

CITY OF RYE

NOTICE

There will be a regular meeting/Budget Workshop of the City Council of the City of Rye on Wednesday, November 28, 2012, at 8:00 p.m. in Council Chambers at City Hall.

AGENDA

1. Pledge of Allegiance.
2. Roll Call.
3. Presentation by Mayor and City Manager of Certificates of Public Service to members of the City staff who have served Rye for twenty-five or thirty years.
4. General Announcements.
5. Consideration of a request by the Westchester County chapter of the National Alliance on Mental Illness (NAMI) to have a ribbon initiative in the Central Business District during the month of May 2013.
6. Draft unapproved minutes of the regular meeting of the City Council held November 7, 2012 and the Budget Workshop held November 14, 2012.
7. Mayor's Management Report
 - Discussion and Update on the Draft Financial Disclosure Form
 - Hurricane Sandy Update
 - Legal Update
8. Discussion of the FY 2013 Budget.
 - Fire Department Budget Review
 - Golf Club Department Budget Review
 - Review of City Council Budget Questions
9. Resolution to amend the Nominations, Elections and Voting Eligibility procedures for the Rye Golf Club Commission to maintain a Commission level of nine members.
10. Resolution to appoint the next eligible member from the Rye Golf Club election of September 27, 2012 to the Rye Golf Club Commission until the next regular election.
11. Discussion of parking permit procedures in the City lot located at the Rye Arts Center.
12. Residents may be heard on matters for Council consideration that do not appear on the agenda.

13. Authorization for City Manager to execute an Inter-Municipal Agreement (IMA) with the County of Westchester Department of Public Safety regarding the assignment of instructors to the Police Academy for both recruit and in-service training.
14. Acceptance of Grant Award from the Governor’s Traffic Safety Committee in the amount of \$2,000 for participation in the “Child Passenger Safety” program.
Roll Call.
15. Acceptance of Grant Award from the Governor’s Traffic Safety Committee in the amount of \$2,108 for participation in the “Buckle Up New York” program.
Roll Call.
16. Miscellaneous communications and reports.
17. Old Business.
18. New Business.
19. Adjournment.

* * * * *

The next regular meeting of the City Council will be held on Wednesday, December 5, 2011 at 8:00 p.m.

** City Council meetings are available live on Cablevision Channel 75, Verizon Channel 39, and on the City Website, indexed by Agenda item, at www.ryeny.gov under “RyeTV Live”.

* Office Hours of the Mayor by appointment by emailing dfrench@ryeny.gov.



CITY COUNCIL AGENDA

NO. 3

DEPT.: City Manager

DATE: November 28, 2012

CONTACT: Scott Pickup, City Manager

AGENDA ITEM: Presentation by Mayor and City Manager of Certificates of Public Service to members of the City staff who have served Rye for twenty-five or thirty years.

FOR THE MEETING OF:

November 28, 2012

RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION:

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: Awards will be presented to the following City of Rye employees who have served Rye for twenty-five or thirty years.

EMPLOYEE	DEPARTMENT	YEARS OF SERVICE
Anthony Carella	Public Works	25
Alice Evangelista	Police	25
Lt. Robert Falk	Police	30



CITY COUNCIL AGENDA

NO. 5

DEPT.: City Manager

DATE: November 28, 2012

CONTACT: Scott D. Pickup

AGENDA ITEM: Consideration of a request by the Westchester County chapter of the National Alliance on Mental Illness (NAMI) to have a ribbon initiative in the Central Business District during the month of May 2013.

FOR THE MEETING OF:

November 28, 2012

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council consider granting the request.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: Since 1949, May has been designated as mental Health Awareness Month. The National Alliance on Mental Illness (NAMI) will be holding a NAMI WESTCHESTER walk on Saturday, May 18, 2013. To further raise awareness they are partnering with NAMI Stamford Greenwich to launch a Mental Health Awareness ribbon initiative during the month of May 2013.

NAMI is requesting that the City of Rye participate in the awareness ribbon campaign by tying ribbons on the trees in the Central Business District during the month of May 2013. NAMI will be responsible for the installation and removal of the ribbons.

See attached information and sample ribbon.

November 5, 2012

Good Afternoon Mayor French and Ms. Moore,

I am a board member of NAMI Westchester. Last Wednesday morning, October 17th, Stamatia Pappas, the President of NAMI Westchester, told the Board the good news; the towns of Port Chester, Rye, and Rye Brook voted to approve the NAMI WESTCHESTER walk on Saturday May 18th.

Along with our walk, NAMI Westchester is partnering with NAMI Stamford Greenwich to launch a Mental Health Awareness ribbon initiative during the month of May 2013. The ribbon will be white with our NAMI logo and our NAMI message in reflex blue and gold.

Since 1949, May has been designated as Mental Health Awareness Month. An awareness ribbon campaign (based on the success of the Susan G Komen ribbon campaign) will not only bring the issue of mental illness to the forefront, it will also highlight the fact that we are doing an awareness walk in May. It is our belief that raising public awareness frees people from the stigma and shame that prevent so many from asking for the help they need.

The Board of Trustees of Rye Brook and Mayor Feinstein have approved our request to tie ribbons around the trees in prominent, designated areas of Rye Brook during the month of May 2013. We also received approval from the Town of Greenwich to line the trees on Greenwich Ave with our NAMI Mental Health Awareness ribbons next May. Tonight, we are hopeful that Mayor Dennis Pilla of Port Chester and his board will vote to allow us to tie ribbons in the city of Port Chester.

We respectfully request your permission to do the same Rye-to tie ribbons on the trees of the main streets of Rye. I am available to meet with you at your convenience.

Please let me know what the next steps will be. We are eager to make this happen.

Thank you.



Sheryl Brauman
shbrau@gmail.com
[914-450-9126](tel:914-450-9126)

**Mental Health
Awareness Month**
Support, Education, Advocacy
www.nami.org



*Find Help
Find Hope*





CITY COUNCIL AGENDA

NO. 6

DEPT.: City Clerk

DATE: November 28, 2012

CONTACT: Dawn Nodarse

AGENDA ITEM Draft unapproved minutes of the regular meeting of the City Council held November 7, 2012 and the Budget Workshop held November 14, 2012, as attached.

FOR THE MEETING OF:

November 28, 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 November 7, 2012 and the Budget Workshop held November 14, 2012, as attached.

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

PRESENT:

DOUGLAS FRENCH Mayor
LAURA BRETT
RICHARD FILIPPI
JULIE KILLIAN
CATHERINE F. PARKER
JOSEPH A. SACK
Councilmembers

ABSENT: PETER JOVANOVIICH , Councilman

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

Announcements were made regarding various events that may be of interest to residents.

4. Draft unapproved minutes of the regular meeting of the City Council held October 24, 2012

Councilwoman Brett made a motion, seconded by Councilman Filippi and unanimously carried, to approve the minutes of the regular meeting of the City Council held on October 24, 2012, as submitted.

5. Mayor's Management Report

- Hurricane Sandy Storm Report

In reporting on the Hurricane, Mayor French said that the good from the storm is the way Rye pulled together to help, including the Police Department, Fire Department, Department of Public Works (DPW), Not-for-Profits and neighbors. The bad is the communication from Con Ed with their customers. The restoration process was centralized and they have refused to share

their prioritization with the City. The first recommendation made by the City on October 30th was to repeat the process that was successful after Hurricane Irene of having a Con Ed customer service representative available on the street for people to come to for information. The request was denied by Con Ed. A decision was made by Con Ed not to utilize 24-hour crews, even though the City offered to provide the lighting. The City has had very little input beyond identifying the core facilities of the schools regarding how power is restored. Con Ed was asked to send a representative to this meeting but they declined. The Mayor added that the City Manager and Police Commissioner did a great job in running the EOC.

