

CITY OF RYE

NOTICE

There will be a regular meeting of the City Council of the City of Rye on Wednesday, December 17, 2014, at 7:30 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 collective bargaining.*

AGENDA

1. Pledge of Allegiance
2. Roll Call
3. General Announcements.
4. Draft unapproved minutes of the Regular Meeting of the City Council held December 3, 2014.
5. Issues Update/Old Business.
6. Continuation of the Public Hearing on the proposed 2015 Budget.
7. Resolution to adopt the 2015 Budget and establish the 2015 tax levy and 2015 tax rate.
Roll Call
8. Resolution authorizing the City Comptroller to make the necessary year-end closing transfers.
Roll Call
9. Resolution to amend the Administrative Pay Plan.
Roll Call
10. Resolution to authorize participation in Westchester County contracts.
Roll Call
11. Resolution authorizing the City Manager to engage an independent audit firm to perform the examination of the City's Comprehensive Annual Financial Report for the fiscal years ending December 31, 2014, 2015, and 2016.
Roll Call
12. Resolution to transfer \$50,000 from the Contingency account to fund expenses associated with the recruitment of the next City Manager.
13. Resolution authorizing the Mayor to execute an agreement with the Rye Free Reading Room to furnish library services for 2015.
Roll Call

14. Continuation of Public Hearing to amend local law Chapter 165 , “Signs”, of the Rye City Code by adding Section §165-10, “Regulation of banners”, to establish regulations for banners on City owned ball field fences and utility poles on City property.
15. Resolution designating the days and time of regular meetings of the City Council for 2015 setting January 14, 2015 as the first regular meeting.
16. Consideration to set a Public Hearing for January 28, 2015 to amend local law Chapter 117, Landmarks Preservation, of the Rye City Code by amending Section §117-5, “Designation of Preservation Districts or Protected Sites and Structures”, Subsection E, to add (9) Protected site and structures: 600 Milton Road, the Bird Homestead, and 624 Milton Road, the Rye Meeting House as landmarks.
17. Consideration of a request by the Midland Elementary School PTO to approve a parade to precede the Midland Elementary School Fair on Saturday, April 18, 2015 from 9:00 a.m. to 10:15 a.m.
18. Appeal of denial of FOIL request by Leon Sculti.
19. Miscellaneous communications and reports.
20. New Business.
21. Adjournment.

* * * * *

The next regular meeting of the City Council will be held on Wednesday, January 14, 2015 at 7:30 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 jsack@ryeny.gov or contacting the City Manager’s Office at (914) 967-7404.



CITY COUNCIL AGENDA

NO. 4

DEPT.: City Clerk

DATE: December 17, 2014

CONTACT: Dawn Nodarse

AGENDA ITEM Draft unapproved minutes of the Regular Meeting of the City Council held December 3, 2014, as attached.

FOR THE MEETING OF:

December 17, 2014

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 December 3, 2014, as attached.

DRAFT UNAPPROVED MINUTES of the
Regular Meeting of the City Council of the City of
Rye held in City Hall on December 3, 2014 at 7:30
P.M.

PRESENT:

JOSEPH A. SACK Mayor
LAURA BRETT
KIRSTIN BUCCI
JULIE KILLIAN
TERRENCE McCARTNEY
RICHARD SLACK
Councilmembers

ABSENT: RICHARD MECCA, Councilmember (attended executive session)

The Council convened at 6:35 p.m. Councilwoman Brett made a motion, seconded by Councilwoman Killian and unanimously carried to immediately move into executive session to discuss personnel. Councilman Mecca made a motion, seconded by Councilman McCartney and unanimously carried, to adjourn the executive session at 7:40 p.m. The regular meeting began at 7:45 p.m.

1. Pledge of Allegiance

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

2. Roll Call

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

3. General Announcements by the Council

Announcements were made regarding various events and activities that may be of interest to residents, including a rededication ceremony for City Hall to be held on December 10th. Mayor Sack noted the passing of former Mayor Frederick Hunziker and asked for a moment of silence in his honor.

4. Draft unapproved minutes of the Budget Workshops held November 17, 2014 and November 19, 2014 and the Regular Meeting of the City Council held November 19, 2014

Councilman McCartney made a motion, seconded by Councilwoman Killian and unanimously carried, to approve the minutes of the Budget Workshops held on November 17, 2014 and November 19, 2014.

Councilwoman Brett made a motion, seconded by Councilwoman Killian and unanimously carried, to approve the minutes of the Regular Meeting of the City Council held on November 19, 2014.

5. Issues Update/Old Business

Reports were made on the following topics:

- Deer – Mayor Sack said he has been in contact with representatives of the County. A regional Deer Control Summit will be held, hopefully in February, which will be hosted by the City. Speakers will be invited from the NYS Department of Environmental Conservation, the USDA and the County and possibly other organizations or communities that have implemented deer control solutions.
- Rock Chipping Study Group – Councilman Slack said that Councilman Mecca will be sending an email out in a few days with proposed dates for a first meeting. Mayor Sack asked for a recommendation from the group by the end of January.
- Sis D’Angelo – Mayor Sack said he had spoken with Mrs. D’Angelo regarding several issues she is concerned about: (1) the condition of the sidewalk in front of the Rye Country Store; (2) the flower pots on Purchase Street taking up space; and (3) rebuilding the small “Morehead Bridge”. City Manager Culross said that the bridge will be removed and brought to DPW to preserve it because the City cannot afford to repair it at this time.

