

CITY OF RYE

NOTICE

There will be a regular meeting of the City Council of the City of Rye on Wednesday, December 5, 2012, at 8:00 p.m. in Council Chambers at City Hall. *The Council will convene at 7:00 p.m. and it is expected they will adjourn into Executive Session at 7:01 p.m. to discuss personnel issues.*

AGENDA

1. Pledge of Allegiance
2. Roll Call
3. General Announcements.
4. Draft unapproved minutes of the Budget Workshop held November 26, 2012 and the Regular Meeting/Budget Workshop of the City Council held November 28, 2012.
5. Mayor's Management Report
 - Legal Update
6. Presentation of the Citizen's Budget: 4-year Financial Plan.
7. Mayor and Council amendments to the proposed 2013 City of Rye Budget.
Roll Call.
8. Public hearing on the proposed 2013 Budget.
9. Public Hearing to adopt a Local Law to override the State enacted tax levy limitation.
10. Authorization for Richard T. Blancato, Esq. to represent the City of Rye in an appeal *Carroll v. City of Rye* in the Appellate Division, Second Department.
Roll Call.
11. Residents may be heard on matters for Council consideration that do not appear on the agenda.
12. Consideration of Bid for Curbside Recycling Collection Services.
Roll Call.
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, December 19, 2012 at 8:00 p.m.

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

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



CITY COUNCIL AGENDA

NO. 4

DEPT.: City Clerk

DATE: December 5, 2012

CONTACT: Dawn Nodarse

AGENDA ITEM Draft unapproved minutes of the Budget Workshop held November 26, 2012 and the Regular Meeting/Budget Workshop held November 28, 2012, as attached.

FOR THE MEETING OF:

December 5, 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 Budget Workshop held November 26, 2012 and the Regular Meeting/Budget Workshop held November 28, 2012, as attached.

DRAFT UNAPPROVED MINUTES of the
Budget Workshop of the City Council of the City of
Rye held in City Hall on November 26, 2012 at 8:00
P.M.

PRESENT:

DOUGLAS FRENCH Mayor
LAURA BRETT (arrived at 8:05 p.m.)
RICHARD FILIPPI
PETER JOVANOVIK (arrived at 8:05 p.m. and left at 10:30 p.m.)
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. Discussion of the FY 2013 Budget.

- Police Department Budget Review

Police Commissioner William Connors made a presentation providing an overview of the Police Department budget. Commissioner Connors said that his approach to police budgeting is to prepare for the possibilities while budgeting for the probabilities in order to accomplish the mission of the department. He said that 2012 was a highly unusual year for the department in terms of the possibilities. He then gave an overview of various matters that the Police Department handled during the year with a special emphasis on Hurricane Sandy. He said the Department has submitted a basic subsistence budget that maintains the current level of service. The only “big ticket” item is the replacement of the automated fingerprint system because the manufacturer will no longer support the old system. The Commissioner provided information regarding departmental staffing levels; hiring and training procedures; duty charts; the operation of the rotating tours; overtime procedures and numbers; and third quarter enforcement figures. Additionally, Commissioner Connors and City Manager Pickup answered Council questions regarding salary costs; control over staffing; use of police at school crossings; overtime usage; staff turn-over statistics; department headcount; and pension calculations. Interim City

Comptroller Fazzino was asked to provide information regarding pension, health care and retiree costs. He was also asked to provide detailed information regarding salaries.

- Rye Free Reading Room Budget Review

Library Director Kitty Little said that the Library's budget is pivotal for what it will be able to do in 2013. She provided an overview of the Library's 2012 successes, including services provided to the community during the post-Hurricane Sandy period. She said that Library funding in the City's proposed 2013 budget remains flat at \$1,080,000, which will put the Library in a dire situation. Annual fundraising has been impacted by Hurricane Sandy and the 2012 budget was funded with an anticipated deficit of \$55,000. The Library is requesting an additional \$65,500 over last year's City funding. Ms. Little outlined the ramifications for 2013 without the additional requested funding including a reduction in hours of operation to 42 per week and a reduction in the materials budget by 13%. She also provided statistics comparing the Rye Library with other Westchester libraries in terms of population, public funding and operating expenses. Ms. Little also presented some results of a survey done as part of the strategic planning the Library is doing in order to determine what the community wants from the Library. Ms. Little answered questions from the Council regarding the Library's capital projects budget, use of their endowment, employee benefit costs, the branch of the Library at The Osborn, Library hours, and the requirements the Library must meet for inclusion in the City bond referendum. The Council will consider the Library's request for additional funding over the next few weeks.

- Flood Advisory Committee

Councilwoman Brett reported that she had met with members of the Flood Advisory Committee earlier in the evening. They believe that the FEMA grant for \$130,000 recently accepted by the Council, which will be applied toward a hydrology study for upstream retention, is sufficient to allow the City to have a shovel ready project if flood money becomes available from the County or State. She said the second issue the Committee was looking at was gauges for the down stream flows from the Bowman Avenue Dam. The Sluice Gate will have gauges installed as part of the installation and they have spoken with the City Manager about including a gauge in the Locust Avenue Siphon project that was approved in the Bond Referendum. The Committee believes it will be prudent to wait until additional hydrology studies are done before recommending additional gauges.

4. Adjournment

There being no further business to discuss Councilman Filippi made a motion, seconded by Councilwoman Brett and unanimously carried, to adjourn the meeting at 11:20 p.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk

DRAFT UNAPPROVED MINUTES of the
Regular Meeting of the City Council of the City of
Rye held in City Hall on November 28, 2012 at 8:00
P.M.

PRESENT:

DOUGLAS FRENCH Mayor
LAURA BRETT
RICHARD FILIPPI
PETER JOVANOVIK
JULIE KILLIAN
CATHERINE F. PARKER
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. 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

Mayor French and City Manager Pickup presented awards to the following City employees:

<u>Employee</u>	<u>Department</u>	<u>Years of Service</u>
Anthony Carella	Public Works	25
Alice Evangelista	Police	25
Lt. Robert Falk	Police	30

4. General Announcements

Mayor French announced that the public hearing on the 2013 budget would be held at the December 5th and 19th meetings.

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

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

RESOLVED that the City Council of the City of Rye hereby approves the request of 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

Councilwoman Parker made a motion, seconded by Councilman Filippi and unanimously carried, to approve the minutes of the regular meeting of the City Council held on November 7, 2012, as submitted.

Councilman Filippi made a motion, seconded by Councilman Jovanovich and unanimously carried, to approve the minutes of the special meeting/budget workshop of the City Council held on November 14, 2012, as submitted.

7. Mayor's Management Report
- Discussion and Update on the Draft Financial Disclosure Form

Corporation Counsel Wilson said she had looked at several communities that require some type of financial disclosure. It is up to the City Council to decide how broad they would like the financial disclosure statement to reach. Depending on what is decided, a change will have to be made to the Code of Ethics. A draft that includes elected officials and employees has been circulated to the Council for consideration and comment.

