

## **CITY OF RYE**

### **NOTICE**

There will be a regular meeting of the City Council of the City of Rye on Wednesday, May 23, 2012, at 8:00 p.m. in the Council Room of City Hall. *The Council will convene at 7:00 p.m. and it is expected they will adjourn into Executive Session at 7:01 p.m. to discuss real estate matters. The Executive Session will be followed by an Audit Committee Meeting beginning at 7:30 p.m.*

### **AGENDA**

1. Pledge of Allegiance.
2. Roll Call.
3. General Announcements.
4. Draft unapproved minutes of the regular meeting of the City Council held May 9, 2012.
5. Mayor's Management Report
  - Recap of the NYU Wagner Capstone Presentation
  - Presentation by the Finance Committee on the Sanitation Department Study
  - Presentation of the City of Rye Stormwater Management Program 2011 Annual Report
  - Legal Update
6. Consideration to set a Public Hearing to amend local law Chapter 180, "Taxicabs", Section 14, Payment of Fares, of the Code of the City of Rye to increase taxi fares.
7. Presentation of candidates for the open seat on the Rye City Council to be appointed on June 13, 2012.
8. Presentation on City Financials by Scott Oling of the auditing firm of O'Connor, Davies, Munns & Dobbins, LLP.
9. Continuation of Public Hearing to discuss potential capital projects to be included in a November, 2012 Bond Referendum.
10. Public Hearing to amend Chapter 187, "Trees" of the City Code regarding the legislation of trees.
11. Consideration to set a Public Hearing for June 13, 2012 to establish the 2013 Budgeted Fees and Charges.
12. Report and recommendation to the Council on the Fire Inspector/Supervisor position for the Rye Fire Department.
13. Discussion of request to landmark the Rye Smoke Shop located at 53 Purchase Street.

14. Residents may be heard on matters for Council consideration that do not appear on the agenda.
15. Resolution ratifying the appointment of one member to the Emergency Medical Services Committee for a three-year term ending June 30, 2015.
16. Considerations of a request by Colin Leslie for the use of City streets for the 7<sup>th</sup> Annual Colin Leslie Walk for Celiac Disease on Sunday, September 30, 2012 from 9:00 a.m. to 2:00 p.m.
17. Miscellaneous communications and reports.
18. Old Business.
19. New Business.
20. Adjournment.

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The next regular meeting of the City Council will be held on Wednesday, June 13, 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](http://www.ryeny.gov) under "RyeTV Live".

\* Office Hours of the Mayor by appointment by emailing [dfrench@ryeny.gov](mailto:dfrench@ryeny.gov).



# CITY COUNCIL AGENDA

NO. 4

DEPT.: City Clerk

DATE: May 23, 2012

CONTACT: Dawn Nodarse

**AGENDA ITEM** Draft unapproved minutes of the Regular Meeting of the City Council held May 9, 2012, as attached.

**FOR THE MEETING OF:**

May 23, 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 May 9, 2012, as attached.

***DRAFT UNAPPROVED MINUTES*** of the  
Regular Meeting of the City Council of the City of  
Rye held in City Hall on May 9, 2012 at 8:00 P.M.

PRESENT:

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

ABSENT: SUZANNA KEITH, Councilwoman

Mayor French opened the ceremonial portion of the meeting and said that this annual meeting was a chance to celebrate both the history of Rye and its commitment to public service. Sheri Jordan, the Director of the Square House, welcomed everyone to the building that had served as City Hall before the “new” City Hall was built. In honor of the City’s 70<sup>th</sup> Anniversary, Ms. Jordan showed the Council an impression of the Seal of the City that was prepared when the Village of Rye became the City of Rye.

A brief presentation was made by Jack Zahringer and Maurio Sax of the Landmarks Advisory Committee regarding the Committee’s project to save and landmark the historic milestones that were set out by Benjamin Franklin in order to regulate postage rates. There were 230 milestones between New York and Boston and, although not the originals, Rye is the only community in Westchester that still has theirs. The milestones are historic relics to the City and, if landmarked, they will be preserved as a part of the City’s historic infrastructure.

Mayor French noted the passing of former Mayor Maryann Ilse, former Councilman Ed Collins and senior advocate Marion Shea and said their commitment to volunteering is part of what makes Rye special. The Mayor also read from a Proclamation that had been read at the Inauguration Ceremony in January to mark the 70<sup>th</sup> Anniversary of the City. Councilman Jovanovich said that he was grateful for how Rye citizens come out to volunteer and that there is “no place like Rye.” Councilwoman Parker said she was honored to be in a room with former City Council members and the current City Council and said she has respect for all and believed that even when people disagree, they believe what they are doing is what is best for Rye. Councilman Sack said this was a special night when people who have served and are serving reaffirm their commitment to Rye and celebrate what they have in common. Councilman Filippi said it was an honor to be here and those who came before on the Council set the bar that the current Council tries to live up to. Councilwoman Brett said that it is a great tradition to meet at the Square House once a year because it is important to reflect on Rye’s history.

Mayor French said that the foundation of the City is the City Manager form of government and that the jobs of City workers get harder each year. City Manager Pickup noted

the passing of Building Inspector Vinny Tamburro and said his loss still leaves a hole in the organization. Mr. Pickup then introduced the City Department Heads who were in attendance:

Maureen Eckman	Building Inspector
Nicole Levitsky	Cable Access Coordinator
Noreen Whitty	City Assessor
Dawn Nodarse	City Clerk
Ryan Coyne	City Engineer
Christian Miller	City Planner
Kristen Wilson	Corporation Counsel
William Connors	Police Commissioner
Sally Rogol	Superintendent of Recreation

Mayor French then asked former Mayors, Judges, Councilmembers and current representatives of Boards and Commissions to speak.

Former Mayor Ten Dunn noted that he was a member of an exclusive club – those who served on the Council and are older than the City. Former Mayor Otis said this meeting is always about renewal and rededication and sharing a history that goes back to colonial times.

Former Judge and Councilmember John Alfano said that it was always a pleasure to be at this meeting. State Assemblyman and former Councilmember George Latimer said it was always wonderful to come back and recalled a bridge project that had come before the Council when he was serving 25 years ago. Additional former Councilmembers speaking included: Jim Burke who said he was proud of the current Council who overall are doing a good job. Arthur Stampleman wished the Council the best for making good decisions and also reported that the Department of Transportation has decided not to modify the Bus #13 route from its current Port Chester to Playland route to include Milton Point. Gerry Seitz spoke about continuity in the City and said people are now coming to Rye for short terms and leaving and do not commit to the community. He said this is an issue that needs to be addressed.

Representatives of Boards and Commissions in attendance included: Jack Zahringer of the Landmarks Advisory Committee who said that the agenda of the Committee was to “Keep Historical Rye, Rye”. Rafael Elias-Linero of the Flood Action Committee said it was a privilege to share the room with everyone and thanked everyone for supporting the work of the Flood Committee. Bob Byrne of the Board of Assessment Review thanked City Assessor Noreen Whitty for her hard work. Charlie Davies of the Rye Golf Club Commission said there were many challenges for the Commission but it was a good group of people. Julia Killian of the Finance Committee said this meeting makes her proud to live in Rye.

Mayor French closed the ceremonial portion of the meeting at 8:55 p.m. The regular meeting reconvened in Council Chambers at 9:10 p.m.

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1. Pledge of Allegiance

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

2. Roll Call

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

3. Resolution to accept a donation from the Alumni & Friends of Rye High School for the landscaping and tree replacement on the easterly side of Boston Post Road from Parsons Street to the Rye High School Stadium

City Manager Pickup said this was a second phase of a project that began last year when the City removed some diseased trees along the football stadium. The City Council must acknowledge and approve the donation and the City will work with the Friends of Rye High School on the second phase of the landscaping plan.

Councilwoman Brett made a motion, seconded by Councilman Filippi to adopt the following Resolution;

**RESOLVED** that the City Council of the City of Rye hereby accepts a donation from the Alumni & Friends of Rye High School for the landscaping and tree replacement on the easterly side of Boston Post Road from Parsons Street to the Rye High School Stadium.

ROLL CALL:

AYES: Mayor French, Councilmembers Brett, Filippi, Jovanovich, Parker and Sack

NAYS: None

ABSENT: Councilwoman Keith

The Resolution was adopted by a 6-0 vote.

4. General Announcements

Announcements were made on various articles, events and topics.

5. Draft unapproved minutes of the regular meeting of the City Council held April 18, 2012, the informal minutes of the Joint Meeting of the City Council and Board of Education held April 21, 2012, and the special meeting of the City Council held April 25, 2012

Councilman Filippi made a motion, seconded by Councilwoman Parker and unanimously carried, to approve the minutes of the regular meeting of the City Council held on April 18, 2012, as submitted.

Mayor French made a motion, seconded by Councilwoman Parker and unanimously carried, to approve the minutes of the Joint Meeting of the City Council and Board of Education held on April 21, 2012, as submitted.

Mayor French made a motion, seconded by Councilman Filippi and unanimously carried, to approve the minutes of the special meeting of the City Council held on April 25, 2012, as submitted.

6. Mayor's Management Report
- Update on Rye Town Park Capital Grant

Mayor French said there is a proposal to apply for grant funds to restore the Bathing Pavilion at Rye Town Park. Susan Auslander of the firm Carpe Diem Westchester said the proposal is for a grant that would “seal the envelope” of the exterior of the building and save it. The cost is \$3.2 Million. The Carpe Diem firm will apply for a Federal Grant of \$1.6 Million and a State Grant of \$1.6 Million. State and Federal Grants can now be used to match each other, so in the best case scenario there would be no cost to the City for matching funds. If only one grant is received the City would be responsible for 39%. Completing this project would be beneficial to the Rye Town Park Commission because they would then be able to get an appropriate tenant for the building that would produce a revenue stream to benefit the Park. There was a suggestion made that it might be better to wait to apply for the grants until the Park Capital Committee comes up with a plan for the use of the building. Mayor French said the Rye Town Park Commission would be meeting on the 15<sup>th</sup> and he and Councilman Sack would not recommend going forward with the full grant amount.

- Update on 120 Old Post Road

City Manager Pickup said that the Planning Commission has begun their discussions of the Council's referral of the Zoning Petition request. The public hearing will be continued at their June 5<sup>th</sup> meeting. Traffic counts are being conducted in the area and the property owner is holding an open house in the building that is tentatively set for May 23<sup>rd</sup>.

- Walk Rye History Tour

Sheri Jordan reported that the signs have been delivered to the Department of Public Works. A walk through has been done for the downtown locations of the signs and they hope to have the signs erected in front of the Knapp House, the Square House and the Milton Cemetery

before the Historical Society Gala. The rest of the signs will be installed over the summer in anticipation of an opening day in September with a dedication ceremony at City Hall.

- Save the Smoke Shop

*Owen and Amber Nee*, 701 Forest Avenue, and *Dora Farrenhopf*, 780 Forest Avenue, urged the Council to declare the “Smoke Shop” as a protected site. They suggested that the Council refer their suggestion to the Landmarks Committee for their consideration. They said that redeveloping the property will change the character of downtown Rye and that they have been gathering signatures in support of the idea and have 620 so far. Corporation Counsel Wilson explained the process that would be involved according to City Code Chapter 117. The Landmarks Committee would submit a petition to the City Clerk to start the process and the City Council would adopt a Zoning Amendment by public hearing. The consent of the property owner is necessary unless the property is listed on a State or Federal Registry. Councilwoman Parker appealed to people who want to save the Smoke Shop to show their support by supporting the business financially. Mr. Nee suggested that just the outside façade could be landmarked unless the property owner could prove it was a taking. Ms. Wilson said that if the structure is landmarked, anyone who obtains a permit would have to automatically go before the Board of Architectural Review. *Charmaine Neary*, Midland Avenue, suggested that the City should change the Zoning to say there was a greater public use to having a magazine and newspaper store in the downtown. Corporation Counsel Wilson was asked to provide an advisory opinion to the Council on next steps.

- Central Avenue Bridge

City Manager Pickup said that there was a second meeting with the Department of Transportation (DOT) this week at City Hall. The DOT has committed to a July 1 advertising date for bids. There is still a series of open items that need to be resolved before the final design, utility agreements, construction inspection and construction management plans receive approval. Mayor French said there has been a question about whether the City would move forward with the project. There was a discussion among the members of the Council. Mayor French and Councilmembers Filippi and Jovanovich expressed their support for the project and said that it was important to have more than one access across Blind Brook in this area; that the area had flooded with and without the bridge; and the Police and Fire Departments are in favor of replacing the bridge. Councilman Sack said there were arguments pro and con to going forward with the bridge reconstruction and suggested that maybe the issue should be reevaluated to explore all options. *Mark Hyland*, 2 Barbara Court, *Kenneth Weissberg*, 16 Lowen Court, *James Maione*, 22 Lowen Court, and *Arnold Lewis*, 11 Lowen Court all spoke in favor of replacing the bridge. They pointed out that at the time of the April 2007 flood, the bridge had been scheduled for renovation at City cost but as a result of the damage sustained during the flood, the money to pay for rebuilding the bridge will come from another source. They also stressed the health and safety concerns of the residents of the area regarding access of emergency vehicles to the area. It was also noted that students who used to walk across the Central Avenue Bridge now walk across private property to the Nature Center Bridge where there is no crosswalk in order to cross the Post Road. The Council was also asked to consider what will happen if the Orchard Avenue Bridge comes down. They urged the City not to quit on the project.



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

**RESOLVED**, that the City Manager is hereby authorized to continue to pursue his efforts with the New York State DOT in getting the approvals in place to rebuild the Central Avenue Bridge.

ROLL CALL:

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

The Resolution was adopted by a vote of 5 votes in favor and 1 abstention

- Council Vacancy

Mayor French said that Councilwoman Keith's position would become vacant on June 13<sup>th</sup>. At the May 23<sup>rd</sup> meeting anyone who is interested in the Council seat should come forward and state their interest to the Council and the public. *Bob Zahm*, 7 Ridgewood Drive, said the Council should consider if the seat really needs to be filled before the election and, if the seat is filled, they should think about the criteria they will be using for picking someone.

- Legal Update

Corporation Counsel Wilson reported on the following issues:

- There are several building violations on the site of the former Durland Scout Center at 330 Stuyvesant Avenue. A meeting was held with the property owner and Building Inspector Maureen Eckman to work on property maintenance and eyesore issues.
- *Butler v. Planning Commission* – the City will serve opposition papers to the Petitioner's Motion to Renew and Reargue.

7. Public Hearing to discuss potential capital projects to be included in a November, 2012 Bond Referendum

Mayor French said that the City used to fund capital projects through surplus and is no longer able to do that although there are many infrastructure needs. The City Manager was asked to provide the Council with areas to consider for a possible Bond Referendum.

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

City Manager Pickup said he has prepared a fact sheet of suggested projects that meet the criteria of public safety and critical infrastructure, some of which need better construction estimates. He said many of the projects would require multiple years to implement.

Members of the public who spoke included:

*Robert Munsie*, 12 Larkspur Lane who spoke in favor of the project to repair the Boston Post Road Retaining Wall opposite Purdy Avenue. He said he and his neighbors in Loudon Woods consider it an urgent pedestrian safety issue. Since the sidewalk has been blocked off there is no safe place in the area for pedestrians to cross the Post Road.

