

## **CITY OF RYE**

### **NOTICE**

There will be a regular meeting of the City Council of the City of Rye on Wednesday, October 10, 2012, at 8:00 p.m. in the Council Room of City Hall. *The Council will convene at 7:30 p.m. and it is expected they will adjourn into Executive Session at 7:31 p.m. to discuss Rye Golf Club and Boat Basin personnel issues.*

### **AGENDA**

1. Pledge of Allegiance.
2. Roll Call.
3. General Announcements.
4. Draft unapproved minutes of the regular meeting of the City Council held September 12, 2012.
5. Mayor's Management Report
  - Update on outstanding union contracts
  - Rye Golf Club Update
  - Legal Update
6. Summary of the 2013 Budget Process and Consideration of setting the 2013 Budget Workshop schedule.
7. Consideration to set a Public Hearing for October 24, 2012 to amend local law Chapter 31, "Police Pension Fund", Section 9, Accrual and Payment of Pensions, to increase the payment amount for the sole recipient of the fund.
8. Update on the Kirby Lane South Sanitary Sewer Special Assessment District project including final steps and close-out process.
9. Consideration of request to remove a handicapped parking designation on Orchard Avenue.
10. Discussion of the dissolution of defunct City of Rye Boards and Committees.
11. Residents may be heard on matters for Council consideration that do not appear on the agenda.
12. Consideration of a request by the Rye Merchants Association to close a portion of Purchase Street on Sunday, November 25, 2012 from 10:00 a.m. to 3:00 p.m. for the *Mistletoe Magic* event.
13. Miscellaneous communications and reports.
14. Old Business.

15. New Business.

16. Adjournment.

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The next regular meeting of the City Council will be held on Wednesday, October 24, 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: October 10, 2012

CONTACT: Dawn Nodarse

**AGENDA ITEM** Draft unapproved minutes of the regular meeting of the City Council held September 12, 2012, as attached.

**FOR THE MEETING OF:**

October 10, 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 September 12, 2012, as attached.

***DRAFT UNAPPROVED MINUTES*** of the  
Regular Meeting of the City Council of the City of  
Rye held in City Hall on September 12, 2012 at 8:00  
P.M.

PRESENT:

DOUGLAS FRENCH Mayor  
LAURA BRETT  
RICHARD FILIPPI (left at approximately 12:00 a.m.)  
PETER JOVANOVIK  
JULIE KILLIAN  
CATHERINE F. PARKER (arrived at 8:10 p.m.)  
JOSEPH A. SACK  
Councilmembers

ABSENT: None

1. Pledge of Allegiance

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

2. Roll Call

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

3. General Announcements

This item includes announcements made concerning items not on the agenda that may be of interest to the community.

4. Draft unapproved minutes of the regular meeting of the City Council held August 6, 2012 and the special meeting of the City Council held September 5, 2012

Councilwoman Parker made a motion, seconded by Councilman Jovanovich and unanimously carried, to approve the minutes of the regular meeting of the City Council held on August 6, 2012, as amended.

Councilwoman Brett made a motion, seconded by Councilwoman Parker and unanimously carried, to approve the minutes of the special meeting of the City Council held on September 5, 2012, as submitted.

5. Bid Award for the Central Avenue Bridge reconstruction project (Contract #2012-03)  
Roll Call.

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

**RESOLVED** that Contract #2012-03 for the Replacement of the Central Avenue Bridge over Blind Brook is hereby awarded to ELQ Industries, Inc., the lowest responsible bidder, in the amount of \$1,330,890.00.

ROLL CALL:

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

The Resolution was adopted by a 7-0 vote

CONTRACT 2012-03  
CENTRAL AVENUE BRIDGE REPLACEMENT OVER BLIND BROOK

BID TAB

Position	Contractor	Contractor's Bid
1	ELQ Industries, Inc.	\$1,330,890.00
2	McNamee Construction	\$1,563,635.00
3	PCI Industries, Inc.	\$1,749,201.00
4	Arben Group, LLC	\$2,086,956.50
5	Harrison & Burrows Bridge	\$2,159,215.92
6	GC Com Construction	\$3,397,798.90

*Ken Weissberg and Arnold Lewis*, both residents of Loewen Court, thanked the Council, the City Manager and all who worked behind the scenes for their commitment to rebuilding the bridge.

6. Acceptance of donation to the Rye Fire Department from the Blitz family in the amount of two thousand (\$2,000.00) dollars  
Roll Call.

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

**WHEREAS**, the Blitz family desires to donate two thousand (\$2,000.00) dollars to the Rye Fire Department; and

**WHEREAS**, the fiscal 2012 General Fund budget did not anticipate this donation; now, therefore be it

**RESOLVED**, that the City Council of the City of Rye accepts the aforementioned donation; and be it further

**RESOLVED**, that the City Comptroller is authorized to amend the fiscal 2012 General Fund budget as follows:

Increase Revenues – Fire Department Donations \$2,000.00

ROLL CALL:

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

The Resolution was adopted by a 7-0 vote.

7. Mayor's Management Report

- Update on outstanding union contracts - This item was tabled.
  
- Update on the Respect Manual by Rye Merchants President Sally Wright

Sally Wright, representing the Rye Merchant's Association, and Police Commissioner William Connors made a presentation on the updating of the Respect Manual. Ms. Wright said that in 1965 a "Rye Guide" was put together by the Youth Counsel and Parents' Advisory Committee that dealt with many of the same issues faced today. In 2004 the first Respect Manual was developed as a collaborative effort in order to deal with some issues in the community. A system was developed with the Police Department and the Rye City Schools to go into the ninth grade classrooms to discuss the issues contained in the manual. New issues that have developed since 2004 have been included in the current update. The Manual will continue to change as children change. The intent is to go back into the schools with this version. Youth Advocates from the Rye Youth Council have developed a letter regarding hazing that will be inserted into the booklet. 3,500 copies of the Manual were printed and it will also be available on-line.

- Legal Update - This item was tabled.

Agenda item 8 was discussed after Agenda item 9

8. Authorization for the City Manager to enter into a 30-day consultant agreement between the City of Rye and CBRE to market the property located at 1037 Boston Post Road

Roll Call.

During the discussions of Agenda item 9 that proceeded this item, some members of the Council indicated they were not interested in the proposed 30-day consultant agreement with CBRE because the intent of the Council was to market the property, which will take more than 30 days. The discussion focused on whether the City should enter into the proposed 30-day consultant agreement or the previously offered brokerage agreement with CBRE that had been on the agenda at the September 5<sup>th</sup> meeting, to market the property for long-term lease or sale. Corporation Counsel Wilson said that the Council could vote on the brokerage agreement instead of the 30-day consultant agreement at this meeting if they choose to. Ms. Wilson advised that if the Council ultimately looks to enter into a long-term lease for the property that it should be put into an LDC (Local Development Corporation) or LDC-type entity because entering into a long-term lease with the current tenant is not holding the property for a public purpose.

Ted Carroll suggested that the City keep a portion of the building for its own use in order to satisfy the public purpose requirement. Bernard Goldstein said that entering into a long-term lease would not necessarily increase the value of the building and that an agreement containing a right-of first-refusal clause would discourage other interested parties.

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

**RESOLVED**, that the City Manager is hereby authorized to enter into a final brokerage agreement between the City of Rye and CBRE to market the property located at 1037 Boston Post Road.

ROLL CALL:

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

The Resolution was adopted by a 7-0 vote.

Agenda item was 9 discussed prior to Agenda item 8.

9. Authorization for the City Manager to enter into an Amendment to extend the Lease Agreement with Lester's of Rye, LLC  
Roll Call.

Mayor French said that the current lease with Lester's expires at the end of March 2013. There was a discussion about authorizing the City Manager to negotiate a nine-month lease extension with Lester's so there will be something in place prior to budget season in order to avoid a budget gap of \$200,000 in the 2013 budget. Corporation Counsel Wilson said that the draft under consideration simply extends what is currently in place until the end of 2013. Many members of the Council felt that it would be better to engage a professional broker to negotiate the extension. It was pointed out that the potential broker CBRE had indicated that a short-term

extension would not impact long-term lease or sale negotiations and that they are interested in negotiating a sale or long-term lease and have not offered a proposal to negotiate a short-term lease. If authorized to proceed, the City Manager should consult with the broker who has expertise outside the City Manager's scope in order to negotiate better lease terms and protect the City's interests going forward. It was also suggested that the City should increase the amount of the security deposit it currently holds so the tenant doesn't decide to leave as soon as the extension is negotiated and that the deal should be modeled after private sector deals. It was noted that it is better to market a building that has a tenant than an empty building.

Ted Carroll said that the tenant will stay if treated respectfully by the Council. Bernard Goldstein, a resident who said he was interested in buying the building, said that a lease is a contract that obligates parties for the term of the lease. Robin Jovanovich said the discussion on 1037 needs to move forward.

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

**RESOLVED**, that the City Manager is hereby authorized to enter into a lease extension with Lester's of Rye LLC for the property at 1037 Boston Post Road for a period of up to nine-months or until December 31, 2013.

ROLL CALL:

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

The Resolution was adopted by a 5-2 vote.

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

The public hearing remained open from the previous meeting.