City Manager Pickup said that Con Ed has done a great disservice to their customers because they refused to show the City their infrastructure grids, as they have done previously, in order to determine the location of the feeder lines that control power to neighborhoods. The City has a good history of getting through other events and tried to share that knowledge with the County in order to help Con Ed but it was not accepted. Mr. Pickup said he believed that if the City had been allowed the access it wanted, the grid would have been restored already. The fixes that should be put in place are not massively expensive or difficult, but Con Ed has to have the will to implement the changes. He said that the City is still assessing the damage to City infrastructure from the current storm, and noted that the City is still awaiting reimbursement from FEMA for damages sustained during storms Irene and Lee last year.

Councilman Filippi suggested that a Resolution should be adopted by all communities in Westchester asking the State to pass legislation that would penalize Con Ed financially when they fail to restore power within a few days of a storm event. Councilman Sack proposed that the City refuse access to City roads to crews using Rye for staging purposes unless Con Ed has crews working in the City to restore power.

There was a lengthy discussion among residents in the audience regarding the storm and Con Ed's response in particular. Those commenting included *Peggy Dunn, David Raab, David Ruggiero, Jimmy Roberts; James Jordan, Jim Burke, Jim Amico, Mitchell Palais, John Carolin, Doug Carey, John Duffy and John Leonard*. There was great frustration expressed regarding how Con Ed is handling the restoration of power to residents; Rye being used as a staging area by Con Ed; questions regarding who regulates the company; how the Council and professional staff might advocate for residents with the Governor's Office regarding the response of Con Ed; problems with cable television service; the way the City issues mandatory evacuation orders; utilization of a "Tree Committee"; problems with generators; and the possibility of burying power lines. Thanks were also expressed to the Police Department, Fire Department and Department of Public Works for their hard work during the storm and recovery

- Legal Update

There was nothing reported under this topic by the Corporation Counsel.

There was a question raised about the Bond Referendum questions on the ballot on Election Day. Many people said they did not know the referendum questions were on the reverse side of the ballot. Corporation Counsel Wilson was asked to look into what the process would be if the City wanted to question the results of the vote.

5A. Resolution to waive the City of Rye Building Department fees for electrical repair and generator installation related to Hurricane Sandy
Roll Call

City Manager Pickup said that this is an opportunity for the Council to assist in the rebuilding process.

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

RESOLVED, that the City Council of the City of Rye hereby waives the City of Rye Building Department fees for electrical repair and generator installation related to Hurricane Sandy through June 30, 2013.

ROLL CALL:

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

The Resolution was adopted by a 6-0 vote

6. Consideration to amend the 2013 Budget Schedule

The only change from the schedule originally adopted is that the presentation of the budget by the City Manager has been rescheduled from this meeting to November 14.

Councilwoman Brett made a motion, seconded by Councilman Filippi and unanimously carried, to adopt the amended 2013 Budget Schedule as follows:

November 14:	Presentation of the Budget; Tax Cap Analysis
November 26:	Budget Workshop – Police Department and Library
November 28:	Council Meeting/Budget Workshop – Fire Department and Golf Club and Review of Council questions
December 5:	Public Hearing on the Budget; Presentation of Citizen’s Budget: 3-year budget plan
December 12:	Budget Workshop (if needed)
December 19:	Adoption of the Budget

7. Consideration to set a Public Hearing on the 2013 Budget for December 5, 2012

Councilman Filippi made a motion, seconded by Councilwoman Brett and unanimously carried, to adopt the following Resolution to set the public hearing on the 2013 Preliminary Budget for December 5, 2012:

WHEREAS, it is now desired to call a public hearing on the proposed 2013 budget, now, therefore, be it

RESOLVED, by the Council of the City of Rye as follows:

Section 1. Pursuant to Section 20 of the Municipal Home Rule law and the Charter of the City of Rye, New York, a public hearing will be held by the Council of said City on December 5, 2012 at 8:00 P.M. at City Hall, Boston Post Road, in said City, for the purpose of affording interested persons an opportunity to be heard concerning such budget.

Section 2. Such notice of public hearing shall be in substantially the following form:

**CITY OF RYE
PUBLIC NOTICE**

PLEASE TAKE NOTICE that a public hearing will be held by the Council of the City of Rye on Wednesday, the 5th day of December, 2012 at 8:00 p.m. at City Hall, 1051 Boston Post Road, in said City, on the Proposed Budgets of the General Fund, Cable TV Special Revenue Fund, K.T. Woods Permanent Fund, Debt Service Fund, Capital Projects Fund, Boat Basin Enterprise Fund, Golf Club Enterprise Fund, Risk Retention Internal Service Fund, and Building and Vehicle Maintenance Internal Service Fund of the City of Rye for the ensuing fiscal year, January 1, 2013 through December 31, 2013, and at such time and place any person interested in said Proposed Budgets will be given an opportunity to provide written and oral comments on any and all of the aforementioned budgets.

CITY OF RYE SUMMARY OF PROPOSED BUDGETS

<u>Fund/Program</u>	<u>Proposed Budgets</u>
General Fund	\$31,706,181
Rye Cable TV Special Revenue Fund	320,453
K.T. Woods Permanent Fund	-0-
Debt Service Fund	405,242
Capital Projects Fund	390,000

Boat Basin Enterprise Fund	888,716
Rye Golf Club Enterprise Fund	6,379,621
Risk Retention Internal Service Fund	737,165
Building and Vehicle Maintenance Internal Service Fund	<u>4,158,972</u>
TOTAL - All Funds	<u>\$44,986,350</u>

Dawn F. Nodarse
City Clerk
Dated: November 23, 2012

8. Consideration to set a Public Hearing for December 5, 2012 to adopt a Local Law to override the State enacted tax levy limitation

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

WHEREAS, the Council wishes to adopt a Local Law to override the State enacted tax levy limitation; and

WHEREAS, it is now desired to call a public hearing on such proposed local law, now, therefore, be it

RESOLVED, by the Council of the City of Rye as follows:

Section 1. Pursuant to Section 20 of the Municipal Home Rule Law and the Charter of the City of Rye, New York, a public hearing will be held by the Council of said City on December 5, 2012 at 8:00 P.M. at City Hall, Boston Post Road, in said City, for the purpose of affording interested persons an opportunity to be heard concerning such proposed local law.

Section 2. Such notice of public hearing shall be in substantially the following form:

**PUBLIC NOTICE
CITY OF RYE**

Notice of Public Hearing on a proposed local law to override the State enacted tax levy limitation.

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 5th day of December, 2012 at 8:00 P.M. at City Hall, Boston Post Road, in said City, at which interested persons will be afforded an opportunity to be heard concerning a proposed local law to override the State enacted tax levy limitation.

Copies of said local law may be obtained from the office of the City Clerk.

Dawn F. Nodarse
City Clerk
Dated: November 23, 2012

9. Resolution to accept the \$97,500 Federal share of the FEMA Pre-Disaster Mitigation Grant LPDM-PJ-02-NY-2008-009 for the Bowman Avenue Upper Pond feasibility study
Roll Call.

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

RESOLVED, that the City Council of the City of Rye hereby accepts the \$97,500 Federal share of the FEMA Pre-Disaster Mitigation Grant LPDM-PJ-02-NY-2008-009 for the Bowman Avenue Upper Pond feasibility study.

ROLL CALL:

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

The Resolution was adopted by a 6-0 vote

10. Resolution to accept the \$93,956.13 Federal share of the FEMA Pre-Disaster Mitigation Grant LPDM-PJ-02-NY-2009-002 for the installation of a generator at Rye City Hall
Roll Call.