- Hurricane Sandy Update

City Manager Pickup reported that representatives from FEMA were in the City today to begin looking at damage on public property and are beginning to prepare project worksheets. It is hoped that the worksheets from 2011 storms Irene and Lee will be approved so the City can receive reimbursement for that damage. Con Edison held a meeting with community members to talk about their response. The company president has committed to making changes and updates to make their procedures more transparent. The County Executive had a meeting to look at county-wide issues regarding emergency response and emergency preparedness. Mr. Pickup said that representatives from Governor Cuomo's office were in Washington and many elected officials are lobbying for a 90% federal reimbursement on Hurricane Sandy. He also said that

the FEMA representatives indicated that some of the Inundation Zone maps are being updated for the east coast.

Mayor French said a meeting would be held on November 29th on volunteer emergency preparedness. Joseph Murphy, Chairman of the Senior Advocacy, said the City needs to have a permanent emergency shelter. Mr. Pickup added that the sheltering of pets also needs to be considered. It was also suggested that someone from the school administration needs to be available during a storm event.

- Legal Update

Corporation Counsel Wilson reported that a decision has been rendered in the assessed value portion of the *Carroll v. City of Rye* tax certiorari case. Judge LaCava found that the one acre property with a new home was worth approximately \$2.6 million as of 2004. The years covered in the decision are 2004 to 2010. A judgment has not been filed and refund numbers have yet to be calculated.

8. Discussion of the FY 2013 Budget

- Fire Department Budget Review

In the absence of the Fire Chiefs, City Manager Pickup reported on the Fire Department budget proposal for 2013. The position of Fire Inspector/Lieutenant will be filled, which will open up a vacancy in the Department. They are looking to find a candidate who can attend the next Fire Academy class in the spring. The difference from the 2012 budget is slight movement in the salary and step schedule by bringing in a new fire fighter and a full-time expenditure for the Fire Inspector/Lieutenant position. There is no proposed reduction in force or service. The increases are in benefit and pension costs. The Fire Department labor contract expired in 2009. The Chiefs are generally supportive of the budget except for the timing of equipment replacement. Mr. Pickup said that all of the equipment is in good shape and certified every year. He added that a large amount of money is paid on hydrant costs that are paid to United Water and Westchester Joint Water Works. It is a negotiated rate that should be looked at going forward. He said if hydrant districts were created it would take this cost out of the tax rate.

- Golf Club Department Budget Review

City Manager Pickup said that when the joint meeting with the Golf Commission was held in June, a net operating loss for the entire operating year of the Golf Club was projected to be \$277,000, which would have required the use of Fund Balance to balance the budget. There is approximately \$800,000 of unrestricted Fund Balance with a couple of capital projects allocated against it. In June an aggressive management of the budget for the remainder of the year began in order to cut the operating loss and the forecast has been reduced to a \$50,000 to \$75,000 operating loss depending on December figures. There has been discussion about how the proposed 2013 budget reflects staffing levels, labor costs, and operations that will be curtailed. The only thing being curtailed at the Club is the Castle operation, which will be closed except for catered events in January and February; limited restaurant operation for March, April and May; Tuesday through Sunday restaurant operation in the Memorial Day through Labor Day season; and post Labor Day back to a limited schedule. There will be a full golf and pool season.

The proposed budget includes the food minimum; the dues are the same as 2012; and there is one less full-time CSEA position due to a retirement. If revenues meet expectation there will be a slight revenue surplus of \$75,000. Questions were raised regarding the revenue projections for 2013 and if they should be more conservative; the proposed deficit figures; contractual costs; and staffing.

John Duffy, Chairman of the Golf Commission, said that the Commission wants the Club to move forward and have a product to sell. The Commission believes they should have more authority and be more than an advisory Board. Decisions must be made about how to move forward to make the Club a great facility. He said the Commission does not have much choice than to support the proposed budget because any issues that may arise are unknown. Going forward everything should go out to bid. He also suggested that if a management change is made, the new manager should be on contract and not a City employee. Chris O'Brien, a member of the Golf Commission, said that the Commission has to go with the recommended budget and then move forward. The Commission is working on getting different committees running and getting the membership move involved.

There was also a discussion about ways to market the Club in order increase membership and usage of the facility. It was also suggested that additional joint meetings should be held with the Council and Golf Commission.

Leon Sculti spoke on several topics related to the Golf Club including: reopening the Golf Cart leasing agreement; the marketing and advertising budget; double billing for staffing; and payroll records

- Review of City Council Budget Questions

City Manager Pickup said that some budget questions have been received and the answers will be provided to the Council in their Friday packets as well as posted on the website. A request was made that the City Comptroller provide a list of names and positions for full-time employees. A request was also made for information regarding how much department budgets were going up in the five major cost centers.

Jim Amico also commented on the budget. Mr. Amico spoke about managing police overtime figures, assignment of personnel, and alternatives for providing additional crossing guards.

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

Corporation Counsel Wilson said that the previous Golf Commission procedures stated that if membership fell below eight, the person who received the next highest number of votes in the most recent election could be appointed to fill that position. The proposal before the Council will change that number from eight to nine.

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

RESOLVED, that the City Council of the City of Rye hereby approves the amended and Voting Eligibility procedures for the Rye Golf Club Commission to maintain a level of nine members:

**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 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 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 Commission members until the next regular election.

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.

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.

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

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

RESOLVED, that the City Council of the City of Rye hereby approves the appointment of Angela Sposoto, the next eligible member from the Rye Golf Club election of September 27, 2012, to the Rye Golf Commission until the next regular election in 2013.

11. Discussion of parking permit procedures in the City lot located at the Rye Arts Center

City Manager Pickup said the City has been having conversations with representatives of Blind Brook Lodge (“BBL”), the Rye Arts Center and Rye Recreation. Residents of BBL have been able to use the Methodist Church parking lot for overflow night parking but with that property up for sale, the use of that lot for parking will not be renewed. The City began looking

into a couple of options over the summer and will bring a recommendation to the Council on how to get through the winter season when cars are required to be parking off street at night, including possibly suspending winter parking regulations on the section of Milton Road near BBL. BBL has an application pending before the Planning Commission for parking expansion, which, if approved, would solve the problem going forward after this winter season. There was also a suggestion of using the Recreation Department tennis court lot for “younger” residents of BBL as a solution to the winter parking problem. *Helen Gates*, Director of the Rye Arts Center, asked the Council to consider that parking at the Rye Arts Center is a shared community issue. She suggested that the City consider two proposals: (1) stripe the lot to maximize the number of spaces; and (2) allow a “no ticketing” time period during high usage hours for Arts Center visitors. She asked the Council to consider the needs of all the users when making decisions regarding parking in this lot. *Heather Sweeney* of 66 Milton Road spoke about the proposal of BBL for additional parking before the Planning Commission which seeks an additional 67 spaces at property owned by BBL at 75 Milton Road. She said only the 34 spaces being lost from the Methodist Church lot need to be added.

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

There were not residents who wished to speak under this Agenda item.

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

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

RESOLVED, that the City Council of the City of Rye hereby authorizes the 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 term March 21, 2012 through March 20, 2017.

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.

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.

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

WHEREAS, the City of Rye has been awarded a New York State grant from the Governor’s Traffic Safety Committee’s Child Passenger Safety Program in the amount of \$2,000 for participation in the statewide “Child Passenger Safety” program; now, therefore, be it

RESOLVED, that the City of Rye accepts the aforementioned grant.

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.

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.

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

WHEREAS, the City of Rye has been awarded a New York State grant from the Governor’s Traffic Safety Committee in the amount of \$2,108 to participate in the statewide “Buckle Up New York” program; now, therefore, be it

RESOLVED, that the City of Rye accepts the aforementioned grant.