City Manager Pickup said that the Council has before them a proposed listing of projects with costs. The potential impact on the tax rate from issuance of debt for this entire \$3.6 million list would be about a 1.35% tax rate increase.

Public Comment:

*John Alfano* said that he thought a bond referendum was premature and that the City's priority should be set on raising more revenue. *Jim Amico* said that an engineer that he knows had reviewed the survey for Loudon Woods provided to him by the City Manager and he was told that the entire wall is on private property; therefore, the owners should be forced to fix the wall and pay for it, not the City. City Manager Pickup said that the City Engineer's opinion is



different from Mr. Amico's friend. The survey is not consistent across the properties and at some locations the face of the wall is the boundary. The project has been phased in order to deal with ownership issues. *Francis Rodilosso*, President of the Board of the Rye Free Reading Room, urged the Council to include the projects relating to the library in the bond referendum because the library is a public use building. *Ted Carroll* said a bond referendum should include safety items with a shown need and advised that the Council should ask for less, build trust and come back and ask for more at a future date. He also said he believed the Council should have bonded to pay for 1037 Boston Post Road. *Robin Jovanovich* encouraged the Council to include the Purdy/Purchase/Theodore Fremd project and to offer an explanation of what will be included in the sidewalk and pedestrian safety projects.

Corporation Counsel Wilson said that she had spoken with the attorney at the Office of Court Administration (OCA) who oversees Court facility improvements regarding the proposed renovations to the Rye City Court facility. Under the Judiciary Law, court facilities have to be suitable and sufficient at a time based on population in the community, police force and the types and amounts of filings the court receives. If the Council authorizes this project in the resolution and it is approved by the public, the project will be reviewed by the Court Facility Capital Review Board for approval. What has been proposed in scope is suitable and sufficient as far as the attorney and the chief architect are concerned and Judge Sheinkman (Chief Judge of the Ninth Judicial District) as well as Judges Latwin and Runes are pleased with the plans.

The Council held a lengthy discussion where each member stated the projects they would be in favor of including in a bond referendum.

- Mayor French: sprinklers and ADA improvements for the Library; Smith Street Reconstruction; Smith/Purchase/Elm Intersection improvements; Locust Avenue Siphon replacement; Phase I of the Boston Post Road Wall reconstruction; and the sidewalk and pedestrian safety repairs.
- Councilman Jovanovich: concurred with Mayor French's suggested projects but added the Purdy/Purchase/Theodore Fremd Intersection project.
- Councilwoman Parker: Smith Street Reconstruction; Smith/Purchase/Elm Intersection improvements; Purdy/Purchase/Theodore Fremd Intersection; Locust Avenue Siphon replacement; Phase I of Boston Post Road Wall reconstruction; sidewalk and pedestrian safety improvements; Library sprinklers and ADA flood improvements; and Police/Court facility improvements.
- Councilwoman Brett: Smith Street Reconstruction; Smith/Purchase/Elm Intersection improvements; Purdy/Purchase/Theodore Fremd Intersection; Locust Avenue Siphon replacement; Phase I of Boston Post Road Wall reconstruction; sidewalk and pedestrian safety improvements; and Library sprinklers and ADA flood improvements.
- Councilwoman Killian: Smith Street Reconstruction; Smith/Purchase/Elm Intersection improvements; Locust Avenue Siphon replacement; Phase I of Boston Post Road Wall reconstruction; sidewalk and pedestrian safety improvements; and Library sprinklers and ADA flood improvements.
- Councilman Sack (although not sure if it should be done this year): Smith Street Reconstruction; Locust Avenue Siphon; Phase I of Boston Post Road Wall reconstruction; and Library sprinklers.

- Councilman Filippi: Purdy/Purchase/Theodore Fremd Reconstruction; Smith Street Reconstruction; Smith/Elm/Purchase Intersection improvements; Locust Avenue Siphon; Phase I Boston Post Road Wall reconstruction; sidewalk and pedestrian safety; Library sprinklers and ADA/flood improvements; Police/Court facility renovations.

Since passage of a bond resolution requires a super majority vote, the following projects were deemed to have the support of at least five members of the Council:

- Locust Avenue Siphon Replacement;
- Phase I of Boston Post Road Wall;
- Smith Street Reconstruction;
- Smith/Elm/Purchase Intersection improvements;
- Sidewalk and pedestrian safety improvements;
- Sprinklers and ADA/flood improvements for the Library.

There was a discussion regarding the possibility of including all of the projects into one bond resolution. Corporation Counsel Wilson said that there are currently two bond resolutions, one for public buildings and one for street improvements. She added that the language can be changed to be more specific as to projects but it is up to the Council to decide how specific they want it to be.

Councilman Jovanovich made a motion, seconded by Councilman Filippi and unanimously carried, to close the public hearing on potential capital projects to be included in a November 2012 Bond Referendum as well as the public hearing to adopt bond resolutions for a November 2012 Bond Referendum.

11. Continuation of Public Hearing to adopt bond resolutions for the November, 2012 Referendum for capital projects

See discussion under Agenda Item 10.

12. Resolution to adopt bond resolutions for the November, 2012 Referendum:  
a) Resolution to adopt a bond resolution to finance the acquisition, construction and reconstruction of the Police/Courthouse building and the Rye Free Reading Room in and for the City

Roll Call.

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

**BOND RESOLUTION, DATED SEPTEMBER 12, 2012, AUTHORIZING THE ISSUANCE OF UP TO \$176,000 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE CITY OF RYE, NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE THE INSTALLATION OF SPRINKLERS, FLOOD CONTROL**

**IMPROVEMENTS, AND IMPROVEMENTS TO COMPLY WITH THE AMERICANS WITH DISABILITIES ACT FOR THE RYE FREE READING ROOM IN AND FOR THE CITY.**

**WHEREAS**, the City Council of the City of Rye (the “City”), located in County of Westchester, in the State of New York (the “State”), has determined that it is in the public interest of the City to finance the costs of the acquisition, construction and reconstruction of public buildings, as set forth hereinabove, at a cost of up to \$176,000, including preliminary costs, all in accordance with the Local Finance Law; and

**WHEREAS**, the City Council has determined that it is in the public interest of the City to require the operation of this bond resolution to be approved by the qualified electors of the City, notwithstanding any other the legal requirements of the Local Finance Law;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Rye, as follows:

Section 1. There is hereby authorized to be issued serial bonds of the City in the aggregate principal amount of up to \$176,000, pursuant to the Local Finance Law, in order to finance the cost of the specific object or purpose hereinafter described.

Section 2. The specific object or purpose to be financed by the issuance of such serial bonds is the acquisition, construction and reconstruction of public buildings, including applicable preliminary and incidental costs in connection therewith (the “Project”).

Section 3. The City Council of the City has ascertained and hereby states that (a) the estimated maximum cost of the Project is not to exceed \$176,000, (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project; (c) the City Council of the City plans to finance the costs of the Project from the \$176,000 proceeds of the serial bonds or bond anticipation notes authorized herein, and (d) the maturity of the obligations authorized herein will be in excess of five (5) years.

Section 4. It is hereby determined that the Project referred to in Section 2 hereof is a specific object or purpose described in paragraph 12(a)(1) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of the Project is twenty-five (25) years. The serial bonds in the principal amount of up to \$176,000 authorized herein shall have a maximum maturity of twenty-five (25) years computed from the earlier of (a) the date of such serial bonds, or (b) the date of the first bond anticipation notes issued in anticipation of the issuance of such serial bonds.

Section 5. Subject to the terms and conditions of this Resolution and the Local Finance Law, and pursuant to the provisions of Sections 21.00, 30.00, 50.00, 56.00 and 60.00, inclusive, of the Local Finance Law, the power to authorize bond anticipation notes in anticipation of the issuance of the serial bonds authorized by this Resolution and the renewal of such bond anticipation notes and the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes authorized by this Resolution, and the power to issue, sell and deliver such serial bonds and bond anticipation notes are hereby delegated to the City Comptroller (or Acting City Comptroller), as the chief fiscal officer of the City. The City Comptroller is hereby authorized to execute on behalf of the City all serial bonds issued pursuant to this Resolution and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the City Clerk is hereby authorized to affix the seal of the City to all such serial bonds and all such bond anticipation notes and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the facsimile signature of the City Comptroller.

Section 6. The faith and credit of the City is hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized and issued pursuant to this Resolution as the same shall become due.

Section 7. When and if this Resolution takes effect following the approval thereof by the qualified voters of the City at the next general City election to be held on November 6, 2012, the City Clerk shall cause the same to be published together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law in the, a newspaper having a general circulation in the City. The validity of the serial bonds authorized by this Resolution and of bond anticipation notes issued in anticipation of the sale of such serial bonds may be contested only if such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or the provisions of law which should be complied with as of the date of the publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or if such obligations are authorized in violation of the provisions of the Constitution of the State.

Section 8. Prior to the issuance of obligations authorized to be issued by this bond resolution, the City Council of the City shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal laws and regulations in connection with environmental quality review relating to the Project (collectively, the "environmental compliance proceedings"). In the event that any of the environmental compliance proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this bond resolution, the City Council of the City will re-adopt, amend or modify this bond resolution prior to the issuance of obligations authorized to be issued herein upon the advice of bond

counsel. It is hereby determined by the City Council of the City that the Project will not have a significant effect on the environment.

