to 10:15 a.m.

FOR THE MEETING OF:

March 14, 2012

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council consider granting the request.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

The Milton Elementary School PTO is requesting the Council approve a parade to precede the Milton Elementary School Fair on Saturday, March 31, 2012 from 9:00 a.m. to 10:15 a.m.

Received

FEB 21 2012

City Manager's Office
Rye, New York

Milton Elementary School PTO
11 Hewlett Avenue
Rye, NY 10580

February 17, 2012

Mr. Scott D. Pickup
City Manager
1051 Boston Post Road
Rye, NY 10580

Dear Mr. Pickup,

The Milton Elementary School PTO would like to request that the City Council approve a parade route to precede the annual Milton Elementary School Fair on **Saturday, March 31, 2012**. The parade lineup is scheduled to begin at 9:00 am at the Rye Town Park and will end at approximately 10:15 am. At that time, the Milton School Fair will begin.

The parade participants will gather at Rye Town Park and proceed through Seaside Johnny's parking lot, exiting right onto Dearborn Avenue. The parade will continue by turning left onto Forest Avenue at the first intersection and then turning right onto Green Avenue. At the intersection of Green and Fairway Avenues, the parade will turn right onto Fairway Avenue and proceed to Hewlett Avenue, where the parade will turn left and end at the front of Milton School.

Please contact me at 481-4087 or lauraandted@optonline.net if you have any questions. Thank you for your help with this important fundraiser.

Sincerely,

Laura Kelleher

OK
SDP

Laura Kelleher

cc: Dr. Joanne Nardone, Milton School Principal
Nancy Pasquale, Milton School PTO Co-Presidents
Mindy Grigg, Milton School PTO Co-Presidents
Fran Montagna, Milton School Fair, co-chair
Joan Sullivan, Milton School Fair, co-chair



CITY COUNCIL AGENDA

NO. 13

DEPT.: Public Works

DATE: March 14, 2012

CONTACT: Christopher Tallarini, P.E., Asst. City Engineer

ACTION: Award bid for Street Materials (Bid #1-12).

FOR THE MEETING OF:

March 14, 2012

**RYE CITY CODE,
CHAPTER
SECTION**

RECOMMENDATION: That Bid #1-12 for crushed stone be awarded to Putnam Materials (Delivered), Canal Asphalt (F.O.B.) and graded processed stone, to Putnam Materials for sub-base (recycled concrete), binder course (both types), shim course, top course (both types) and curb mix and to Peckham Materials Corp. for Class A Concrete Byram Concrete LLC and for K-Krete® - Dakota Supply

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The Asst. City Engineer has reviewed the bids for street materials received from five vendors and has recommended the bid be awarded to the low bidders as follows:

Crushed stone ¾ (Delivered) – Putnam Materials
Crushed stone ¾ (F.O.B.) - Canal Asphalt
Graded processed stone – Putnam Materials
Sub-base (recycled concrete) – Peckham Materials Corp.
Binder course Type 3 - Peckham Materials Corp.
Binder course Type 4 - Peckham Materials Corp.
Shim course Type 5 - Peckham Materials Corp.
Top course Type 6F - Peckham Materials Corp.
Top course Type 7F - Peckham Materials Corp.
Asphaltic concrete curb mix - Peckham Materials Corp.
Class “A” Concrete – Byram Concrete LLC
K-Krete® - Dakota Supply

See attached.

DATE: March 8, 2012
TO: Scott Pickup, City Manager
FROM: Scott Fontecchio, General Foreman- DPW
RE: Bid # 1-12, Street Materials

I have reviewed the bids received for Bid # 1-12, Street Materials and a copy of my bid tabulation is attached for your convenience. Please note that the F.O.B. price is shown as bid and as computed according to the mileage adjustment formula in the bid.

I recommend the bid be awarded as follows:

Crushed stone ¾ (Delivered)	=	Putnam Materials
Crushed stone ¾ (F.O.B)	=	Canal Asphalt
Graded processed stone	=	Putnam Materials
Sub-base (recycled concrete)	=	Peckham Materials Corp.
Binder course Type 3	=	Peckham Materials Corp.
Binder course Type 4	=	Peckham Materials Corp.
Shim course Type 5	=	Peckham Materials Corp.
Top course Type 6F	=	Peckham Materials Corp.
Top course Type 7F	=	Peckham Materials Corp.
Asphaltic concrete curb mix	=	Peckham Materials Corp.
Class A Concrete	=	Byram Concrete LLC
K-Crete®	=	Dakota Supply

cc: Dawn Nordarse, City Clerk



CITY COUNCIL AGENDA

NO. 14

DEPT.: Police

DATE: March 14, 2012

CONTACT: William R. Connors, Police Commissioner

AGENDA ITEM: Resolution to authorize expenditure of police donation funds for the purchase of police boots or shoes.