6. Mayor and Council amendments to the proposed 2015 City of Rye Budget
Roll Call.

Mayor Sack said that as a result of budget workshops, discussions among themselves and with the City Manager, the Council would like to make some changes to the proposed 2015 Budget. The proposed changes include:

- Fire Department – the Council does not want to proceed with the proposal for four additional paid firefighters or the hiring of a new Assistant City Manager dedicated primarily to public safety. The Council will have a full discussion of issues regarding the Fire Department next year.
- Rye TV – the Council does not want to proceed with the proposal for building a Cable TV studio in City Hall.
- Police Department – Police Patrol/Investigation positions will be increased from 36 to 37 in order to hire a new officer dedicated to traffic and speed enforcement and dogs in Rye Town Park.

Additionally, City Manager Culross explained that a change has been made to the Golf Club budget because an amendment made on the night that the Golf Commission adopted the budget was never put into the computer system.

A question was asked about how the proposed amendments would affect the City's use of Unassigned Fund Balance. Deputy Comptroller Fazzino said that the changes would not be to the Unassigned Fund Balance but to the Building & Vehicle Fund Balance, which would not be decreased by as much as originally stated. Additionally, members of the Council expressed their reasons for supporting the proposed deletions and additions to the Budget. There were also discussions about the proposed mortgage tax figures for 2015; what may happen with NYS Chips funding; and the areas where Fund Balance will be used including the Contingency Account and Workers Compensation

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

RESOLVED that the preliminary 2015 General Fund Budget be amended as follows:

- Estimated Building Permit Revenues be increased by \$100,000 to \$1,550,000;
- The proposed transfer of \$333,500 from the Building and Vehicle Fund balance for personnel expenses is eliminated;
- The City Comptroller is directed to make decreases in various Recreation Department expenditures of \$67,500 permitting with the above adjustments, the addition of the proposed Assistant Recreation Superintendent and Groundskeeper without use of any fund balance; and be it further

RESOLVED, that the Building and Vehicle Maintenance Fund be amended as follows:

- The City Hall TV Studio project is eliminated;
- The \$333,500 transfer to the General Fund is eliminated; and be it further

RESOLVED, that the Rye Golf Club Employee Benefits and Taxes Budget be increased by \$12,000 to \$592,890 to incorporate an adjustment made by the Rye Golf Club Commission.

ROLL CALL:

AYES: Mayor Sack, Councilmembers Brett, Bucci, Killian, McCartney and Slack

NAYS: None

ABSENT: Councilman Mecca

The Resolution was adopted by a 6-0 vote.

7. Public Hearing on the proposed 2015 Budget

Councilwoman Brett made a motion, seconded by Councilman McCartney and unanimously carried, to open the public hearing on the 2015 Budget as amended.

No one from the public spoke on the proposed budget.

Councilwoman Brett made a motion, seconded by Councilman McCartney and unanimously carried to keep the public hearing open until the December 17, 2014 meeting.

8. Continuation of the Public Hearing to add a proposed Local Law amending the Code of the City of Rye by creating a new chapter, Chapter 176, "Energy Conservation", to establish a Sustainable Energy Loan Program in the City of Rye in accordance with Article 5-L of the General Municipal Law

The public hearing remained open from the last meeting. No one from the public spoke on the proposed local law.

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

Councilwoman Killian spoke about restricting access to the program in the City of Rye to non-profit organizations and asked if this decision could be amended in the future. Alyssa Roth, Director of EIC Membership at Energize NY explained the process for how that could be accomplished if the City adopts the proposed local law. Ms. Killian also said she accepted that the City could not change the language in the local law as drafted but expressed her concerns with that requirement. Councilwoman Bucci expressed her concerns with the EIC program and said she was not sure if it is a core responsibility of the City.

Councilwoman Brett made a motion, seconded by Councilman McCartney, to adopt the following local law:

**CITY OF RYE
LOCAL LAW NO. 10 2014**

A local law to add a new Chapter 176 "Energy Conservation" of the Code of the City of Rye to create a program to assist property owners in financing clean energy systems as follows:

Section 1: Chapter 176, Energy Conservation

§ 176-1. Legislative findings; intent and purpose; statutory authority.

A. It is the policy of both the City of Rye and the State of New York to achieve

energy efficiency and renewable energy goals, reduce greenhouse gas emissions, mitigate the effect of global climate change, and advance a clean energy economy. The City finds that it can fulfill this policy by providing property assessed clean energy financing to property owners for the installation of renewable energy systems and energy efficiency measures. This article establishes a program that will allow the Energy Improvement Corporation (EIC), a local development corporation, acting on behalf of the City, to make funds available to qualified property owners that will be repaid by such property owners through charges on the real properties benefited by such funds, thereby fulfilling the purposes of this article and fulfilling an important public purpose.

- B. The City of Rye is authorized to implement this Energize NY Benefit Financing Program pursuant to Article 5-L of the New York General Municipal Law.
- C. This article shall be known and may be cited as the "Energize NY Benefit Financing Program Law of the City of Rye."

§ 176-2. Definitions.