*Kitty Little*, Rye Free Reading Room Director, presented possible projects at the Library for inclusion in a Bond Referendum. The three projects suggested were (1) installing fire sprinklers and alarm systems in the 1913 section of the building; (2) creating ADA access to the rear door from the parking lot and installing door dams for flood mitigation; and (3) installing security cameras in the building.

*Maureen Gomez*, representing the Shared Roadways Committee, asked the Council to consider earmarking funds for pedestrian safety projects near schools as suggested in the Committee's report to the Council.

*Bob Zahm*, 7 Ridgewood Drive, suggested that the Council go back and look at the sidewalk projects recommended by the Safe Routes to Schools Committee. He also suggested that in conjunction with the Post Road Retaining Wall project, the Council should consider extending the sidewalk up to where it ends on Grace Church Street and should also consider adding sidewalks with access to a crosswalk near the Nursery Field on Milton Road. Additionally, he said that he did not believe there was a basis for the Sonn Drive Traffic Signal project.

Council comment included:

Councilwoman Parker asked about the cost of the Bowman Avenue Upper Pond Project and said the bond proposal should be built around how much the resizing project will cost because it is a top public safety issue. City Manager Pickup said the cost of the project would depend on the results of the testing that has been done. Ms. Parker also said she considers the Boston Post Road Retaining Wall and Smith Street Reconstruction "must have" projects but that other projects suggested for the Central Business District could be considered "nice to have" projects.

Councilman Filippi said that the Council needs to articulate to the public the real need for the projects on the list and why they are important to the City.

Councilman Sack asked to see the Capital Improvement Plan (CIP) for prospective purposes. He also asked for back-up for the rationale behind the proposed improvements to the MTA Parking Lot; wanted more information on the necessity for the proposed upgrades to the Police/Court facility; and asked about the precedent for issuing a bond on behalf of the Library since the City does not own the building. City Manager Pickup said that since a decision has

been made that there is not a location for a new Police/Court facility, there are deficiencies in the current building that must be addressed dealing with prisoner transport, safety and court security.

Councilman Jovanovich and that residents need to understand what has happened to the City over the last five years and why bonding is needed at this time and said it should be considered a “one shot deal”.

Councilwoman Brett said that she believed that bonding is a more transparent way to pay for capital projects and that going forward the City should reserve funds for these needs.

Mayor French asked if the timeline for adopting a Bond Resolution could be pushed back in order to give the Council more time to consider the projects. City Manager Pickup said that in order to get a Bond Referendum on the ballot in November, a Resolution must be adopted and delivered to the Board of Elections by August.

This agenda item was taken after Agenda Item 9.

8. Authorization for Harris Beach, PLLC to represent the City on pre-trial motions and settlement discussions in the Westchester Joint Water Works tax certiorari proceeding  
Roll Call.

City Manager Pickup said there is a pending action that is becoming more complex and falls outside of the normal Corporation Counsel retainer. Corporation Counsel Wilson said this is an unusual tax certiorari proceeding because the Court has asked the City to brief specific issues.

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

**RESOLVED** that the City Council of the City of Rye hereby authorizes the firm of Harris Beach, PLLC to represent the City on pre-trial motions and settlement discussions in the Westchester Joint Water Works tax certiorari proceeding at the rate of \$215.00 per hour, not to exceed \$3,000.00.

ROLL CALL:

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

The Resolution was adopted by a 6-0 vote.

9. Home Rule Resolution supporting S5902B(Oppenheimer)/A8556C(Latimer) extension of the City of Rye Hotel Occupancy Tax  
Roll Call.

City Manager Pickup said that the City was asked to amend the term of renewal on the Home Rule legislation from four years to three.

Councilman Jovanovich made a motion, seconded by Councilman Filippi to adopt a Home Rule Message supporting S5902B (Oppenheimer)/A8556C (Latimer) extending the City of Rye Hotel Occupancy Tax until September 1, 2015.

ROLL CALL:

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

The Resolution was adopted by a 6-0 vote.

10. Discussion of amending City of Rye Local Law Chapter 53, "Architectural Review" to reduce the number of applications subject to architectural review

This agenda item was deferred to a later meeting.

This Agenda Item was discussed after Agenda Item 7.

11. Discussion of proposed changes to amend local law Chapter 180, "Taxicabs", Section 14, Payment of Fares, of the Code of the City of Rye to increase taxi fares

City Manager Pickup said that since the last discussion of this item, a second letter has been received from the Taxi Companies justifying their request for the increase, and additional information has been provided regarding the Taxi companies operating in the City and recent fee increases for driver and cab licensing fees.

*David Candamil*, representing Rye Cab Company, said that the companies had made a mistake in waiting ten years to ask for a rate increase and suggested that if they had requested \$1.00 rate increases every three years, the rates would be at the level now being requested. He said that the taxi drivers provide unique services to the residents of Rye but there is a cost to them to maintain the cars and provide the services. The drivers are struggling to make a living.

*Jim Amico*, 350 Midland Avenue, said he supported the request of the taxi companies for a rate increase.

Councilman Sack said he believed the rate increase request was reasonable. Councilwoman Brett said that based on the rates charged in other communities that regulate

fares, the amount being requested looks high and the Council must justify an increase to residents. Councilman Jovanovich asked why the City regulates taxi fares and said he did not believe the Council should restrict the number of companies that can operate in Rye and said the Council might consider if it wants to continue doing so. He suggested that the Government Relations Committee could look into what goes on in communities that do not regulate taxis. Mayor French said he wanted a better explanation of why the amount of the increase is being requested and suggested setting a public hearing at the next meeting.

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

*Jim Amico*, 350 Midland Avenue, said he was pleased to see a sign on Midland Avenue indicating that a Stop Sign would be erected soon in the Palisade Road/Midland Avenue area but would have liked to have been informed personally. He also asked about the broken speed radar sign on Midland Avenue. City Manager Pickup said the City Engineer and the contractor have been to the site and will follow up on the repairs.

13. One appointment to the Rye Playland Advisory Committee for a three-year term, by the Mayor with Council approval

Mayor French made a motion, unanimously approved by the Council, to appoint Bill Meyers to the Rye Playland Advisory Committee for a three-year term expiring on January 1, 2015.

14. Consideration of a request by Longford's Ice Cream for the use of City streets for their 20<sup>th</sup> Anniversary celebration on Sunday, June 10, 2012 from 12:00 p.m. to 5:00 p.m.

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

**RESOLVED**, that the request by Longford's Ice Cream for use of City streets for their 20<sup>th</sup> Anniversary celebration on Sunday, June 10, 2012 from 12:00 p.m. to 5:00 p.m. is hereby approved.

15. Miscellaneous Communications and Reports

Councilwoman Parker said that the Rye Arts Center had a great opening for their sculpture exhibit and added that Helen Gates, the Arts Center's Executive Director, had requested that the street exhibits remain up until the show closes on June 13<sup>th</sup>.

16. Old Business

Councilwoman Parker said she would like to have a workshop on Rye Golf Club and suggested the date of June 11<sup>th</sup>.

Councilwoman Brett asked for an update on the Sluice Gate project. City Manager Pickup said he would provide the council with an updated construction schedule.

17. New Business

Councilwoman Parker asked if the temporary stop signs in the Central Business District could be made permanent, by using surplus funds from 2011.

18. Adjournment

There being no further business to discuss Councilman Filippi made a motion, seconded by Councilwoman Parker and unanimously carried, to adjourn the regular meeting at 12:00 a.m. and immediately adjourn into executive session to discuss a possible real estate transaction relating to 1037 Boston Post Road. Councilman Filippi made a motion, seconded by Councilman Jovanovich and unanimously carried, to adjourn the executive session at 12:25 a.m.

Respectfully submitted,

Dawn F. Nodarse  
City Clerk



# CITY COUNCIL AGENDA

NO. 5

DEPT.: City Council

DATE: May 23, 2012

CONTACT: Mayor Douglas French

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

**FOR THE MEETING OF:**

May 23, 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:

- Recap of the NYU Wagner Capstone Presentation
- Presentation by the Finance Committee on the Sanitation Department Study
- Presentation of the City of Rye Stormwater Management Program 2011 Annual Report
- Legal Update

# Sanitation Department Study



## CITY OF RYE GARBAGE & RECYCLING COST

- PERSONNEL  
13 men required each day, plus two to cover vacations and personal leave (no sick time)  
Therefore 15 men are required for garbage & recycling daily.

Total actual cost for 15 men annually \$ 1,300,860 (2011 salaries \$ 963,600 plus 35% in benefits) equals \$ 1,300,860.

- VEHICLE COST

### Garbage Trucks

5 garbage trucks and 2 recycling trucks are required each day, and 1 garbage truck and 1 recycling truck are required for back up.

### Amortization

Based on an 8 year life cycle the annual cost for 6 garbage trucks is \$ 75,356 net

### Maintenance & Fuel

The average maintenance cost is 6,730 \$/trk/yr

The average fuel cost is \$ 4,330 \$/trk/yr

Total maintenance cost is 11,060 \$/trk/yr x 6 trucks = \$ 66,360

### Recycling Trucks

### Amortization

Based on an 8 year life cycle the annual cost for 3 recycling trucks is \$ 35,994 net

### Maintenance & Fuel

The average maintenance cost is 2,708 \$/trk/yr

The average fuel cost is 2,678 \$/trk/yr

Total maintenance cost is 5,386 \$/trk/yr x 3 trucks = \$ 16,158

- TOTAL ANNUAL COST

Personnel	\$ 1,300,860
Vehicle	<u>193,868</u>
	\$ 1,494,728

- COST PER HOUSING UNIT

\$ 1,494,728 divided by 5,454 housing units = 274.06 \$/hu/yr

Or 22.84 \$/hu/month

As a comparison, Rye Brooks private 3 year contract cost ( \$ 4 798,048 per year ) , based on 3,300 housing units ( to be verified ) is 241.83 \$/hu/yr

Or 20.15 \$/hu/month

City of Rye  
Stormwater Management  
Program  
2011 Annual Report



**MS4 Annual Report Cover Page**

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

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

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

MCC form for period ending March 9, 

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Name of MS4 

City of Rye
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SPDES ID

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**Section 4 - Certification Statement**

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

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

First Name

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MI

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Last Name

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Title (Clearly print title of individual signing report)

C i t y M a n a g e r

Signature

--

Date

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

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











**MS4 Annual Report Form**

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

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

Name of MS4/Coalition 

City of Rye
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SPDES ID

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

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

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

The City Stormwater Consultant developed a Questionnaire for the public to respond to. The questionnaire was made available by the City in April 2010. The City maintains a YouTube channel showing informational videos on stormwater and illicit discharge issues.

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

No questionnaires were completed and returned to the city. Printed material developed from grant with Westchester County distributed. 172 people are on the email list advertising the YouTube channel

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

			1
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*(ex.: samples/participants/events)*

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

Yes    No

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

Yes    No

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

Questionnaires will continue to be available for the public to complete and return. Continue to update the YouTube channel with relevant videos when they become available.



### MS4 Annual Report Form

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

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

Name of MS4/Coalition 

City of Rye
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SPDES ID  

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

URL

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**MS4 Annual Report Form**

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

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

Name of MS4/Coalition 

City of Rye
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SPDES ID  

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

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

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

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

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

Yes  No

If Yes, what was the date of the meeting?

0	5
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2	3
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If No, is one planned?

Yes  No

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

Yes  No

If No, is one planned for each?

Yes  No

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

Yes  No

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

**MS4 Annual Report Form**

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

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

Name of MS4/Coalition 

City of Rye
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SPDES ID

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

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

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

The City Stormwater Consultant developed a Questionnaire for the public to respond to. Questions on public participation and involvement are included. The questionnaire was available on the City website and in hard copy in the Public Works Department beginning April 2010. The Planning Commission and CCAC review development projects and the meetings are open to the public.

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

No questionnaires were completed and returned. The Planning Commission held 23 meetings and the CCAC held 9. They are attended by public interested in the review of certain development projects and the public comments are incorporated, as necessary, into the design process.

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

			1
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*(ex.: samples/participants/events)*

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

Yes  No

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

Yes  No

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

Questionnaires will continue to be available for the public to complete and return. Questionnaires will be distributed with Building Permit Applications. The Planning Commission and CCAC will continue to hold public meetings on development projects.









**MS4 Annual Report Form**

This report is being submitted for the reporting period ending **March 9, 2 0 1 2**

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

Name of MS4/Coalition

City of Rye

SPDES ID

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

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

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

Number of Illicit Discharges Found and Eliminated

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

All outfalls inspected with City staff and USEPA staff in Summer 2009. 8 illicit discharges found and eliminated this reporting period. City Staff continues to inspect outfalls.

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

			1
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(ex.: samples/participants/events)

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

Yes  No

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

Yes  No

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

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

**MS4 Annual Report Form**

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

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

Name of MS4/Coalition 

City of Rye
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SPDES ID

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

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

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

How many MS4s contributed to this report? 

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**1a. Has each MS4 contributing to this report adopted a law, ordinance or other regulatory mechanism that provides equivalent protection to the NYS SPDES General Permit for Stormwater Discharges from Construction Activities?**  Yes  No

**1b. Has each Town, City and/or Village contributing to this report documented that the law is equivalent to a NYSDEC Sample Local Law for Stormwater Management and Erosion and Sediment Control through either an attorney certification or using the NYSDEC Gap Analysis Workbook?**  Yes  No  NT

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

09/2004  03/2006  NT

**2. Does your MS4/Coalition have a SWPPP review procedure in place?**  Yes  No

**3. How many Construction Stormwater Pollution Prevention Plans (SWPPPs) have been reviewed in this reporting period?**

		0
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**4. Does your MS4/Coalition have a mechanism for receipt and consideration of public comments related to construction SWPPPs?**  Yes  No  NT

If Yes, how many public comments were received during this reporting period? 

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

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

- Notices of Violation # 

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 ○ No Authority
- Stop Work Orders # 

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 ○ No Authority
- Criminal Actions # 

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 ○ No Authority
- Termination of Contracts # 

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 ○ No Authority
- Administrative Fines # 

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 ○ No Authority
- Civil Penalties # 

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 ○ No Authority
- Administrative Orders # 

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 ○ No Authority
- Enforcement Actions or Sanctions # 

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 ○ No Authority
- Other # 

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 ○ No Authority

**MS4 Annual Report Form**

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

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

Name of MS4/Coalition

City of Rye

SPDES ID

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**Minimum Control Measure 4. Construction Site Stormwater Runoff Control**

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

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

How many MS4s contributed to this report? 

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

		0
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2. How many construction projects disturbing at least one acre were active in your jurisdiction during this reporting period? 

		1
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3. What percent of active construction sites were inspected during this reporting period?  NT 

1	0	0
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 %

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

1	0	0
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 %

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

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

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

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

### MS4 Annual Report Form

This report is being submitted for the reporting period ending March 9, 2012

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

Name of MS4/Coalition

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

Submit additional pages as needed.

● MS4/Coalition Office

Department

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City

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○ Library

Address

City

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Phone

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○ Other

Address

City

Zip

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Phone

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

URL

URL

**MS4 Annual Report Form**

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

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

Name of MS4/Coalition

City of Rye

SPDES ID

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

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

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

Number of new projects underway in reporting period and number of projects continuing from previous reporting period.