FOR THE MEETING OF:

March 14, 2012

RECOMMENDATION: That the City Council adopt the following resolution:

WHEREAS, the City Manager and Police Commissioner have approved a request of the Rye Police Association ("RPA") dated February 27, 2012 to purchase dress boots/shoes in the amount of \$3,500 for the Rye Police Department with funds available in the police donations account, and,

WHEREAS, sufficient funds exist in the police donations account to comply with the aforementioned request of the RPA; now therefore be it,

RESOLVED, that the City Comptroller is authorized to transfer \$2,106.83 from the police donations account to increase 2012 General Fund appropriations for Police uniforms.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The Police Donations account was established to account for donations made by the general public for the specific purpose of benefiting City of Rye police officers. The process to release these funds requires that a request made by the Rye Police Association is approved by the Police Commissioner and City Manager, and finally by resolution of the City Council. The Police Commissioner and City Manager approved a request by the RPA dated February 27, 2012 for such funds to be used for the purchase of dress boots/shoes. 35 officers will each receive \$100.00 towards the purchase.

See attached documentation.



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



February 28, 2012

Memorandum for: Scott D. Pickup, City Manager

Subject: **RYE POLICE ASSOCIATION REQUEST FOR DISBURSEMENT
FROM POLICE DONATION ACCOUNT**

The attached request has been submitted by the Rye Police Association for a disbursement of funds from the Rye Police Donation Account. That account was established in 1974 for the distribution of funds donated by citizens in appreciation of exceptional police services. The Association requests that each member be allotted up to one hundred dollars (\$100.00) for the purchase of boots or shoes. Members of the Association would purchase footwear and present receipts for reimbursement.

Submitted for your consideration.

WRC/wrc

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

William R. Connors
Police Commissioner

Rye Police Association, Inc.

CITY OF RYE

P.O. Box 246



NEW YORK

Rye, N.Y. 10580

February 27, 2012

Mr. Scott Pickup
Rye City Manager

CITY OF RYE POLICE DONATION FUND

As a Rye Police Association Trustee, I have been directed by our membership to formally request release of funds from the City of Rye's Police Donation Account. The members of the Rye PBA are once again requesting these funds for the purposes of offsetting the cost of police related footwear.

As in years past, we would direct our members to produce a copy of the receipt from their purchase and attach it to a City of Rye Claim Form. The re-imbusement would be up to \$100.00 per member.

Currently, we have an open purchase order in the amount of \$1,393.17 which represents the balance of the unused portion of our last request. The PBA would require an additional \$2,106.83 in order to completely fund the maximum amount our 35 member unit would require.

As always thank you for your assistance on this issue.

A handwritten signature in black ink, appearing to read "P.O. David Rivera". The signature is fluid and cursive.

P.O. David Rivera
City of Rye Police Association
Senior Trustee



CITY COUNCIL AGENDA

NO. 15 DEPT.: Police DATE: March 14, 2012
CONTACT: William R. Connors, Police Commissioner

AGENDA ITEM: Consideration of proposed revision of the Rules and Regulations of the City of Rye Police Department: General Order #121.04.

FOR THE MEETING OF:

March 14, 2012

**RYE CITY CODE,
CHAPTER
SECTION**

RECOMMENDATION: Approval of a new General Order #121.04, "Social Media."

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

BACKGROUND: The proposed new General Order #121.04 establishes a Department policy on social media and establishes guidelines for its use. Social media can be a potentially valuable means of assisting the Department in community outreach, investigative, crime prevention, and other efforts. The proposed General Order establishes policies for official use for Department-sanctioned communications. In addition, it recognizes the extensive role of social media in the lives of many employees, and provides guidelines and precautions for personal use.

The continual growth of social media in our society, as well as incidents involving other police departments, has shown the need for implementation of a Department-specific policy. The proposal has been developed based on industry-wide best practices.

A copy of the proposed order is attached. It has been provided to the Rye Police Association for review pursuant to the provisions of the collective bargaining agreement.