For purposes of this article, and unless otherwise expressly stated or unless the context requires, the following terms shall have the meanings indicated:

AUTHORITY

The New York State Energy Research and Development authority, as defined by Subdivision 2 of § 1851 of the Public Authorities Law, or its successor.

EIC

The Energy Improvement Corporation, a local development corporation, duly organized under § 1411 of the Not-for-Profit Corporation Law, authorized hereby on behalf of the City of Rye to implement the Energize NY Benefit Financing Program by providing funds to qualified property owners (as defined in this article) and providing for repayment of such funds from monies collected by the City Comptroller as a charge to be levied on the real property and collected in the same manner and same form as the City taxes.

ENERGY AUDIT

A formal evaluation or "assessment" of the energy consumption of a permanent building or structural improvement to real property, conducted by a contractor certified by the authority, or certified by a certifying entity approved by the authority, for the purpose of identifying appropriate energy efficiency improvements that could be made to the property.

ENERGY EFFICIENCY IMPROVEMENT

Any renovation or retrofitting of a building to reduce energy consumption, such as window and door replacement, lighting, caulking, weatherstripping, air sealing, insulation, and heating and cooling system upgrades, and similar improvements, determined to be cost effective pursuant to criteria established by the authority,

not including lighting measures or household appliances that are not permanently fixed to real property.

QUALIFIED PROPERTY OWNER

An owner of residential or commercial real property located within the boundaries of the City of Rye that is determined to be eligible to participate in the Energize NY Benefit Financing Program under the procedures for eligibility set forth under this article.

RENEWABLE ENERGY SYSTEM

An energy generating system for the generation of electric or thermal energy, to be used primarily at such property, by means of solar thermal, solar photovoltaic, wind, geothermal, anaerobic digester gas-to-electricity systems, fuel cell technologies, or other renewable energy technology approved by the authority, not including the combustion or pyrolysis of solid waste.

RENEWABLE ENERGY SYSTEM FEASIBILITY STUDY

A written study, conducted by a contractor certified by the authority, or certified by a certifying entity approved by the authority, for the purpose of determining the feasibility of installing a renewable energy system.

§ 176-3. Establishment of program.

- A. An Energize NY Benefit Financing Program is hereby established by the City of Rye, whereby EIC, acting on its behalf, may provide funds to qualified property owners in accordance with the procedures set forth under this article, to finance the acquisition, construction and installation of renewable energy systems and energy efficiency improvements and the verification of the installation of such systems and improvements.
- B. The funds provided shall not exceed the lesser of 10% of the appraised value of the real property where the renewable energy systems and/or energy efficiency improvements will be located, or the actual cost of installing the renewable energy systems and/or energy efficiency improvements, including the costs of necessary equipment, materials, and labor and the cost of verification of such systems and improvements.

§ 176-4. Procedures for eligibility.

- A. Any property owner in the City may submit application to EIC on such forms as have been prepared by EIC and made available to property owners on the website of EIC and at the City Clerk's office.
- B. Every application submitted by a property owner shall be reviewed by EIC acting on behalf of the City, which shall make a positive or negative determination on such application based upon the criteria for making a financing enumerated in Subsection A of § 176-5 of this article. EIC may also request further information

from the property owner where necessary to aid in its determination.

- C. If a positive determination on an application is made by EIC acting on behalf of the City, the property owner shall be deemed a qualified property owner and shall be eligible to participate in the Energize NY Benefit Financing Program in accordance with the procedure set forth under § **176-6** of this article, provided that in no case shall a property owner that has received funds from another municipal corporation for the acquisition, construction and installation of energy efficiency improvements and/or renewable energy systems be deemed a qualified property owner.
- D. At no one time shall the total of all payments being collected for this program by the City exceed \$50,000 per annum.

§ 176-5. Application criteria.

- A. Upon the submission of an application, EIC, acting on behalf of the City, shall make a positive or negative determination on such application based upon the following criteria for the making of a financing:
 - (1) The proposed energy efficiency improvements and/or renewable energy systems are determined to be cost effective by the authority;
 - (2) The proposed energy efficiency improvements and/or renewable energy systems will generate an estimated annual cost savings greater than the annual charge payments;
 - (3) Sufficient funds are available to provide to the property owner;
 - (4) The property owner is current in payments on any existing mortgage;
 - (5) The property owner is current in payments on any existing real property taxes and has been current on real property taxes for the previous three years; and
 - (6) Such additional criteria, not inconsistent with the criteria set forth above, as the City, or EIC acting on its behalf, may set from time to time.

§ 176-6. Energize finance agreement.

- A. A qualified property owner may participate in the Energize NY Benefit Financing Program through the execution of an energize finance agreement made by and between the qualified property owner and EIC, acting on the behalf of the City.
- B. Upon execution of the energize finance agreement, the qualified property owner shall be eligible to receive funds from EIC, acting on behalf of the City, for the acquisition, construction, and installation of qualifying renewable energy systems

and energy efficiency improvements, provided that the requirements of § **176-7** of this article have been met.

- C. The energize finance agreement shall include the terms and conditions of repayment set forth under § **176-8** of this article.

§ 176-7. Energy audit; renewable energy system feasibility study.