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

RESOLVED, that the City Council of the City of Rye hereby accepts the \$93,956.13 Federal share of the FEMA Pre-Disaster Mitigation Grant

LPDM-PJ-02-NY-2009-002 for the installation of a generator at Rye City Hall.

ROLL CALL:

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

The Resolution was adopted by a 6-0 vote

11. Three appointments to the Rye Golf Club Commission by the Council for three-year terms expiring January 1, 2016, one appointment for a one-year term expiring January 1, 2014, and the designation of one member to the Rye Golf Club Nominating Committee

Councilman Sack made a motion, seconded by Councilman Filippi and unanimously carried, to approve the appointment of Patrick Dooley, Chris O'Brien and Arthur Tiedemann, to the Rye Golf Club Commission for three-year terms expiring on January 1, 2016.

Councilman Sack made a motion, seconded by Councilman Filippi and unanimously carried, to appoint Terence Caffrey to the 2013 Rye Golf Club Nominating Committee.

There was also discussion of amending the rules regulating the procedures for Golf Club elections to allow the Council to appoint someone to fill an unexpired term to the Golf Commission if the membership falls below nine members.

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

There were no residents who wished to speak under this topic.

13. Old Business

There was nothing reported under this agenda item.

14. New Business

There was a discussion among the Council regarding Councilman Filippi's proposal for a Resolution regarding Con Edison reimbursing the public when power is out for longer than two days that he had suggested earlier in the meeting. The consensus of the Council was to adopt a Resolution asking the Governor and County Executive to review the performance of Con Edison and direct Con Edison to work with local communities.

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

WHEREAS, 11 days after Hurricane Sandy the City of Rye has a significant number of residents (approximately 20%) still without power; and

WHEREAS, Con Edison has a corporate headquarter located within the City of Rye; and

WHEREAS, Con Edison has used the City of Rye as a staging area to provide restoration throughout Westchester County and is using the City's infrastructure, roads and personnel to assist itself in that effort; and

WHEREAS, Con Edison has declined the City of Rye's requests for daily restoration packages and information, and, upon information and belief, the other Sound Shore communities have also had similar restoration issues; and

WHEREAS, the City has requested and Con Edison has consistently denied the following:

1. 24-hour shifts where the City would supply proper lighting;
2. Customer service representative on site in the City to answer customer-specific inquiries;
3. Daily restoration information packages;
4. Updated transformer and line information in specific areas impacted within neighborhoods in Rye;
5. Assistance in traffic and control on City streets;
6. Attendance at the City of Rye Council meeting; and

WHEREAS, the Con Edison website is inaccurate and does not reflect the true situation;

NOW, THEREFORE, BE IT RESOLVED, that the City of Rye finds that the restoration of power by Con Edison was unacceptable and calls on the Governor and County Executive to address these deficiencies and direct Con Edison to work with the City Manager to restore power immediately; and

BE IT FURTHER RESOLVED, that Con Edison be required to maintain sufficient crews on site until there is 100% restoration throughout Rye and the Sound Shore community.

Councilwoman Brett asked for an update on the Sluice Gate. City Manager Pickup said that the current problem with the Sluice Gate is with Con Edison Energy Services. There is a question of whether the lines should be put underground or overhead. After this is resolved, all the systems must be tested and accepted.

Councilman Filippi asked for an update on the Central Avenue Bridge. City Manager Pickup said that the contractor has been doing debris removal for the City relative to the storm and hopefully will be back on site soon.

15. Adjournment

There being no further business to discuss Councilwoman Parker made a motion, seconded by Councilman Filippi and unanimously carried, to adjourn into Executive Session to discuss a personnel matter and not return into public session at 10:45 p.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk

DRAFT UNAPPROVED MINUTES of the
Special Meeting of the City Council of the City of
Rye held in City Hall on November 14, 2012 at 8:00
P.M.

PRESENT:

DOUGLAS FRENCH Mayor
RICHARD FILIPPI
JULIE KILLIAN
CATHERINE F. PARKER
JOSEPH A. SACK
Councilmembers

ABSENT: LAURA BRETT
PETER JOVANOVIICH
Councilmembers

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. Presentation of the FY 2013 Budget by the City Manager.

City Manager Pickup said that the budget being presented was a tight budget that, for the most part, contained good news. This is the second year of the five-year tax cap. He noted that although the County has indicated they will borrow to pay for pension costs, the City will pay its pension obligations with cash. Capital investment is continued and the City continues to be aggressive in pursuing grants to fund projects. There are constraints against the Enterprise Funds – the Boat Basin because of dredging costs and the Golf Club because of prior borrowing and improvements made to the golf course and Whitby Castle. The ranks of the organization have been cut to the point where many customer service areas are one person operations. There are also labor contract issues. The proposed budget is a stand still budget where no new sources of revenue are proposed. The City may need to look at alternative sources of revenue such as increasing the gross receipts tax or implementing a transfer tax or other types of taxes on property outside of the property tax. The Reserves have been increased but there are many issues the City will have to overcome because mandate relief does not seem to be on the horizon from the State.

Acting City Comptroller Joseph Fazzino's presentation on the proposed 2013 budget began with projections through the end of 2012. The City expects to have a profit of roughly \$1.4 million as a result

of revenues performing better than budget. Sales tax revenue is expected to be \$1,975,000 - \$210,000 over budget. Mortgage Tax Revenues will be \$155,000 over the budgeted amount of \$1,280,000. Total building permit revenues are projected at \$1,324,000 - \$388,000 over budget. The City also received \$300,000 in FEMA reimbursement for Hurricane Irene, which will be recognized in the 2013 budget.

2013 Budget

The proposed budget proposes an increase in expenditures of \$1,558,910 over 2012. Even though staff numbers have been decreasing, some personnel costs, which cannot be controlled by the City, have increased and are the main cost drivers in 2013. New York State retirement expenses are 15% higher than 2012. Police and Fire Retirement expenses increase by 19% over 2012. New York State determines how much the City must contribute to these retirement systems. Employee health insurance expenses will be 7% higher than 2012. Due to a large Worker's Compensation Claim, the annual premium will be \$279,000 higher than 2012. 2013 budgeted salaries are up 4% over 2012 as a result of a combination of factors. Several positions were either not budgeted in 2012 or only partially budgeted, and the City has budgeted for some type of increase and retroactive pay for the expired union contracts.

There are three methods used to balance the budget:

Use of Unassigned Fund Balance - \$290,000 is allocated for equipment purchases and \$195,000 to fund capital project expenditures and purchases of a police and DPW vehicle. The projected 2013 Unassigned Fund Balance is 13.7% of 2013 budgeted appropriations – about \$4.3 million. \$310,000 will be used to offset some of the increase in the Worker's Compensation premium.

Revenue Increases – Revenue sources have been trending up over the last three years. Sales Tax is budgeted at \$1,950,000 – \$185,000 over 2012. Building permit revenues are budgeted at \$1,060,000 – \$125,000 over 2012. Mortgage Tax is budgeted at \$1.2 million - \$75,000 over 2012.

Increase the property tax levy – For 2013 the levy is 67% of total revenues - the same as in 2012. The 2013 property tax levy is \$20,628,240, an increase of \$657,730 over 2012. The tax rate increase is 3.03% - roughly \$97 to the average home in Rye. The 2013 total levy amount is about \$52,000 under the tax levy cap.