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.

16. Miscellaneous Communications and Reports

There was nothing reported under this agenda item.

17. Old Business

There was no old business discussed.

18. New Business

Councilwoman Parker asked about clean up of the post-storm debris on the beach at Rye Town Park. City Manager Pickup said it was his understanding that the Town of Rye brought in a contractor who was working on tree removal in the park first and then would get to the beach. Councilman Filippi asked about clean up of debris in Blind Brook. City Manager Pickup said a contractor has been working on this.

Councilman Jovanovich asked for an update on the future of the Town of Rye. Mayor French said that recommendations have been made and the municipal representatives will go back to their communities to see if there is community support to make the changes. The report leans toward dissolving the Town but it will be problematic for some of the communities involved. The Corporation Counsel was asked to look into the issue of who owns Rye Town Park, the Town of Rye or the Rye Town Park Commission.

19. Adjournment

There being no further business to discuss Councilman Jovanovich made a motion, seconded by Councilman Filippi and unanimously carried, to adjourn into executive session to discuss a personnel matter and not return at 10:50 p.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk



CITY COUNCIL AGENDA

NO. 5

DEPT.: City Council

DATE: December 5, 2012

CONTACT: Mayor Douglas French

AGENDA ITEM: Mayor's Management Report

FOR THE MEETING OF:

December 5, 2012

RYE CITY CODE,

CHAPTER

SECTION

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

IMPACT: Environmental Fiscal Neighborhood Other:

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

- Legal Update



CITY COUNCIL AGENDA

NO. 6 DEPT.: City Manager's Office DATE: December 5, 2012
CONTACT: Scott D. Pickup, City Manager

AGENDA ITEM: Presentation of the Citizen's Budget.	FOR THE MEETING OF: December 5, 2012 RYE CITY CODE, CHAPTER SECTION
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RECOMMENDATION:

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

A presentation will be made by the Finance Committee of the Citizen's Budget: 4-year Financial Plan.



CITY COUNCIL AGENDA

NO. 7

DEPT.: City Council

DATE: December 5, 2012

CONTACT: Mayor Douglas French

ACTION: Mayor and Council amendments to the proposed 2013 City of Rye Budget.

FOR THE MEETING OF:

December 5, 2012

**RYE CITY CODE,
CHAPTER
SECTION**

RECOMMENDATION: That the Mayor and the Council review and act on the proposed Budget modifications.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:



CITY COUNCIL AGENDA

NO. 8

DEPT.: City Manager's Office

DATE: December 5, 2012

CONTACT: Scott D. Pickup, City Manager

ACTION: Public hearing on the proposed 2013 City Budget.

FOR THE MEETING OF:

December 5, 2012

**RYE CITY CODE,
CHAPTER
SECTION**

RECOMMENDATION: That the Mayor and the Council conduct the public hearing on the proposed 2013 Rye City Budget.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

The City Manager presented the budget on November 14th. The Council held Workshops on November 26th and 28th.

The proposed 2013 Budget is available on the City website www.ryeny.gov under City News: 2013 Tentative Budget.

The Budget adoption is scheduled for December 19, 2012.



CITY COUNCIL AGENDA

NO. 9

DEPT.: City Manager

DATE: December 5, 2012

CONTACT: Scott D. Pickup, City Manager

ACTION: Public Hearing to adopt a Local Law to override the State enacted tax levy limitation.

FOR THE MEETING OF:

December 5, 2012

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION:

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: New York State enacted a 2% tax cap on June 24, 2011. A provision in the law allows a municipality to override this tax cap under certain provisions including:

- Local governments may override the tax levy limit only by first passing a local law that allows for the tax levy limit to be exceeded.
- This override vote requires a 60 percent vote of the total voting power of the governing body to pass.
- In a case where a weighted vote is used to pass the budget, the override will require a 60 percent weighted vote of the local government 's governing body.
- The override vote must precede the vote on adoption of the budget although both votes may occur on the same day.

See attached draft Local Law.

CITY OF RYE

LOCAL LAW NO. ___ FOR THE YEAR 2012

**A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED
IN GENERAL MUNICIPAL LAW §3-C**

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

Section 1. Legislative Intent: It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the City of Rye pursuant to General Municipal Law §3-c, and to allow the City of Rye to adopt a budget for the fiscal year beginning January 1, 2013 and ending December 31, 2013 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c.

It is the determination of the City Council of the City of Rye that the property tax cap recently enacted by the State Legislature is unfair to the residents of the City of Rye and would severely curtail the ability of the City of Rye to provide necessary services to the City residents. The City Council finds that this local law would provide the City the flexibility it may need when it adopts the 2013 budget. Thus, the City Council of the City of Rye finds that it is in the best interests of the City to enact the local law.

Section 2. Authority: This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the City Council to override the tax levy limit by the adoption of a local law approved by vote of at least sixty percent (60%) of the City Council.

Section 3. Tax Levy Limit Override: The City Council of the City of Rye, County of Westchester is hereby authorized to adopt a budget for the fiscal year 2013 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Severability: If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date: This local law shall take effect immediately upon filing with the Secretary of State.

The Property Tax Cap

Guidelines for Implementation



The information presented is current as of this publication's revision date.

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On June 24, 2011 the property tax cap was signed into law (see Chapter 97 of the NYS Laws of 2011). Below is guidance to assist local governments in the implementation of the property tax cap.

Key Components of the Tax Cap

- ✓ **What is the property tax cap?**
The tax cap law establishes a limit on the annual growth of property taxes levied by local governments and school districts to two percent or the rate of inflation, whichever is less.
- ✓ **Who is subject to the tax cap?**
The cap applies to all independent school districts outside of the Big Five Cities (i.e. dependent school districts) and to all local governments including counties, cities, towns, villages and special districts (except those special districts noted below). The cap does not apply to New York City.
- ✓ **Are there exceptions to the tax cap?**
There are limited, narrow exclusions to the cap, including certain costs of significant judgments arising out of tort actions and unusually large year-to-year increases in pension contribution rates.
- ✓ **Is there an override mechanism to the tax cap?**
The tax levy cannot exceed the cap unless 60 percent of voters (for school districts) or 60 percent of the total voting power of the governing body (for local governments) approve such increase.
- ✓ **When is the tax cap effective?**
The cap first applies to local fiscal years beginning in 2012. Local budgets that commenced in 2011 but conclude in 2012 are not affected.