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

1 projects underway this reporting period

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

			1
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*(ex.: samples/participants/events)*

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

Yes    No

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

Yes    No

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

Continue to administer and monitor all projects underway as per individual SWPPP's and local ordinance



### MS4 Annual Report Form

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

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

Name of MS4/Coalition

SPDES ID  

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

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

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

How many MS4s contributed to this report? 

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

	# Inventoried	# Inspections	# Times Maintained									
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<input type="radio"/> Infiltration Basins	<table border="1" style="display: inline-table;"><tr><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td></tr></table>				<table border="1" style="display: inline-table;"><tr><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td></tr></table>				<table border="1" style="display: inline-table;"><tr><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td></tr></table>			
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**2. Do you use an electronic tool (e.g. GIS, database, spreadsheet) to track post-construction BMPs, inspections and maintenance?**  Yes  No

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

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

Other:  

V	o	l	u	n	t	e	e	r		C	o	m	m	i	t	t	e	e	s											
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**MS4 Annual Report Form**

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

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

Name of MS4/Coalition 

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

SPDES ID  

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

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

Yes    No

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

Yes    No

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

Yes    No

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

		1
--	--	---

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

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

 %

**MS4 Annual Report Form**

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

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

Name of MS4/Coalition

City of Rye

SPDES ID

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

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

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

Number of New Best Management Practices brought on line.

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

1 BMP installed, inspected, and brought on line this reporting period

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

			1
--	--	--	---

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

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

Yes    No

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

Yes    No

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

Continue to inventory new Best Management Practices brought on line. Continue to require inspection and maintenance of all Best Management Practices inventoried

**MS4 Annual Report Form**

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

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

Name of MS4/Coalition

SPDES ID  

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

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

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

How many MS4s contributed to this report? 

--	--	--

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

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

### MS4 Annual Report Form

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

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

Name of MS4/Coalition 

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

SPDES ID  

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

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

		9	2	4
--	--	---	---	---
- Streets Swept (Number of miles X Number of times swept) # Miles 

1	4	2	8
---	---	---	---
- Catch Basins Inspected and Cleaned Where Necessary # 

		5	0	7
--	--	---	---	---
- Post Construction Control Stormwater Management Practices Inspected and Cleaned Where Necessary # 

				1
--	--	--	--	---
- Phosphorus Applied In Chemical Fertilizer # Lbs. 

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

--	--	--	--	--	--
- Pesticide/Herbicide Applied # Acres 

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

  
 (Number of acres to which pesticide/herbicide was applied X Number of times applied to the nearest tenth.)

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

				1
--	--	--	--	---

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

0	7	/	0	1	/	2	0	1	1
---	---	---	---	---	---	---	---	---	---

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

		4
--	--	---

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

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

**MS4 Annual Report Form**

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

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

Name of MS4/Coalition

City of Rye

SPDES ID

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

**7. Evaluating Progress Toward Measurable Goals MCM 6**

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

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

Number of Stormwater Catch Basins Inspected and Cleaned, miles of roads swept.

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

506 catch basins were inspected, 172 cleaned, and 32 repaired. Additionally, 1.6 miles of storm drain lines were cleaned and 23 feet repaired.

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

			1
--	--	--	---

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

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

Yes    No

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

Yes    No

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

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

### MS4 Annual Report Form

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

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

Name of MS4/Coalition

SPDES ID  

N	Y	R	2	0					
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### Additional Watershed Improvement Strategy Best Management Practices

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

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

How many MS4s contributed to this report?

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

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

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

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

If N/A, go to question 3.

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

Estimate what percentage was mapped in this reporting period.    %

### MS4 Annual Report Form

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

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

Name of MS4/Coalition

SPDES ID									
N	Y	R	2	0					

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

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

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

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

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

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

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

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

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

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



**MS4 Annual Report Form**

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

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

Name of MS4/Coalition

SPDES ID									
N	Y	R	2	0					

- 9. **Has your MS4/Coalition developed and implemented a program of native planting?**  
 Yes    No    N/A
- 10. **Has your MS4/Coalition enacted a local law prohibiting pet waste on municipal properties and prohibiting goose feeding?**  
 Yes    No    N/A
- 11. **Does your MS4/Coalition have a pet waste bag program?**  
 Yes    No    N/A
- 12. **Does your MS4/Coalition have a program to manage goose populations?**  
 Yes    No    N/A



# CITY COUNCIL AGENDA

NO. 6

DEPT.: City Manager's Office

DATE: May 23, 2012

CONTACT: Scott Pickup, City Manager

**AGENDA ITEM:** Consideration to set a Public Hearing to amend Local Law Chapter 180, "Taxicabs", Section 14, Payment of Fares, of the Code of the City of Rye to increase taxi fares.

**FOR THE MEETING OF:**

May 23, 2012

**RYE CITY CODE,  
CHAPTER  
SECTION**

**RECOMMENDATION:**

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** The taxi owners in Rye have petitioned the City Council for a raise in fares as rates have not been raised since 2002. The owners cite rising expenses including gas prices, insurance, vehicle maintenance, and taxicab license fees, as the need for the fare increase. At a meeting with the City Clerk and Deputy City Clerk the owners requested:

- an increase of \$3.00 of the minimum fare in each of the three taxi zones (see attached taxi fare zone map)
- an additional increase of \$4.00 between the hours of 12:00 a.m. and 6:00 a.m.
- an increase of \$1.00 (from \$2.00 to \$3.00) for each additional passenger coming from the same location to the same destination
- an increase of \$15.00 (from \$30 to \$45) in the waiting time for shopping and touring in the City
- to limit the number of taxi companies permitted to operate in the City to the current six
- the addition of three spaces for the exclusive use of taxis; currently there are six spaces

The taxi owners agreed to a reduced rate by \$1 for Seniors through the existing income-based voucher system overseen by the Rye Interfaith Housing Corporation.

See attached information.

## Additional Taxi Information

A) A taxi company must have a minimum of three (3) cars in order to rent one of the six taxi stall spots at the Metro North train station. These spots are assigned through a lottery system held by the City Clerk's office on an annual basis in December. The spots are rotated every two months so that every company has access to each different spot at one point during the year.

B) Fees related to taxi companies:

- Annual fee for a taxi stall at the Metro North train station - \$751.62
- Annual license fee for the taxi driver - \$75.00
- Annual license fee for a taxicab - \$130.00

NOTE: these fees were increased in 2011

C) Six Taxi Companies currently operating in the City of Rye:

1) County Taxi & Airport Service

88 Purchase Street  
Rye, New York

2) Purchase Street Taxi

51 Purchase Street  
Rye, New York

3) Rye Brook Cab & Airport Service

68 Purchase Street  
Rye, New York

4) Rye Metro Taxicab

62 Orchard Ave  
Rye, New York

5) Rye's Taxi

68 Purchase Street  
Rye, New York

6) Westchester Taxi & Airport Service

16 School Street  
Rye, New York

## Additional Taxi Information

A) A taxi company must have a minimum of three (3) cars in order to rent one of the six taxi stall spots at the Metro North train station. These spots are assigned through a lottery system held by the City Clerk's office on an annual basis in December. The spots are rotated every two months so that every company has access to each different spot at one point during the year.

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1) County Taxi & Airport Service

88 Purchase Street  
Rye, New York

2) Purchase Street Taxi

51 Purchase Street  
Rye, New York

3) Rye Brook Cab & Airport Service

68 Purchase Street  
Rye, New York

4) Rye Metro Taxicab

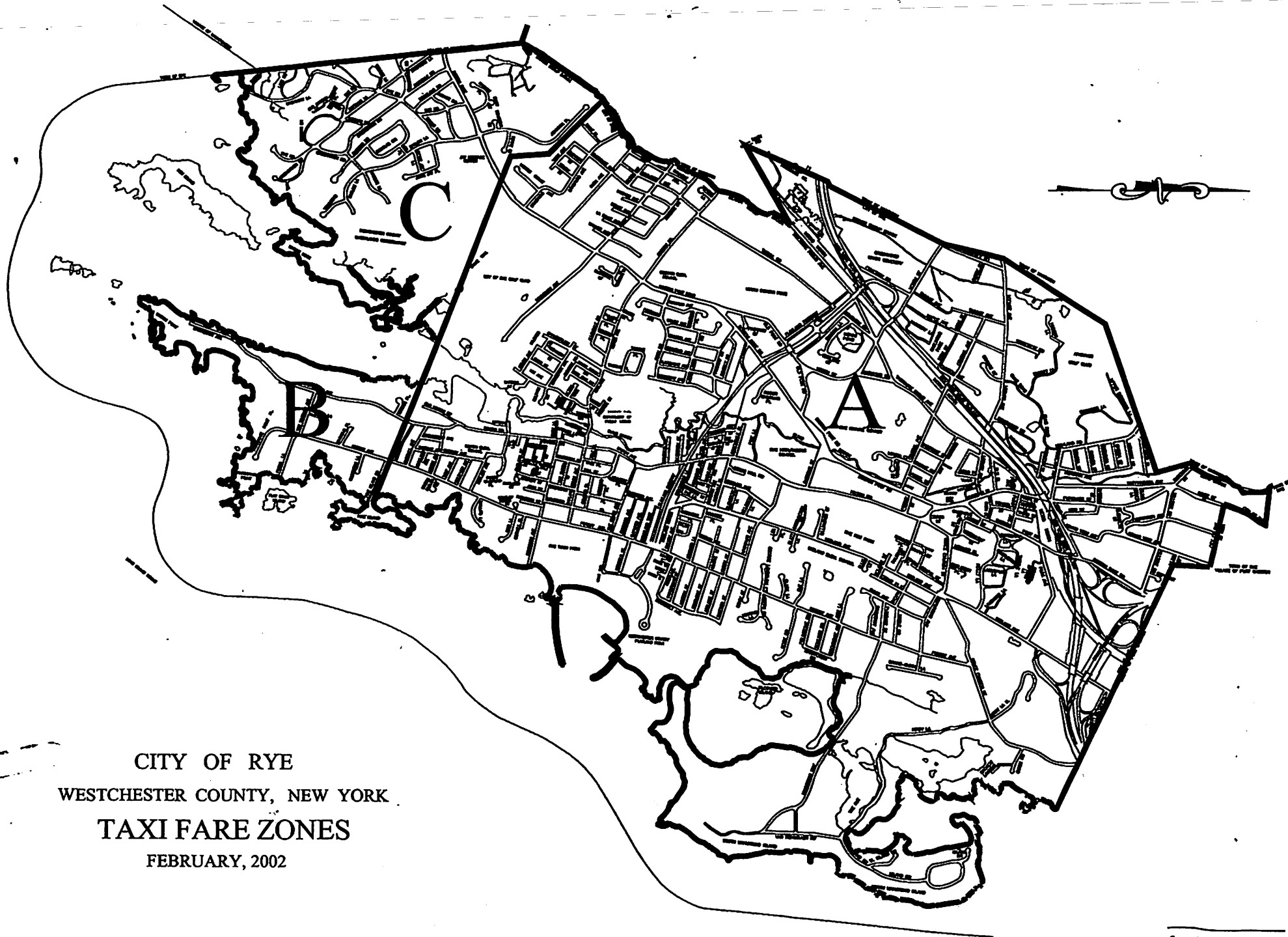
62 Orchard Ave  
Rye, New York

5) Rye's Taxi

68 Purchase Street  
Rye, New York

6) Westchester Taxi & Airport Service

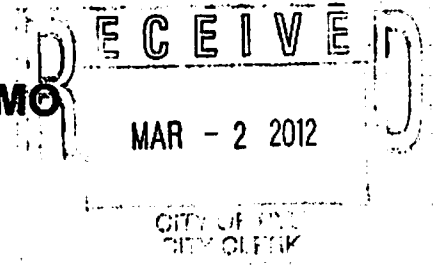
16 School Street  
Rye, New York



CITY OF RYE  
WESTCHESTER COUNTY, NEW YORK  
TAXI FARE ZONES  
FEBRUARY, 2002

# **PURCHASE STREET TAXI & LIMO**

51 Purchase Street  
Rye, NY 10580  
(914) 967-500



City of Rye, March 02/2012

Mayor, City Counsel, and City Clerk  
3<sup>rd</sup> Floor, City Hall  
1051 Boston Post Road  
Rye, NY 10580

### **Mayor, Members of City Counsel, and City Clerk:**

This Letter is written as a formal request for an increase in minimum Cab fare in the City or Rye from \$ 4 to \$ 7. We deemed this increase is needed and long overdue based upon the following reasons:

- 1) The last increase we were granted took place 10 years ago on March 21 of 2002
- 2) The gas prices have more than triple in 10 years. The average gas price in 2002 was \$ 1.36. It is \$ 4.05 at the present time and continues to go up.
- 3) Insurance premiums for taxies have more than double in this period, being the average amount we now have to pay \$ 4,500.00
- 4) Maintenance and parts for the vehicles have considerably increased
- 5) All other branches of the transportation industry (Trains, buses, planes) have increased their prices several times due to the inflation and to be able to stay in business. Even the City of Rye was in need to double the parking permits fees last year( which don't required any maintenance or spending in order to function) to make them profitable.

We feel the fares we are presently charging are disproportioned to the realities of the financial situation the country is going through, and is making it very difficult to our drivers to make a living and render an adequate and efficient service.

Thank you for your time and consideration on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank Kabdebo".

Frank Kabdebo  
Owner  
Purchase Street Taxi & Limo

**Rye Taxi & Airport Service, Inc.**  
**88 Purchase Street**  
**Rye, NY, 10573**  
**T 914-967-3003**  
**F 914-967-0683**

**April 11, 2011**

**Mr. Scott Pickup**  
**City Manager**  
**City of Rye**  
**Rye City Hall**  
**Third Floor**  
**Rye, NY, 10580**

**Mr. Pickup,**

**Pursuant to Mr. Frank Kabdebos letter of March 2, 2012 and our meeting of April 4, 2012 Rye Taxi & Airport Service, Inc. would like to add the following to your agenda for consideration:**

- The addition of three spaces designated for the exclusive use of taxis, so as to not block commuter parking.**
- Presently the area where vans and buses are waiting for passengers blocks the view of pedestrians trying to cross the street creating a hazardous situation. It also might be suggested that they do not idle their engines while waiting, as this is not of any benefit to our environment.**
- \*We understand that The City is contemplating to limit the companies servicing the City of Rye to the current number of six. Additional companies would result in even more taxis in need of station parking, and decrease the income of those drivers currently employed.**

**We appreciate your time and effort concerning this issue.**

**Sincerely,**

**Daniel Delisa**  
**Owner**  
**Rye Taxi & Airport Service, Inc.**

## TAXI FARES

Municipality	Fare	Late Night Charges	Additional Passenger Fee	Senior Rate	Date Adopted
Bronxville	\$4.50	\$5.50 (10:00 pm to 5:00 am)	\$1.00 for each additional passenger in same party	\$2.75 between 10:00 am and 3:00 pm	1990
Dobbs Ferry	\$6.00	\$1.00 for pickup after 10:00 pm	\$1.00 for additional passengers to or from same address		2008
Larchmont	\$4.25	\$6.00 (11:00 pm to 6:00 am)	\$1.00 for additional passenger to same stop		9/15/2005
Mamaroneck Village	\$4.50	\$2.50 additional (12:00 am to 4:30 am)	\$1.50 for each additional passenger	\$4.00	3/5/2007
New Rochelle	\$3.50 first 2/8 of a mile - \$.25 for each additional 1/8 of a mile	1 ½ times day rate (11:00 pm to 6:00 am)		\$.35 off the initial fare of \$3.50	2008
Port Chester	\$4.00		\$1.25 for each additional passenger	\$2.00	12/1/2003
Scarsdale	\$4.50 to \$9.00 based on zone		\$2.00 for each additional passenger		6/30/2008
Tarrytown	\$4.00		\$1.00 each additional passenger to same stop	\$3.00	
Tuckahoe	\$4.75		\$1.00 for each additional passenger	\$.75 with coupon 9:00 am to 3:00 pm	5/2008



**CITY OF RYE**

**PROPOSED LOCAL LAW NO. 2012**

**A local law to amend Chapter 180, Taxicabs, §180-6, “Form of License; Badge”, §180-7, “Renewal of driver’s license”, and §180-14, “Payment of fares” of the Code of the City of Rye**

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

**Section 1: Chapter 180, Taxicabs**

**§180-1. Definitions.**

Unless otherwise expressly stated, whenever used in this chapter the following words shall have the meaning given to them by this section:

**DRIVER'S LICENSE**

Any permission granted to any person to drive a licensed taxicab upon the streets of the city.