Section 9. The City hereby declares its intention to issue the obligations authorized herein to finance the cost of the Project. The City covenants for the benefit of the holders of the obligations authorized herein that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations or any other funds of the City, and will not make any use of the facilities financed with the proceeds of such obligations which would cause the interest on such obligations to become subject to Federal income taxation under the Internal Revenue Code of 1986, as amended (the "Code"), (except for the alternative minimum tax imposed on corporations by section 55 of the Code and except for the environmental tax imposed on corporations by section 59A of the Code) or subject the City to any penalties under section 148 of the Code, and that it will not take any action or omit to take any action with respect to such obligations, the proceeds thereof or any facilities financed thereby if such action or omission would cause the interest on such obligations to become subject to Federal income taxation under the Code (except for the alternative minimum tax imposed on corporations by section 55 of the Code and except for the environmental tax imposed on corporations by section 59A of the Code) or subject the City to any penalties under section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of the bonds or any other provisions hereof until the date which is 60 days after the final maturity date or earlier prior redemption date thereof.

Section 10. For the benefit of the holders and beneficial owners from time to time of the bonds and bond anticipation notes authorized pursuant to this Resolution (the "obligations"), the City agrees, in accordance with and as an obligated person with respect to the obligations, under Rule 15c2-12 promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934 (the "Rule"), to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner, as may be required for purposes of the Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the City Comptroller is authorized and directed to sign and deliver, in the name and on behalf of the City, the commitment authorized by subsection 6(c) of the Rule (the "Commitment") to be placed on file with the City Clerk, which shall constitute the continuing disclosure agreement made by the City for the benefit of holders and beneficial owners of the obligations in accordance with the Rule, with any changes or amendments that are not inconsistent with this resolution and not substantially adverse to the City and that are approved by the City Comptroller on behalf of the City, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed, collectively, by this paragraph and the Commitment, shall be the City's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform

thereunder. The City Comptroller is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the City Comptroller shall consult with, as appropriate, the Corporation Council and bond counsel or other qualified independent special counsel to the City. The City Comptroller acting in the name and on behalf of the City, shall be entitled to rely upon any legal advice provided by the Corporation Council or such bond counsel or other special counsel in determining whether a filing should be made.

Section 11. The City by motion of the City Council, notwithstanding any provision of the City Charter, hereby submits this Resolution for approval by the qualified electors of the City at the next general election City election to be held on November 6, 2012.

Section 12. The following shall constitute the language of the ballot proposition and the City Clerk is hereby authorized and directed to provide in a timely manner a certified copy of such ballot proposition to the Westchester County Board of Elections pursuant to the applicable provisions of the Election Law to insure that such proposition is placed on the ballot for such electors of the City at such general City election:

#### PROPOSITION

“SHALL THE QUALIFIED ELECTORS OF THE CITY OF RYE, WESTCHESTER COUNTY, APPROVE A BOND RESOLUTION ADOPTED BY THE CITY COUNCIL OF SAID CITY ON SEPTEMBER 12, 2012 AUTHORIZING THE ISSUANCE OF \$176,000 SERIAL BONDS OF THE CITY OF RYE TO FINANCE THE INSTALLATION OF SPRINKLERS, FLOOD CONTROL IMPROVEMENTS, AND IMPROVEMENTS TO COMPLY WITH THE AMERICANS WITH DISABILITIES ACT FOR THE RYE FREE READING ROOM IN AND FOR THE CITY?”

Section 13. The effectiveness of this Resolution is subject to the approval by the qualified electors of the City at the next general City election.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RYE, NEW YORK, SUBMITTING THE APPROVAL OF A BOND RESOLUTION TO THE QUALIFIED VOTERS OF SAID CITY, APPROVING THE FORM OF BALLOT PROPOSITION, AND DIRECTING THE CLERK OF SAID CITY TO PROVIDE A CERTIFIED COPY OF SAID PROPOSITION TO THE BOARD OF ELECTIONS.

WHEREAS, the City council of the City of Rye, New York (herein, the “City Council” and the “City”), located in the County of Westchester, State of New York, on September 12, 2012 adopted a serial bond resolution in the manner required by Section 33.00 of the Local Finance Law which authorizes \$176,000 of the City’s general obligations serial bonds and bond anticipation notes to be issued to finance the installation of sprinklers, flood control improvements, and improvements to comply with the Americans with Disabilities Act for the Rye Free Reading Room in and for the City of Rye (the “Resolution”); and

WHEREAS, the effectiveness of the Resolution was made subject to a mandatory referendum pursuant, where applicable, to the provisions of the City Charter; and

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

1. An election of the qualified voters of the City shall be held on the date of the next general election (November 6, 2012).

2. The form of the ballot proposition shall be the following language:

“SHALL THE QUALIFIED ELECTORS OF THE CITY OF RYE, WESTCHESTER COUNTY, APPROVE A BOND RESOLUTION ADOPTED BY THE CITY COUNCIL OF SAID CITY ON SEPTEMBER 12, 2012 AUTHORIZING THE ISSUANCE OF \$176,000 SERIAL BONDS OF THE CITY OF RYE TO FINANCE THE INSTNALLATION OF SPRINKLERS, FLOOD CONTROL IMPROVEMENTS, AND IMPROVEMENTS TO COMPLY WITH THE AMERICANS WITH DISABILITIES ACT FOR THE RYE FREE READING ROOM IN AND FOR THE CITY OF RYE?”

3. The City Clerk is hereby authorized and directed to provide in a timely manner, but in event later than October 1, 2012, a certified copy of the foregoing ballot proposition and abstract thereof to the Westchester County Board of Elections pursuant to the applicable provisions of the Election Law to insure that such proposition is placed on the ballot for such electors of the City at such general election.

4. This resolution shall take effect immediately upon its adoption by the City Council.

ROLL CALL:

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

NAYS: None

ABSENT: None

The Resolution was adopted by a 7-0 vote.

b) Resolution to adopt a bond resolution for the construction, reconstruction and improvements to City streets, sidewalks and other roadway infrastructure  
Roll Call.

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

**BOND RESOLUTION, DATED SEPTEMBER 12, 2012, AUTHORIZING THE ISSUANCE OF UP TO \$1,680,000 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE CITY OF RYE, NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE THE CONSTRUCTION, RECONSTRUCTION AND IMPROVEMENTS TO CITY STREETS.**

**WHEREAS**, the City Council of the City of Rye (the “City”), located in County of Westchester, in the State of New York (the “State”), has determined that it is in the public interest of the City to finance the costs of the construction, reconstruction and improvements to City streets, as set forth hereinabove, at a cost of up to \$1,680,000, including preliminary costs, all in accordance with the Local Finance Law; and

**WHEREAS**, the City Council has determined that it is in the public interest of the City to require the operation of this bond resolution to be approved by the qualified electors of the City, notwithstanding any other the legal requirements of the Local Finance Law;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Rye, as follows:

Section 1. There is hereby authorized to be issued serial bonds of the City in the aggregate principal amount of up to \$1,680,000, pursuant to the Local Finance Law, in order to finance the cost of the specific object or purpose hereinafter described.

Section 2. The specific object or purpose to be financed by the issuance of such serial bonds is the construction, reconstruction and improvements to City streets, including applicable preliminary and incidental costs in connection therewith (the “Project”).

Section 3. The City Council of the City has ascertained and hereby states that (a) the estimated maximum cost of the Project is not to exceed \$1,680,000, (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project; (c) the City Council of the City plans to finance the costs of the Project from the \$1,680,000 proceeds of the serial bonds or bond anticipation notes



authorized herein, and (d) the maturity of the obligations authorized herein will be in excess of five (5) years.

Section 4. It is hereby determined that the Project referred to in Section 2 hereof is a specific object or purpose described in paragraph 20 of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of the Project is fifteen (15) years. The serial bonds in the principal amount of up to \$1,680,000 authorized herein shall have a maximum maturity of fifteen (15) years computed from the earlier of (a) the date of such serial bonds, or (b) the date of the first bond anticipation notes issued in anticipation of the issuance of such serial bonds.

Section 5. Subject to the terms and conditions of this Resolution and the Local Finance Law, and pursuant to the provisions of Sections 21.00, 30.00, 50.00, 56.00 and 60.00, inclusive, of the Local Finance Law, the power to authorize bond anticipation notes in anticipation of the issuance of the serial bonds authorized by this Resolution and the renewal of such bond anticipation notes and the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes authorized by this Resolution, and the power to issue, sell and deliver such serial bonds and bond anticipation notes are hereby delegated to the City Comptroller (or Acting City Comptroller), as the chief fiscal officer of the City. The City Comptroller is hereby authorized to execute on behalf of the City all serial bonds issued pursuant to this Resolution and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the City Clerk is hereby authorized to affix the seal of the City to all such serial bonds and all such bond anticipation notes and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the facsimile signature of the City Comptroller.

Section 6. The faith and credit of the City is hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized and issued pursuant to this Resolution as the same shall become due.

Section 7. When and if this Resolution takes effect following the approval thereof by the qualified voters of the City at the next general City election to be held on November 6, 2012, the City Clerk shall cause the same to be published together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law in the, a newspaper having a general circulation in the City. The validity of the serial bonds authorized by this Resolution and of bond anticipation notes issued in anticipation of the sale of such serial bonds may be contested only if such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or the provisions of law which should be complied with as of the date of the publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or if such obligations are authorized in violation of the provisions of the Constitution of the State.