Technical Information

I. Applicability

The tax cap applies to all independent school districts and all local governments outside of New York City, and is intended to capture the broad range of property taxes levied in New York. Accordingly, the tax cap applies broadly to property taxes that support all local governments, including special districts that are independently governed as well as special districts that are established, governed and administered by another municipality. Where a local government, such as certain special districts, is wholly integrated within another local government – i.e. the special district is established, administered and governed by the board of that other local government, and is supported by a tax levy imposed by and under the authority of that other local government – then any property tax being levied by the overarching local government to support the operations of the subordinate special district is considered part of the tax levy of the overarching local government for purposes of administering the tax cap and override vote, if any. The following entities are covered by the cap:

- All Counties (except those within NYC)
- All Cities (except NYC)
- All Towns
- All Villages
- All Fire Districts
- School Districts (including common, union free, central, central high school, and city school districts, but excluding NYC and the Big Four¹)
- Special Districts (including, but not limited to sewer, water, library and fire protection districts). In the case of special districts the tax cap applies as follows:
 - The tax levy of a special district (such as a water or sewer district) that (i) has a separate independent elected board, and (ii) has the authority to levy a tax, or can require a municipality to levy a tax on its behalf, **is subject to the tax levy limit.**
 - The tax levy of a special district that (i) has a separate independent board appointed by the governing body of another local government, and (ii) has

¹ The budgets for the school districts in the Big Four Cities are within the cities' budgets, and those school districts have no separate taxing authority. The portion of the tax cap law applicable to local governments applies to the budgets of the Big Four Cities.

the authority to levy a tax, or can require a municipality to levy a tax on its behalf, **is subject to the tax levy limit.**

- To the extent the budget of a special district, such as a library district, is comprised of revenues generated by its own taxing authority, or by a tax levy of another local government that the local government is required to impose on behalf of that special district, those tax revenues fall within the tax levy limit of the special district. To the extent the budget of that special district is comprised of revenues generated by the taxing authority of another local government (such as a town or village), and that local government is not required to impose that tax levy on behalf of the special district, those tax revenues fall within the tax levy limit of the town or village.
- A tax levy that supports the operations of a special district that is established, administered and governed by the governing body of another local government— such as a tax levy imposed by a town or county board, under its authority, to support an improvement district created, administered and governed by that town or county board - is part of that town or county's tax levy, and **is to be applied to the tax levy limit of that town or county** – it is not to be separately reported by the special district.
- A special district that raises revenue solely through fees based on use **is not subject to the tax levy limit.**

II. Quantity Change

The Quantity Change Factor adjusts the tax levy limit to reflect an increase in the full value of taxable real property in a local government due to physical or quantity change – i.e. new growth or significant additions to existing properties.

- The Commissioner of Taxation and Finance will issue a Quantity Change Factor for all local governments that have experienced an increase in the full value of taxable real property due to a physical or quantity change.
 - Increases in full value due to changes in assessment only do not constitute a basis for a quantity change factor. A physical or quantity change does not result from the splitting or merging of parcels.
 - Property returning to the tax rolls after the expiration of a PILOT does not constitute a basis for a Quantity Change Factor.

III. Inflationary Factor

The growth in annual levy is limited to the lesser of 2 percent or the Consumer Price Index (CPI), subject to certain limited exceptions and adjustments. For the purposes of the cap the applicable CPI will be the unadjusted "All Items Consumer Price Index for All Urban Consumers" (CPI-U), the broadest and most comprehensive measure released by the Bureau of Labor Statistics. The CPI-U is released on a monthly basis, generally in the third week of the subsequent month.

Based on the most recently released calendar of release dates, the following table illustrates when the inflationary factor will be available for use by local governments in preparing their levy limit for upcoming budgets.

Chart 1. Timing of the Release of CPI-U Index for the Property Tax Cap Inflation Factor

Fiscal Year beginning	CPI-U period ends	CPI-U released
January 1, 2012	June 30, 2011	July 15, 2011
April 1, 2012	September 30, 2011	October 19, 2011
June 1, 2012	November 30, 2011	December 15, 2011
July 1, 2012	December 31, 2011	January 14, 2012

IV. Calculating the Tax Levy Limit

Each local government shall calculate the tax levy limit for the coming year as follows:

- First, determine the total amount of **taxes levied**, not collected, in the prior fiscal year.
 - Property taxes levied by a town to fund the town budget under its taxing authority fall within the town's tax levy limit.
 - Property taxes levied by a town on behalf of another local government (e.g. fire district) pursuant to the taxing authority of that other local government fall within that other local government's tax levy limit.
- Second, if a "tax base growth factor" has been reported to the local government by the Commissioner of Tax and Finance, the total amount of taxes levied for the prior year is to be multiplied by the growth factor.
- Third, add any PILOTs that were receivable in the base year. The total amount of PILOTs receivable is to be included in the calculation of the tax levy limit. No adjustment is permitted.

- Fourth, beginning for fiscal year 2013, subtract the tax levy necessary to support expenditures for tort actions for any amount that exceeds 5 percent of the local government's tax levy in the prior fiscal year. There is no subtraction for these expenditures in the calculation for the 2012 fiscal year.
- Fifth, multiply the result by the allowable levy growth factor, which will be provided by the Office of the State Comptroller.
- Sixth, subtract any PILOTs receivable in the coming year. The total amount of PILOTs receivable is to be included in the calculation of the tax levy limit. No adjustment is permitted.
- Seventh, beginning with fiscal year 2013 budgets, add any available carryover from the prior fiscal year. There is no available carryover for the 2012 fiscal year.
- Eighth, unused exclusions associated with growth in pension costs or tort judgments may not be carried forward.

V. Filing the Levy Limit Calculation

Each local government shall submit to the Office of the State Comptroller any information necessary for calculating the tax levy limit for the coming fiscal year prior to adopting a budget for that year. The Comptroller's office will provide additional information on the form and manner in which such submissions are to be made.

- A special district whose tax levy is determined by the board of another local government (such as a town or county board) does not have to separately submit the above information to the Office of the State Comptroller. The tax levy for that special district is part of that town or county's tax levy, is to be applied to the tax levy limit of that town or county, and is to be included within the information submitted by that town or county to the Office of the State Comptroller.
- A special district that raises revenues solely through fees based on use is not subject to the tax levy limit, and therefore does not have to submit the above information to the Office of the State Comptroller.
- All other special districts are each responsible for ensuring that its tax levy limit is calculated and reported in an accurate and timely manner.
- A special district may authorize another local government that handles its administrative affairs to calculate and report the tax levy limit on its behalf.

VI. Limited Exclusions

The tax cap law allows for a limited number of exclusions to the tax levy limit. These exclusions are:

- **Torts.** Local governments can increase their property tax levy beginning for fiscal year 2012 above the levy limit (the base year levy as adjusted for growth and inflation) for costs resulting from court orders or judgments against the local government arising out of tort actions to be paid in the coming fiscal year. The adjustment can only be made for costs of those court orders or judgments that exceed 5 percent of the total prior year's tax levy. Tax certioraris and breach of contract actions are among the types of actions that **are not** tort actions.
- **Pensions.** The pension exemption is triggered if the annual growth in the average actuarial contribution rate for the Employees' Retirement System (ERS), the Police and Fire Retirement System (PFRS), or the normal contribution rate for Teachers' Retirement System (TRS) exceeds two percentage points. Under the exemption, pension costs associated with the annual growth in the employer contribution rate above two percentage points are exempted from the cap.
 - **Variance in Plans.** In years in which the pension exclusion is triggered, the pension exemption rate is the same percentage of salary (growth in the system average actuarial rate minus two percentage points) for all employers.