CITY OF RYE POLICE DEPARTMENT

General Order #121.04		New [x]	Revised [x]
		Supersedes:	
Subject: Social Media			
Date Issued xx/xx/12	Date Effective xx/xx/12	Page 1 of 6	
Issuing Authority: William R. Connors, Police Commissioner			

I. PURPOSE

The City of Rye Police Department endorses the secure use of social media to enhance communication, collaboration, and information exchange; streamline processes; and foster productivity. This policy establishes this department’s position on the utility and management of social media and provides guidance on its management, administration, and oversight. This policy is not meant to address one particular form of social media, but rather social media in general, as advances in technology will occur and new tools will emerge.

II. POLICY

Social media provides a new and potentially valuable means of assisting the department and its personnel in meeting community outreach, problem-solving, investigative, crime prevention, and related objectives. This policy identifies potential uses that may be explored or expanded upon as deemed reasonable by administrative and supervisory personnel. The department also recognizes the role that these tools play in the personal lives of some department personnel. The personal use of social media can impact department personnel in their official capacity. As such, this policy provides information of a precautionary nature as well as restrictions on certain uses of social media by department personnel.

III. DEFINITIONS

Blog: A self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions, or comments. The term is short for “Web log.”

Page: The specific portion of a social media website where content is displayed, and managed by an individual or individuals with administrator rights.

Post: Content an individual shares on a social media site or the act of publishing content on a site.

Profile: Information that a user provides about himself or herself on a social networking site.

Social Media: A category of Internet-based resources that integrate user-generated content and user participation. This includes, but is not limited to, social networking sites (Facebook, MySpace), microblogging sites (Twitter, Nixle), photo- and video-sharing sites (Flickr, YouTube), wikis (Wikipedia), blogs, and news sites (Digg, Reddit).

Social Networks: Online platforms where users can create profiles, share information, and socialize with others using a range of technologies.

Speech: Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape, or related forms of communication.

Web 2.0: The second generation of the World Wide Web focused on shareable, user-generated content, rather than static web pages. Some use this term interchangeably with social media.

Wiki: Web page(s) that can be edited collaboratively.

IV. ON-THE-JOB USE

A. Department-Sanctioned Presence

1. If the Department determines that the use of social media technology is in Department's interest and will assist it in fulfilling its mission:
 - a. Where possible, each social media page shall include an introductory statement that clearly specifies the purpose and scope of the agency's presence on the website.
 - b. Where possible, the page(s) should link to the department's official website.
 - c. Social media page(s) shall be designed for the target audience(s), such as youth or potential police recruits.
2. Procedures
 - a. All department social media sites or pages shall be approved by the Police Commissioner or his or her designee and shall be administered by the Staff Services/Information Technology Section or as otherwise determined.
 - b. Where possible, social media pages shall clearly indicate they are maintained by the department and shall have department contact information prominently displayed.
 - c. Social media content shall adhere to applicable laws, regulations, and policies, including all Police Department and City of Rye information technology and records management policies.
 - (1) Content is subject to public records laws. Any relevant records retention schedules will apply to social media content.
 - (2) Content should be managed, stored, and retrieved to comply with open records laws and e-discovery laws and policies.
 - d. Where possible, social media pages should state that the opinions expressed by visitors to the page(s) do not reflect the opinions of the department.

- (1) Pages shall clearly indicate that posted comments will be monitored and that the department reserves the right to remove obscenities, off-topic comments, and personal attacks.
- (2) Pages shall clearly indicate that any content posted or submitted for posting is subject to public disclosure.

3. Department-Sanctioned Use

- a. Department personnel representing the department via social media outlets shall do the following:
 - (1) Conduct themselves at all times as representatives of the department and, accordingly, shall adhere to all department standards of conduct and observe conventionally accepted protocols and proper decorum.
 - (2) Identify themselves as members of the department.
 - (3) Not make statements about the guilt or innocence of any suspect or arrestee, or comments concerning pending prosecutions, nor post, transmit, or otherwise disseminate confidential information, including photographs or videos, related to department training, activities, or work-related assignments without express written permission.
 - (4) Not conduct political activities or private business.
- b. The use of department computers by department personnel to access social media is prohibited without authorization of the Police Commissioner or his or her designee.
- c. Department personnel use of personally owned devices to manage the department's social media activities or in the course of official duties is prohibited without express permission.
- d. Employees shall observe and abide by all copyright, trademark, and service mark restrictions in posting materials to electronic media.