Section 8. Prior to the issuance of obligations authorized to be issued by this bond resolution, the City Council of the City shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal laws and regulations in connection with environmental quality review relating to the Project (collectively, the “environmental compliance proceedings”). In the event that any of the environmental compliance proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this bond resolution, the City Council of the City will re-adopt, amend or modify this bond resolution prior to the issuance of obligations authorized to be issued herein upon the advice of bond counsel. It is hereby determined by the City Council of the City that the Project will not have a significant effect on the environment.

Section 9. The City hereby declares its intention to issue the obligations authorized herein to finance the cost of the Project. The City covenants for the benefit of the holders of the obligations authorized herein that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations or any other funds of the City, and will not make any use of the facilities financed with the proceeds of such obligations which would cause the interest on such obligations to become subject to Federal income taxation under the Internal Revenue Code of 1986, as amended (the “Code”), (except for the alternative minimum tax imposed on corporations by section 55 of the Code and except for the environmental tax imposed on corporations by section 59A of the Code) or subject the City to any penalties under section 148 of the Code, and that it will not take any action or omit to take any action with respect to such obligations, the proceeds thereof or any facilities financed thereby if such action or omission would cause the interest on such obligations to become subject to Federal income taxation under the Code (except for the alternative minimum tax imposed on corporations by section 55 of the Code and except for the environmental tax imposed on corporations by section 59A of the Code) or subject the City to any penalties under section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of the bonds or any other provisions hereof until the date which is 60 days after the final maturity date or earlier prior redemption date thereof.

Section 10. For the benefit of the holders and beneficial owners from time to time of the bonds and bond anticipation notes authorized pursuant to this Resolution (the “obligations”), the City agrees, in accordance with and as an obligated person with respect to the obligations, under Rule 15c2-12 promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934 (the “Rule”), to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner, as may be required for purposes of the Rule. In order to describe and specify certain terms of the City’s continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the City Comptroller is authorized and directed to sign and deliver, in the name and on

behalf of the City, the commitment authorized by subsection 6(c) of the Rule (the "Commitment") to be placed on file with the City Clerk, which shall constitute the continuing disclosure agreement made by the City for the benefit of holders and beneficial owners of the obligations in accordance with the Rule, with any changes or amendments that are not inconsistent with this resolution and not substantially adverse to the City and that are approved by the City Comptroller on behalf of the City, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed, collectively, by this paragraph and the Commitment, shall be the City's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform thereunder. The City Comptroller is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the City Comptroller shall consult with, as appropriate, the Corporation Council and bond counsel or other qualified independent special counsel to the City. The City Comptroller acting in the name and on behalf of the City, shall be entitled to rely upon any legal advice provided by the Corporation Council or such bond counsel or other special counsel in determining whether a filing should be made.

Section 11. The City by motion of the City Council, notwithstanding any provision of the City Charter, hereby submits this Resolution, for approval by the qualified electors of the City at the next general City election to be held on November 6, 2012.

Section 12. The following shall constitute the language of the ballot proposition and the City Clerk is hereby authorized and directed to provide in a timely manner a certified copy of such ballot proposition to the Westchester County Board of Elections pursuant to the applicable provisions of the Election Law to insure that such proposition is placed on the ballot for such electors of the City at such general City election:

#### PROPOSITION

"SHALL THE QUALIFIED ELECTORS OF THE CITY OF RYE, WESTCHESTER COUNTY, APPROVE A BOND RESOLUTION ADOPTED BY THE CITY COUNCIL OF SAID CITY ON SEPTEMBER 12, 2012 AUTHORIZING THE ISSUANCE OF \$1,680,000 SERIAL BONDS OF THE CITY OF RYE TO FINANCE THE CONSTRUCTION, RECONSTRUCTION AND IMPROVEMENTS TO CITY STREETS IN AND FOR THE CITY?"

Section 13. The effectiveness of this Resolution is subject to the approval by the qualified electors of the City at the next general City election.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RYE, NEW YORK, SUBMITTING THE APPROVAL OF A BOND RESOLUTION TO THE QUALIFIED VOTERS OF SAID CITY, APPROVING THE FORM OF BALOT PROPOSITION, AND DIRECTING THE CLERK OF SAID CITY TO PROVIDE A CERTIFIED COPY OF SAID PROPOSITION TO THE BOARD OF ELECTIONS.

WHEREAS, the City Council of the City of Rye, New York (herein, the “City Council” and the “City”), located in the County of Westchester, State of New York, on September 12, 2012 adopted a serial bond resolution in the manner required by Section 33.00 of the Local Finance Law which authorizes \$1,680,000 of the City’s general obligation serial bonds and bond anticipation notes to be issued to finance the construction, reconstruction and improvements to City streets in and for the City (the “Resolution”); and

WHEREAS, the effectiveness of the Resolution was made subject to a mandatory referendum, where applicable, pursuant to the provisions of the City Charter; and

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

1. An election of the qualified voters of the City shall be held on the date of the next general election (November 6, 2012).

2. The form of the ballot proposition shall be in the following language:

“SHALL THE QUALIFIED ELECTORS OF THE CITY OF RYE, WESTCHESTER COUNTY, APPROVE A BOND RESOLUTION ADOPTED BY THE CITY COUNCIL OF SAID CITY ON SEPTEMBER 12, 2012 AUTHORIZING THE ISSUANCE OF \$1,680,000 SERIAL BONDS OF THE CITY OF RYE TO FINANCE THE CONSTRUCTION, RECONSTRUCTION AND IMPROVEMENTS TO CITY STREETS IN AND FOR THE CITY?”

3. The City Clerk is hereby authorized and directed to provide in a timely manner, but in event later than October 1, 2012, a certified copy of the foregoing ballot proposition and abstract thereof to the Westchester County Board of Elections pursuant to the applicable provisions of the Election Law to insure that such proposition is placed on the ballot for such elector of the City at such general election.

4. This resolution shall take effect immediately upon its adoption by the City Council.

ROLL CALL:

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

The Resolution was adopted by a 6-1 vote.

This agenda item was taken out of order after agenda item 6.

13. Public Hearing to amend Chapter 98, “Fire Prevention” of the Code of the City of Rye by amending §98-4 “Board of Fire Wardens; Fire Inspector” regarding the Fire Inspector/Supervisor position for the Rye Fire Department.

Fire Warden Richard Barber said that the proposed local law conforms the City Code to state law.

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

There were no members of the public who wished to comment on the proposed local law.

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

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

**CITY OF RYE  
LOCAL LAW NO. 5 2012**

**A Local Law to amend Chapter 98 § 4 “Fire Prevention –  
Board of Fire Wardens; Fire Inspector” to create a Bureau of  
Fire Protection the Board of Wardens of the City of Rye Fire  
Department to report directly to the City Manager**

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

**Section 1: Chapter 98 Fire Prevention**

**§ 98-4. Board of Fire Wardens; Fire Lieutenant.**

It shall be the responsibility of the Board of Fire Wardens in conjunction with the City Manager to administer and enforce the provision of this chapter. There is hereby created in and for the City of Rye the Bureau of Fire Protection, the head of which shall be a Lieutenant, whose duties, among other things, shall include the responsibility for fire inspections within the City. Such office shall be subject to the supervision and direction of the Board of Fire Wardens in conjunction with the City Manager. Subject to the Civil Service Law and Rules and Regulations, the Board of Fire Wardens in conjunction with the City Manager, and with the approval of the Council, shall appoint such Lieutenant. Such person so appointed shall be qualified to assume the duties and responsibilities of such office or shall, within the time prescribed by law, qualify to do so. Such appointee or appointees shall receive such annual salary as the Council shall fix and determine.

**Section 2: Severability.**

If any clause, sentence, paragraph, section or part of any section of this title shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy and in which such judgment shall have been rendered.

**Section 3: Effective date.**

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

ROLL CALL:

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

The Local Law was adopted by a 7-0 vote.

14. Update on the Sluice Gate project and Flood Mitigation Stormwater analysis

City Manager Pickup said there have been some issues with the project regarding support from the engineers and going forward City Engineer Ryan Coyne and City Planner Christian Miller will be taking over a larger portion of the construction management. A credit arrangement will be worked out with WSP Sells in terms of their oversight of the construction project. The same approach is being taken regarding the hydrology reports. The City will undertake additional third party reviews.

Lawrence Lehman, Rye resident and professional engineer, expressed his concerns with the Sluice Gate project. He said he got involved with the project when former City Engineer

George Mottarella retired. When he reviewed the plans for the Sluice Gate project he noted errors. The main purpose of the project is to have electronic control over the gate and the controls will not be available until October. The contractor has asked for an extension of time to complete the project. Mr. Lehman met with the City Manager and City Engineer regarding getting consultants to do a peer review of the project and he found two companies who indicated they would respond to an RFP. He suggested an RFP be written quickly and sent out to the two companies. He believes the project will run over the amount of the awarded bid. Councilwoman Brett, the liaison for the Flood Committee, said that the Committee had asked for a peer review of the WSP Sells report with the hydrology study. It was her understanding that the RFP would go out at the end of September with the review to be done in October and the Sluice Gate installed in November. Mr. Lehman disagreed with that timeframe, saying the electronic controls of the Sluice Gate cannot be calibrated until after the peer review is completed, which cannot be done until a final report is issued from the engineers. Mr. Pickup said there are issues that must be resolved with the Sells company first regarding the final report.