**OPERATOR**

Any person owning or having control of the use of one or more taxicabs used for hire upon the streets of the City or engaged in the business of operating a taxicab.

**TAXICAB**

Any motor vehicle engaged in the business of carrying persons for hire, whether the same be operated from a street stand or subject to calls from a garage or otherwise operated for hire, except vehicles subject to the provisions of the Transportation Corporations Law or used by undertakers in carrying on their business.

**TAXICAB DRIVER**

Any person who drives a taxicab, whether such person be the owner of such taxicab or employed by a taxicab owner or operator.

**TAXICAB LICENSE**

Any permission granted to any person to operate or keep for hire any taxicab in the city.

**TAXICAB STAND**

Any place alongside the curb of a street or elsewhere which is exclusively reserved for the use of taxicabs.

**§180-2. General license requirements.**

It shall be unlawful for any person to drive, operate or keep for hire or pay within the City any taxicab without first having obtained and paid for a license to drive or a license for operating or keeping for pay or hire, or both.

### **§180-3. Driver's license required.**

No person shall drive a taxicab and no person shall permit anyone to drive a taxicab within the City without a driver's license.

### **§180-4. Application for driver's license.**

**[Amended 10-14-1981 by L.L. No. 5-1981]**

An application for a driver's license must be made on a blank form furnished by the Police Department. The original application, which must have the approval of the Commissioner of Police endorsed thereon, shall be filed with the Clerk, who shall issue a license as provided herein. The applicant must file a copy of said application with the Commissioner of Police and comply with the following to the satisfaction of the Commissioner of Police:

- A.** First have obtained a chauffeur's license.
- B.** Be of sound physique with good eyesight and not subject to epilepsy, vertigo, heart trouble or any other infirmity of body or mind which might render him or her unfit for the safe operation of a public vehicle.
- C.** Be clean in dress and person and not addicted to the use of intoxicating liquors or drugs.
- D.** Be familiar with the provisions of this chapter, the vehicle and traffic and highway laws of the state and the traffic regulations and geography of the city.
- E.** Produce on forms to be provided by the Police Department:
  - (1)** A testimonial affidavit from his or her employer.
  - (2)** Affidavits of good character from two responsible persons who have known him or her personally and have observed his or her conduct for at least one year next preceding the date of his or her application.
  - (3)** An affidavit by the applicant, giving such additional information as may be required.

### **§180-5. Photograph of driver.**

**[Amended 10-14-1981 by L.L. No. 5-1981]**

Each applicant for a driver's license must file with his or her application three unmounted, unretouched photographs of himself or herself, in such position and in such size as the Commissioner of Police may direct, taken within the 30 days preceding the filing of his or her application; photographs shall be of a size which may be easily attached to his or her license, one of which shall be attached to the license when issued, one shall be filed with the Clerk and one shall be filed with the copy of the application filed with the Commissioner of Police.

### **§180-6. Form of license [badge].**

Upon satisfactory fulfillment of the foregoing requirements, the Clerk shall issue to the applicant a license, which shall be in such form as to contain the photograph and signature of the licensee,

[and a metal badge,] with his or her license number thereon, which must be constantly and conspicuously displayed on the outside of the driver's outer garment when he or she is engaged in his or her employment. All licenses shall be displayed in a conspicuous place in the taxicab which is in the charge of the licensee.

#### **§180-7. Renewal of driver's license.**

[Amended 10-14-1981 by L.L. No. 5-1981]

A driver, in applying for a renewal of his or her license, shall make such application not less than [30] 60 days next preceding its expiration upon a blank form to be furnished by the Police Department. A copy of said application for renewal must be filed with the Commissioner of Police. The original renewal application, which must have the approval of the Commissioner of Police endorsed thereon, shall be filed with the Clerk, who shall thereupon issue a license as provided herein.

#### **§180-8. Fee for driver's license.**

[Amended 12-4-1985 by L.L. No. 16-1985; 12-18-1991 by L.L. No. 31-1991; 12-21-1994 by L.L. No. 4-1994; 12-20-2000 by L.L. No. 17-2000; 2-1-2006 by L.L. No. 3-2006]

An annual license fee shall be set annually by resolution of the City Council before adoption of the budget for the following year for a driver's license or renewal thereof; no allowance shall be made for any part of a year.

#### **§180-9. Record of driver's license.**

[Amended 10-14-1981 by L.L. No. 5-1981]

The Commissioner of Police shall keep a complete record of each license issued to a driver and of all renewals, suspensions and revocations thereof.

#### **§180-10. Application for license for vehicle.**

[Amended 10-14-1981 by L.L. No. 5-1981]

A. It shall be unlawful for any person to operate or permit to be operated a taxicab upon the streets of the City without first having obtained therefor a taxicab license. An application for a taxicab license shall be made by the owner on a blank form to be furnished by the Police Department, and a copy of said application shall be filed with the Commissioner of Police. The original application, which must have the approval of the Commissioner of Police endorsed thereon, shall be filed with the Clerk, who shall issue a license as provided herein.

B. It appearing that there are insufficient places to put taxi stands to provide parking in the core areas of the City, including the train station area, and that, as a result, there are arguments and disturbances and the streets are congested by the dispatching of taxicabs and the pickup and dropoff of passengers and that the number of taxi companies bears a direct relationship to the amount of congestion and to the disturbances that arise; it appearing, in addition, that the pressure for more and more drivers as more companies are created results in danger to the public health, welfare and the good relationships necessary

**to living in a densely populated community, for these reasons, the number of companies which may be licensed at any one time is six.**

**§180-11. Inspection of vehicles before licensing.**

**[Amended 10-14-1981 by L.L. No. 5-1981]**

No vehicle shall be licensed until it has been thoroughly and carefully inspected and examined by the Commissioner of Police and found to be in a thoroughly safe condition for the transportation of passengers. If, upon inspection, a taxicab is found to be of lawful construction and in proper condition in accordance with the provisions of this chapter, the Commissioner of Police shall endorse his or her approval on the application to be filed with the Clerk. Each vehicle shall be inspected each year by the Commissioner of Police.

**§180-12. Vehicle license fees.**

**[Amended 12-4-1985 by L.L. No. 16-1985; 12-18-1991 by L.L. No. 31-1991; 12-21-1994 by L.L. No. 4-1994; 12-20-2000 by L.L. No. 17-2000; 2-1-2006 by L.L. No. 3-2006]**

Each taxicab licensed under this chapter shall pay an annual license fee set annually by resolution of the City Council before adoption of the budget for the following year as follows:

- A. Taxicabs seating up to seven passengers.
- B. Coach or bus seating over seven passengers.

**§180-13. Register of licensed taxicabs.**

**[Amended 10-14-1981 by L.L. No. 5-1981]**

The Commissioner of Police shall keep a register of the name of each person owning or operating a taxicab licensed under this chapter, together with the license number and the description and make of such vehicle, with the date and complete record of inspections made of it. Such record shall be open to the inspection of the public at all reasonable times. If a taxicab shall be disabled, disqualified for service or sold, the Commissioner of Police may, in his or her discretion, permit the license granted for such taxicab to be used in connection with the taxicab purchased in its place. Should the state license number of a taxicab be changed during the term of the taxicab license, such change and number shall be immediately reported by the licensee to the Commissioner of Police and the Clerk.

**§180-14. Payment of fares.**

**[Amended 5-6-1964 by Ord. No. 8-1964; 6-16-1970 by Ord. No. 6-1970; 5-1-1974 by Ord. No. 1-1974; 5-18-1977 by Ord. No. 4-1977; 8-15-1979 by Ord. No. 6-1979; 3-5-1986 by L.L. No. 2-1986; 4-21-1993 by L.L. No. 2-1993; 2-6-2002 by L.L. No. 2-2002]**

- A.** Taxicab zones. The following taxicab Zones A to C are hereby established as shown on the annexed map which is made a part hereof: *Editor's Note: The Taxi Fare Zones Map is included at the end of this chapter.*

Zone	Fare
A	<del>[\$4.00]</del> <u>\$7.00</u>
B	<del>[\$5.00]</del> <u>\$8.00</u>
C	<del>[\$5.50]</del> <u>\$8.50</u>

**B.** Maximum fares to or from railroad station. The maximum fares for taxicabs between the railroad station and points within the taxicab zones shall be as follows:

Route	Maximum Fare
Between railroad station and points in Zone A	<del>[\$4.00]</del> <u>\$7.00</u>
Between railroad station and points in Zone B	<del>[\$5.00]</del> <u>\$8.00</u>
Between railroad station and points in Zone C	<del>[\$5.50]</del> <u>\$8.50</u>

**C.** Maximum fares between points other than to or from railroad station. The maximum fare between points within Zone A other than the railroad station shall be the regular fare of Zone A, plus \$0.50, and between points within other zones or between other zones shall be the regular fare of the highest zone involved, plus \$0.50.

**D.** Minimum fare. The minimum fare on Saturdays, Sundays and holidays shall be ~~[\$4.00]~~ \$7.00, and on other days between 12:00 midnight and 6:00 a.m. it shall be ~~[5.00]~~ \$9.00

**E.** Additional passengers. Each additional passenger coming from the same location as the passenger first engaging the taxicab and going to the same destination shall pay ~~[\$2]~~ \$3.00

**F.** Single passengers. Any single passenger who shall insist upon riding alone to the exclusion of other passengers waiting at the point of origin may be charged two whole fares.

**G.** Children. Children under six years, when accompanied by an adult, shall not be charged.

**H.** Rates per hour shall be as follows:

Service	Fee
Waiting time, shopping within the city, touring	<del>[\$30]</del> <u>\$45</u>

**I.** Rate card and Taxi Fare Zone Map. A card on which the above taxi fare rates are plainly printed and a copy of the Taxi Fare Zone Map shall be fastened and maintained in a conspicuous place in the taxicab so as to be conveniently read by passengers.

### **§180-15. Prepayment of fare.**

Every driver of a taxicab shall have the right to demand payment of the legal fare in advance and may refuse employment unless so prepaid, but no driver of a taxicab shall otherwise refuse or neglect to convey any orderly person or persons upon request anywhere in the City unless previously engaged or unable to do so.

### **§180-16. Disputed fares.**

All disputes as to fares shall be determined by the officer in charge at the police station, and failure to comply with such determination shall be a violation of this chapter and punishable as hereinafter provided. Whenever a passenger asks for a receipt, it shall be given to him by the driver. Such receipt shall state the name of the driver, the name of the owner of the taxicab, the number of the taxicab, the time when the trip began and ended and the amount of fare collected.

### **§180-17. Overcharging.**

No person shall charge or attempt to charge any person a greater rate of fare than that to which the taxicab is entitled under the provisions of this chapter.

### **§180-18. Cruising and soliciting.**

No vehicle offered to the public for hire, while waiting employment by passengers, shall stand on any public street or place other than a taxicab stand designated in accordance with the rules and ordinances of the city; nor shall any driver of such vehicle seek employment by repeatedly and persistently driving his vehicle to and from in a short space before, or by otherwise interfering with the proper and orderly access to or egress from, any theater, hall, hotel, public resort, railway or ferry station or other place of public gathering; but any such driver may solicit employment by driving through any public street or place without stops, other than those due to obstruction of traffic, and at such speed as not to interfere with or impede traffic, and may pass and repass before any theater, hall, hotel, public resort, railway or ferry station or other place of public gathering; provided that after passing such public places he shall not turn and repass until he shall have gone a distance of at least 500 feet upon the streets and highways of the city; and no person shall solicit passengers for a public vehicle as aforesaid, upon the public streets of the city, except the driver thereof, when sitting upon the driver's seat of his vehicle.

### **§180-19. Articles found in taxicabs.**

Every driver of a taxicab, immediately after the termination of any hiring or employment, must carefully search such taxicab for any property lost or left therein, and any property, unless sooner claimed or delivered to the owner, must be taken to the police station and deposited with the officer in charge within 24 hours after the finding thereof.

**Section 2: This local law will take effect immediately upon filing with the Secretary of State**



# CITY COUNCIL AGENDA

NO. 7

DEPT.: City Council

DATE: May 23, 2012

CONTACT: Mayor Douglas French

**AGENDA ITEM:** Presentation of candidates for the open seat on the Rye City Council to be appointed on June 13, 2012.

**FOR THE MEETING OF:**

May 23, 2012

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:**

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**

Councilwoman Keith is stepping down from the City Council. Based on the City Charter, the City Council will make an appointment to fill the seat through December 31, 2012, with a separate election to be held in November of 2012 to complete the term which expires in December of 2013. The City Council will make the appointment at their June 13, 2012 meeting.

All candidates who have expressed interest in filling the seat are asked to address the City Council and the public.



# CITY COUNCIL AGENDA

NO. 8

DEPT.: Finance

DATE: May 23, 2012

CONTACT: Jean Gribbins, City Comptroller

**AGENDA ITEM:** Presentation on City Financials by Scott Oling of the auditing firm of O'Connor, Davies, Munns & Dobbins, LLP.

**FOR THE MEETING OF:**

May 23, 2012

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:**

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**

A presentation will be made by Scott Oling of the auditing firm of O'Connor, Davies, Munns & Dobbins, LLP on City Financials.





# CITY COUNCIL AGENDA

NO. 9

DEPT.: City Manager

DATE: May 23, 2012

CONTACT: Scott Pickup, City Manager

**ACTION:** Continuation of Public Hearing to discuss potential capital projects to be included in a November, 2012 Bond Referendum.

**FOR THE MEETING OF:**

May 23, 2012

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:**

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** Timeline for a 2012 Bond Referendum:

May 23, 2012 – close Public Hearing regarding the projects to be bonded  
May 24, 2012 – June 7<sup>th</sup> – City Staff to work with Bond Counsel on bonding resolution  
June 8, 2012 – Distribute Bond Resolution to Council for review prior to adoption  
June 13, 2012 – adopt bonding resolution by 60% majority including a yes vote by the Mayor  
August, 2012 – send ballot information to Board of Elections (City Staff action only)  
November, 2012 – General Election  
November, 2012 – override the tax levy cap for 2013 budget to pay debt  
November to December 2012 – borrow funds if Bond Referendum passes  
January, 2013 – begin work on projects  
November, 2013 – override the tax levy cap for 2014 budget to pay debt  
December, 2013 – first interest payment due  
June, 2014 – second interest payment due  
December, 2014 – first principal payment and third interest payments due

See attached tentative project list.