B. Potential Uses

1. Social media is a valuable investigative tool when seeking evidence or information about
 - a. missing persons;
 - b. wanted persons;
 - c. gang participation;
 - d. crimes perpetrated online (i.e., cyberbullying, cyberstalking); and
 - e. photos or videos of a crime posted by a participant or observer.
2. Social media can be used for community outreach and engagement by
 - a. providing crime prevention tips;
 - b. offering online-reporting opportunities;
 - c. sharing crime maps and data; and
 - d. soliciting tips about unsolved crimes (i.e., Crimestoppers, text-a-tip).
3. Social media can be used to make time-sensitive notifications related to such items as:

- a. road closures,
 - b. special events,
 - c. weather emergencies, and
 - d. missing or endangered persons.
4. Persons seeking employment and volunteer positions use the Internet to search for opportunities, and social media can be a valuable recruitment mechanism.
- a. This department has an obligation to include Internet-based content, as appropriate, when conducting background investigations of job candidates.
 - b. Searches should be conducted by a non-decision maker. Information pertaining to protected classes shall be filtered out prior to sharing any information found online with decision makers.
 - c. Persons authorized to search Internet-based content should be deemed as holding a sensitive position.
 - d. Search methods shall not involve techniques that violate existing law.
 - e. Vetting techniques shall be applied uniformly to all candidates.
 - f. Every effort must be made to validate Internet-based information considered during the hiring process.

V. PERSONAL USE

A. Precautions and Prohibitions

Barring state law or binding employment contracts to the contrary, department personnel shall abide by the following when using social media.

1. Department personnel are free to express themselves as private citizens on social media sites to the degree that their speech does not impair working relationships of this department for which loyalty and confidentiality are important, impede the performance of duties, impair discipline and harmony among coworkers, or negatively affect the public perception of the department.
2. As public employees, department personnel are cautioned that speech on- or off-duty, made pursuant to their official duties—that is, that owes its existence to the employee’s professional duties and responsibilities—is not protected speech under the First Amendment and may form the basis for discipline if deemed detrimental to the department. Department personnel should assume that their speech and related activity on social media sites will reflect upon their office and this department.
3. Department personnel shall not post, transmit, or otherwise disseminate any information to which they have access as a result of their employment without written permission from the Police Commissioner or his or her designee.

4. For safety and security reasons, department personnel are cautioned not to disclose their employment with this department nor shall they post information pertaining to any other member of the department without their permission. As such, department personnel are cautioned not to do the following:
 - a. Display department logos, uniforms, or similar identifying items on personal web pages.
 - b. Post personal photographs or provide similar means of personal recognition that may cause them to be identified as a police officer of this department. Officers who are, or who may reasonably be expected to work in undercover operations, shall not post any form of visual or personal identification.
5. When using social media, department personnel should be mindful that their speech becomes part of the worldwide electronic domain. Therefore, adherence to the department's code of conduct is required in the personal use of social media. In particular, department personnel are prohibited from the following:
 - a. Speech containing obscene or sexually explicit language, images, or acts and statements or other forms of speech that ridicule, malign, disparage, or otherwise express bias against any race, any religion, or any protected class of individuals.
 - b. Speech involving themselves or other department personnel reflecting behavior that would reasonably be considered reckless or irresponsible.
6. Engaging in prohibited speech as noted herein may provide grounds for undermining or impeaching an officer's testimony in criminal proceedings. Department personnel thus sanctioned are subject to discipline up to and including termination of office.
7. Department personnel may not divulge information gained by reason of their authority; make any statements, speeches, appearances, and endorsements; or publish materials that could reasonably be considered to represent the views or positions of this department without express authorization.
8. Department personnel should be aware that they may be subject to civil litigation for:
 - a. publishing or posting false information that harms the reputation of another person, group, or organization (defamation);
 - b. publishing or posting private facts and personal information about someone without their permission that has not been previously revealed to the public, is not of legitimate public concern, and would be offensive to a reasonable person;
 - c. using someone else's name, likeness, or other personal attributes without that person's permission for an exploitative purpose; or
 - d. publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner.
9. Department personnel should be aware that privacy settings and social media sites are constantly in flux, and they should never assume that personal information posted on such sites is protected.

10. Department personnel should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the department at any time without prior notice.
11. Reporting violations—Any employee becoming aware of or having knowledge of a posting or of any website or web page in violation of the provision of this policy shall notify his or her supervisor immediately for follow-up action.