4. Analysis of the Tax Cap.

Acting Comptroller Fazzino said that not much has changed regarding the rules for the tax cap since last year. Many of the numbers in the tax cap calculation are determined by New York State. The 2% cap is on the levy - the dollar amount raised by taxation. The tax rate can increase by more than 2%, even though the levy can only increase by 2%. There are two components that relate to the City. The first is the base levy, which is the assessment on all parcels based on assessed value and includes costs for City services such as Police, Fire, Sanitation, Snow Removal, Administration and Recreation. The second is three the special assessments that only affect certain parcels (Rockridge Sewer; Kirby Lane North Sewer and Upper Dogwood Sewer). The two components are added together to get the total property tax levy.

The starting point for the levy cap calculation is the total 2012 levy. The 2012 Base Levy was \$19,961,151; the Rockridge Sewer assessment was \$12,991; the Kirby Lane North Sewer assessment was \$120,528; and the Upper Dogwood Sewer assessment was 69,008. The numbers added together equal the total 2012 Property Tax Levy of \$20,163,678. The total levy is multiplied by the tax base growth factor. The City's tax base growth factor is 1.0093. The 2012 Levy times the growth factor is \$20,351,200. The City's 2012 Payment in Lieu of Taxes ("PILOT") is added to this number. The City's 2012 PILOT was \$88,474. The resulting number (\$20,484,468) is the 2012 Adjusted Levy Basis subject to the 2% cap. The 2% tax cap is applied against that number to generate a subtotal of \$20,848,468. The City must then subtract its estimated 2013 PILOT amount. This is calculated by multiplying the 2013 tax rate increase by the 2012 amount. The Preliminary Levy Limit without PILOTs is \$20,757,317. There are certain amounts that are excluded from the tax levy cap. Expenditures from Tort actions that exceed 5% of the total levy of the prior year (not applicable to the City) and the amount of Pension expense that is excludable. No portions of Employee's salaries are excludable from the levy limit and 1.10% of Police and Fire salaries are excluded. The total pension expense exclusion from the levy limit is \$61,845. This figure is added to the \$20,757,317 preliminary levy limit. The amount of tax levy allowable without Council override is \$20,819,161. The proposed levy subject to the limit is \$20,767,122. The City is under the levy limit by \$52,039.

Bernie Altoff and Holly Kennedy of the Flood Advisory Committee asked that their committee be given the opportunity to make a presentation at an upcoming Budget Workshop.

Mayor French appointed Angela Sposato and Peter Marshall to the Temporary Committee to develop an RFP for the Operation of Whitby Castle.

Mayor French made a motion, seconded by Councilman Filippi and unanimously carried, to appoint Scott Florio to the Finance Committee to fill out a term expiring on January 1, 2015.

5. Adjournment.

There being no further business to discuss Councilman Filippi made a motion, seconded by Councilwoman Parker and unanimously carried, to adjourn into executive session to discuss a personnel matter and not return into regular session at 9:10 p.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk



CITY COUNCIL AGENDA

NO. 7

DEPT.: City Council

DATE: November 28, 2012

CONTACT: Mayor Douglas French

AGENDA ITEM: Mayor's Management Report

FOR THE MEETING OF:

November 28, 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:

- Discussion and Update on the Draft Financial Disclosure Form
- Hurricane Sandy Update
- Legal Update



CITY COUNCIL AGENDA

NO. 8 DEPT.: City Manager's Office DATE: November 28, 2012
CONTACT: Scott D. Pickup, City Manager

AGENDA ITEM: Discussion of the FY 2013 Budget: Fire Department, Rye Golf Club, City Council questions.

FOR THE MEETING OF:
November 28, 2012
RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION:

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

A presentation will be made on the proposed 2013 Budgets for the Fire Department and the Rye Golf Club. City Comptroller Joseph Fazzino will address any City Council questions on the 2013 Budget.

- Fire Department Budget Review
- Golf Club Department Budget Review
- Review of City Council Budget Questions



CITY COUNCIL AGENDA

NO. 9

DEPT.: City Manager

DATE: November 28, 2012

CONTACT: Scott Pickup, City Manager

AGENDA ITEM: Resolution to amend the Nominations, Elections and Voting Eligibility procedures for the Rye Golf Club Commission to maintain a Commission level of nine members.

FOR THE MEETING OF:

November 28, 2012

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council approve the proposed changes for the Rye Golf Club Commission voting procedures.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: A proposal has been put forward by the Rye Golf Club Commission to amend their Nominations, Elections and Voting Eligibility procedures to maintain a Commission level of nine members. The current Commission procedures adopted in July 2012 allow for a level of eight members.

See attached draft procedures.

**Rye Golf Club
Nominations, Elections and Voting Eligibility**

1) Commission

- a) The Rye Golf Club Commission will consist of nine adult Club members in good standing elected by the eligible voting Club members. The Commission shall at no time have more than one non-resident member.
- b) The term of each Commission member shall be three years, commencing January 1 of the year following a regular election year. There is no limit to the number of terms a Commission member may serve.
- c) The Commission members will select a chairperson from their group for a one-year term (the "Chairperson") at the first regular Commission meeting in an applicable calendar year. A Chairperson may serve as Chairperson for an unlimited number of terms. The Chairperson will appoint a Vice Chairperson who will act as Chairperson in his/her absence.
- d) Commission vacancies shall be filled at the next regular election following the vacancy for the remainder of the vacant term. In the event the Commission falls below ~~nine~~ eight members, the person(s) with the next number of highest votes from the previous election shall, if such person is otherwise eligible and willing to fill such vacancy, be appointed to the Commission to maintain ~~nine~~ eight Commission members until the next regular election. In the event there is no one to fill the vacancy a special election will be held to fill the vacancy and maintain ~~nine~~ eight Commission members until the next regular election.

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2) Nominating Committee and Nominations

- a) For each election, a Nominating Committee shall be formed and comprised of three adult Club members in good standing, comprised as follows:
 - i) One club member appointed by the Commission (this member shall not be a current Commission member); and
 - ii) One current Commission member who is not standing for re-election shall be appointed by the Commission Chairperson. This member will serve as chairperson of the Nominating Committee; and
 - iii) One club member elected by the membership in the previous regular election.
- b) The Nominating Committee will review all submissions for Commission candidacy and Nominating Committee candidacy as described in Paragraph 2(e). The Nominating Committee shall provide a ballot with at least one more candidate than the number of members being elected. If the Nominating Committee receives fewer submissions by the

submission deadline date than the number of members that will be elected, the Nominating Committee shall provide a ballot with at least as many candidates as the number of Commission members to be elected.

- c) No member of the Nominating Committee shall be eligible for election as a candidate for the Commission for the regular election for which the Nominating Committee member is providing nominations.
- d) The term of each Nominating Committee member shall be for one year, commencing January 1 of the year following the regular election. There is no limit to the number of terms a Nominating Committee member may serve.
- e) Nominations
 - i) The Nominating Committee shall not be required to include more than the minimum number of candidates as provided in Paragraph 2(b);
 - ii) A proposed candidate for election to the Commission or Nominating Committee shall be an adult member in good standing. The Golf Club Member Handbook shall indicate membership categories and members entitled to be considered for candidacy.
 - iii) A Club member may request to be considered as a candidate for election to the Commission or the Nominating Committee in the next regular election by submitting a written request to the Nominating Committee chairperson on or after January 1 and prior to May 15 of such year. Any such request must be submitted by email to nomination@ryegolfclub.com or in person to the membership office during regular business hours in a sealed envelope addressed to the "Nominating Committee Chairperson" indicating whether such person wishes to be considered as a candidate for the Commission or the Nominating Committee and such other information as a member may wish to provide the Nominating Committee for its consideration. The Nominating Committee may in its sole discretion select or reject any such submissions or select one or more other eligible Club members, subject to the minimum candidate requirements set forth in Paragraph 2(b). The proposed slate of candidates shall be posted on the Club website by July 1.
 - iv) Any eligible member submitting a valid request for consideration as a candidate that is not selected by the Nominating Committee may be included as a candidate on the ballot by fulfilling each of the following requirements:
 - (1) Completing a petition for candidacy form available from the Club Manager for the period July 1 to July 20 of such year;
 - (2) Receiving and submitting signatures of fifty (50) eligible voting members in support of the petition for candidacy (see Golf Club Member Handbook for eligible voting members).