**Potential Capital Projects for Inclusion in  
Possible November 2012 Bond Referendum  
City of Rye, New York**

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<b>Project Name</b>	<b>Description</b>	<b>Estimated Cost</b>
<b><i>Smith Street Reconstruction</i></b>	Project involves the reconstruction (including paved surface and base) and curb replacement, where necessary. Other improvements as noted in the 2009 CBD Planning and Streetscape Study should also be considered.	\$450,000 - \$500,000
<b><i>Smith/Elm/Purchase Intersection Improvements</i></b>	As recommended in the 2009 CBD Capital Planning and Streetscape Study the project involves replacing existing signal with stop signs and other traffic calming measures including changes in intersection paving material, bump-outs and new crosswalks.	\$225,000-\$300,000
<b><i>Purchase/Fremd/Purdy Signal Replacement</i></b>	As recommended in the 2009 CBD Capital Planning and Streetscape Study the project involves replacing traffic signals at this intersection to meet NYSDOT requirements and adding a turning lane on Theodore Fremd Avenue to reduce intersection delays.	\$425,000 - \$475,000
<b><i>Locust Avenue Sewer Siphon Replacement</i></b>	Abandon the “siphon” under the Locust Avenue bridge and construct a new sewer line with a more reliable, straight, gravity flow sewer line to the County trunk in Blind Brook. The existing pipes are approximately 100 years old, and one of the existing 4” pipes is partially compromised with an obstruction. The siphon conveys sewage for many businesses in the CBD.	\$150,000-\$200,000
<b><i>Boston Post Road Retaining Wall</i></b>	The rock wall/embankment on Boston Post Road opposite Purdy Avenue has been shedding rocks, compromising slope and wall stability. The wall straddles private and City right-of-way property lines. A unified wall approach similar to that completed on BPR would likely provide the greatest functional and aesthetic benefit, however more detailed engineering is required to determine whether the existing wall can be salvaged or a complete reconstruction is required.	\$350,000-\$525,000
<b><i>Sidewalk and Pedestrian Improvements</i></b>	Replacement of deteriorated sidewalk on Milton Road, ADA compliance and other pedestrian improvements needs in the City.	\$100,000

<b>Project Name</b>	<b>Description</b>	<b>Estimated Cost</b>
<b><i>MTA Parking Lot Improvements</i></b>	The City (which does not own the lot, but shares in the parking revenue with the MTA) previously discussed with the MTA possible cost/revenue sharing strategies to implement necessary repairs to the deteriorated lot. The proposed improvements would rehabilitate the lot, which has not been repaved in over 20 years, and implement pedestrian and vehicles safety improvements consistent with a preliminary concept plan prepared by MTA consultants in 2006.	\$2,650,000-\$3,000,000
<b><i>Rye Free Reading Room Improvements</i></b>	Installation of sprinklers and fire alarm system, ADA and flood control improvements and security cameras.	\$199,000
<b><i>Police/Court Upgrades</i></b>	Project includes construction of new secured sally port, elevator, interior stairwell, expanded court clerk facilities, judges chamber, court officer facilities and prisoner holding facility.	\$1,200,000
<b><i>Bowman Avenue Upper Pond Flood Mitigation Improvements</i></b>	Project would expand the capacity of the flood storage area of Bowman Avenue upper pond.	\$7,000,000 – \$13,000,000
<b><i>Total</i></b>		<b>\$12,399,000-\$19,399,000</b>



# CITY COUNCIL AGENDA

NO. 10

DEPT.: City Manager

DATE: May 23, 2012

CONTACT: Scott D. Pickup, City Manager

**AGENDA ITEM:** Public Hearing to amend Chapter 187 "Trees" of the City Code regarding the legislation of trees.

**FOR THE MEETING OF:**

May 23, 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.

Please see attached memorandum.

Christian K. Miller, AICP  
City Planner  
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<http://www.ryeny.gov>

**CITY OF RYE**  
**Department of Planning**

**Memorandum**

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To: Rye City Council

From: Christian K. Miller, AICP, City Planner

cc: Scott Pickup, City Manager  
Kristen K. Wilson, Esq., Corporation Counsel

Date: May 8, 2012

Subject: **Amendments to Chapter 187, *Trees*, of the City Code (Revised Draft)**

Attached hereto is the second revised draft amending Chapter 187, *Trees*, of the Rye City Code. The attached second draft was revised to eliminate the previously proposed "large properties provision", which would have allowed properties greater than five acres to remove up to ten trees without Board of Architectural Review (BAR) approval.

Also attached is an environmental assessment form (EAF), which the City Council is required by the State Environmental Quality Review Act (SEQRA) to review. A determination of environmental significance is required prior to the adoption of the local law.

The following provides a detailed description of the proposed changes to the existing tree law and where it differs from the amendments proposed by EAGR.

- *Findings and purpose (§ 187-1)*. This section was revised to include the additional language suggested by EAGR to enhance that the purpose of the tree law is to protect and provide for increased regulation of trees in the City. It does not include the language that the purpose of the law is to promote the planting of trees. This language is unnecessary because the existing tree law does not include barriers to planting of trees except for reasonable oversight by the City when trees are proposed to be planted on City property or City right-of-way.
- *Definitions (§ 187-2)*. The definition of "shrub" and "person" was revised or added to the existing law as recommended by EAGR. "Invasive species" was

## Amendments to Chapter 187, *Trees*, of the Rye City Code

May 8, 2012

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not defined, but the specific listing of prohibited trees was expanded to include invasive tree species. The definition of “protected tree” was not included in the definitions because it conflicted with the existing provisions designating protected trees in Section 187-16 of the law.

- *Planting of Trees (§ 187-3)*. No changes were made to this section. It was the intent of EAGR’s proposed changes to this section to remove barriers to planting trees on private property. It is unnecessary because the City does not restrict, charge fees or regulate the planting of trees on private property except for existing section 187-10 which “...prohibits silver maples and allied species, ailanthus and poplars of any variety within a distance of 20 feet from any public street, right-of-way, sidewalk or other public place.” EAGR’s proposed language potentially conflicts with existing provisions in the law, which requires residents to obtain Tree Foreman approval to plant trees on public property. The City must continue to retain its existing authority to require oversight of tree planting on City property to confirm that the proper tree is planted in the appropriate location.
- *Injury to Public Trees (§ 187-4)*. This section was amended to include the existing restrictions prohibiting the tying animals or fastening signs to public trees currently found in section 187-5 (see discussion immediately below). This change was made to provide for a new section 187-5 outlining the responsibilities of the City.
- *Responsibility of City (§ 187-5)*. This section was changed to include the language proposed by EAGR regarding the responsibility of the City with respect to the preservation and maintenance of trees.
- *Permit Required for Public Trees (§ 187-6)*. This section was amended as requested by EAGR that all City property, except for City road right-of-ways would be subject to the tree removal process as private property owners.
- *Removal of Limbs (§ 187-9)*. This section was amended to include new language proposed by EAGR regarding the responsibility of utility companies to adhere to the tree maintenance practices established by the International Society of Arboriculture (ISA) and American National Standards Institute (ANSI).
- *Prohibited Trees (§ 187-10)*. This section was amended to prohibit the planting of the following trees: Amur maple, Norway maple, Sycamore maple, Planetree maple, Princess Tree, White poplar, Silver poplar, Black locust, Yellow locust, False acacia, Tree of heaven, Copal tree and European black alder. The list of prohibited trees in the current law was expanded as recommended by EAGR to include invasive species and is listed by their common and scientific names. EAGR recommended that the law reference the Invasive Plant Atlas of New England (IPANE), as amended. The IPANE website includes a long list of invasive plant material including trees, shrubs and groundcover. In order to

## Amendments to Chapter 187, *Trees*, of the Rye City Code

May 8, 2012

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avoid confusion for the public and staff I amended the law to include only the tree species considered invasive by the IPANE website. I did not want to create the impression that the proposed tree law amendments prohibited certain kinds of shrubs or groundcover listed on the website.

- *Removal of Trees; Permit Required (§187-11)*. The law was revised as recommended by EAGR, to require that all trees over 8 inches DBH to obtain a tree removal permit. Currently, only those trees over 8 inches in caliper located in the required front yard setback or other required yard abutting public property require a tree removal permit for the City's Tree Foreman. Under the proposed amended tree law tree removal permits would continue to be issued by the City's Tree Foreman consistent with current practice. Staff believes at this time that it can administer the increased permit load without the need to retain a consulting arborist<sup>1</sup>. This will allow the permits to be administered more quickly and at a lower permit cost as encouraged by EAGR.

The law does not provide for a new Tree Review Committee (TRC) to review and approve each tree removal permit. As discussed at the Council's March 14 meeting, the administrative and procedural demands of a new discretionary board may be more significant than the City Council or EAGR realize. A TRC will be a discretionary review board and have the same administrative and procedural responsibilities as any other City land use board, such as the City Planning Commission, Board of Architectural Review or Board of Appeals. A TRC will be required to meet on a regular basis, keep minutes, have meetings open to the public, keep records of its decisions, conduct site inspections and generally be prepared to work thorough conversations where the applicant or members of the community want a tree removed and others may not. Within this context there is increasing legal liability with not authorizing the removal of trees where there is evidence from a professional that the tree may represent a hazard.

As a more manageable alternative, the proposed draft law requires the Board of Architectural Review (BAR) to review and approve requests to remove more than three trees on a property. This change was made given that the BAR has some tree review responsibilities under the existing tree law and under Chapter 53 of the City Code. Furthermore, the removal of more than three trees is likely often related to activities that would be subject to BAR review anyway. This will provide some permitting efficiency for applicants and City Staff. At the Council's March 14 meeting a member of the BAR stated support for amendments to the tree law. Giving the BAR these additional responsibilities has not been confirmed with all BAR members.

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<sup>1</sup> 2011 – 97; 2010 – 71; 2009 - 79; 2008 – 52; 2007 – 85; 2006 – 80; 2005 – 78; 2004 – 88.

## Amendments to Chapter 187, *Trees*, of the Rye City Code

May 8, 2012

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The April 6, 2012 draft law proposed that Board of Architectural Review (BAR) approval be required for the removal of ten or more trees on a property larger than five acres. Properties less than five acres require BAR approval for four or more trees. In all other cases removal of trees more than 8 inches DBH require approval by the Tree Forman. Based on a lot size analysis using the City's GIS it is estimated that there are approximately 45 properties out of the 4,500 properties in the City that are greater than five acres. As a result of the discussion at the Council's April 18 meeting the "large property provision" was removed.

Supporting the BAR will increase permit processing, administrative support and permit compliance demands of the City Building Department. The Planning Department will assist to the extent possible, however these additional responsibilities will require adjustments in current service to accommodate these new demands. The City Council or BAR may also want to offset these demands by considering adjustments in the definition of "small project" to reduce the number of applications the BAR reviews.

The revised draft law authorizes (but does not require) the BAR to require replacement trees as a condition of issuing a permit. The number, type and size of replacement trees would be at the discretion of the BAR, which must consider the feasibility of the site and other practical difficulties to accommodate replacement trees. This is a compromise from the EAGR law, which authorized the TRC to require the planting of mitigation trees of a specific size and a two-year survival period. Staff will be required to inspect properties to confirm that mitigation trees were planted and survived for a period of "two calendar years". Non-compliance with approved tree permits will increase enforcement responsibilities for the City and leave a property subject to inspection by City staff or the TRC. This is a significant issue that can encumber properties with permit conditions for an indefinite period unless specified in the law. City staff will evaluate our ability monitor and enforce the mitigation provision as we get more experience with the number of type of tree removal permits we receive over the next year.

- *Granting of Permits; Stop Orders (§187-12)*. The law was revised consistent with the recommendations of EAGR to allow for the City Manger to authorize tree removal without a permit for limited periods after storm events. The tree removal criteria was also revised to clarify that the Tree Foreman can authorize the removal of a tree already approved to be removed by a City land use board.

The law was not amended to change the tree removal criteria proposed by EAGR. The criteria are generally the same except that the proposed EAGR amendments would require a determination by a certified arborist that the tree is dead or requires removal. Requiring an applicant or the City to retain an arborist to determine whether a tree can be removed in all cases would be costly and



## Amendments to Chapter 187, *Trees*, of the Rye City Code

May 8, 2012

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potentially unnecessary when a tree is clearly dead or diseased. The City will continue its current practice of requesting an arborist determination from the applicant in cases where the health of the tree does not appear compromised in the opinion of the Tree Foreman.

The proposed EAGR law also proposed limiting tree removal for only the “placement of a primary structure on a lot.” This criteria is too limiting and would appear to prohibit other reasonable and permitted uses of property. The existing language in the law was retained, which allows removal “if a tree substantially interferes with a permitted use of the property”.

The attached law continues to have City staff retain its enforcement authority over the tree ordinance. Enforcement under the EAGR law would be dependant on whether the TRC determines there is a violation. Enforcement is an extremely sensitive issue that has legal ramifications that are challenging for a lay committee to administer.

Since the BAR would assume tree review authority this section of the law was revised to make the Planning Commission the appellate board in the event a permit is denied.

- *Prohibited Use of City Transfer Station for Trunks and Stumps (§187-15)*. This section was removed because it is no longer relevant. The City no longer operates a transfer station.
- *Penalties for Offences (§187-17)*. The law was revised as recommended by EAGR to increase the fine for unpermitted removal from \$250 to \$500. The section was also revised to incorporate some of the mitigation ideas suggested by EAGR in their proposed amendments. The revised enforcement section sets forth minimum tree caliper sizes for replacement trees lost to unauthorized removal similar to the mitigation provisions recommended by EAGR. It also allows for payment to a City tree replacement fund. Other aspects of the EAGR amendments to the enforcement section presented legal concerns that can be better addressed by Corporation Counsel.

**DRAFT****LOCAL LAW  
CITY OF RYE NO. \_\_\_\_\_ -2012****A Local law to amend Chapter 187 “Trees”, of the  
Code of the City of Rye, New York**

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

**Section 1.** Chapter 187, “Trees”, of the Code of the City of Rye is hereby amended in its entirety and replaced with the following<sup>1</sup>:

**ARTICLE I Findings and Purpose**

§ 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, yield advantageous microclimate effects, 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 unregulated removal of trees deprives the community of all these benefits. The purpose of this Local Law is to 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 Definitions.

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

**CITY NATURALIST** The naturalist for the City of Rye or such representative 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.

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

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

**SHRUB** A woody plants of relatively low height, having several ~~with many more or less erect~~ stems arising from the base and lacking a single trunk; a bush.

<sup>1</sup> For the reader’s convenience all changes to existing Chapter 187 are shown in underline for additions and ~~strikethrough~~ for deletions.

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 Superintendent of Public Works.

### **ARTICLE III Trees on Public Property**

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

#### § 187-3 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.

- 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.

#### § 187-4 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. No person shall fasten or tie any animal to or attach any sign, bill, card, notice or advertisement to any tree or shrub in any public street, right-of-way, park or public place or allow any animal under his control to injure any such tree or shrub.