- A. No funds shall be made available for energy efficiency improvements unless determined to be appropriate through an energy audit as defined in § **176-2**.
- B. No funds shall be made available for a renewable energy system unless determined to be feasible through a renewable energy system feasibility study as defined in § **176-2**.
- C. The cost of such energy audit and/or renewable energy system feasibility study shall be borne solely by the property owner but may be included in the financed amount if the work is approved.

§ 176-8. Terms and conditions of repayment.

The energize finance agreement between the qualified property owner and EIC, acting on behalf of the City, shall set forth the terms and conditions of repayment in accordance with the following:

- A. The principal amount of the funds paid to the qualified property owner hereunder, together with the interest thereon, shall be paid by the property owner as a charge on his or her property tax bill and shall be levied and collected at the same time and in the same manner as City property taxes, provided that such charge shall be separately listed on the tax bill. The City shall make payment to EIC or its designee, in the amount of all such separately listed charges within 30 days of the City property tax due date.
- B. The term of such repayment shall be determined at the time the energize finance agreement is executed by the property owner and EIC, provided that in no case shall the term exceed the weighted average of the useful life of the systems and improvements as determined by EIC acting on behalf of the City.
- C. The rate of interest for the charge shall be fixed by EIC, acting on behalf of the City, at the time the energize finance agreement is executed by the property owner and EIC.
- D. The charge shall constitute a lien upon the real property benefited by the Energize NY Benefit Financing Program and shall run with the land. A transferee of title to the benefited real property shall be required to pay any future installments, including interest thereon.

§ 176-9. Verification and report.

- A. EIC shall be responsible for verifying and reporting to the City on the installation and performance of renewable energy systems and energy efficiency improvements financed by such program.
- B. The City shall verify and report on the installation and performance of renewable energy systems and energy efficiency improvements financed by the Energize NY Benefit Financing Program in such form and manner as the authority may establish.

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

ROLL CALL:

AYES: Mayor Sack, Councilmembers Brett, Killian, McCartney and Slack
NAYS: Councilwoman Bucci
ABSENT: Councilman Mecca

The Local Law was adopted by a 5-1 vote.

Mayor Sack asked Corporation Counsel Wilson and City Manager Culross to prepare a letter to the Board of Directors of the EIC to limit the application of the local law to only Not-For-Profits in the City of Rye. Councilman Slack asked to clarify that the reference to Not-For-Profits referred to Not-For-Profit Corporations as incorporated under New York State law. The Mayor asked if any member of the Council was opposed to the restriction as stated and no one indicated that they were.

- 9. Public Hearing to amend local law Chapter 191, “Vehicles and Traffic”, of the Rye City Code by amending Section §191-20, “Parking time limited”, Subsection (E) “Fifteen-minute limit” to designate three parking spaces on the west side of First Street as fifteen minute parking spaces

Councilwoman Brett made a motion, seconded by Councilwoman Killian and unanimously carried, to open the public hearing.

No one from the public commented on the proposed local law. Mayor Sack referred to other instances where 15 minute parking spaces had been designated and said that it also makes sense to do so at this location.

Councilwoman Brett made a motion, seconded by Councilwoman Killian and unanimously carried, to close the public hearing.

Councilwoman Brett made a motion, seconded by Councilwoman Killian, to adopt the following local law:

**CITY OF RYE
LOCAL LAW NO. 11 2014**

**A local law to amend the City Code of the City of Rye Chapter 191 “Vehicles and Traffic”
Part 1, Article III “Parking Regulations” Section 191-20 “Parking time limited” to
establish a 15 minute parking limit along the West side of First Street as follows:**

Section 1:

Article III, Parking Regulations, of the Code of the City of Rye is hereby amended:

§ 191-20. Parking time limited.

E. Fifteen-minute limit. The parking of vehicles is hereby prohibited in the following locations for a period longer than 15 minutes between the hours of 7:00 a.m. and 7:00 p.m., except on Sundays:

Name of Street	Side	Location
Boston Post Road	East	From Central Avenue to Rectory Street
Elm Place	North	3 spaces on the north side closes to Theodore Fremd Avenue
First Street	West	3 spaces along the west side of First Street parallel to the building and the curb
Forest Avenue	West	From the southwest driveway of the service station to Elmwood Avenue
Purchase Street	East	From Elizabeth Street southerly for 140 feet
Purdy Avenue	North	From the east side of the post office property to Third Street
Sylvan Avenue	South	2 spaces on the south side closest to Midland Avenue
Third Street	East	From Purdy Avenue to the post office driveway
Third Street	West	From Purdy Avenue to a point 100 feet north thereof

Section 2.

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

Section 3: This local law will take effect immediately upon filing of with the Secretary of State.

ROLL CALL:

AYES: Mayor Sack, Councilmembers Brett, Bucci, Killian, McCartney
and Slack
NAYS: None
ABSENT: Councilman Mecca

The Local Law was adopted by a 6-0 vote.

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

There were no residents wishing to speak.

11. Consideration of a request by the Rye Little League to approve a parade to kickoff Opening Day of the 58th Little League Season on Saturday, April 11, 2015 beginning at 12:00 p.m.

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

RESOLVED that the City Council of the City of Rye hereby approves the request of the Rye Little League for use of City streets for a parade to kickoff Opening Day of the 58th Little League Season on Saturday, April 11, 2015 beginning at 12:00 p.m.