Determining the Pension Exclusion

- In accordance with the employer contribution rates recently promulgated by the Office of the State Comptroller, the pension exemption will be triggered for both ERS and PFRS in local governments' FY 2012 budgets. The ERS average contribution rate is increasing by 2.6 percentage points and the PFRS average contribution is increasing by 4.2 percentage points. As a result, the ERS exemption is 0.6 percentage points and the PFRS exemption is 2.2 percentage points. These exemptions are calculated by subtracting two percentage points from the year-to-year increases in the ERS and PFRS average contribution rates (2.6 and 4.2 percentage points, respectively, for FY 2012). A similar exemption is allowed for local governments with TRS pension costs.
- For a hypothetical employer with a \$1 million ERS salary base and a separate \$1 million PFRS salary base, the ERS exemption would be calculated by multiplying 0.6 percent by the \$1 million salary base (\$6,000), and the PFRS exemption would be calculated by multiplying 2.2 percent by the separate \$1 million salary base (\$22,000), for a total pension exemption of \$28,000. All other pension costs fall within the property tax cap limitation.
- The system average contribution rate is to be utilized in calculating the amount of the exemption, even when the system average contribution rate is different than the actual contribution rate that the local government pays for its ERS pension plans. For example, if the ERS average contribution rate is increasing by 2.6 percent, and a local government's actual ERS plan contribution rate increased by only 2 percent, that local government would still be eligible to exclude 0.6 percent of its ERS salary base of \$1 million (or \$6,000). On the other hand, in years where the ERS average contribution rate increased by 3 percent and a local government's actual contribution rate increased by 3.5 percent, that local government can only exempt an amount equal to 1 percent of its \$1 million ERS salary base (or \$10,000).

- **Adjustments and Reconciliations.** Salary reconciliations and adjustments are not to be factored into the pension exclusion.

- **Contribution Rates.** The system average actuarial contribution rate is the average contribution rate paid by all employers in ERS and PFRS. It is published annually by the Office of the State Comptroller.
 - For fiscal years beginning in 2012, the Office of the State Comptroller recently published the ERS and PFRS contribution rates. TRS first published its estimated employer contribution rate in February 2011 for fiscal year 2012.
 - Local governments should use the ERS and PFRS contribution rates recently promulgated by the Office of the State Comptroller to calculate their exclusion for fiscal year 2012. Local governments with TRS pension costs should use the TRS contribution rate formally adopted in August 2011 (which was first published as an estimate in February 2011) for their FY 2012 budgets.
 - In future years, no local government may assume a pension exclusion until the Office of the State Comptroller officially promulgates the ERS and PFRS contribution rates. Accordingly, local governments will not be eligible to take advantage of the pension rate exclusion unless they use these contribution rates. If a local government's local law requires an earlier budget calculation and adoption, the local law must be changed with respect to when the budget is due in order to utilize the pension exception.

- **Salary Base.** The Office of the State Comptroller will provide local governments with their estimated salary bases to calculate their ERS and PFRS pension exclusions. Local governments with TRS pension costs must use their own salary base estimates to determine their TRS pension exclusion.
 - For ERS and PFRS, local governments must use the salary base projected by the Office of the State Comptroller in the calculation of their pension exclusion.
 - For TRS, local governments must continue to use their own initial salary base projections.

- **Amortization.** Local governments utilizing amortization may not levy for the pension exclusion.

VII. Erroneous Levies

Excess levies that are collected due to calculations that are inconsistent with the statute are required to be placed in reserve.

- The law provides for no minimum threshold before funds are placed in reserve, although the Office of the State Comptroller may issue guidelines in this area.
- The law requires that cash be put in reserve.
- If the levy exceeds the tax levy limit due to technical or clerical errors, the excess amount shall be placed in reserve in accordance with Office of the State Comptroller requirements.
- If the Office of the State Comptroller finds upon audit that a local government has levied in excess of the tax levy limit, the local government must place an amount equal to the excess amount of the levy in reserve.

VIII. Overrides of the Tax Levy Limit

Local governments **may override the tax levy limit only by first passing a local law** (or a resolution in the case of a fire or other special district) that allows for the tax levy limit to be exceeded.

- This override vote requires a 60 percent vote of the total voting power of the governing body to pass.
 - In a case where a weighted vote is used to pass the budget, the override will require a 60 percent weighted vote of the local government's governing body.
 - The override vote must precede the vote on adoption of the budget although both votes may occur on the same day.
- The local government may exercise reasonable discretion in drafting a local law or resolution that overrides the tax levy limit, but any such local law or resolution must contain language that clearly overrides the levy limit.
- The local governing body may adopt the budget right after adopting the local law. If the Secretary of State rejects the local law for filing because of technical reasons, and those technical reasons are not cured within a reasonable period of time, the amount of the tax levy that exceeded the tax levy limit (other than a levy for those items excluded from the tax levy limit) shall be placed in reserve pursuant to paragraph 6 of section 3-c of the General Municipal Law.

- In the event that a local government successfully overrides the tax levy limit, the base for the following year's tax levy limit calculation is the amount that was levied in the prior year inclusive of the override amount, less any amounts to be subtracted as set forth in the statute.
- In the case of a special district that requires a popular vote to pass the budgetary increase, the 60 percent voting requirement only applies to the board's vote, not to the popular vote (where only a majority vote continues to be required).

Example: Non-Charter Counties Budget Process

- The budget officer of a non-charter County has to submit a tentative budget by November 15, but may be required by the County's board of supervisors to submit that tentative budget by October 1.
- Members of the committee of the board of supervisors designated or created to review the tentative budget are entitled to investigate and inquire about the estimate of any administrative unit or the request for an appropriation of any authorized agency, and are entitled to attend all hearings conducted by the budget officer.
- The board of supervisors of that County has until December 20 to adopt a budget.
- Accordingly, that County has between 5 to 11 weeks to enact a local law that overrides the tax levy limit (which local law has to be upon the desks or tables of the board of supervisors for at least 7 calendar days, excluding Sundays, unless there is a message of necessity).
- As is required for all local laws, the proposed local law that overrides the tax levy limit is subject to a public hearing on five days notice, unless a local law prescribes a different notice requirement.
- See attached charts entitled "**Timeline for Tentative County Budget that Requires Tax Cap Override**" and "**Timeline for Tentative County Budget as Amended by Board of Supervisors that Requires Tax Cap Override.**"

Example: Town Budget Process

- The town clerk of a town has to submit a tentative budget to the town board on or before September 30 (or on or before October 30 for towns in Westchester and Monroe Counties).
- A town board has until November 20 (or December 20 for towns in Westchester and Monroe Counties) to adopt the budget.
- Accordingly, towns in counties other than Westchester and Monroe have more than 6 weeks to enact a local law that overrides the tax levy limit (which local law has to be upon the desks or tables of the town board members for at least 7 calendar days, excluding Sundays, unless there is a message of necessity). Towns in Westchester and Monroe Counties have nearly 6 weeks to pass such a local law.
- As is required for all local laws, the proposed local law that overrides the tax levy limit is subject to a public hearing on five days notice, unless a local law prescribes a different notice requirement.
- See attached charts entitled “**Timeline for Tentative Town Budget that Requires Tax Cap Override**” and “**Timeline for Tentative Town Budget as Amended by the Town Board that Requires Tax Cap Override.**”

IX. Budget Process: Final Adoption of a Budget

A budget officer, or chief executive, may prepare a tentative budget that requires a tax levy in excess of the levy limit. However, the governing body cannot, without first complying with override requirements, (i) adopt a budget that requires a levy in excess of the tax levy limit, or (ii) impose or cause the imposition of a tax levy to the extent that a budget requires a levy in excess of the levy limit.