§ 187-5 ~~Fastening of animals or attaching of signs to trees or shrubs. Responsibility of City~~

~~No person shall fasten or tie any animal to or attach any sign, bill, card, notice or advertisement to any tree or shrub in any public street, right of way, park or public place or allow any animal under his control to injure any such tree or shrub. 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. 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. 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.~~

§ 187-6 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. The removal of trees on all City property, except City road right-of-ways shall be subject the requirements of § 187-11.

§ 187-7 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.

§ 187-8 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.

§ 187-9 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. 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. 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 Department of Public Works, except in the event of an emergency when a tree has fallen on a distribution line. W, 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.

#### ARTICLE IV Trees on Private Property

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

##### § 187-10 Prohibited trees.

Property owners and other persons are prohibited from planting silver maples (Acer saccharinum) and allied species, ailanthus and poplars of any variety within a distance of 20 feet from any public street, right-of-way, sidewalk or other public place. In addition, the following trees are considered invasive species and not permitted to be planted on any property: Amur maple (Acer ginnala Maxim.), Norway maple (Acer platanoides L.), Sycamore maple (Acer pseudoplatanus L.), Planetree maple, Princess Tree (Paulownia tomentosa), White poplar (Populus alba L.), Silver poplar (Acer saccharinum), Black locust (Robinia pseudoacacia L.), Yellow locust (Robinia pseudoacacia L.), False acacia, Tree of heaven (Ailanthus altissima (Mill.)), Copal tree and European black alder (Alnus glutinosa (L.)).

##### § 187-11 Removal of trees; permit required.

Any property owner applying for subdivision approval whose plans would require the removal of any trees is subject to regulations outlined in Chapter 170, Article IV, § 170-15D. In addition, no person shall remove a tree eight (8) inches DBH or greater in diameter measured 54 inches from the base of said tree in a required yard adjoining public property or any tree in an historic district without first obtaining a tree removal permit from the Department of Public Works and approved by the Tree Foreman. ~~Dimensions for required yards are established in Chapter 197, Article VIII,~~

The removal of four (4) or more trees eight (8) inches DBH or greater within one (1) year shall not be permitted unless approved by the Board of Architectural Review subject to the review criteria of §187-12.B.

§ 187-12 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 ~~upon forms prescribed by the City Naturalist, The City Naturalist may adopt rules for obtaining and processing of permits subject to approval by the City Council.~~ The fee for each application shall be set annually by resolution of the City Council before adoption of the budget for the following year, payable upon submission of the application. Approval of permits shall be made by the ~~City Naturalist~~ Tree Foreman. Denial of permits by the ~~City Naturalist~~ Tree Foreman or Board of Architectural Review may be appealed to the ~~Board of Architectural Review~~ Planning Commission pursuant to the review procedures under this Code. The ~~Board of Architectural Review~~ 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.

B. Permits for the removal, cutting or destruction of trees may be granted by the Tree Foreman or Board of Architectural review, as applicable, under the following circumstances:

(1) If the presence of the tree ~~would~~ could cause hardship or endanger the public or the person or the property of the owner or of an adjoining owner.

(2) If a tree is dead, diseased or threatens the health of other trees.

(3) If a tree substantially interferes with a permitted use of the property.

(4) If the tree was authorized to be removed as part of an approval granted by the Board of Architectural Review, Planning Commission or Board of Appeals.

C. Stop order. If the City Naturalist or Tree Foreman determines the removal, cutting or destruction of trees for which a permit has been granted is not proceeding according to the permit, the City Naturalist or Tree Foreman may issue a stop order. Work will not resume until approved corrective measures are undertaken.

D. 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.

E. When an application is subject to review the Board of Architectural Review, the Board may require as a condition of permit approval the planting of replacement trees. The type, size and quantity of replacement trees shall at the discretion of the Board of Architectural Review, which shall consider the feasibility of the site and other practical difficulties to accommodate replacement trees.

§ 187-13 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.

§ 187-14 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.

~~§ 187-15 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 V Protected Trees

§ 187-16 Protected trees.

Trees designated as protected may not be removed unless the City Naturalist or Tree Foreman 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 VI Penalties for Offenses

§ 187-17 Penalties for offenses.

A. Any person, firm or corporation violating any of the provisions of this chapter will be required to replace, in kind, each and every tree removed, cut down or destroyed. If the tree was so large and mature that it cannot be replaced, the City Naturalist or Tree Foreman may require the planting of multiple trees having a minimum size of three (3) inches in diameter

measured 54 inches from the base of said tree. If multiple trees cannot be planted on the site of the violation, other available planting spaces on public property ~~will~~may be used to accommodate the balance of the penalty or an equivalent monetary value for required replacement trees may be deposited into a City tree replacement fund. 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 ~~\$250-500~~ for each and every tree removed, cut down or destroyed in violation of this chapter.
- 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 § 187-12 for a reasonable period of time to ensure future compliance, in the discretion of the City Naturalist, subject to appeal to the City Manager.

## **ARTICLE VII Enforcement**

§ 187-18 Enforcement.

The City Naturalist, ~~tree~~Tree ~~f~~Foreman and Building Inspector, with the assistance of the police, shall enforce this chapter.

### **Section 2. Severability**

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this Local Law shall not affect the validity of any other part of this Local Law that can be given effect without such invalid part or parts.

### **Section 3. Effective Date**

This Local Law shall take effect immediately upon its adoption and filing with the Secretary of State.



617.20  
Appendix A  
State Environmental Quality Review  
FULL ENVIRONMENTAL ASSESSMENT FORM

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

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

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

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

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

**Identify the Portions of EAF completed for this project:**       Part 1       Part 2       Part 3

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

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

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

**A Local law to amend Chapter 187 "Trees" of the Code of the City of Rye, New York**


\_\_\_\_\_  
Name of Action

\_\_\_\_\_  
Rye City Council  
Name of Lead Agency

\_\_\_\_\_  
Douglas H. French  
Print or Type Name of Responsible Officer in Lead Agency

\_\_\_\_\_  
Mayor  
Title of Responsible Officer

\_\_\_\_\_  
Signature of Responsible Officer in Lead Agency

\_\_\_\_\_  
  
Signature of Preparer (If different from responsible officer)  
Christian K. Miller, AICP

\_\_\_\_\_  
May 8, 2012  
Date

# PART 1 – PROJECT INFORMATION

## Prepared by Project Sponsor

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

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

NAME OF ACTION <b>A Local law to amend Chapter 187 "Trees" of the Code of the City of Rye, New York</b>		
LOCATION OF ACTION (Include Street Address, Municipality and County) City of Rye		
NAME OF APPLICANT/SPONSOR Rye City Council		BUSINESS TELEPHONE (914) 967-7167
ADDRESS 1051 Boston Post Road		
CITY/PO City of Rye	STATE NY	ZIP CODE 10580
NAME OF OWNER (if different) Same as above		BUSINESS TELEPHONE ( )
ADDRESS		
CITY/PO	STATE	ZIP CODE
DESCRIPTION OF ACTION Adoption of a local law to amend Chapter 187 "Trees" of the Code of the City of Rye, New York to increase the regulation of trees.		

**Please Complete Each Question**

**A. Site Description – N/A – Propose Action is not site specific. See attachment to EAF.**

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

1. Present Land Use:       Urban       Industrial       Commercial       Residential (Suburban)  
                                   Forest       Agriculture       Rural (Non-Farm)       Other \_\_\_\_\_

2. Total Acreage of Project Area: \_\_\_\_\_ acres.

APPROXIMATE ACREAGE	PRESENTLY	AFTER COMPLETION
Meadow or Brushland (Non-Agricultural)	_____ acres	_____ acres
Forested	_____ acres	_____ acres
Agricultural (Includes orchards, cropland, pasture, etc)	_____ acres	_____ acres
Wetland (Freshwater or tidal as per Article 24,25 of ECL	_____ acres	_____ acres
Water Surface Area	_____ acres	_____ acres
Unvegetated (Rock, earth or fill)	_____ acres	_____ acres
Roads, buildings & other paved surfaces	_____ acres	_____ acres
Other (Indicate type): _____	_____ acres	_____ acres

3. What is predominant soil type(s) on project site? \_\_\_\_\_

- a. Soil Drainage:  
 Well drained \_\_\_\_\_% of site       Moderately drained \_\_\_\_\_% of site       Poorly drained \_\_\_\_\_% of site
- b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? \_\_\_\_\_ acres. (See 1 NYCRR 370)

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

- a. What is depth to bedrock? \_\_\_\_\_ (in feet)

5. Approximate percentage of proposed project site with slopes:  
 0 - 10% \_\_\_\_\_%       10 – 15% \_\_\_\_\_%       15% or greater \_\_\_\_\_%
6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or the National Registers of Historic Places?     Yes     No
7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks?     Yes     No
8. What is the depth of the water table? \_\_\_\_ (in feet)
9. Is site located over a primary, principal, or sole source aquifer?     Yes     No
10. Do hunting, fishing or shell fishing opportunities presently exist in the project area?     Yes     No
11. Does project site contain any species of plant or animal life that is identified as threatened or endangered?  
 Yes     No    According to \_\_\_\_\_  
 Identify each species \_\_\_\_\_
12. Are there any unique or unusual land forms on the project site? (i.e. cliffs, dunes, other geological formations)  
 Yes     No    Describe \_\_\_\_\_  
 \_\_\_\_\_
13. Is the project site presently used by the community or neighborhood as an open space or recreation area?  
 Yes     No    If yes, explain \_\_\_\_\_
14. Does the present site include scenic views known to be important to the community?  
 Yes     No
15. Streams within or contiguous to project area: \_\_\_\_\_  
 a. Name of Stream and River to which it is tributary: \_\_\_\_\_
16. Lakes, ponds, wetland areas within or contiguous to project area:  
 a. Name \_\_\_\_\_ b. Size in acres \_\_\_\_\_
17. Is the site served by existing public utilities?     Yes     No  
 a. If yes, does sufficient capacity exist to allow connection?     Yes     No  
 b. If yes, will improvements be necessary to allow connection?     Yes     No
18. Is the site located in an agricultural district certified pursuant to Agriculture and Market Laws, Article 25-AA, Section 303 and 304?  
 Yes     No
19. Is the site located in or substantially contiguous to a Critical Environmental Area or an Environmentally Sensitive Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617?     Yes     No
20. Has the site ever been used for the disposal of solid or hazardous wastes?     Yes     No

**B. Project Description – N/A – Propose Action is not site specific. See attachment to EAF.**

1. Physical dimensions and scale of project (fill in dimensions as appropriate)
- Total contiguous acreage owned or controlled by project sponsor \_\_\_\_\_ acres.
  - Project acreage to be developed: \_\_\_\_\_ acres initially; \_\_\_\_\_ acres ultimately.
  - Project acreage to remain undeveloped \_\_\_\_\_ acres.
  - Length of project in miles: \_\_\_\_\_ (if appropriate)
  - If the project is an expansion, indicate percent of expansion proposed \_\_\_\_\_ %.
  - Number of off-street parking spaces existing \_\_\_\_\_ proposed \_\_\_\_\_
  - Maximum vehicular trips generated per hour \_\_\_\_\_ (upon completion of project)?
  - If residential: Number and type of housing units:
- |            | One Family | Two Family | Multiple Family | Condominium |
|------------|------------|------------|-----------------|-------------|
| Initially  | _____      | _____      | _____           | _____       |
| Ultimately | _____      | _____      | _____           | _____       |
- Dimensions (in feet) of largest proposed structure: \_\_\_\_\_ height    \_\_\_\_\_ width    \_\_\_\_\_ length.
  - Linear feet of frontage along a public thoroughfare project will occupy is? \_\_\_\_\_ feet.

2. How much natural material (i.e., rock, earth, etc.) will be removed from the site? \_\_\_\_\_ tons/cubic yards.
3. Will disturbed areas be reclaimed?  Yes  No  N/A
- a. If yes, for what intended purpose is the site being reclaimed? \_\_\_\_\_
- b. Will topsoil be stockpiled for reclamation?  Yes  No
- c. Will upper subsoil be stockpiled for reclamation?  Yes  No
4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? \_\_\_\_\_ acres.
5. Will any mature forest (over 100 years old) or other locally important vegetation be removed by this project?  Yes  No
6. If single phase project: Anticipated period of construction \_\_\_\_\_ months, (including demolition)
7. If multi-phased:
- a. Total number of phases anticipated \_\_\_\_\_ (number)
- b. Anticipated date of commencement Phase 1 \_\_\_\_\_ month \_\_\_\_\_ year. (Including demolition)
- c. Approximate completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year.
- d. Is Phase 1 functionally dependent on subsequent phase?  Yes  No
8. Will blasting occur during construction?  Yes  No
9. Number of jobs generated: during construction \_\_\_\_\_ after project is complete \_\_\_\_\_
10. Number of jobs eliminated by this project \_\_\_\_\_
11. Will project require relocation of any projects or facilities?  Yes  No  
If yes, explain \_\_\_\_\_
12. Is surface liquid waste disposal involved?  Yes  No
- a. If yes, indicate type of waste (sewage, industrial, etc.) and amount \_\_\_\_\_
- b. Name of water body into which effluent will be discharged \_\_\_\_\_
13. Is subsurface liquid waste disposal involved?  Yes  No Type \_\_\_\_\_
14. Will surface area of an existing water body increase or decrease by proposal?  Yes  No  
Explain \_\_\_\_\_
15. Is project or any portion of project located in a 100 year flood plain?  Yes  No
16. Will the project generate solid waste?  Yes  No
- a. If yes, what is the amount per month \_\_\_\_\_ tons.
- b. If yes, will an existing solid waste facility be used?  Yes  No
- c. If yes, give name; location \_\_\_\_\_
- d. Will any wastes not go into a sewage disposal system or into a sanitary landfill?  Yes  No
- e. If yes, explain \_\_\_\_\_
17. Will the project involve the disposal of solid waste?  Yes  No
- a. If yes, what is the anticipated rate of disposal? \_\_\_\_\_ tons/month.
- b. If yes, what is the anticipated site life? \_\_\_\_\_ years.
18. Will project use herbicides or pesticides?  Yes  No
19. Will project routinely produce odors (more than one hour per day)?  Yes  No
20. Will project produce operating noise exceeding the local ambient noise levels?  Yes  No
21. Will project result in an increase in energy use?  Yes  No  
If yes, indicate type(s) \_\_\_\_\_
22. If water supply is from wells, indicate pumping capacity \_\_\_\_\_ gallons/minute.
23. Total anticipated water usage per day \_\_\_\_\_ gallons/day.
24. Does project involve Local, State or Federal funding?  Yes  No  
If yes, explain \_\_\_\_\_

25. Approvals Required:

	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Type	Submittal Date
City Council	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Local Law Adoption	Pending
City Planning Commission	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
City Zoning Board	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
City Health Department	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Other Local Agencies	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Other Regional Agencies	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
State Agencies	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Federal Agencies	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Other:	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____