11A. Appeal of denial of FOIL request by Leon Sculti

Upon consent of Leon Sculti, this agenda item was deferred to the December 17th meeting.

12. Miscellaneous Communications and Reports

There was nothing reported under this Agenda item.

13. New Business

Mayor Sack said the City would be deciding on a new auditor by the end of the year and asked the City Manager for a report on responses to an RFP. City Manager Culross said that several responses have been received and a recommendation will be made to the Audit Committee and City Council prior to the December 17th meeting. There was a brief discussion about the City's policy for changing auditors and the procedure that will be followed. The Mayor also asked about the process for choosing the City's Insurance Broker. City Manager Culross said that the agreement with the Insurance Broker is an annual agreement that typically

does not go before the Council. Mr. Culross was asked to provide the Council will more information on how the process works.

14. Adjournment

There being no further business to discuss Councilwoman Brett made a motion, seconded by Councilwoman Killian and unanimously carried, to adjourn into executive session to discuss collective bargaining and not return to the regular meeting at 9:05 p.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk



CITY COUNCIL AGENDA

NO. 5

DEPT.: City Council

DATE: December 17, 2014

CONTACT: Mayor Joseph A. Sack

AGENDA ITEM: Issues Update/Old Business

FOR THE MEETING OF:

December 17, 2014

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That an update be provided on outstanding issues or Old Business.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:



CITY COUNCIL AGENDA

NO. 6

DEPT.: City Manager's Office

DATE: December 17, 2014

CONTACT: Frank J. Culross, City Manager

ACTION: Continuation of the Public hearing on the proposed 2015 City Budget.

FOR THE MEETING OF:

December 17, 2014

**RYE CITY CODE,
CHAPTER
SECTION**

RECOMMENDATION: That the Mayor and the Council conduct the Public Hearing on the proposed 2015 Rye City Budget.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

The City Manager presented the budget on November 5th. The Council held Workshops on November 12th, 17th and 19th.

The proposed 2015 Budget is available on the City website www.ryeny.gov under City News: 2015 Proposed Budget.

The Budget adoption is scheduled for December 17, 2014.



CITY COUNCIL AGENDA

NO. 7

DEPT.: Finance

DATE: December 17, 2014

CONTACT: Joseph Fazzino, Deputy City Comptroller

AGENDA ITEM: Resolution to adopt the 2015 Budget and establish the 2015 City tax levy and 2015 tax rate.

FOR THE MEETING OF:
December 17, 2014

RECOMMENDATION: That the City Council adopt the following resolution:

WHEREAS, on November 5, 2014 the 2015 Tentative Budget was presented to the City Council, and,
WHEREAS, since November 5, 2014 the City Council has discussed possible amendments to the 2015 Tentative Budget, now, therefore be it

RESOLVED, that the tentative budgets and fee schedules as amended for 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, are hereby adopted for the fiscal year ending December 31, 2015, and be it further

RESOLVED, that the City Council does hereby certify to the City Comptroller the 2015 City of Rye tax rate of \$155.11 per \$1,000 taxable assessed valuation and the 2015 City of Rye tax levy of \$21,531,492 and be it further

RESOLVED, that the City Council does hereby direct the City Comptroller to apportion and extend against each taxable property listed upon the assessment roll at the tax rate certified in this resolution to produce the tax levy certified in this resolution, and to render tax notices for, and receive and collect, the several sums so computed and determined, with interest as provided by law, and any special assessments heretofore authorized and approved.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: On November 5, 2014 the City Manager and City Comptroller presented the 2015 Tentative Budget to the City Council. The tentative budget has since been reviewed and amended by resolutions adopted by City Council at public meetings. The above resolution provides for the adoption of the 2015 Budget.



CITY COUNCIL AGENDA

NO. 8 DEPT.: Finance DATE: December 17, 2014
CONTACT: Joseph Fazzino, Deputy Comptroller

AGENDA ITEM: Resolution authorizing the City Comptroller to make the necessary year-end closing transfers.

FOR THE MEETING OF:

December 17, 2014

**RYE CITY CODE,
CHAPTER
SECTION**

RECOMMENDATION: That the City Council adopt the following resolution:

RESOLVED, that the City Comptroller is hereby authorized to make the necessary 2014 fiscal year-end budget transfers in City accounts, provided a list of such transfers over \$10,000 is furnished to the City Council after completion of such transfers.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: While at the fund level total actual expenditures do not exceed the total budgeted amount, there may be several detailed budget lines that show various over and under expended amounts. Funds that are not encumbered or reserved for a specific expense will be moved to Fund Balance from individual financial lines. This resolution authorizes the City Comptroller to make the necessary year-end budget adjustments to ensure that the line item budgets are properly allocated.



CITY COUNCIL AGENDA

NO. 9

DEPT.: City Manager's Office

DATE: December 17, 2014

CONTACT: Frank J. Culross, City Manager

ACTION: Resolution to amend the Administrative Pay Plan.

FOR THE MEETING OF:

December 17, 2014

**RYE CITY CODE,
CHAPTER
SECTION**

RECOMMENDATION: That the Mayor and City Council approve the proposed resolution to amend the Administrative Pay Plan.

IMPACT: Environmental Fiscal Neighborhood Other:

Approval of this resolution would modify the salary ranges in the administrative pay plan. Monies are provided in the proposed FY 2015 Budget for merit increases for these employees.