(3) Submitting a complete petition form in accordance with the instructions supplied therewith to the Club Manager prior to July 21.

The Club Manager shall verify the status of members signing in support of such petition. Any submitted petition form not complying with the foregoing requirements shall not be considered and such member shall not be included on the ballot.

v) The final ballot form will be posted on the Club website at least one week prior to the start of the annual election.

3) Election

- a) Voting will take place over a two-week period online through a secure online service approved by the Nominating Committee and/or Commission that suits our needs.
- b) An invitation email will be sent to all eligible voters with instructions on how to cast your vote online.
- c) For those members wishing to cast their vote onsite, a computer kiosk will be available at the club during normal business hours throughout the voting time period.
- d) Votes will be tallied in accordance with the instructions provided therewith and will not be counted as a result of any of the following:
 - i) Vote is not cast within the specified time period; or
 - ii) Vote is not cast in accordance with specified instructions; or
 - iii) Vote is rejected for any reason by the online service being used.
- e) Valid ballots shall be tallied for each Commission candidate and Nominating Committee candidate by the online service. The results will be forwarded to the City Clerk who shall submit a list of election results to the City Council for approval no later than November.

4) Voting eligibility

- a) An invitation email shall be sent (to the email on file) to each eligible voting member. The Golf Club Member Handbook shall indicate the membership categories and members entitled to voting privileges.
- b) To receive an invitation email and vote in an election, the voting member must have an email on file and have a member logon account established prior to the election.
- c) No Club member shall be entitled to vote more than once in an election.

Rye Golf Club
Commission Responsibilities

1) The Commission.

- a) *Role.* The Commission shall serve in an advisory capacity on behalf of the members of the Golf Club and shall have the responsibilities set forth in Section 1(c) below. Neither the Commission, any Committee of the Commission nor any member of the Commission or member of any Committee thereof, shall have any direct authority or responsibility for execution, implementation or management of any activity, program, employment matter, or contract involving the Golf Club. The Golf Club Manager (who reports to the City Manager) shall be responsible for the execution, implementation and management of the authorized operation of the Golf Club.

- b) *Advisory Recommendations.* The Commission shall make such recommendations as it deems proper in respect of the current and proposed activities, programs, policies and other matters related to the Golf Club, the Commission shall also make recommendations concerning the duties and responsibilities of independent contractors (e.g., Golf Professional), including recommendations concerning employment of prospective individuals to fill those positions, and any other areas the Commission deems appropriate; such recommendations shall be made directly to the Golf Club Manager. The Commission shall also make recommendations concerning the duties and responsibilities of the Golf Club Manager, including recommendations concerning employment of prospective individuals to fill the position, and any other areas the Commission deems appropriate; such recommendations shall be made directly to the Rye City Manager.

- c) *Responsibilities.* The Commission shall:
 - i) Adopt, interpret, apply and enforce such rules and regulations relating to the use of the Golf Club as it deems appropriate, which rules and regulations shall not be inconsistent or conflict with any agreement of the City of Rye or any published policy of the Rye City Council;

 - ii) review, advise on and approve an annual budget for the Golf Club provided and prepared by Golf Club staff and finance committee. Annual budgets shall include proposed annual membership categories and fees and proposed charges for other services provided by the Golf Club, prior to timely submission of such annual budget to the Rye City Manager;

 - iii) select a Commission Chairperson; and

 - iv) decide such matters as may be properly brought before the Commission for a decision.

- d) *Commission Chairperson.* The responsibilities of the Commission Chairperson shall be:
- i) to appoint a chairperson to each Standing Committee of the Commission;
 - ii) to organize limited duration Ad Hoc Committees of the Commission as may be necessary from time to time for the purpose of making recommendations to the Commission in respect of matters not properly within the scope of the usual and customary advisory role of a Standing Committee of the Commission;
 - iii) to appoint a chairperson to each Ad Hoc Committee of the Commission;
 - iv) to serve as an ex-officio member on each Committee of the Commission;
 - v) to appoint a Vice-Chairperson of the Commission who shall serve as Chairperson during the absence of the Chairperson; and
 - vi) to direct such matters as the Chairperson deems necessary and appropriate to a Committee of the Commission for the advice and recommendation of such Committee.

2) Committees of the Commission.

- a) *Standing Committees.* The Commission shall have Standing Committees to advise and make recommendations to the Commission on such matters that properly come before a Standing Committee or as may be directed to such Committee by the Commission or the Commission Chairperson. The Standing Committees of the Commission initially shall include Committees relating to Golf, Pool, House and Finance.
- b) *Ad Hoc Committees.* The Commission shall have such Ad Hoc Committees as may be constituted from time to time pursuant to Section 1(d)(ii) above.
- c) *Nominating Committee.* The Nominating Committee shall not be considered a Standing Committee or Ad Hoc Committee and shall be subject solely to the rules set forth in the **Rye Golf Club Nominations, Elections and Voting Eligibility** Section 2 concerning Nominating Committee and Nominations.
- d) *Committee Members and Chairpersons.*
- i) Each Standing Committee and Ad Hoc Committee of the Commission shall be constituted with no fewer than three members and no more than seven members; provided that a Committee may be constituted with two members and up to nine members in appropriate circumstances with the approval, by majority vote, of the Commission.
 - ii) A Committee member shall be a member of the Golf Club holding a valid current membership entitling such member to voting privileges.

- iii) The Chairperson appointed to each Standing Committee shall be a Member of the Commission, other than the Chairperson of the Commission.
- iv) The Chairperson of an Ad Hoc Committee may be a Member of the Commission.
- v) The Chairperson of a Committee shall make efforts to seek out qualified members to serve as members of such Committee. The Committee Chairperson will then make recommendations to the Commission of any such qualified members it believes should serve on such Committee. Such nominees shall serve as Committee members upon approval by majority vote of the Commission. Such nominees will serve as Committee members at the convenience of the Commission and can be removed from such Committee service at any time and for any reason at the sole discretion of the Commission. A Committee member shall serve until the earlier of the end of the Golf Club year for which he or she serves as a member or the date a Committee terminates, or the date on which such member is removed by the Commission.



CITY COUNCIL AGENDA

NO. 10 DEPT.: Golf Club DATE: November 28, 2012
CONTACT: Scott Pickup, City Manager

AGENDA ITEM: Resolution to appoint the next eligible member from the Rye Golf Club election of September 27, 2012 to the Rye Golf Club Commission until the next regular election.

FOR THE MEETING OF:

November 28, 2012

RYE CITY CODE,

CHAPTER
SECTION

RECOMMENDATION: That the Council approve the appointment to the Rye Golf Club Commission.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: Due to a resignation there is a vacancy on the Rye Golf Club Commission. The Commission has requested the appointment of the next eligible member from the Rye Golf Club election of September 27, 2012. As per the Nominations, Elections and Voting Eligibility procedures of the Rye Golf Club Commission, this member shall serve "until the next regular election."

The following individual was the next eligible member from the last Rye Golf Club Election and is appointed to serve until the next regular election in 2013:

Angela Sposato



CITY COUNCIL AGENDA

NO. 11 DEPT.: City Manager's Office DATE: November 28, 2012
CONTACT: Scott Pickup, City Manager

AGENDA ITEM: Discussion of parking permit procedures in the City lot located at the Rye Arts Center.