**C. Zoning and Planning Information – N/A – Propose Action is not site specific. See attachment to EAF.**

1. Does proposed action involve a planning or zoning decision?  Yes  No  
 If yes, indicate decision required:  
 Resource Management Plan       Zoning Variance       Special Use Permit       Subdivision  
 New/Revision of Master Plan       Zoning Amendment       Site Plan       Other Local Law Adoption
2. What is the zoning classification(s) of the site? N/A
3. What is the maximum potential development of the site if developed as permitted by the present zoning?  
N/A
4. What is the proposed zoning of the site? N/A
5. What is the maximum potential development of the site if developed as permitted by the proposed zoning?  
N/A
6. Is the proposed action consistent with the recommended uses in adopted local land use plan?  Yes  No
7. What are the predominant land use(s) and zoning classifications within a ¼ mile radius of proposed action?  
N/A
8. Is the proposed action compatible with adjoining/surrounding land uses within a ¼ mile?  Yes  No
9. If the proposed action is the subdivision of land, how many lots are proposed? N/A  
 a. What is the minimum lot size proposed? \_\_\_\_\_
10. Will proposed action require any authorization(s) for the formation of sewer or water districts?  Yes  No
11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)?  
 Yes  No  
 a. If yes, is existing capacity sufficient to handle projected demand?  Yes  No
12. Will the proposed action result in the generation of traffic significantly above present levels?  
 Yes  No  
 a. If yes, is the existing road network adequate to handle the additional traffic?  Yes  No

**D. Informational Details**

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

**E. Verification**

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

Applicant/Sponsor Name Rye City Council Date May 8, 2012

Signature  Title City Planner  
**Christian K. Miller, AICP**

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

## PART 2 – PROJECT IMPACTS AND THEIR MAGNITUDE

### Responsibility of Lead Agency

General Information (Read Carefully)

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

Instructions (Read carefully)

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

### IMPACT ON LAND

1. Will the proposed action result in a physical change to the project site?  
 Yes  No

**Examples** that would apply to column 2

- Any construction on slopes of 15% or greater, (15 foot rise per 100 foot of length), or where the general slopes in the project area.
- Construction on land where the depth to the water table is less than 3 feet.
- Construction of paved parking area for 1,000 or more vehicles.
- Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface.
- Construction that will continue for more than 1 year or involve more than one phase or stage.
- Excavation for mining purposes that would remove more than 1,000 tons of natural material (i.e., rock or soil) per year.
- Construction or expansion of a sanitary landfill.
- Construction in a designated floodway.
- Other impacts \_\_\_\_\_

2. Will there be an effect to any unique or unusual land forms found on the site? (i.e., cliffs, dunes, geological formations, etc.)  Yes  No

- Specific land forms: \_\_\_\_\_

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

3. Will proposed action affect any water body designated as protected? Under Articles 15, 24, 25 of the Environmental Conservation Law, ECL)  
 Yes  No

**Examples** that would apply to column 2

- Developable area of site contains a protected water body.
- Dredging more than 100 cubic yards of material from a channel of a protected stream
- Extension of utility distribution facilities through a protected waterbody.
- Construction in a designated freshwater or tidal wetland.
- Other impacts \_\_\_\_\_

4. Will proposed action affect any non-protected existing or new body of water?  
 Yes  No

**Examples** that would apply to column 2

- A 10% increase or decrease in the surface area of any body of water or more than a 10 acre increase or decrease..
- Construction of a body of water that exceeds 10 acres of surface area
- Other impacts \_\_\_\_\_

5. Will proposed action affect surface or groundwater quality or quantity?  
 Yes  No

**Examples** that would apply to column 2

- Proposed action will require a discharge permit.
- Proposed action requires use of a source of water that does not have approval to serve proposed (project) action.
- Proposed action requires water supply from wells with greater than 45 gallons per minute pumping capacity.
- Construction or operation causing any contamination of a water supply system.
- Proposed action will adversely affect groundwater.
- Liquid effluent will be conveyed off the site to facilities which presently do not exist or have inadequate capacity.
- Proposed action would use water in excess of 20,000 gallons per day.
- Proposed action will likely cause siltation or other discharge into an existing body of water to the extent that there will be an obvious visual contrast to natural conditions.
- Proposed action will require the storage of petroleum or chemical products greater than 1,100 gallons.
- Proposed action will allow residential uses in areas without water and/or sewer services.
- Proposed action locates commercial and/or industrial uses which may require new or expansion of existing waste treatment and/or storage facilities.
- Other impacts \_\_\_\_\_

6. Will proposed action alter drainage flow or patterns, or surface water runoff?  
 Yes  No

**Examples** that would apply to column 2

- Proposed action would change flood water flows.

1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change	
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- Construction activity would excavate or compact the soil profile of agricultural land.
- The proposed action would irreversibly convert more than 10 acres of agricultural land or, if located in an Agricultural District, more than 2.5 acres of agricultural land.
- The proposed action would disrupt or prevent installation of agricultural land management systems, (e.g. subsurface drain lines, outlet ditches, strip cropping); or create a need for such measures (e.g. cause a farm field to drain poorly due to increased runoff)
- Other impacts \_\_\_\_\_

**IMPACT ON AESTHETIC RESOURCES**

11. Will proposed action affect aesthetic resources?  Yes  No  
(if necessary, use the Visual EAF Addendum in Section 617.20, Appendix B.)

**Examples** that would apply to column 2

- Proposed land uses, or project components obviously different from or in sharp contrast to current surrounding land use patterns, whether man-made or natural.
- Proposed land uses, or project components visible to users of aesthetic resources which will eliminate or significantly reduce their enjoyment of the aesthetic qualities of that resource.
- Project components that will result in the elimination or significant screening of scenic views known to be important to the area.
- Other impacts \_\_\_\_\_

**IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES**

12. Will Proposed Action impact any site or structure of historic, pre-historic or paleontological importance?  Yes  No

**Examples** that would apply to column 2

- Proposed action occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or National Register of historic places.
- Any impact to an archaeological site or fossil bed located within the project site.
- Proposed action will occur in an area designated as sensitive for archaeological sites on the NYS Site Inventory.
- Other impacts \_\_\_\_\_

**IMPACT ON OPEN SPACE AND RECREATION**

13.. Will Proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities?  Yes  No

**Examples** that would apply to column 2

- The permanent foreclosure of a future recreational opportunity.
- A major reduction of an open space important to the community.
- Other impacts \_\_\_\_\_

1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change
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**IMPACT ON AESTHETIC RESOURCES**

14. Will proposed action impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision NYCRR 617.14(g)?  Yes  No

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

\_\_\_\_\_  
 \_\_\_\_\_

**Examples** that would apply to column 2

- Proposed action to locate within the CEA?
- Proposed action will result in a reduction in the quantity of the resource?
- Proposed action will result in a reduction in the quality of the resource?
- Proposed action will impact the use, function or enjoyment of the resource?
- Other impacts \_\_\_\_\_

**IMPACT ON TRANSPORTATION**

15. Will there be an effect to existing transportation systems?  Yes  No

**Examples** that would apply to column 2

- Alteration of present patterns of movement of people and/or goods.
- Proposed Action will result in major traffic problems.
- Other impacts \_\_\_\_\_

**IMPACT ON ENERGY**

16. Will proposed action affect the community's sources of fuel or energy supply?  Yes  No

**Examples** that would apply to column 2

- Proposed action will cause a greater than 5% increase in the use of any form of energy in the municipality.
- Proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two family residences or to serve a major commercial or industrial use.
- Other impacts \_\_\_\_\_

1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change
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**NOISE AND ODOR IMPACTS**

17. Will there be objectionable odors, noise, or vibration as a result of the Proposed Action?  Yes  No

**Examples** that would apply to column 2

- Blasting within 1,500 feet of a hospital, school or other sensitive facility.
- Odors will occur routinely (more than one hour per day).
- Proposed action will produce operating noise exceeding the local ambient noise levels for noise outside of structures.
- Proposed action will remove natural barriers that would act as a noise screen.
- Other impacts \_\_\_\_\_

**IMPACT ON PUBLIC HEALTH**

18. Will Proposed Action affect public health and safety?  Yes  No

**Examples** that would apply to column 2

- Proposed action may cause a risk of explosion or release of hazardous substances (i.e., oil, pesticides, chemicals, radiation, etc.) in the event of accident or upset conditions, or there may be a chronic low level discharge or emission.
- Proposed action may result in the burial of "hazardous wastes" in any form (i.e., toxic, poisonous, highly reactive, radioactive, irritating infectious, etc.)
- Storage facilities for one million or more gallons of liquefied natural gas or other flammable liquids.
- Proposed action may result in the excavation or other disturbance within 2,000 feet of a site used for the disposal of solid or hazardous waste.
- Other impacts \_\_\_\_\_

**IMPACT ON GROWTH AND CHARACTER OF COMMUNITY OR NEIGHBORHOOD**

19. Will proposed action affect the character of the existing community?  Yes  No

**Examples** that would apply to column 2

- The permanent population of the city, town or village in which the project is located is likely to grow by more than 5%.
- The municipal budget for capital expenditures or operating services will increase by more than 5% per year as a result of this project.
- Proposed action will conflict with officially adopted plans or goals.
- Proposed action will cause a change in the density of land use.
- Proposed action will replace or eliminate existing facilities, structures or areas of historic importance to the community.
- Development will create a demand for additional community services (e.g., schools, police and fire, etc.)
- Proposed action will set an important precedent for future projects
- Proposed action will create or eliminate employment.
- Other impacts \_\_\_\_\_

1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change
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20. Is there, or is there likely to be, public controversy related to potential adverse environmental impacts?  Yes  No

If any action in Part 2 is identified as a potential large impact or if you cannot determine the magnitude of impact, proceed to Part 3.

## **PART 3 – EVALUATION OF THE IMPORTANCE OF IMPACTS**

### **Responsibility of Lead Agency**

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

#### **Instructions:**

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

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

To answer the question of importance, consider:

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

(Continue on attachments)

**ATTACHMENT  
FULL ENVIRONMENTAL ASSESSMENT FORM**

**Proposed Local Law to Amend Chapter 187, *Trees*,  
of the Code of the City of Rye, New York**

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The proposed action involves the adoption of a local law to amend Chapter 187, *Trees*, of the Code of the City of Rye. The purpose of the law is to provide greater regulation over the removal of trees in the City. The proposed action would not have a significant adverse environmental impact and seeks to provide greater protection of the environment than existing City law.

The following provides a description of the proposed changes to the existing tree law:

- *Findings and purpose (§ 187-1)*. This section was revised to include the additional language to enhance that the purpose of the tree law is to protect and provide for increased regulation of trees in the City.
- *Definitions (§ 187-2)*. The definition of “shrub” and “person” was revised or added to the existing law for clarity. “Invasive species” was not defined, but the specific listing of prohibited trees was expanded to include invasive tree species. The definition of “protected tree” was not included in the definitions because it conflicted with the existing provisions designating protected trees in Section 187-16 of the law.
- *Injury to Public Trees (§ 187-4)*. This section was amended to include the existing restrictions prohibiting the tying animals or fastening signs to public trees currently found in section 187-5 (see discussion immediately below). This change was made to provide for a new section 187-5 outlining the responsibilities of the City.
- *Responsibility of City (§ 187-5)*. This section was changed to include the language regarding the responsibility of the City with respect to the preservation and maintenance of City trees.
- *Permit Required for Public Trees (§ 187-6)*. This section was amended to state that except for City road right-of-ways City trees would be subject to the tree removal process as private property owners.
- *Removal of Limbs (§ 187-9)*. This section was amended to include new language proposed regarding the responsibility of utility companies to adhere to the tree maintenance practices established by the International Society of Arboriculture (ISA) and American National Standards Institute (ANSI).
- *Prohibited Trees (§ 187-10)*. This section was amended to prohibit the planting of the following trees: Amur maple, Norway maple, Sycamore maple, Planetree maple,

Princess Tree, White popular, Silver popular, Black locust, Yellow locust, False acacia, Tree of heaven, Copal tree and European black alder. These trees are considered invasive species by the Invasive Plant Atlas of New England (IPANE).

- *Removal of Trees; Permit Required (§187-11)*. The law was revised to require that all trees over 8 inches DBH to obtain a tree removal permit. Currently, only those trees over 8 inches in caliper located in the front yard setback or a setback abutting public property require a tree removal permit for the City's Tree Foreman. Under the proposed amended tree law tree removal permits would continue to be issued by the City's Tree Foreman consistent with current practice.

The draft law requires the Board of Architectural Review (BAR) to review and approve requests to remove more than three trees on a property. This change was made given that the BAR has some tree review responsibilities under the existing tree law and under Chapter 53 of the City Code. Furthermore, the removal of more than three trees is likely often related to activities that would be subject to BAR review anyway. This will provide some permitting efficiency for applicants and City Staff.

The draft law authorizes (but does not require) the BAR to require replacement trees as a condition of issuing a permit. The number, type and size of replacement trees would be at the discretion of the BAR, which must consider the feasibility of the site and other practical difficulties to accommodate replacement trees.

- *Granting of Permits; Stop Orders (§187-12)*. The law was revised to allow for the City Manger to authorize tree removal without a permit for limited periods after storm events. The tree removal criteria was also revised to clarify that the Tree Foreman can authorize the removal of a tree already approved to be removed by a City land use board.

Since the BAR would assume tree review authority this section of the law was revised to make the Planning Commission the appellate board in the event a permit is denied.

- *Prohibited Use of City Transfer Station for Trunks and Stumps (§187-15)*. This section was removed because it is no longer relevant. The City no longer operates a transfer station.
- *Penalties for Offences (§187-17)*. The law was revised to increase the fine for unpermitted removal from \$250 to \$500. The section was also revised to incorporate additional mitigation guidelines for the unauthorized removal of trees. The revised enforcement section sets forth minimum tree caliper sizes for replacement trees lost to unauthorized removal and allows for payment to a City tree replacement fund.



# CITY COUNCIL AGENDA

NO. 11

DEPT.: Finance

DATE: May 23, 2012

CONTACT: Jean Gribbins, City Comptroller

**AGENDA ITEM:** Consideration to set a Public Hearing for June 13, 2012 to establish the 2013 Budgeted Fees and Charges.

**FOR THE MEETING OF:**

May 23, 2012

**RYE CITY CODE:**

CHAPTER  
SECTION

**RECOMMENDATION:**

**IMPACT:**  Environmental x  Fiscal  Neighborhood  Other:

**BACKGROUND:**

A Public Hearing will be held to establish the 2013 fees and charges which will be incorporated into the City's 2013 Budget.



# CITY COUNCIL AGENDA

NO. 12

DEPT.: City Manager's Office

DATE: May 23, 2012

CONTACT: Scott Pickup, City Manager

**ACTION:** Report and recommendation to the Council on the Fire Inspector/Supervisor position for the Rye Fire Department.

**FOR THE MEETING OF:**

May 23, 2012

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:**

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** Due to 2012 Staff retirements in the Rye Fire Department, a request has been made to Westchester County Civil Service for a new position for the City of Rye for the combined title of Fire Inspector/Supervisor. Once Westchester County has approved the position and title, the City will advertise and recruit for the position with an anticipated August appointment date.

See attached request to Westchester County outlining duties and responsibilities of the new position.



Westchester County  
Department of Human Resources  
**New Position Duties Statement**

Department of Human Resources

Department head or other such authority requesting the creation of a new position, prepare a separate description for each new position to be created except that one description may cover two or more identical positions in the same organizational unit. **To be submitted in duplicate.**

Civil Service Law: Section Twenty Two: Certification for new positions. Before any new positions in the service of the city of other civil division shall be created, the proposal therefore including a statement of the duties of the positions, shall be referred to the municipal commission having jurisdiction and such commission shall furnish a certificate stating the appropriate civil service title for the proposed positions. Any such new position shall be created only with the title approved and certified by the Commissioner of Human Resources.