15. Authorization for the City Manager to enter into an Intermunicipal Agreement with the Town of Scarsdale for the Board of Assessment Review of the City of Rye to hear a Tax Assessment Grievance for a property located in Scarsdale.  
Roll Call.

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

**RESOLVED**, that the City Manager is hereby authorized to enter into an Agreement with the Town/Village of Scarsdale in order for the Board of Assessment Review of the City of Rye to hear a Tax Assessment Grievance for a property located at 62 Woods Lane in Scarsdale.

ROLL CALL:

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

The Resolution was adopted by a 5-0 vote.

16. Authorization for additional funding for Landman, Corsi, Ballaine & Ford, P.C. for representation of the City on the Article 78 proceeding *Dapolite v. City Manager*  
Roll Call.

Corporation Counsel Wilson reported that the Council had previously authorized \$15,000 for representation in this case, but due to lengthy negotiations with petitioner's attorney to resolve the matter, the bills came in for an additional \$6,510.40. Two votes were taken in connection with this matter.

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

**RESOLVED**, that the City Council hereby authorizes that additional funding in the amount of \$6,510.40, at the rate of \$275 per hour, be paid to the firm Landman, Corsi, Ballaine & Ford, P.C. as final payment for representation of the City in the Article 78 Proceeding *Dapolite v. City Manager*.

ROLL CALL:

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

The motion failed.

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

**RESOLVED**, that the City Council hereby authorizes that additional funding in the amount of \$6,510.40, at the rate of \$275 per hour, be paid to the firm Landman, Corsi, Ballaine & Ford, P.C. as final payment for representation of the City in the Article 78 Proceeding *Dapolite v. City Manager*.

ROLL CALL:

AYES: Mayor French, Councilmembers, Brett, Jovanovich and Killian,  
NAYS: Councilmembers Parker and Sack  
ABSENT: Councilman Filippi

The Resolution passed by a 4-2 vote.

17. Authorization for City Manager to enter into an Agreement with the County of Westchester to accept electronically filed Small Claims Assessment Review (SCAR) petitions via the New York State Courts Electronic Filing (NYSCEF) System  
Roll Call.

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

**RESOLVED**, that the City Manager is hereby authorized to enter into an Agreement with



the County of Westchester to accept electronically filed Small Claims Assessment Review (SCAR) petitions via the New York State Courts Electronic Filing (NYSCEF) System.

18. Consideration of Resolution of support for Safe Routes to School (SRTS) grant application

City Manager Pickup said that a Council Resolution in support of the Safe Routes to School grant application was needed to complete the application process.

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

**WHEREAS**, the City of Rye has partnered with the Rye YMCA through its national program “Activate America – Pioneering Healthier Communities, “ to develop safer walking and biking routes to schools as a way to promote physical activity and decrease health risks associated with automobile traffic; and

**WHEREAS**, the City of Rye has implemented several traffic and pedestrian safety projects, including the Boston Post Road Diet, by providing engineering, infrastructure and physical improvements in and around the school campus sites; and

**WHEREAS**, the City of Rye appointed a multi-disciplinary Temporary Trails and Traffic Safety Committee in 2007, which prioritized specific pedestrian improvements and programs and led to the creation of the Shared Roadways Committee, a citizen’s committee that studied local roadway, sidewalk and intersection conditions and developed site-specific recommendations to enhance pedestrian safety; and,

**WHEREAS**, the City of Rye has worked with community advocates on Complete Streets initiatives, most recently the Forest Avenue project, which involved painting “sharrows” on the road; re-striping the travel lanes to 10’ in either direction; and improving crosswalk visibility, making this heavily traveled roadway safer for pedestrians and cyclists of all ages; and

**WHEREAS**, all of these community efforts have contributed to the submission of a request for funding through the federal Safe Routes to School program; now therefore be it

**RESOLVED**, that the City Council does, herein, support the efforts of the City of Rye and its affiliated partners who have contributed to this initiative; and be it

**FURTHER RESOLVED**, that the projects submitted for funding will enable our community to move forward in achieving the goals of providing safe roadways for school children, reducing traffic to promote a healthier environment and encouraging physical activity by walking and biking to school.

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

*Jim Amico, 350 Midland Avenue* referred to a letter in the Rye Record calling for the installation of stop signs at the intersection of Forest Avenue and Manursing Avenue and said that he was in favor of the idea. He also asked why the stop signs at the intersection of Midland Avenue and Palisade Road had not been finalized yet since the speed studies were completed over a month ago. City Manager Pickup said that both issues would be discussed at the September Traffic and Pedestrian Safety Committee meeting and noted that the committee does not meet over the summer. Mr. Amico also expressed his belief that there should be a crossing guard stationed at the Middle School/High School in the afternoon.

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

Since members of the Council had questions and comments about the proposed revisions, they were asked to submit their comments to the City Manager to be forwarded to the Police Commissioner. The agenda item was deferred.

21. Two appointments to the Boat Basin Commission, by the Council, for two-year terms expiring January 1, 2015 and the designation of one member to the Boat Basin Nominating Committee.

Councilwoman Brett made a motion, seconded by Councilwoman Parker and unanimously carried, to approve the appointments of Richard Dempsey and Greg Gavlik to the Boat Basin Commission for two-year terms expiring on January 1, 2015.

Councilwoman Brett made a motion, seconded by Councilwoman Parker and unanimously carried, to approve the appointment of Ford Winters to the 2013 Boat Basin Nominating Committee for a one-year term expiring on January 1, 2014.

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

Mayor French made a motion, seconded by Councilwoman Killian and unanimously carried, to appoint Dean Neely to the Finance Committee for a three-year term expiring on January 1, 2015.

23. Consideration of request by the Recreation Department to hold their annual Turkey Run on Thanksgiving Weekend.

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

**RESOLVED**, that the City Council hereby approves the request of the Recreation Department to hold their annual Turkey Run on Saturday, November 24, 2012.

24. Miscellaneous Communications and Reports

There was nothing discussed under this agenda item.

25. Old Business

There was nothing discussed under this agenda item.

26. New Business

Mayor French said that his recommendation about landmarking the “Milestones” was to wait to hear back from the Landmarks Committee regarding their strategy for implementation of the project prior to making a Council decision. City Manager Pickup said that there are other organizations that would like to have input in this project and a meeting has been scheduled with these organizations to discuss a plan for proceeding.

27. Adjournment

There being no further business to discuss Councilman Jovanovich made a motion, seconded by Councilwoman Parker and unanimously carried, to adjourn the meeting at 12:45 a.m.

Respectfully submitted,

Dawn F. Nodarse  
City Clerk



# CITY COUNCIL AGENDA

NO. 5

DEPT.: City Council

DATE: October 10, 2012

CONTACT: Mayor Douglas French

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

**FOR THE MEETING OF:**

October 10, 2012

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** That the City Manager provide a report on requested topics.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** The Mayor has requested an update from the City Manager on the following:

- Update on outstanding Union contracts
- Rye Golf Club Update
- Legal update



# CITY COUNCIL AGENDA

NO. 6

DEPT.: City Manager

DATE: October 10, 2012

CONTACT: Scott D. Pickup, City Manager

**AGENDA ITEM:** Summary of the 2013 Budget Process and Consideration of setting the 2013 Budget schedule.

**FOR THE MEETING OF:**

October 10, 2012

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** That the Council review the 2013 Budget process and assign dates for the upcoming 2013 Budget Workshops.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** Tentative dates for the Budget process include:

Wednesday, November 7: Presentation of the Budget

Wednesday, November 14: Budget Workshop

Monday, November 26: Budget Workshop

Wednesday, November 28: Council Meeting/Budget Workshop

Wednesday, December 5: Public Hearing on the Budget

Wednesday, December 12: Budget Workshop (if needed)

Wednesday, December 19: Adoption of the Budget

See attached

## 2013 Budget Schedule

<u>Meeting Date</u>	<u>Budget Topic</u>
11/07/12	Presentation of Manager's Budget Tax Cap Analysis
11/14/12	Presentation of Citizen's Budget: 3-year Budget Plan Library Budget review
11/26/12	Police Department Budget review
11/28/12	Fire Department Budget review Golf Club Department Budget Review Review Council Budget questions
12/05/12	Public Hearing on 2013 Budget
12/12/11	Budget Workshop (if necessary)
12/19/11	Budget Adoption

## November 2012

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2	3
4	5	6 Election Day	7 <b>Council Meeting</b> Budget Presentation Tax Cap Analysis	8	9	10
11	12 Veterans Day	13	14 <b>Budget Workshop</b> Citizen's Budget Library Budget	15	16	17
18	19	20	21	22 	23	24
25	26 <b>Budget Workshop</b> Police Budget	27	28 <b>Council Meeting/ Budget Workshop</b> Fire Dept Budget Golf Club Budget	29	30	

## December 2012

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3	4	5 <b>Council Meeting</b> Public Hearing	6	7	8 Hanukkah Starts
9	10	11	12 Budget Workshop (if needed)	13	14	15
16	17	18	19 <b>Council Meeting</b> Budget Adoption	20	21	22
23	24	25 Christmas	26	27	28	29
30	31					



# CITY COUNCIL AGENDA

NO. 7

DEPT.: City Council

DATE: October 10, 2012

CONTACT: Councilwoman Catherine Parker

**AGENDA ITEM:** Consideration to set a Public Hearing for October 24, 2012 to amend local law Chapter 31, "Police Pension Fund", Section 9, Accrual and Payment of Pensions, to increase the payment amount for the sole recipient of the fund.