X. Special Circumstances: Consolidation, Dissolution & Transfer of Functions

When significant changes are made to the structure or governance of a local government, the tax levy limit calculation will need to be determined by the Office of the State Comptroller.

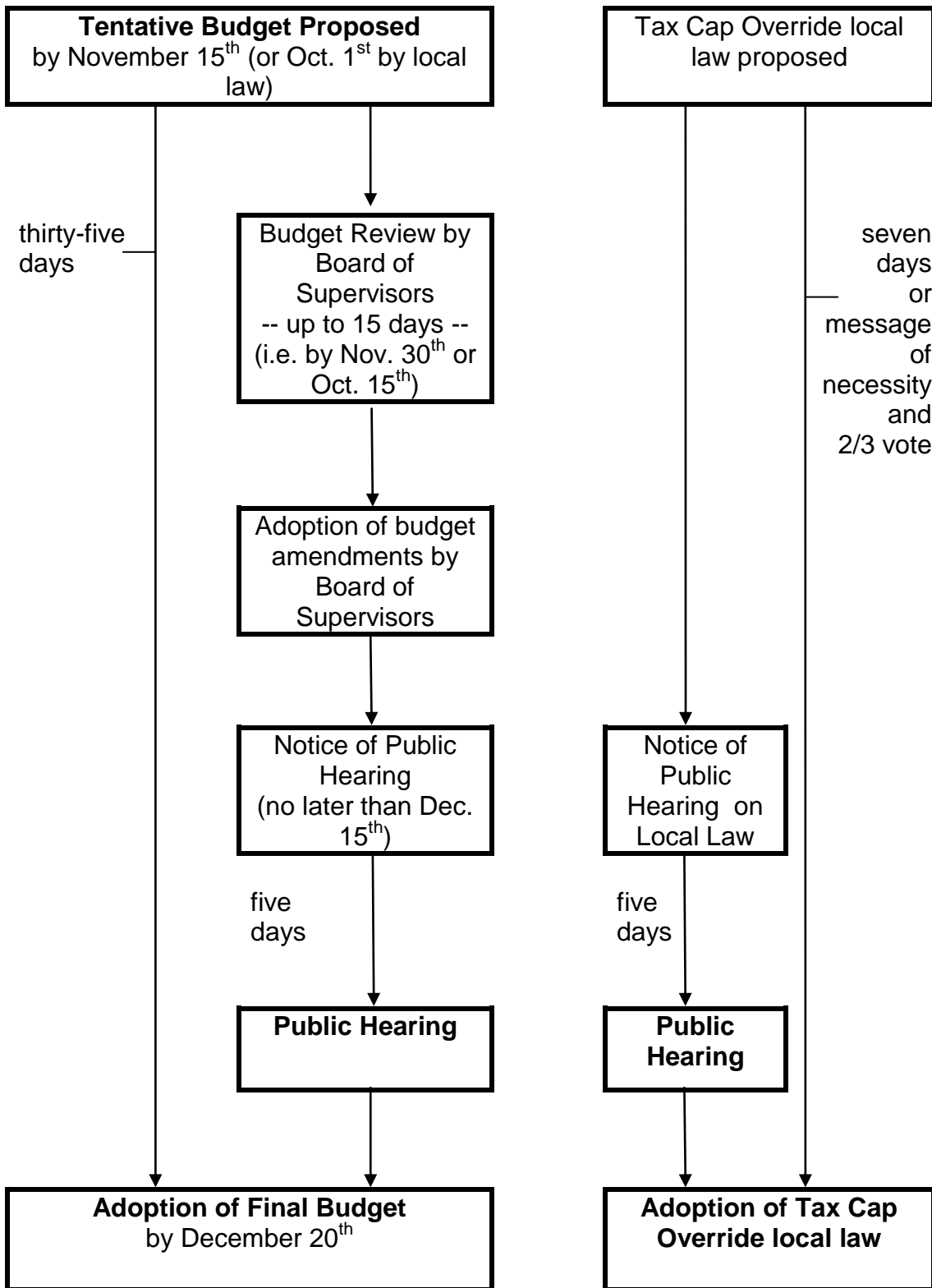
- **Consolidation.** When two or more local governments consolidate, the Office of the State Comptroller will calculate the tax levy limit for the first year after the consolidation. This calculation will be based upon the prior year tax levy limits of both local governments, but other factors pertaining to the consolidation may also be considered.

- **Transfer of Functions.** If a local government determines that it is in the best interest of the citizens to transfer the function for a governmental activity (such as policing) to another local government, the Office of the State Comptroller shall determine the costs and savings of the associated function for both local governments. This determination will be provided to the local governments so that the appropriate adjustments can be made to their tax levy limit calculations.
- **Dissolutions.** When a local government dissolves, the Office of the State Comptroller will calculate the tax levy limit for the local government that assumes the debts, liabilities and obligations of the former local government. This calculation will be based upon the prior year tax levy limits of both local governments, but other factors pertaining to the dissolution may also be considered.
- **New Local Governments.** The tax levy limit does not apply to the first fiscal year of a newly established local government (which is not the result of a consolidation or dissolution).

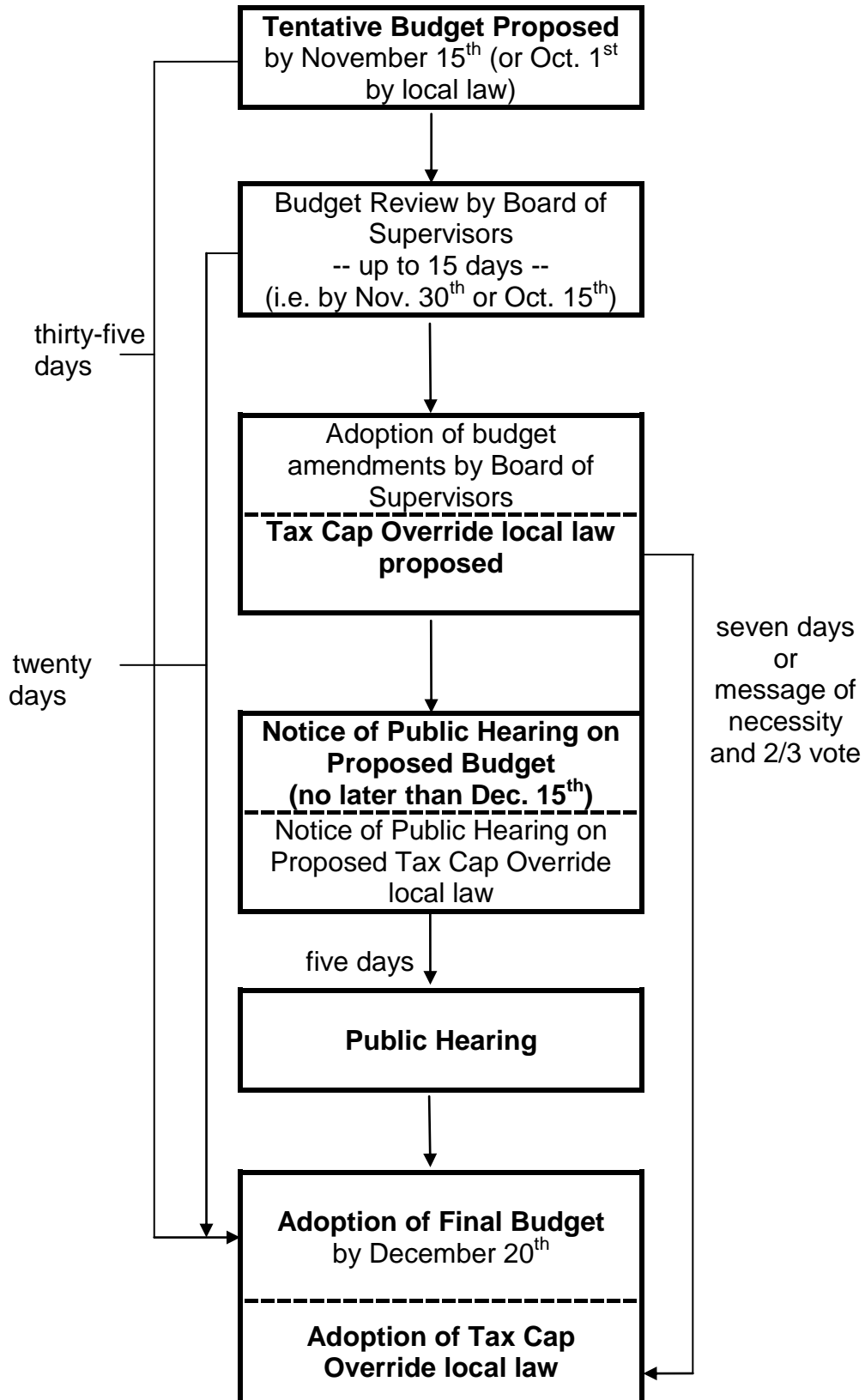
XI. Treatment of “Chargebacks” by Counties