FOR THE MEETING OF:

November 28, 2012

RYE CITY CODE,

CHAPTER
SECTION

RECOMMENDATION:

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The demand for parking permits in the City owned Rye Arts Center lot has increased due to City restrictions, such as the snow ordinance, as well as the removal of alternate parking options at the Rye United Methodist church. Proposed options to assist these residents looking for parking include:

- 1) Increasing the parking spots available in the Rye Arts Center lot.
- 2) Creating additional parking with a new permit for spots in the Rye Recreation lot near the tennis courts. This permit would allow for parking during the months of the snow ordinance only.
- 3) Suspending the winter parking restriction in selected areas (i.e. Parsons Street to Rectory Street northbound on BPR) to allow residents to park on the street. Current rules stipulate no parking on any public street from November 1st until April 1st between the hours of 3 a.m. and 6 a.m. This change would require a Public Hearing to amend the City Code: Local Law Chapter 191, Section 191-17 and Section 191-18 subsection D-2 (see attached Local Law)

See attached breakdown of parking permits and associated costs.

City Parking Permits available for Rye Arts Center and Recreation

Lot	Total # of Parking Spots	Type of Permit	Cost of Permit per year	# of Permits Sold in 2012
Rye Arts Center	55*	All Day/All Night Note: these permits have all been purchased by residents of Blind Brook Lodge	\$684 \$57/month	18
		All Night Inclusive of snow ordinance night permits	\$342 \$28.50/month	12
Rye Recreation	36-40*	All Day/All Night New permit to be issued for use during the snow ordinance period <u>only</u> covering the months of November, December, January, February, and March	\$285 \$57/month	TBD
		All Night New permit to be issued for use during the snow ordinance period <u>only</u> covering the months of November, December, January, February, and March	\$142.50 \$28.50/month	TBD

* NOTE: these lots are not currently striped so the number of parking spots is estimated.

§ 191-17. All-night winter parking.

All-night winter parking shall be permitted in the Halsted Lane parking area (during the months of November, December, January, February and March), and the City Clerk is hereby authorized to sell permits for such use on the same basis as winter all-night parking use is permitted in the other City parking areas.

§ 191-18. Public parking places.

- A. For the purpose of this section, a "municipal parking place" shall mean a lot or property leased or owned by the City and used for public parking purposes, excluding parking places on the property of the New York, New Haven and Hartford Railroad Company.
- B. Lines or markers in a municipal parking place indicate parking stalls, and only one motor vehicle shall be parked within such lines or markers indicating such separate parking stalls respectively, and such vehicle shall be parked parallel to the sidelines of any such stall and shall not extend more than 18 feet from the front line of such stall.
- C. In any municipal parking place in which parking stalls are not marked out or indicated, all motor vehicles shall be parked with respect to any indicated line of parking within such municipal parking place as is designated on any sign therein and shall be parked so that there shall be a space of at least two feet and not more than three feet from any other motor vehicle already parked and shall not extend more than 18 feet from the said indicated line of parking.
- D. All-night parking.
 - (1) No motor vehicle shall be parked in a commuter parking area described by § 191-47 between the hours of 3:00 a.m. and 6:00 a.m. except during the months of November, December, January, February and March, when no motor vehicle shall be parked in such commuter parking areas between the hours of 1:00 a.m. and 6:00 a.m. The same parking rules shall apply in all other municipal parking places except by special permit obtained from the Clerk.
 - (2) All-night parking prohibited. No parking shall be permitted on any public street in the City of Rye between the hours of 3:00 a.m. and 6:00 a.m. on any day during the months of November, December, January, February and March, except that parking shall be allowed on the westerly side of Theall Road, off the travel portion of said road from a point approximately 400 feet north of its intersection with Osborn Road and running north for a distance of 240 feet, while such property is licensed for such use by the City of Rye. Parking shall be allowed on the westerly side of Davis Avenue from

Manursing Avenue to Sylvan Place and on the southerly side of Manursing Avenue from Davis Avenue to Cedar Place between the hours of 3:00 a.m. and 6:00 a.m. on any days during the months of November, December, January, February and March except for a period beginning four hours after the National Weather Service has issued a winter storm warning and continuing for 24 hours thereafter or when the City Manager has provided notification which is reasonable under the circumstances stating that parking is prohibited.

- (3) Limited all-night parking. Parking of any vehicle other than registered noncommercial passenger vehicles on any public street in a residentially zoned district in the City of Rye between the hours of 1:00 a.m. and 6:00 a.m. is prohibited.

**City of Rye
Memorandum**

TO: Scott Pickup, City Manager
FROM: Dawn F. Nodarse, City Clerk
RE: Rye Arts Center Parking Lot
DATE: November 19, 2012

As in all City lots, parking in the Rye Arts Center lot is complicated. There are three user groups who are competing for a limited number of parking spaces: the Arts Center, the Recreation Department and overflow parking from Blind Brook Lodge. There are four parking areas and the spaces are not lined so it is difficult to determine exactly how many spaces are available. I think there may be up to 55 spaces. The largest area is currently signed as being for "Permit Parking" and is reserved for those who have purchased an All Day/All Night parking permit from the City Clerk's Office. The cost of a yearly permit is \$684 for the year or \$342 for six month periods (Jan. through June and July through Dec.) The cost of a permit is prorated based on the month it is purchased. Depending on the way people park, there are 18 to 19 spaces in that section. There are currently 18 All Day/All Night permits issued to residents of Blind Brook Lodge. We do not oversell for this area and will issue only one All Day/All Night permit per unit.

The other parking areas consist of two parking areas along the back of the building and a third area on the opposite side of the building from the permitted parking area. There are approximately 36 spaces in these areas. In order to keep these areas free during the day for the people going to the Rye Arts Center or Rye Recreation, we do not issue All Day/All Night permits for these three areas. However, we do issue Night permits to those people at Blind Brook Lodge who are looking for a place to park their cars off street in the evening. Night permits allow people to park between the hours of 7:00 p.m. and 7:00 a.m. The majority of people purchasing Night permits purchase them for the "Snow Ordinance" period from November 1 through March 31st. These permits cost \$142.50. They are also pro-rated based on the month purchased. We are just starting to sell permits for the 2012-2013 Snow Ordinance season, but last year we sold 9 of these permits. Additionally, there are some people who wish to have their cars off the streets in the evening all year. They can purchase a Night permit that runs the calendar year (\$342 per year or \$171 for six month intervals). For 2012, there were three full-year Night permits sold and one half-year permit sold.

Traditionally, except for Snow Ordinance permits, we do not begin selling residential parking permits for the following year until after the budget has been adopted. We have already received many inquiries regarding 2013 parking permits from people who have been parking their cars in the Methodist Church lot. I expect that on December 20th we will sell all 19 of the 2013 All Day/All Night permits for the reserved section of the lot.





CITY COUNCIL AGENDA

NO. 13

DEPT.: Police

DATE: November 28, 2012

CONTACT: William R. Connors, Police Commissioner

AGENDA ITEM: Authorization for City Manager to execute an Inter-Municipal Agreement (IMA) with the County of Westchester Department of Public Safety regarding the assignment of instructors to the Police Academy for both recruit and in-service training.

FOR THE MEETING OF:

November 28, 2012

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: Authorization for the City Manager to enter into an Inter-Municipal Agreement (IMA) with the County of Westchester to indemnify members of the Police Department who provide instruction at the Westchester County Police Academy.

IMPACT: Environmental Fiscal Neighborhood Other:

Enhancement of the training of members of the Police Department; indemnification of the City of Rye and individual instructors while conducting training at the Police Academy.