**FOR THE MEETING OF:**

October 10, 2012

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** That the City Council amend Chapter 31 to allow for a cost of living increase in payment to the sole recipient of the Police Pension Fund.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** The Police Pension Fund provides payments to one recipient which are paid in equal semimonthly installments. A proposal has been put forward to provide a cost of living increase for this recipient.

See attached Draft Local Law.



**CITY OF RYE  
LOCAL LAW NO. \_\_ OF 2012**

**A Local Law to amend Chapter 31 “Police Pension Fund”, Section 31-7 “Payments from fund” of the City Code of the City of Rye to increase the annual sum to a widow by the cost of living adjustment**

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

**Section 1. Chapter 31 “Payments from fund”**

**§ 31-7. Payments from fund.**

A.

(2) To the widow of any member who has died or who shall hereafter die after 10 years of service in the Police Department of the village/city, which a member of such force, or who shall have died having retired upon a pension, if there be no child or children under 18 years of age of any such member, a sum of \$2,841 **plus the cost of living adjustment per year beginning in the year 2012** per annum, but if there be such child or children of such member under the age aforesaid, then such sum may be divided between such widow, child or children in such proportions and in such manner as the Trustees may direct; provided, however, that if such widow did not become the lawful wedded wife of such member prior to the attainment of his 50<sup>th</sup> birthday and was not cohabiting with him at the time of his death, said pension shall be payable in the discretion of the Trustees of the fund. **Any widow who shall qualify for this payment after January 1, 2012 shall be paid the sum of \$2,841 plus the annual cost of living adjustments each year after January 1, 2012.**

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



# CITY COUNCIL AGENDA

NO. 8      DEPT.: City Manager      DATE: October 10, 2012  
CONTACT: Scott Pickup, City Manager

**AGENDA ITEM:** Update on the Kirby Lane South Sanitary Sewer Special Assessment District project including final steps and close-out process.

**FOR THE MEETING OF:**

October 10, 2012

**RYE CITY CODE,  
CHAPTER  
SECTION**

**RECOMMENDATION:**

**IMPACT:**     Environmental     Fiscal     Neighborhood     Other:

**BACKGROUND:** The construction portion of the Kirby Lane South Sanitary Sewer Special Assessment District project has been successfully completed along with the re-paving of the street. The final steps and close-out of the project include:

- Preparation of final project costs
- A meeting will be held with the Kirby Lane residents on Tuesday, October 30, 2012 to review the project and answer any outstanding questions. Dolph Rotfeld Engineering, P.C and City Staff will be in attendance.
- Establish bond amount for residents who choose to pay by annual special assessment



# CITY COUNCIL AGENDA

NO. 9

DEPT.: City Manager

DATE: October 10, 2012

CONTACT: Scott Pickup, City Manager

**AGENDA ITEM:** Consideration of request to remove a handicapped parking designation on Orchard Avenue.

**FOR THE MEETING OF:**

October 10, 2012

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** That the Council authorize the City Manager to remove the handicapped parking designation.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** A current resident of Orchard Avenue has requested the removal of a single handicapped parking spot located at 32 Orchard Avenue. The spot was authorized in 1989 for a handicapped resident living at 32 Orchard Avenue whose family has recently moved.

In 1989 the City Council authorized the City Manager to designate the handicapped zone under Section 191-14 "Powers of City Manager" of the Code of the City of Rye. The removal of the handicapped designation may be authorized in the same fashion.

See attached.

---

**From:** Tim Kirby  
**Sent:** Monday, August 27, 2012 10:50 AM  
**Subject:** Handicap sign

City Manager,

I would like to request the removal of the handicap reserved parking sign located at 32 Orchard Ave. The person the sign was originally used for passed away approximately 20 years ago. The parents of that person just moved away a few weeks ago. I see no reason for the sign to stay.

Sincerely,  
Tim Kirby  
36 Orchard Ave

The resolution passed.

7. Consideration of request for designation of a handicapped parking zone on Orchard Avenue

City Manager Culross advised the Council that they could authorize him to designate a handicapped parking zone under Section 191-14 of the Code of the City of Rye.

Councilwoman Kapilow made a motion, seconded by Councilwoman Milberg, to authorize the City Manager to designate a handicapped parking zone on Orchard Avenue.

Councilman Latimer informed the Council that neighbors have indicated there are parking problems on Orchard Avenue because commuters are parking there since it is the first street outside the CBD with no parking restrictions. His concern was not against Dr. Raines' request but for the underlying problem and the issue of not setting a precedent. He proposed amending the motion to give the City Manager the option to put hours of availability for this particular designated space based on his discussion with Dr. Raines. His rationale for setting hours for the handicapped space was to afford the neighbors the opportunity to park at other hours during the day.

Both "motioners" accepted Councilman Latimer's friendly amendment.

Mr. John McCauley, of Orchard Avenue, concurred with Councilman Latimer's statement about the parking problems on Orchard Avenue.

On motion of Councilwoman Kapilow and seconded by Councilwoman Milberg, it was

RESOLVED, that the City Manager be and is hereby authorized to designate a handicapped parking zone on Orchard Avenue and is also given the option to put hours of availability for this particular designated space based on his discussions with Dr. Raines.

ROLL CALL:

AYES: Mayor Ilse, Councilmen Kapilow, Latimer, Milberg,  
Rogers and Ross

NAYS: None

ABSENT: None

The resolution passed.

8. Proposed resolution urging State and Federal officials to assist in the retaining and reopening of environmentally safe open water "relocation" areas in Long Island Sound

Acknowledging that this proposed resolution had been referred to the Boat Basin Commission, Councilman Ross asked would it be appropriate to refer it to the

*City of Rye, NY  
Monday, September 10, 2012*

**§ 191-14. Powers of City Manager.**

**[Amended 9-16-1970 by Ord. No. 8-1970]**The City Manager is hereby authorized to designate, subject to the approval of the Council, parking spaces, safety zones and bus, cab or taxicab stands in the public streets and private roads open to public motor vehicle traffic, and to limit or prohibit parking in spaces and zones in such public streets and private roads, provided such spaces, zones and stands are marked and indicated by suitable signs, and all operators shall obey the rules and regulations prescribed by the City Manager, subject to the approval of the Council, for such spaces, zones and stands.

**§ 191-21.1. Handicapped parking zones.**

**[Added 5-4-1988; amended last 7-16-2003 by L.L. No. 5-2003]**

The following described areas are designated as handicapped parking zones:

<b>Name of Street</b>	<b>Location</b>
<i>*Promulgated by City Manager with approval of City Council</i>	
Orchard Avenue	32 Orchard Avenue
*51 Milton Road	1 space in the parking lot at 51 Milton Road
Haviland Lane	Closest space to Purchase Street
Theodore Fremd Avenue	North of Elm Place
Third Street	Easterly side



# CITY COUNCIL AGENDA

NO. 10

DEPT.: City Council

DATE: October 10, 2012

CONTACT: Mayor French

**AGENDA ITEM:** Discussion of the dissolution of defunct City of Rye Boards and Committees.

**FOR THE MEETING OF:**

October 10, 2012

**RYE CITY CODE,  
CHAPTER  
SECTION**

**RECOMMENDATION:** That the Council consider dissolving the City of Rye Boards and Committees which no longer meet.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** The following Boards and Committees no longer meet on a regular basis and do not have a standing purpose. A proposal has been put forward to consider dissolving these committees.

- ◀ Master Plan Task Force
- ◀ Rye Beautification Advisory Committee
- ◀ Youth Advisory Committee

See attached information.





To: Mayor and Council  
From: Eleanor M. Militana  
Date: October 3, 2012  
Re: Dissolution of Committees

A recommendation has been made to dissolve several Committees which have not met in recent years. These Committees include: the Master Plan Task Force, the Rye Beautification Advisory Committee, and the Youth Advisory Committee.

Generally committees are formed by Council Resolution, yet they may also be enacted through the passage of a local law which would amend the City Code. Committees formed by Council Resolution can also be dissolved by a Council Resolution. For committees enacted by Local Law, the Council must adopt a local law to dissolve the committee and a Public Hearing must be held.

Attached please find information on these specific Committees including: date of establishment, formation, purpose, and how they may be dissolved.

<u>Committee</u>	<u>Date Formed</u>	<u>Enacted by</u>	<u>Dissolved by</u>
Master Plan Task Force	Feb. 4, 1998	Council Resolution	Council Resolution
Rye Beautification Advisory Committee	Apr. 30, 2003	Council Resolution	Council Resolution
Youth Advisory Committee **	March 1, 2006	Local Law	Local Law

\*\* NOTE: The Youth Advisory Committee was originally formed by Council Resolution on August 13, 2003 but was incorporated into the City Code by a local law passed by the City Council on March 1, 2006. This local law established three Committees as permanent City Committees: the Rye Playland Advisory Committee, the Rye Senior Advocacy Committee, and the Youth Advisory Committee.