BACKGROUND:

The administrative pay plan encompasses all full time employees of the City of Rye who are not represented by one of the four collective bargaining units with the exception of the City Manager and the Corporation Counsel. The proposed changes modify the pay grades for these employees. Modifications to the pay ranges and grades do not result in an automatic increase for employees within the established pay ranges. Administrative employees receive merit increases determined by the City Manager based on performance and accomplishment of identified objectives during the previous year.

See attached Administrative Pay Group Generalized Benefits.

**ADMINISTRATIVE PAY GROUP
(APG)**

Generalized Benefits

**ADMINISTRATIVE PAY GROUP (APG)
Generalized Benefits**

SALARIES AND WAGES:

Pay Plan: The following pay plan for all employees in the Administrative Pay Group (APG) was amended by the City Council effective June 1, 2014. Individual salaries are determined by the City Manager within the following pay grades:

Administrative Pay Grades

Grade A1 \$94,336 to 177,306	Grade A \$70,468 to 129,570	Grade B \$59,102 to 111,385	Grade C \$46,599 to 100,019	Grade D \$30,688 to 81,833
Assistant City Manager	Building Inspector	Accountant	Assistant City Engineer	Administrative Assistant
City Comptroller	City Assessor	Assistant Building Inspector	Assistant to the City Manager	Assistant Community Access Facilitator
City Engineer	City Clerk	Assistant Superintendent of Recreation	Assistant Assessor	Assistant Groundskeeper
Deputy Comptroller	City Planner	Boat Basin Supervisor	Community Access Facilitator	Assistant Naturalist (Curator)
Police Commissioner	General Foreman	City Naturalist	Engineering Technician	Junior Accountant
Superintendent of Recreation	Golf Club Manager	Fire Lt./Inspector	Jr. Network Specialist	Coordinator of Member Services
	Coordinator Computer Services	Garage Foreman	Recreation Supervisor	Secretary to Corporation Counsel
	Superintendent of Public Works	Greens Superintendent	Secretary to City Manager	Student Intern
		Labor Foreman	Business Administrator	
		Parks Foreman	Personnel Manager	
		Road Maintenance Foreman		
		Sanitation Foreman		
		Tree Foreman		

Overtime:

The following eligible employees may receive overtime (paid or compensatory) for time worked in excess of forty (40) hours per week under the same terms and conditions for overtime as the respective agreements between either the City and the CSEA Public Works Unit (Lead Maintenance Mechanics/Foremen) or the Paid Fire Fighters Association (Fire Inspector):

- | | |
|--------------------------|--------------------|
| General Foreman | Sanitation Foreman |
| Labor Foreman | Tree Foreman |
| Park Foreman | Fire Inspector |
| Road Maintenance Foreman | |

ANNUAL LEAVE:

ADMINISTRATIVE PAY GROUP (APG)
Generalized Benefits

Annual leave may not be taken without prior approval of either the appropriate department head or the City Manager. Employees shall request annual leave at least 48 hours in advance, unless waived by the department head or City Manager. The City reserves the right to limit the number of persons on leave at any given time by department and job title, and the right to deny all annual leave during various seasonal periods by department and job assignment.

Annual leave must be taken during the twelve month period following the twelve month period during which it is earned; except that, with the approval of the City Manager, annual leave may be accumulated to a total of thirty-six days.

The minimum period of annual leave which may be allowed is one day, except that up to two days vacation per year may be taken in one-half day periods.

An employee separating from City service with annual leave to his credit is to be paid the value of said leave in a lump sum payment.

Employees are entitled to:

1. Ten (10) working days after employment for one year.
However, employees who have completed six months probationary period shall be allowed to request up to five days vacation, the total amount of which will be deducted from the ten day allowance of one year's employment.
2. Fifteen (15) working days after employment for five years.
3. Twenty (20) working days after employment for ten years.
4. Twenty-five (25) working days after employment for twenty years.

All members of the Administrative Pay Group are permitted to submit up to five (5) unused vacation days for payment upon their anniversary date at their daily rate of pay.

SICK LEAVE:

All permanent, full-time employees are entitled to sick leave when incapacitated for duty by sickness, injury, pregnancy and confinement, medical, dental or optical treatment.

For Administrative Pay Group employees hired prior to January 1, 1977, sick leave is earned at the rate of 1¼ days per month of employment, up to a max. accumulation of 365 days.

For Administrative Pay Group employees hired on or after January 1, 1977, sick leave is earned at the rate of 1¼ days per month of employment, up to a maximum accumulation of 250 days.

ADMINISTRATIVE PAY GROUP (APG)
Generalized Benefits

Members of the Administrative Pay Group shall, upon retirement, receive credit of up to 165 days of additional service retirement credit for unused sick leave, pursuant to the provisions of Section 41-j of the Retirement and Social Security Law.

Upon retirement, employees covered by the Administrative Pay Group shall receive payment for any unused sick leave accumulated in excess of 165 days, up to 200 days (maximum 35 days) at their daily rate of pay, if such employee utilizes no more than 10 days of sick leave during his/her last 12 months of employment. The City Manager may waive the ten-day limit if it is determined that extenuating circumstances exist and based upon a review of sick leave usage over the employees career.