BACKGROUND: The Westchester County Police Department provides both basic and in-service training for police officers of the municipal departments throughout the County. Periodically, qualified instructors from the individual departments serve as instructors for various disciplines at the County Police Academy. This Inter-Municipal Agreement provides defense and indemnification to the municipality for any acts or omissions of the instructor while performing instructional duties at the Police Academy. The Agreement will commence on March 21, 2012 and continue in full force through March 20, 2017.

It is in the interest of the Police Department and of the City of Rye for members of the Police Department to provide instruction at the Police Academy, as well as to be indemnified while doing so.

A copy of the agreement is attached.



William R. Connors
Police Commissioner

POLICE DEPARTMENT

City of Rye, New York
21 McCullough Place
Rye, N. Y. 10580
Phone: (914) 967-1234
FAX: (914) 967-8341



November 13, 2012

Memorandum for: Scott D. Pickup, City Manager

Subject: **INTER-MUNICIPAL AGREEMENT RE: POLICE ACADEMY
INSTRUCTOR TRAINING**

Attached is an Inter-Municipal Agreement proposed by the Westchester County Department of Public Safety regarding the assignment of instructors to the Police Academy for both recruit and in-service training.

This agreement, which covers the period 2012-2017, renews one executed in 2007 (which renewed an IMA executed in 2002) as part of the ongoing training relationship between the Police Academy and the various municipalities within Westchester County. I recommend approval and signature.

Submitted for your information and consideration.

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

WRC/wrc

William R. Connors
Police Commissioner

Section 1. The County and the Municipality agree that the County may utilize Instructors provided by the Municipality to teach Police Officers training courses, seminars, conferences, exercises, drills or workshops conducted at the police training facility located in Valhalla, NY as well as any off-site location where such training takes place (collectively, the “Police Academy”). Instructors must submit a lesson plan as well as a copy of any other presentation material to be used in conjunction with the lesson plan, excluding copyrighted material, to the Westchester County Commissioner of Public Safety, or his duly authorized designee (the “Commissioner”). Once approved, the Instructor shall teach in accordance with the approved lesson plan. Under no circumstances shall the Instructor cause any portion of any Police Academy training program to be audio or video recorded without the written consent of the Commissioner. During the period of time the Instructor is teaching at the Police Academy, the Instructor shall be under the control and direction of the Commissioner. Notwithstanding the foregoing, during the time that the Instructor is teaching at the Police Academy, in the event of a conflict because an Instructor is directed to act by both the Commissioner and the Municipality, the Commissioner’s direction shall take priority.

Section 2. The Municipality agrees that the Instructor will retain his or her status as an employee of the Municipality during the time that the Instructor is teaching at the Police Academy. The Municipality shall remain responsible for establishing the salary and benefits of the Instructor assigned to the Police Academy and for making all payments due the Instructor. Nothing contained herein shall be intended to create an employer/employee or agency relationship between the County and the Instructor or to confer on the Instructor any rights other than those that accrue to the Instructor as an employee of the Municipality.

Section 3. The Municipality agrees to cooperate with the County in coordinating and organizing the use by the County of the Instructors. In no event will the Municipality charge any indirect cost to the County for the administration or implementation of this Agreement.

Section 4. The County shall defend and indemnify the Municipality in connection with any action or proceeding brought by a party other than the County or the Instructor against the Municipality, its officers, employees and/or elected officials, based on a claim or cause of action arising out of the Instructor's acts or omissions while acting within the scope of his or her duties as an Instructor at the Police Academy, provided that the Municipality shall (i) give the County prompt written notice of such action or proceeding, by delivering to the Westchester County Attorney ("County Attorney") the original or a copy of any summons, complaint, process, notice, demand, pleading or other communication regarding such claim, within five (5) days after the Municipality receives such document and prior to the entry of any default judgment; (ii) provide the County with a written request from the Municipality for defense and indemnification and (iii) give the County the full cooperation of both the Municipality and the Instructor in the defense of such action or proceeding and in defense of any action or proceeding against the County based upon the same act or omission. The duty to defend and indemnify shall not arise where injury or damage resulted from intentional wrongdoing or recklessness on the part of the Instructor. The County Attorney shall have full and complete discretion and control over the conduct of such defense.

The Municipality may, at any time, seek other representation and make an application for substitution of counsel of its choosing. In such event, the County shall have no further liability

or responsibility to provide defense or indemnification for the Municipality pursuant to this Agreement.

If, in any action or proceeding where the Municipality and the County, its officers, employees or elected officials are named as co-defendants, facts shall be disclosed such that the interests of the Municipality and the County shall, in the sole opinion of the County Attorney, be adverse, then the County Attorney shall, upon written notice, decline or withdraw from representation of the Municipality. The written notice shall, to the extent practicable, set forth the reason for such conflict. In the event the County Attorney makes such a determination, then the County shall seek other representation, and make an application for substitution of counsel of the County's choosing, to defend the Municipality under this Agreement.

In no event shall the County's obligation to provide defense and indemnification pursuant to this paragraph be construed to include claims arising outside the scope of the Instructor's teaching services or in connection with the Instructor's travel to and from the Police Academy to carry out such teaching services.

In no event shall the County have any obligation to the Municipality or its Instructor for any claim raised or benefits provided pursuant to New York General Municipal Law Section 207-c. Additionally, if an Instructor is injured during the time he or she is teaching at the Police Academy, it is understood that the Instructor, as an employee of the Municipality, would apply for coverage under the Municipality's workers compensation policy.

Section 5. Except as set forth in Section 4 above, the Municipality agrees:

(a) that, except for the amount, if any, of damage contributed to, caused by or resulting from the negligence of the County, the Municipality shall indemnify and hold harmless the County, its officers, employees and agents from and against all liability, damage, claims, demands, costs, judgments, attorneys' fees or loss arising directly or indirectly out of this Agreement, including without limitation the acts or omissions hereunder by the Municipality or the Municipality's Instructors or third parties under the direction or control of the Municipality, and

(b) to provide defense for and defend, at its sole expense, any and all claims, demands or causes of action directly or indirectly arising out of this Agreement and for which indemnification is required to be provided under paragraph (a) above, and to bear all other costs and expenses related thereto.

Section 6. This Agreement shall commence on March 21, 2012 and continue in full force and effect through March 20, 2017.

Section 7. This Agreement may be terminated by either party by giving written notice of the termination to the other party not less than thirty (30) days prior to the effective date of such termination.

Section 8. All notices of any nature referred to in this Agreement shall be in writing and either sent by registered or certified mail postage pre-paid, or sent by hand or overnight courier, or sent by facsimile (with acknowledgment received and a copy of the notice sent by overnight courier), to the respective addresses set forth below or to such other addresses

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

To the County:

Commissioner - Sheriff of Public Safety
Saw Mill River Parkway
Hawthorne, New York 10532

With a copy to:

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

To the Municipality:

Section 9. The failure of either party to insist upon strict performance of any term, condition or covenant herein shall not be deemed a waiver of any rights or remedies that the party may have, and shall not be deemed a waiver of any subsequent breach or default in the terms, conditions or covenants herein.

Section 10. This Agreement shall not be enforceable until it has been approved by the Westchester County Board of Legislators and the Westchester County Board of Acquisition and Contract and the governing body of the Municipality and has been signed by both parties and approved by the Office of the County Attorney.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.

THE COUNTY OF WESTCHESTER

By _____
George N. Longworth
Commissioner -Sheriff of Public Safety

MUNICIPALITY

By _____
(Name and Title)

Approved by the Westchester County Board of Legislators by Act No 2012-117 on the 10th day of September 2012.