# Master Plan Task Force

- ◀ Enacted by Council Resolution at the City Council Meeting on February 4, 1998
- ◀ The Committee last met during the late 1990's
- ◀ May be dissolved by Council Resolution

**MINUTES of the Regular  
Meeting of the City Council of the  
City of Rye held in City Hall on  
February 4, 1998 at 8:00 P.M.**

14. Resolution establishing the Master Plan Task Force

Councilwoman Cunningham made a motion, seconded by Councilwoman Downing, to adopt the following resolution:

**RESOLVED**, that the Master Plan Task Force be established as follows:

Section 1. Appointment of Members: The Mayor shall appoint, with the approval of the City Council, members of the Master Plan Task Force. The number of members will be determined by the City Council. The Mayor shall designate from amongst any of the members, the Chairperson of the Task Force.

Section 2. Purpose and Duties: The Master Plan Task Force will continue the update of the 1985 City of Rye Development Plan to completion. It will seek public input into the key elements of the plan and direct completion of the project with the City Council, the Planning Commission and other entities contributing to the update.

**ROLL CALL:**

**AYES:** Mayor Otis, Councilmen Cunningham, Downing,  
Hutchings, Larr, Stampleman and Walsh

**NAYS:** None

**ABSENT:** None

The resolution passed.

15. Appointments to the Master Plan Task Force

Mayor Otis explained that the purpose of this Task Force is to continue the work of the Master Plan Steering Committee. He reported that the last Master Plan was done in 1985. Mayor Otis said that public outreach, as well as input from the City's various Boards and Commissions, would be utilized by the Task Force.

Councilman Stampleman made a motion, seconded by Councilwoman Larr, to approve the appointments of Mayor Otis, Councilwomen Walsh, Cunningham, and Downing, Dr. Michael Klemens, Mr. Paul Benowitz and Mr. Richard Mecca to the Master Plan Task Force.

ROLL CALL:

AYES: Mayor Otis, Councilmen Cunningham, Downing,  
Hutchings, Larr, Stampleman and Walsh

NAYS: None

ABSENT: None

The motion carried.

# Rye Beautification Advisory Committee

- ◀ Enacted by Council Resolution at the City Council Meeting on April 30, 2003
- ◀ The Committee last met in November of 2004
- ◀ May be dissolved by Council Resolution

**APPROVED MINUTES of the  
Regular Meeting of the City Council of the  
City of Rye held in City Hall on, April 30,  
2003 at 8:00 P.M.**

5. Consideration of establishing a City of Rye Beautification Advisory Committee

Mayor Otis said there was continuing interest in setting up a non-regulatory Rye Beautification Advisory Committee to provide collaborative input to the Council on small community projects. He said it would act much as the Traffic and Transportation Committee to speed up solutions to specific issues. Councilwoman Larr said she had heard people voice concerns about forming another committee which would overlap on what is already being done and Councilman Chu remained unconvinced another committee was necessary, suggesting the Rye Merchants Association might take on the responsibility. Councilman McKean suggested there are a number of issues to work on, over and above Purchase Street, and he feels there are areas where no one is paying enough attention to ambiance details. Councilwoman Cunningham mentioned there have been lots of advisory committees over the years (recycling, the County airport) and they add strength to City government and the community while keeping taxes in check.

Members in the audience spoke in favor of forming the committee. *Holly Galgano*, president of the Little Garden Club, said all the garden clubs do what they can, but they can't do it all, and she views the committee as being able to establish non-partisan goals, set standards, coordinate legacies and wish-lists and create a beautification master plan. She pointed out it would be free to the City and that similar groups and plans exist in other communities (Harrison's group is a 501(C) (3) organization). *Chris Cohan*, 315 Oakland Beach Avenue, a landscape architect, emphatically supported the plan, citing the need for improved gateways to the City and for increased ease in getting things accomplished. *Ann Finnegan*, 195 Locust Avenue, who actually suggested the idea, said her interest came as a result of trying to get something done under the Locust Avenue bridge and feeling that with a committee citizens would know whom to talk to. *Katherine Parker*, head of the Rye Merchants Association, said they were in favor and happy to participate, but not in a position to do it themselves. *Edith Neuhoff*, Ceres Garden Club, said lots of places need improving and her garden club can't imagine why anyone would object. *Connie Macleod*, Topsail Lane, said she thought everyone should be applauding the fact that people want to help. *Paul Munding*, Stuyvesant Avenue, said Rye was pretty and he was not in favor of not adding another City committee.

Mayor Otis said having this be a City committee ensured it would be a noticed event and open to everyone's input; that there are already enough 501 (C) (3) groups in Rye, that ideas would be coordinated through the staff via the City Manager; and that its purpose was to brainstorm and act as a passive entity.

Councilwoman Larr made a motion, seconded by Councilman Cypher, to adopt the following amendment to the resolution establishing the committee:

**RESOLVED**, that the members of the Committee select their own chairman rather than having that chairman appointed by the Mayor.

ROLL CALL:

AYES: Councilmen Cypher, Hutchings and Larr

NAYS: Mayor Otis, Councilmen Chu, Cunningham and McKean

ABSENT: None

The resolution failed to pass by a vote of 3-4.

Councilwoman Cunningham made a motion, seconded by Councilman McKean, to adopt the following resolution:

**WHEREAS**, the City of Rye values the beauty and aesthetic character of our community; and

**WHEREAS**, there are many interested individuals and organizations who bring expertise in the area of evaluating and implementing projects that impact Rye's appearance; and

**WHEREAS**, Rye would benefit by bringing these individuals together to provide advice and the opportunity for collaboration on such projects; and

**WHEREAS**, together these individuals will be able to better channel advice to the City of Rye; now, therefore, be it

**RESOLVED**, that a City of Rye Beautification Advisory Committee is hereby established to consist of nine members, all residents of Rye, to serve for three-year terms; and be it further

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

**RESOLVED**, that the members of the City of Rye Beautification Advisory Committee shall be appointed by the Mayor, with the approval of the City Council and that one member shall be designated by the Mayor as Chairman; and be it further

**RESOLVED**, that the:

1. The Beautification Advisory Committee will provide advice to the City Council on issues relating to the appearance or design of specific projects under consideration in the City.

2. The Beautification Advisory Committee will serve as a forum to discuss and provide advice on the aesthetic aspects of specific projects being considered in the community.

3. The Beautification Advisory Committee will provide advisory opinions regarding temporary or permanent beautification projects as it determines but will not serve as a regulatory body nor have jurisdiction over applications before the Planning Commission, Board of Architectural Review, Zoning Board of Appeals, Landmarks Advisory Committee, or Conservation Commission\Advisory Council.

4. Membership on the Beautification Advisory Committee will be offered to Rye's garden clubs, merchant association, and others interested in the promoting of beautification projects.

5 The Beautification Advisory Committee will serve as a forum to foster collaboration on projects between community organizations and individuals interested in sponsoring specific beautification projects.

ROLL CALL

AYES: Mayor Otis, Councilmen Cunningham, Cypher, and McKean

NAYS: Councilmen Chu, Hutchings and Larr

ABSENT: None

The resolution passed by a vote of 4-3.

***APPROVED MINUTES of the  
Regular Meeting of the City Council of the  
City of Rye held in City Hall on June 18,  
2003 at 8:00 P.M.***

10. Three appointments to the Rye Beautification Advisory Committee for one-year terms ending January 1, 2004; three appointments for two-year terms ending January 1, 2005; and three appointments for three-year terms ending January 1, 2006, by the Mayor with Council approval

Mayor Otis said he had received more than nine volunteers to serve on the new Rye Beautification Advisory Committee and suggested increasing the size of the committee so that all those interested could serve. He made a motion, seconded by Councilman McKean and unanimously carried, to adopt the following resolution:



**RESOLVED**, that the size of the Rye Beautification Advisory Committee be increased from nine members to thirteen members; and that the initial classes shall consist of five members to serve a one year term; four members to serve for a two year term; and four members to serve for a three year term.

Councilwoman Cunningham made a motion, seconded by Councilman Chu and unanimously carried, to appoint Robin Jovanovich, Gretchen Althoff, Mary Goldszer, Iris Fisher and Chris Cohan to serve one year terms ending January 1, 2004; Anne Finnegan, Maud Taylor Letendre, Mary Louise Johnson-Murray and Shahid Malik to serve two year terms ending January 1, 2005; and three members designated by organizations (Peggy Peters [Rye Garden Club]; Edith Neuhoff [Ceres Garden Club]; Ann Stevenson [Little Garden Club]) for three year terms ending January 1, 2006. The fourth organization to designate a representative to the committee is the Rye Merchants Association. Their nominee has not yet been determined.

11. Designation of the Chairman of the Rye Beautification Advisory Committee, by the Mayor

Mayor Otis designated Anne Finnegan, whose idea it was to create the committee, as the first Chairman of the Rye Beautification Advisory Committee.