Employees who request sick leave shall notify the department head or the City Manager within one hour of starting time. Such notification must be given on the first day of absence. Failure to give sick notice may result in the absence being charged to annual leave or a forfeiture of pay, as the circumstances justify or as determined by the department head or City Manager. Sick leave for medical, dental or optical treatment must be approved in advance by the department head unless an emergency situation is involved.

Sick leave in excess of two days shall be supported by a medical certificate, or medical proof, and the department head or City Manager may require a medical certificate for sick leave of two days or less. When a medical certificate can not reasonably be obtained for sick leave of two days or less, an affidavit by the employee relating the facts that required the absence may be substituted for a medical certificate at the discretion of the department head.

The minimum period of sick leave which may be allowed is $\frac{1}{4}$ day.

A doctor's certificate or other medical proof satisfactory to the City may, at the option of the City, be required of any employee returning from sick leave as proof of such employee's fitness for work.

An employee returning from sick leave may, at the option and expense of the City, be required to undergo a physical or mental examination, by a physician chosen by the City, to determine such employee's fitness to return to work. If any dispute should arise between the employee's physician and the City's physician, such dispute shall be subject to a determination by a third physician, chosen mutually by the first two physicians, and the cost of said medical examination shall be borne equally by both parties. Such decision shall be final and binding on both parties.

In cases of serious disability or ailment and when the exigency of the situation so requires, sick leave may be extended for a period not to exceed thirty days, upon prior approval of the City Manager, and such extended period shall be deducted from such sick leave as may accrue after the employee returns to work. An application for an extension of sick leave must be supported by a medical certificate.

PERSONAL LEAVE:

ADMINISTRATIVE PAY GROUP (APG)
Generalized Benefits

Each member is entitled to five (5) days personal leave annually. Such personal leave may be granted upon one day's prior notice to the appropriate department head or City Manager, except in cases of emergency, and the employee must have the prior approval of the department head or City Manager, which shall not be unreasonably withheld. Personal leave which is unused at the end of each calendar year shall be added to the employee's sick leave accruals, subject to the maximum permitted accumulations. Personal leave may be taken in one quarter (1/4) day increments. New employees shall not be entitled to use personal leave during the first six months of employment.

Each member is entitled to up to four hours of paid leave for the purpose of obtaining breast cancer screening or prostate cancer screening.

HOLIDAYS:

All permanent, full-time employees are entitled to the following holidays:

- | | | | |
|----|-------------------------------|-----|--------------------------------|
| 1. | New Year's Day | 8. | Election Day |
| 2. | Martin Luther King's Birthday | 9. | Veterans' Day |
| 3. | Presidents' Day | 10. | Thanksgiving Day |
| 4. | Memorial Day | 11. | Day following Thanksgiving Day |
| 5. | Independence Day | 12. | Christmas Day |
| 6. | Labor Day | 13. | Floating Holiday |
| 7. | Columbus Day | | |

Holidays that occur on Saturdays will be observed the preceding Friday. Holidays that occur on Sundays will be observed the following Monday.

TUITION REIMBURSEMENT:

The City shall budget \$6,000.00 annually for job related course work. The \$6,000 annual allocation shall be available jointly to members of the Administrative Pay Group. Funds will be available for reimbursement or partial reimbursement of employees' expenses for tuition, registration and course materials up to a maximum of \$1,000.00 per employee per year, to a total of \$6,000.00 per year. Advance notice of intent to register for each course must be given to the City Manager, along with an estimate of cost, and it must successfully be completed (C or better for college courses) by the employee to be eligible to the extent not covered by other reimbursement programs for which the employee would be eligible and of which the employee has knowledge. If reimbursement claims for a calendar year should exceed \$6,000.00, fund will be pro-rated among eligible employees.

Employees may request that the City pay the expenses before the course work begins upon demonstration of an economic hardship.

ADMINISTRATIVE PAY GROUP (APG)
Generalized Benefits

It is understood that if the employee fails the course or fails to complete the course while employed by the City, he/she must reimburse the City. The City reserves its right to recoup any tuition which was not reimbursed.

It is further understood that any employee who is absent from work because of disability, workers' compensation leave, or any unpaid leave of absence shall be ineligible for tuition reimbursement.

For the purpose of this article, job-related course work shall include in-service staff training, degree programs to accredited institutions of higher learning, programs presented through BOCES or school district continuing education programs, or any other recognized educational institutions.

BEREAVEMENT LEAVE:

Bereavement leave shall be granted for attendance at funerals and for bereavement to all employees within the Administrative Pay Group in the event of a death of a member of the family, as hereinafter defined.

A "member of the family" shall mean the employee's spouse, children, grandchildren, brothers, sisters, parents, grandparents, brothers-in-law, sisters-in-law, parents-in-law, grandparents-in-law, step-children, step-grandchildren, step-brothers, step-sisters, step-parents, step-grandparents, step-brothers-in-law, step-sisters-in-law, step-parents-in-law, and step-grandparents-in-law.

No prior approval is required for bereavement leave, but the department head shall be notified as soon as conveniently possible.

Employees exercising bereavement leave will receive their regular rate of pay for the scheduled working hours missed during the first five scheduled work days following the occasion of death for each member of the family as defined above.