As a general matter, property taxes levied by a County under its taxing authority to fund the County budget fall within the County’s tax levy limit. Accordingly, taxes levied by the County under the County’s taxing authority which are for the support of entities such as Community Colleges and County Boards of Election are subject to the County’s tax cap, notwithstanding the chargeback of those taxes to another local government. Counties may not decide independently to apportion those tax levies to another municipality.

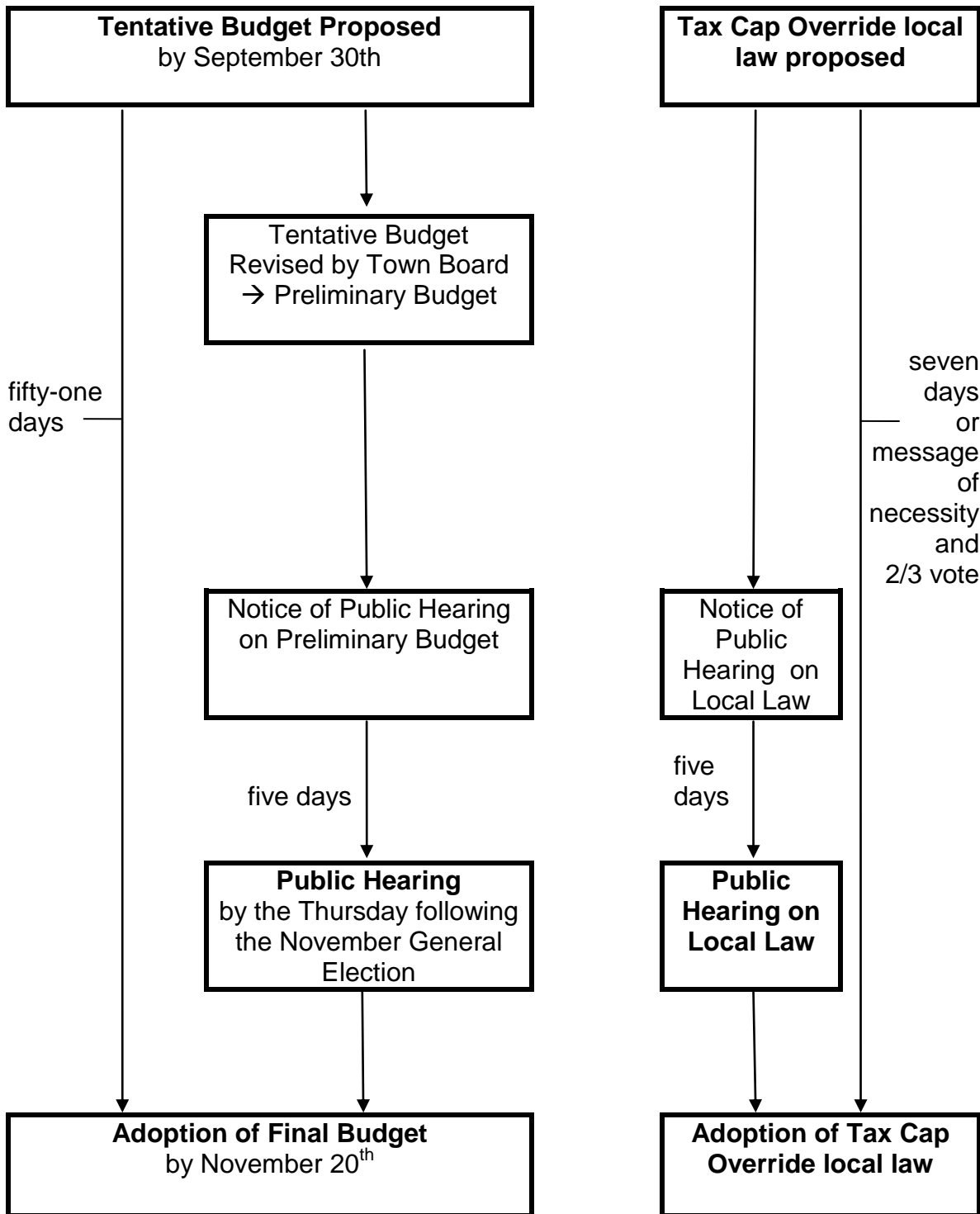
Appendix A
Timeline for Tentative County Budget that Requires Tax Cap Override



Appendix B
Timeline for Tentative County Budget as Amended by Board of Supervisors
that Requires Tax Cap Override