# Youth Advisory Committee

- ◀ Enacted by Council Resolution at the City Council Meeting on August 13, 2003
- ◀ Local Law passed at the City Council Meeting on March 1, 2006 incorporating it into the City Code
- ◀ The Committee last met in 2006
- ◀ The Committee must be dissolved by holding a Public Hearing to amend Chapter 10, “Committees” of the Code of the City of Rye to rescind Article III

**Meeting of the City Council of the  
City of Rye held in City Hall on August 13,  
2003 at 8:00 P.M.**

8. Consideration of establishing a Youth Advisory Committee

Councilman Cypher reviewed his efforts to create a Youth Advisory Committee which would bring young people into the government process. He thanked Casey Liebst, Assistant to the City Manager, for all her help in working out the logistics of how best to set up such a committee. The final proposal limits the number of young people who can participate and creates an autonomous group with lots of flexibility. Councilwoman Cunningham said she would still like to see a teen workshop; the Mayor said such a workshop could happen once the committee is officially established. There was discussion about who should be the City's representative on the committee and it was decided the appointment should be made by the City Manager.

Councilman Cypher made a motion, seconded by Councilman McKean and unanimously carried to adopt the following resolution:

**RESOLUTION ESTABLISHING A YOUTH ADVISORY  
COMMITTEE AND DETERMINING ITS MEMBERSHIP,  
OFFICERS, AND DUTIES**

**WHEREAS**, many issues arise in City government and the community as a whole that may be of interest to youth or may affect youth in the community; and

**WHEREAS**, it is beneficial for the community and the youth to develop the citizenship skills of youth in the community by working with local government on such issues; and

**WHEREAS**, the City government can directly benefit from the advice and efforts of youth in the community on the issues that confront the City; now, therefore, be it

**RESOLVED by the City Council of the City of Rye that:**

1. There shall be a Youth Advisory Committee to make recommendations on City Council agenda items or other matters affecting youth in the community and to seek and recommend ways to interest and involve youth in local government.

2. The Youth Advisory Committee shall consist of no more than fifteen members in grades seven through twelve at the time of appointment or re-appointment by the City Council. Members must be residents of the City of Rye but are not required to attend school in the City.

3. Each year, nominations will be accepted for students interested in serving on the Committee. A selection committee made up of one representative of the City designated by the City Manager, the Rye YMCA, and the Rye Youth Council will review the nominations and select students to recommend to the City Council for appointment to the Committee. Efforts will be made to balance the committee regarding schools represented, grade, gender, ethnicity, etc. Members will be officially appointed to the Youth Advisory Committee by the City Council.

4. The term of office for each member shall be one school year, commencing on September 1 and ending on June 30. Members may be re-appointed but shall serve for no more than three consecutive years. The Youth Advisory Committee shall select its own chair and vice-chair.

**Meeting of the City Council of the  
City of Rye held in City Hall on March 1,  
2006 at 8:00 P.M.**

5. Continuation of public hearing to incorporate permanent City Committees in the City Code

Mayor Otis announced the continuation of the public hearing to incorporate permanent City Committees in the City Code. Councilman Fahey asked what was gained by this, especially codifying the Rye Playland Committee. He was assured that Committee meets when they need to; that they have been involved in the County's Master Plan process; reviewed parking issues; and maintained an important dialogue with the Playland Director and our County Legislator. Councilman Hennes said it would be a good idea to have them make a presentation, but it is also a good idea to have the committees codified. The issue of whether or not the committees should choose their own chair or whether the chair should be designated by the Mayor was discussed again with some feeling it is better for all Committees to nominate their own Chair and others agreeing the Chairs should be designated.

The Mayor closed the public hearing. It was agreed that there would be a separate vote for the codification of each committee.

Councilman Pratt made a motion, seconded by Councilman Seitz, to adopt the following local law:

**LOCAL LAW NO. 4-2006  
CITY OF RYE**

**A Local Law to add the following sections to the  
Rye City Code to be added as Chapter 10.**

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

**Chapter 10  
CITY OF RYE COMMITTEES**

**ARTICLE III  
Youth Advisory Committee**

**Section 3 Youth Advisory Committee [historic note - initially  
established by City Council resolution August 13, 2003]**

**§10-7 Legislative Intent**

- A. Many issues arise in City government and the community as a whole that may be of interest to youth or may affect youth in the community.
- B. It is beneficial for the community and the youth to develop the citizenship skills of youth in the community by working with local government on such issues.
- C. The City government can directly benefit from the advice and efforts of youth in the community on the issues that confront the City.

**§10-8. Committee; Appointment**

There shall be The Youth Advisory Committee to consist of no more than twenty-five members in grades seven through twelve at the time of appointment or reappointment by the City Council. Members must be residents of the City of Rye but are not required to attend school in the City. Each year, nominations will be accepted for students interested in serving on the Committee. A selection committee made up of one representative of the City designated by the City Manager, the Rye YMCA, and the Rye Youth Council will review the nominations and select students to recommend to the City Council for appointment to the Committee. Efforts will be made to balance the committee regarding schools

represented, grade, gender, ethnicity, etc. Members will be officially appointed to the Youth Advisory Committee by the City Council. The term of office for each member shall be one school year, commencing on September 1 and ending on June 30. Members may be reappointed but shall serve for no more than three consecutive years. The Youth Advisory Committee shall select its own chair and vice-chair.

**§10-9 Powers and Duties**

There shall be a Youth Advisory Committee to make recommendations on City Council agenda items or other matters affecting youth in the community and to seek and recommend ways to interest and involve youth in local government.

**Section 4.** Effective Date.

**This local law shall take effect immediately upon filing in the Office of the Secretary of State.**

ROLL CALL for adoption of Article III – Rye Youth Advisory Council

AYES: Mayor Otis, Councilmen Fahey, Hennes and Seitz

NAYS: Councilmen Cunningham and Pratt

ABSTAIN: Councilman Ball

ABSENT: None

The vote to adopt Article III carried 4 to 2 with one abstention.

## **Article III. Youth Advisory Committee**

*Editor's Note: Historic note: initially established by City Council resolution 8-13-2003.*

### **§ 10-7. Legislative intent.**

- A. Many issues arise in City government and the community as a whole that may be of interest to youth or may affect youth in the community.
- B. It is beneficial for the community and the youth to develop the citizenship skills of youth in the community by working with local government on such issues.
- C. The City government can directly benefit from the advice and efforts of youth in the community on the issues that confront the City.

### **§ 10-8. Committee established; appointment of members; terms.**

There shall be the Youth Advisory Committee, to consist of no more than 25 members in grades seven through 12 at the time of appointment or reappointment by the City Council. Members must be residents of the City of Rye but are not required to attend school in the City. Each year, nominations will be accepted for students interested in serving on the Committee. A selection committee made up of one representative of the City designated by the City Manager, the Rye YMCA, and the Rye Youth Council will review the nominations and select students to recommend to the City Council for appointment to the Committee. Efforts will be made to balance the Committee regarding schools represented, grade, gender, ethnicity, etc. Members will be officially appointed to the Youth Advisory Committee by the City Council. The term of office for each member shall be one school year, commencing on September 1 and ending on June 30. Members may be reappointed but shall serve for no more than three consecutive years. The Youth Advisory Committee shall select its own chair and vice-chair.

### **§ 10-9. Powers and duties.**

There shall be a Youth Advisory Committee to make recommendations on City Council agenda items or other matters affecting youth in the community and to seek and recommend ways to interest and involve youth in local government.



# CITY COUNCIL AGENDA

NO. 12

DEPT.: City Manager

DATE: October 10, 2012

CONTACT: Scott D. Pickup

**AGENDA ITEM:** Consideration of a request by the Rye Merchants Association to close a portion of Purchase Street on Sunday, November 25, 2012 from 10:00 a.m. to 3:00 p.m. for the *Mistletoe Magic* event.

**FOR THE MEETING OF:**

October 10, 2012

**RYE CITY CODE,**

CHAPTER

SECTION

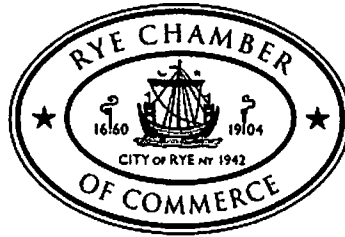
**RECOMMENDATION:** That the Council consider granting the request.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**

The Merchants Association is requesting the Council authorize the closing of Purchase Street for its annual Mistletoe Magic event to be held this year on Sunday, November 25, 2012 from 10:00 a.m. to 3:00 p.m.





September 17, 2012

Ms. Dawn Nodarse  
City Clerk  
**City of Rye**  
1051 Boston Post Road  
Rye, New York 10580

Re: Rye Chamber of Commerce "Mistletoe Magic"

Dear Ms. Nodarse:

On behalf of the Rye Chamber of Commerce, I am writing to request permission from the City for use of city streets on **Sunday, November 25, 2012** for the Mistletoe Magic event. Specifically, we are requesting that Purchase Street be closed from the Square House north to Purdy Avenue from the hours of 10 a.m. to 3 p.m.

Our members will be providing entertainment with costumed characters, Rye Art Center children's musical ensembles, strolling carolers, a horse and buggy ride and assorted refreshments and arcade games and more.

If approved, I understand we must coordinate logistics with Lt. Falk of the Rye City Police Department. An insurance certificate will be provided upon approval.

Thank you in advance for your consideration.

Very truly yours,

Sally P. Wright

*Pres, Rye Chamber of Commerce*

cc: Ms. Susan McNamee