<b>1. NAME OF EMPLOYEE OR NUMBER OF POSITIONS</b> 1		<b>2. TITLE</b> Fire Lieutenant	
<b>3. EMPLOYED BY:</b> TOWN City of Rye VILLAGE SCHOOL DISTRICT SPECIAL DISTRICT		<b>4. IF POSITION IS CLERICAL:</b> A. Is typing ability required? <input type="checkbox"/> Yes <input type="checkbox"/> No B. Is ability to take dictation required? <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>5. TYPE OF POSITION</b> <input checked="" type="checkbox"/> Full time – 12 months <input type="checkbox"/> Full time – 10 months <input type="checkbox"/> Temporary - _____ days		<b>6. TOTAL HOURS OF WORK PER WEEK</b> <input checked="" type="checkbox"/> 35 <input type="checkbox"/> 40 <input type="checkbox"/> _____	
<b>7. RATE OF PAY</b> \$ 75-85,000 <input checked="" type="checkbox"/> Annually <input type="checkbox"/> Monthly <input type="checkbox"/> Daily <input type="checkbox"/> _____			
<b>8. PLACE OF WORK (LOCATION)</b> Various		<b>9. NAME AND TITLE OF IMMEDIATE SUPERIOR</b> Scott D. Pickup, City Manager	
<b>10. DESCRIPTION OF DUTIES:</b> Describe the work in sufficient detail to give a clear work picture of the job. Use a separate paragraph for each kind of work and describe the more important or time-consuming duties first. In the left column, estimate how the total working time is divided.			
<b>Percent of Time</b>	<b>Description of Duties (in order of importance)</b>		
25	Supervises all career staff Fire Fighters; assigns work in emergencies and at station		
25	Daytime reponse leader and commander if elected department officer is unavailable		
10	Certifies and schedules all career staff Fire Fighters		
10	Supervises recordkeeping including but not limited to training of volunteer and career staff, equipment testing and hydrant testing		
10	Issues reports of activities and maintains records		
5	Responsible for managing annual fire prevention week		
5	Inspects and supervises the use of fireworks		
10	Inspects buildings, structures and residential properties for fire hazards; issues notices of violation		
<b>100%</b>			

**ATTACH ADDITIONAL SHEETS IF MORE SPACE IS NEEDED**



**11. NAMES AND TITLES OF PERSONS SUPERVISING THIS POSITION (General, Direct, Administrative, etc.)**

Name	Title	Type of Supervision
Scott D. Pickup	City Manager	Immediate

**12. NAMES AND TITLES OF PERSONS TO BE SUPERVISED BY EMPLOYEE IN THIS POSITION**

Name	Title	Type of Supervision
Career Staff Fire Fighters		Direct
Volunteer Fire Fighters		Direct

**13. NAMES AND TITLES OF PERSONS DOING SUBSTANTIALLY THE SAME KIND AND LEVEL OF WORK AS WILL BE DONE BY THE INCUMBENT OF THIS NEW POSITION**

Name	Title	Location of Position

**14. WHAT MINIMUM QUALIFICATIONS DO YOU THINK SHOULD BE REQUIRED FOR THIS POSITION?**

Education: High School: 4 years  
 College: \_\_\_\_\_ years, with specialization in \_\_\_\_\_  
 Other: \_\_\_\_\_ years, with specialization in \_\_\_\_\_

Experience (list amount and type): Four years of permanent service as paid Fire Fighter

Essential knowledge, skills and abilities: Fire fighting & fire prevention methods & regulations; laws & ordinances; building code; computer

Type of license or certificate required: Minimum basic code enforcement training course

**15. The above statements are accurate and complete.**

5/10/12      City Manager      Scott D. Pickup  
 Date                      Title                      Signature (Immediate Supervisor)

**APPOINTING OFFICER APPROVAL**

**16. I have examined the above entries and have no corrections, additions, or comments except as here stated or attached.**

5/10/12      City Manager      Scott D. Pickup  
 Date                      Title                      Appointing Authority or Authorized Representative

**DO NOT WRITE BELOW – FOR DEPARTMENT OF HUMAN RESOURCES OFFICE USE ONLY**  
**Certificate of Commissioner of Human Resources**

**17. In accordance with the provisions of Civil Service Law, Section 22, the Westchester County Department of Human Resources certifies that the appropriate civil service title for the position described is:**

Title: \_\_\_\_\_ No. of Positions: \_\_\_\_\_  
 Job Class Code: \_\_\_\_\_  
 Juris Class: \_\_\_\_\_  
 Effective Date: \_\_\_\_\_

\_\_\_\_\_  
 Date                      Title                      Signature, Commissioner of Human Resources

**SUBMIT TWO COMPLETED COPIES TO THE COMMISSIONER OF HUMAN RESOURCES**



# CITY COUNCIL AGENDA

NO. 13

DEPT.: Corporation Counsel

DATE: May 23, 2012

CONTACT: Kristen K. Wilson, Corporation Counsel

**ACTION:** Discussion of request to landmark the Rye Smoke Shop located at 53 Purchase Street.

**FOR THE MEETING OF:**

May 23, 2012

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** That the City Council refer the petition to the Landmarks Committee for the Committee to review and take the necessary steps to determine if the store or any part of it can be landmarked.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** A request has been made by Rye Citizens to landmark the Rye Smoke Shop. Under Chapter 117 of the Rye City Code, the Landmarks Committee is vested with the authority to file proposed designations for landmark status with the City Clerk. The City Council can refer the petition to the Landmarks Committee so that the Committee can speak with the property owner and discuss landmarking part of the Smoke Shop. After the City Clerk receives the proposed designation, all property owners affected are notified and the public hearing process commences.

See attached letters of support.

Received

MAY 02 2012

City Manager's Office  
Rye, New York

May 1, 2012

Joan Schwartz  
100 Kirby Lane  
Rye, NY 10580

Mayor Douglas French  
1051 Boston Post Road  
Rye, NY 10580

Dear Mayor French:

Please help the citizens of Rye save TD's Smokeshop.

TD's provides a treasured aspect to life in Rye: it is a friendly, small-town, family-oriented shop where adults can buy newspapers and magazines and kids can buy treats, and all can enjoy warmth and good conversation.

The gentrification of Purchase Street is robbing Rye of its unique character and charm. Without shops like TD's, we become just another suburban mall. TD's is surely an advantage to the real estate market of Rye, based as this market is upon the special charm of our town.

I ask you to grant landmark status to TD's smokeshop.

Sincerely,

  
Joan Schwartz



Received

MAY 08 2012

City Manager's Office  
Rye, New York

Peggy Althoff  
34 Mendota Avenue  
Rye, NY 10580

May 7, 2012

Mayor Douglas French  
1051 Boston Post Road  
Rye, NY 10580

Dear Mayor French:

Please help us all in Rye who want to save TD's Smokeshop.

TD's provides a treasured aspect of life in Rye. It is a friendly, small-town, family-oriented shop where adults can buy newspapers and magazines and children can and have been buying treats for many years. And as our children grew up, they even kept a tally for the little ones who were a few pennies short to be paid back the next time they came in. Warmth and good conversation were always in good supply.

The gentrification of Purchase Street is robbing Rye of its unique character and charm. Without shops like TD's, we become just another suburban mall. TD's is surely an advantage to the real estate market of Rye, based as this market is upon the special charm of our town.

I ask you to grant landmark status to TD's smokeshop.

Sincerely,



Peggy Althoff

May 7, 2012

RECEIVED RYE CITY COURT  
2012 MAY -9 AM 10:41

We are saddened by the news of the proposed ending of the 'life' of Peggy and Tony's Smoke Shop, a beloved landmark of Rye.

We represent a group of women dedicated to making the Rye community the caring 'town' it is. We have met weekly for over twenty-five years, raising our children here, and enjoying the 'specialness' Rye provides.

The Smoke Shop is one of those special spots and we hope it can continue.

Peggy and family have been our extended family and we do not want to lose them.

Sincerely,

Barbara Gibson  
Nancy Beak  
Marian Long  
Zeverly Hildner  
Lee Billingsley

Peggy Althoff  
Mary Baird  
Patricia Blotter  
Dorothy A. Corbin

Elizabeth J. Lane  
Jane Mickitwage  
Michelle Florence  
Janice Pierce  
Nancy Steed



# CITY COUNCIL AGENDA

NO. 15      DEPT.: City Manager's Office      DATE: May 23, 2012  
CONTACT: Scott Pickup, City Manager

<p><b>AGENDA ITEM:</b> Resolution ratifying the appointment of one member to the Emergency Medical Services Committee for a three-year term ending June 30, 2015.</p>	<p><b>FOR THE MEETING OF:</b> May 23, 2012 <b>RYE CITY CODE,</b> CHAPTER SECTION</p>
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**RECOMMENDATION:** Approval by Mayor and City Council of the appointment of Mr. Michael Borrelli, the Village of Rye Brook Community Representative, to the Emergency Medical Services Committee.

**IMPACT:**     Environmental     Fiscal     Neighborhood     Other:

**BACKGROUND:**  
The term of Michael Borrelli, the Community Representative to the Emergency Medical Services Committee from the City of Rye, expires on June 30, 2012. Section 3A of the Inter-Municipal Agreement states that the community representatives shall be "recommended by the Corps and ratified by joint resolution of the municipalities." The City of Rye and the Villages of Port Chester and Rye Brook have joined in this inter-municipal cooperative.

Mr. Borrelli has expressed his willingness to continue as Rye Brook's representative and the Corps recommends his reappointment. The Village of Rye Brook has approved Mr. Borrelli's nomination and a copy of the certified resolution is attached.





**PORT CHESTER-RYE-RYE BROOK  
EMERGENCY MEDICAL SERVICES**

5/10/2012

**Received**

**MAY 14 2012**

**City Manager's Office  
Rye, New York**

Mr. Scott Pickup  
Manager  
The City of Rye  
1051 Boston Post Road  
Rye, N.Y. 10580

Dear Mr. Pickup:


The Inter-Municipal Agreement for Emergency Medical Services established the Emergency Medical Services Committee (EMSC). The Term of Mr. Michael Borrelli, the Community Representative to the Committee from the Village of Rye Brook will expire on June 30<sup>th</sup> 2012. Mr. Borrelli has been an active member of the EMSC and has expressed his desire to continue as Rye Brook's representative.

Section 3A of the Inter-Municipal Agreement states that the community representative shall be "recommended by the Corps and ratified by joint resolution of the municipalities". In accordance with the agreement I respectfully submit Michael Borrelli for reappointment to the EMSC for a term of three (3) years, ending June 30, 2015. I request this matter be placed on the agenda of the next scheduled City of Rye Board meeting.

Please note that the Village of Rye Brook has approved Mr. Borrelli's nomination and a copy of the certified resolution is included.

Please don't hesitate to contact me with any questions, comments or concerns.

Sincerely,

  
Scott T. Moore  
EMS Administrator



On a motion made by Trustee Marrow and seconded by Trustee Rednick, the following resolution was adopted.

**CONSIDERING AN APPOINTMENT OF THE COMMUNITY REPRESENTATIVE TO THE EMERGENCY MEDICAL SERVICES COMMITTEE (EMSC)**

**WHEREAS**, the inter-municipal agreement, between the Village Rye Brook, City of Rye and Village of Port Chester, for emergency medical services provides for an Emergency Medical Services Committee; and

**WHEREAS**, the term of Michael Borrelli, the community representative from the Village of Rye Brook will expire on June 30, 2012; and

**WHEREAS**, Michael Borrelli has expressed a desire to remain the Village of Rye Brook representative on the Emergency Medical Services Committee (EMSC).

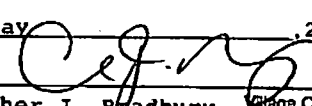
**NOW, THEREFORE, BE IT RESOLVED**, that the Village of Rye Brook hereby approves the re-appointment of Michael Borrelli as the Community Representative to the Emergency Medical Services Committee (EMSC) for the Village of Rye Brook for a three year term ending June 30, 2015.

<b>TRUSTEE HEISER</b>	<b>ABSENT</b>
<b>TRUSTEE MARROW</b>	<b>AYE</b>
<b>TRUSTEE REDNICK</b>	<b>AYE</b>
<b>TRUSTEE ROSENBERG</b>	<b>AYE</b>
<b>MAYOR FEINSTEIN</b>	<b>AYE</b>

STATE OF NEW YORK  
COUNTY OF WESTCHESTER  
VILLAGE OF RYE BROOK } ss:

I hereby certify that this is the Resolution adopted by the Board of Trustees of the Village of Rye Brook which was duly passed by said Board on May 8, 2012.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the Village of Rye Brook, this 10 day of May, 2012.

  
Christopher J. Bradbury, Village Clerk



# CITY COUNCIL AGENDA

NO. 16

DEPT.: City Manager

DATE: May 23, 2012

CONTACT: Scott D. Pickup

**AGENDA ITEM:** Consideration of a request by Colin Leslie for the use of City streets for the 7<sup>th</sup> Annual Colin Leslie Walk for Celiac Disease on Sunday, September 30, 2012 from 9:00 a.m. to 2:00 p.m.

**FOR THE MEETING OF:**

May 23, 2012

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** That the Council consider granting the request.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**

Colin Leslie is requesting the Council approve the use of City streets for the 7<sup>th</sup> Annual Colin Leslie Walk for Celiac Disease on Sunday, September 30, 2012 from 9:00 a.m. to 2:00 p.m.

See attached letter from Colin Leslie and Cheryl Leslie, Co-Chairs of the Colin Leslie Walk.

# COLIN LESLIE WALK for CELIAC DISEASE 2012

Taking A Step Toward Awareness

Received

APR 1 / 2012

City Manager's Office  
Rye, New York

15 Hix Avenue  
Rye, NY 10580

April 12, 2012

Dear Rye City Manager,

This is a request for the City of Rye to host the 7th annual Colin Leslie Walk for Celiac Disease on September 30, 2012. This event sets out to provide a day for celiac patients and their families where they can learn about new products and food vendors which will better assist them in their gluten free lifestyle. Living gluten free is imperative when coping with celiac disease and this event will better help participants accomplish this while simultaneously raising funds for research.

The main location of this event would be at Rye High School. The two walk routes would originate at the school and head out towards Milton Point (Detailed route descriptions are depicted on the enclosed map). The four mile and two mile routes of the walk are identical to the past six year's events. Additionally presentations, lunch and other gluten free and celiac-related events would also be held at the High School.

Participants will arrive at the event by shuttle buses from an off-site parking lot. We hope to use the lot at 411 Theodore Fremd Ave.

This year's event will once again be sponsored by a 501(c)(3) non-profit organization, The Westchester Celiac Sprue Support Group. All proceeds will be donated to the Celiac Disease Center at Columbia University in New York City, also a 501(c)(3) non-profit organization. This Center provides state of the art medical and nutritional services to patients with celiac disease and since it is privately operated, needs all the funding it can get.

We hope the plans for the 2012 Colin Leslie Walk for Celiac Disease are found acceptable by the City of Rye, however, if they are not please contact us at 967-3592 and we would be happy to revise any parts which need fixing.

Thank you.

Sincerely,



Cheryl Leslie  
Co-Chair



Colin Leslie  
Co-Chair

OK,  
SDP



Address Rye, NY


Get Google Maps on your phone



Text the word "GMAPS" to 466453



van wagenen Ave.

 - two mile route

 - 4 ~~mi~~ mile route