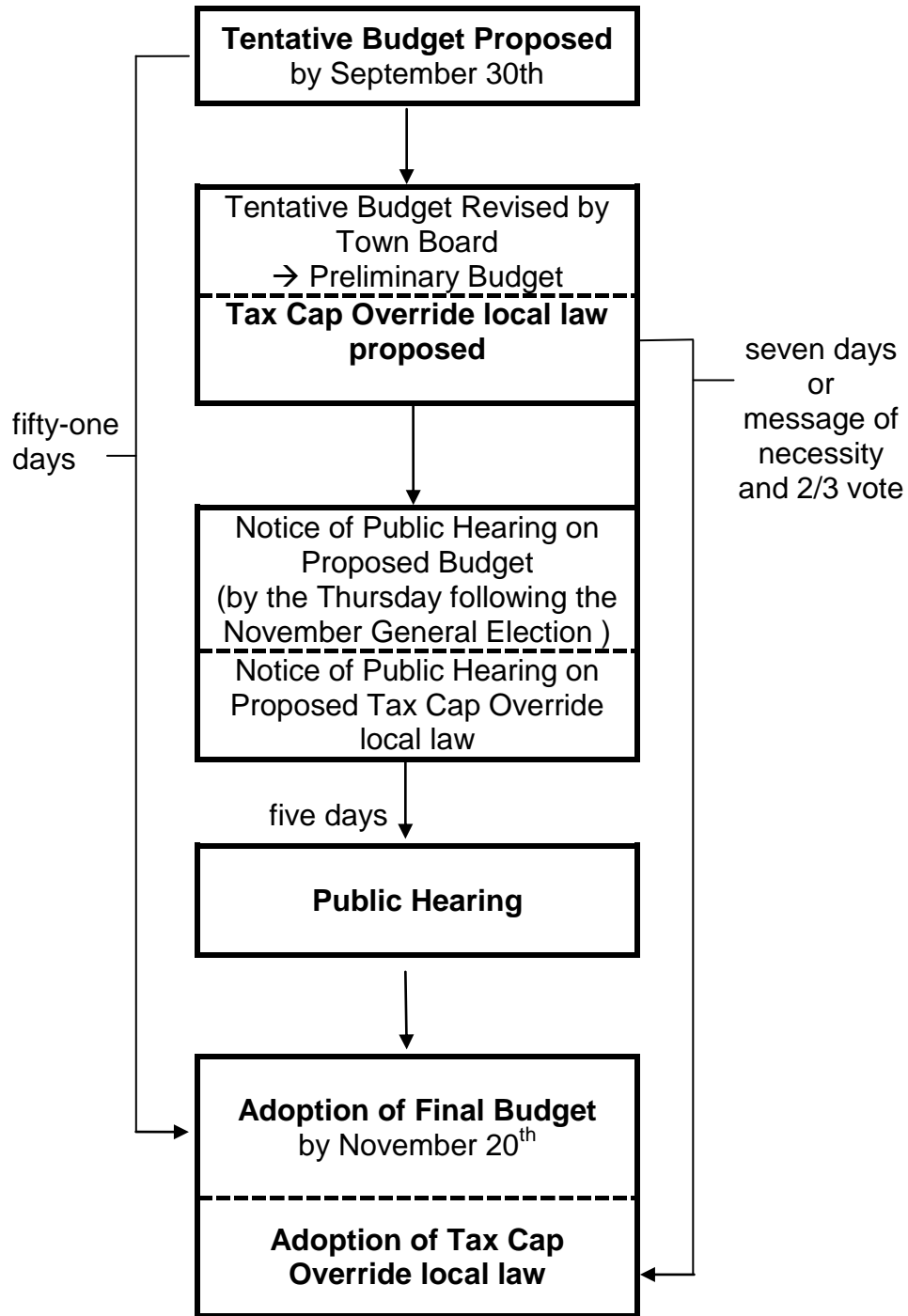


Appendix C
Timeline for Tentative Town Budget that requires Tax Cap Override*



* The budget calendars are different for towns in Monroe and Westchester Counties

Appendix D
Timeline for Tentative Town Budget as Amended by the Town Board
that requires Tax Cap Override*



* The budget calendars are different for towns in Monroe and Westchester Counties



CITY COUNCIL AGENDA

NO. 10

DEPT.: City Manager

DATE: December 5, 2012

CONTACT: Scott Pickup, City Manager

AGENDA ITEM: Authorization for Richard T. Blancato, Esq. to represent the City of Rye in an appeal *Carroll v. City of Rye* in the Appellate Division, Second Department.

FOR THE MEETING OF:

December 5, 2012

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council authorize Richard T. Blancato, Esq. to represent the City's interests in the pending appeal at a rate of \$250 per hour.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: An Article 7 Tax Certiorari proceeding against the City of Rye was commenced by Edward Carroll who is challenging the assessed value of his property. The recent decision by Judge LaCava reduces the assessed value of the property by 45% for years 2003 through 2011 which results in a value significantly below the true market value of the property and is not supported by the evidence in the record. For this reason City Assessor Noreen Whitty and attorney Richard T. Blancato, Esq. recommend that the City must appeal this decision. The appeal will be heard by the Appellate Division, Second Department.



CITY COUNCIL AGENDA

NO. 12

DEPT: Public Works

December 5, 2012

CONTACT: Ryan X. Coyne, City Engineer

ACTION: Consideration of Bid for Curbside Recycling Collection Services.

FOR THE MEETING OF:

December 5, 2012

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council reject the bids for the outsourcing of Curbside Recycling Collection Services (Contract #2012-04) with the request to go out to re-bid the project with certain clarifications.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The bid opening for Contract #2012-04 took place on November 7, 2012 with three submitted bids. Due to the timing of the bid around Hurricane Sandy and the opportunity to further clarify the bid, City Engineer Ryan X. Coyne, PE recommends that the bids be rejected and the project re-bid with certain clarifications.


See attached.



CITY OF RYE
Engineering Department

Interoffice Memorandum

To: Scott Pickup, City Manager

From: Ryan Coyne, PE, City Engineer 

Date: November 21, 2012

Subject: Contract 2012-04 – Curbside Recycling Services Contract

The bid opening for the above contract took place on November 7, 2012. There were three bids submitted for the project. I have attached a tabulation of the bids for your convenience. While not bid in this manner (the bid called for either a two-year or three-year contract), the apparent low bidder's cost per year was approximately \$365,000. It is my recommendation that these bids be rejected and the project rebid with certain clarifications. The reasoning for this is as follows:

1. The bid was let on October 18 and opened on November 7. During this period (on October 29), Hurricane Sandy hit the region. It is possible that some contractors did not bid due to disruptions caused by this storm event. Rebidding the job may increase turnout and result in more competitive bids.
2. One bidder noted that there was a discrepancy in the bid document which led to the apparent misinterpretation of the duration of the contract. This bidder stated that he bid on four-year and six-year terms due to an incorrect date in the bid; while the other two bidders bid as intended (on two-year and three-year terms). As it turns out, if the four-year term price was cut in half (hypothetically made into a two-year term), this bidder would have been the low bidder. As we cannot change the bids after they have been opened, it is recommended that the bids be rejected and the project rebid with further clarifications.
3. In discussions with one of the bidders, the location that the recycled materials would be deposited by the contractor was misread in the contract. While the contract documents stated that the material will be carted to Disbrow Park, at least one contractor was prepared to dump off-site. As the cost of this could result in a lower price for the City, it is recommended that the bids be rejected to investigate off-site disposal.

In light of the above, it is my recommendation that the bids be rejected and the project rebid. The revised bid documents would clarify some of these discrepancies and be readvertised to potentially increase the turnout.

Please feel free to call with any questions or comments.

	Suburban Carting, Inc.	AAA Carting, Inc.	R&S Waste, Inc.
Alternate 1 - Two Year Contract			
Year 1 Price Bid	\$362,232.00	\$494,808.00	\$699,600.00
Year 2 Price Bid	\$369,000.00	\$494,808.00	\$763,200.00
Total Bid Alternate 1	\$731,232.00	\$989,616.00	\$1,462,800.00
Alternate 2 - Three Year Contract			
Year 1 Price Bid	\$362,232.00	\$494,808.00	\$699,600.00
Year 2 Price Bid	\$369,000.00	\$494,808.00	\$763,200.00
Year 3 Price Bid	\$375,000.00	\$509,650.00	\$826,800.00
Total Bid Alternate 2	\$1,106,232.00	\$1,499,266.00	\$2,289,600.00