Approved by the Board of Acquisition and Contract of the County of Westchester on the 11th day of October, 2012.

Approved as to form and
Manner of execution:

Assistant County Attorney
County of Westchester
K/O/dps/instructoragr2012.doc

Date

MUNICIPALITY'S ACKNOWLEDGEMENT

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

On this ____ day of _____, 20___, before me personally came _____, to me known, and known to me to be the _____ of _____, the municipal corporation described in and which executed the within instrument, who being by me duly sworn did depose and say that he/she, the said _____ resides at _____ and that he/she is the _____ of said municipal corporation.

Notary Public County

CERTIFICATE OF AUTHORITY
(Municipality)

I, _____, certify that I am the
(Officer other than officer signing contract)

_____ of the _____
(Title) (Name of Municipality)

(the "Municipality") a corporation duly organized in good standing under the _____

(Law under which organized, e.g., the New York Village Law, Town Law, General Municipal Law)

named in the foregoing agreement that _____ who signed said
(Person executing agreement)

agreement on behalf of the Municipality was, at the time of execution _____ of
(Title of such person),

the Municipality, that said agreement was duly signed for on behalf of said Municipality by

authority of its _____ thereunto duly authorized,
(Town Board, Village Board, City Council)

and that such authority is in full force and effect at the date hereof.

(Signature)

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

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

the municipal corporation described in and which executed the above certificate, who being by
me duly sworn did depose and say that he, the said _____
resides at _____, and that
he/she is the _____ of said municipal corporation.
(Title)

Notary Public County



CITY COUNCIL AGENDA

NO. 14 DEPT.: Police DATE: November 28, 2012
CONTACT: Commissioner William R. Connors

AGENDA ITEM: Acceptance of Grant Award from the Governor's Traffic Safety Committee in the amount of \$2,000 for participation in the "Child Passenger Safety" program.

FOR THE MEETING OF:
November 28, 2012
RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION: That the City Manger be authorized to accept the Grant Award from the Governor's Traffic Safety Committee in the amount of \$2,000.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The City of Rye Police Department has been awarded a grant of \$2,000 from the Governor's Traffic Safety Committee to participate in the "Child Passenger Safety" program. The goal of the program is to increase the proper use and installation of child safety seats thereby reducing serious injury and deaths that result from vehicle accidents.

See attached.



William R. Connors
Police Commissioner

POLICE DEPARTMENT

City of Rye, New York

21 McCullough Place

Rye, N. Y. 10580

Phone: (914) 967-1234

FAX: (914) 967-8341



November 13, 2012

Memorandum for: Scott D. Pickup, City Manager

Subject: **CHILD PASSENGER SAFETY GRANT**

I am pleased to report that the City of Rye Police Department has been awarded a grant of \$2,000 by the Governor's Traffic Safety Committee's Child Passenger Safety Program to participate in the statewide "Child Passenger Safety" program. The program's goal is to increase the proper use and installation of child safety seats in New York State. This grant follows a similar one that was awarded to the Department last year.

The Child Seat Program is a valuable safeguard for the safety of our city's children, and has been exceptionally well received by the community. Combined with donations received by grateful parents, this grant should cover all materials and supplies associated with the program.

A copy of the grant award letter is attached for your information.

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

WRC/wrc

William R. Connors
Police Commissioner

cc: Joseph Fazzino, Interim Comptroller



ANDREW M. CUOMO
Governor

STATE OF NEW YORK
GOVERNOR'S TRAFFIC SAFETY COMMITTEE
DEPARTMENT OF MOTOR VEHICLES



BARBARA J. FIALA
Chair

November 6, 2012

Mr. Tom Scappaticci
Accountant
Rye City Police Department
21 McCullough Place
Rye, New York 10580

Re: CPS-2013-Rye City PD -00046-(060)
Child Passenger Safety Program
EFFECTIVE DATE: October 1, 2012

Dear Mr. Scappaticci:

On behalf of Governor Andrew M. Cuomo, I am pleased to notify you that Rye City has been awarded \$2,000 to participate in the statewide "Child Passenger Safety" program. Our goal is to increase the proper use and installation of child safety seats in New York State. Please note all grants will be effective only upon final approval by the New York State Office of the State Comptroller.

Before incurring any project related expenses, login to eGrants to review your approved budget as it may have been reduced or otherwise changed from what was requested.

Thank you for participating in this very important statewide program. I wish you success in your efforts. If you have any questions, please contact the Governor's Traffic Safety Committee at (518) 474-5111.

Sincerely,

Barbara J. Fiala
Chair and
Commissioner of Motor Vehicles

BJF:et
Enclosure

cc: William Connors ✓
Joseph Fazzino



CITY COUNCIL AGENDA

NO. 15

DEPT.: Police

DATE: November 28, 2012

CONTACT: Commissioner William R. Connors

AGENDA ITEM: Acceptance of Grant Award from the Governor's Traffic Safety Committee in the amount of \$2,108 for participation in the "Buckle Up New York" program.

FOR THE MEETING OF:

November 28, 2012

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the City Manger be authorized to accept the Grant Award from the Governor's Traffic Safety Committee in the amount of \$2,108.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The City of Rye Police Department has been awarded a grant of \$2,108 from the Governor's Traffic Safety Committee to participate in the "Buckle Up New York" program. The goal of the program is to increase the use of seat belts thereby reducing serious injury and deaths that result from vehicle accidents.

See attached.



William R. Connors
Police Commissioner

POLICE DEPARTMENT

City of Rye, New York

21 McCullough Place

Rye, N. Y. 10580

Phone: (914) 967-1234

FAX: (914) 967-8341



November 13, 2012

Memorandum for: Scott D. Pickup, City Manager

Subject: **"BUCKLE UP NEW YORK" SEAT BELT ENFORCEMENT
GRANT**

I am pleased to report that the City of Rye Police Department has once again been awarded a grant of \$2,108 by the Governor's Traffic Safety Committee to participate in the statewide "Buckle Up New York" program during the coming year. The program's goal is to increase the use of seat belts, thereby reducing serious injury and death resulting from vehicle accidents.

A copy of the grant award letter is attached for your information.

WRC/wrc

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

William R. Connors
Police Commissioner

cc: Joseph Fazzino, Interim Comptroller



ANDREW M. CUOMO
Governor

STATE OF NEW YORK
GOVERNOR'S TRAFFIC SAFETY COMMITTEE
DEPARTMENT OF MOTOR VEHICLES



BARBARA J. FIALA
Chair

October 23, 2012

Mr. Tom Scappaticci
Accountant
Rye City Police Department
21 McCullough Place
Rye, New York 10580

Re: BUNY-2013-Rye City PD -00061-(060)
"BUCKLE UP NEW YORK!"
EFFECTIVE DATE: October 1, 2012

Dear Mr. Scappaticci:

On behalf of Governor Andrew M. Cuomo, I am pleased to notify you that the City of Rye has been awarded \$2,108 to participate in the statewide "BUCKLE UP NEW YORK!" campaign. Our goal is to increase seat belt usage in an effort to reduce serious injury or death from traffic crashes. Please note all grants will be effective only upon final approval by the New York State Office of the State Comptroller. Please review your approved budget as it may have been changed from the requested amount.

Before incurring any project related expenses, login to eGrants to review your approved budget as it may have been reduced or otherwise changed from what was requested.

Thank you for participating in this very important statewide program. I wish you success in your efforts. If you have any questions, please contact the Governor's Traffic Safety Committee at (518) 474-5111.

Sincerely,

Barbara J. Fiala
Chair and
Commissioner of Motor Vehicles

BJF:et
Enclosure

cc: William Connors ✓
Joseph Fazzino