Additional bereavement time may be granted by and at the sole discretion of the department head. Such additional time shall be taken as authorized leave without pay, or, at the option of the employee, charged against any other accrued and available time, including but not limited to compensatory time, vacation leave, personal leave and/or sick leave. Sick leave used as bereavement leave shall not be charged against the employee for the purpose of calculating cash payments for unused sick leave.

COURT LEAVE:

ADMINISTRATIVE PAY GROUP (APG)
Generalized Benefits

All permanent, full-time employees are entitled to court leave which shall be granted for attendance in court for jury duty. Employees are not required to remit to the City the per diem compensation or transportation allowances received for jury duty.

Employees requiring court leave must notify their supervisors in advance and, following the leave, must submit evidence of the court attendance, including the time involved.

Employees called for jury duty shall participate in any on-call procedure instituted by the Courts.

WORKERS' COMPENSATION LEAVE:

All full-time, permanent employees of the City of Rye within the Administrative Pay Group who are disabled as a result of an injury arising out of and in the course of their employment (except when such injury is occasioned solely by intoxication or failure to use safety equipment provided by the City and issued as needed to the injured employee, or by willful intention of the injured employee to bring about injury to himself or another) shall be paid the full amount of their regular salary, or wages, until their disability therefrom has ceased, but for a period not to exceed 75 working days. In the event that the injured employee receives compensation for his loss during his disability, he must reimburse the City of Rye for the salary or wages paid during his disability.

An employee with a Workers' Compensation claim who is required to visit a doctor for further examination need not take one-half day sick leave but will be given actual time off as needed to attend the appointment.

Employees who have made claims for Workers' Compensation benefits and who seek to return to their job after being absent from work for any period of time shall be required to produce a written doctor's certificate, indicating that the employee is able to return to work and stating whether there are any restrictions as to the work that can be performed and whether the employee can return to his or her normal work load. The employee shall be allowed to return to work only after receiving approval to return from the department head.

In no case shall any combination of disability or compensation payments exceed the regular daily compensation of an employee.

Sick leave pay shall be pro-rated based on the compensation payments received by the City, in accordance with the provisions of Section 237 of the Workers' Compensation Law.

GENERAL LEAVE REGULATIONS:

ADMINISTRATIVE PAY GROUP (APG)
Generalized Benefits

The following provisions shall be applicable to all types of leave provided for in this Agreement:

- A. Leave shall accrue while employees are in a leave-with-pay status.
- B. Leave shall not accrue during periods of disciplinary suspension in excess of three days.

DISABILITY INSURANCE:

The City shall provide the disability benefit under the New York State Disability Insurance Program for all Administrative Pay Group employees. The City shall be reimbursed for any advance payment of wages and benefits to such employee, in accordance with the provisions of Section 237 of the Workers' Compensation Law.

In no case shall any combination of disability payments and the employee's salary exceed the regular daily compensation of such employee.

After the exhaustion of all sick leave accruals and extensions under this contract, all payments of disability insurance shall go directly to the employee.

Sick leave pay shall be prorated, based on the disability payments received by the City, in accordance with the provisions of Section 237 of the Workers' Compensation Law.

RETIREMENT PLAN:

The Employer will continue contributions to the pension accumulation fund of the New York State Retirement System, pursuant to the provisions of Section 75i (Section 384 & Section 384-d for the Fire Inspector) of the Retirement and Social Security Law.

HEALTH PLAN:

The Employer will participate in the Municipal Employee Benefits Consortium (MEBCO) Alternate Plan and shall pay 75% of the cost of such health insurance premiums for employee and dependent coverage. The contribution will not exceed 4% of the employee's base annual salary. The Employer shall continue to provide full premium payments for retired City employees of the Administrative Pay Group and their dependents during the lifetime of the retired employee. Effective August 1, 2011, in the case of a line of duty death, the Employer shall continue to provide full premium benefits for the deceased member's spouse until the spouse is eligible for continuing coverage under Medicare. Dependents are also eligible for continued participation at employer expense for premium payments in the health insurance plan until emancipation, or the attainment of the maximum age for dependent eligibility.

ADMINISTRATIVE PAY GROUP (APG)
Generalized Benefits

The City shall have the option to make changes in the health insurance plan.

If an employee is eligible for individual or family coverage under the health plan the Employer participates in and elects not to receive such coverage (i.e., no coverage or individual only coverage while eligible for family coverage), the Employer will reimburse twenty-five percent (25%) of the Employer's net savings to the employee, pro-rated on a bi-weekly basis. The employee is responsible for providing the Employer with any required certification of eligibility and release documents that the Employer may require.

DENTAL PLAN:

The City shall pay up the same amount per participating employee as permitted in either the CSEA Public Works or the Clerical Unit Agreements, whichever is the more advantageous, prorated from the employee's effective date of coverage, for the purpose of purchasing a dental insurance program covering the employees and/or their dependents. Effective January 1, 2001, that amount is 70% for family plans and 100% for individual plans per year per participating employee.

VISION CARE PLAN:

The Employer will provide the CSEA Employee Benefit Fund Family Vision Plan to all members of the Administrative Pay Group as provided for in the CSEA Public Works or the Clerical Unit Agreements, whichever is the more advantageous.

LIFE INSURANCE:

The employer will provide a term life insurance policy in the amount of 1X salary for all employees in the Administrative Pay Group.

FEDERAL, NYS, WESTCHESTER COUNTY & LOCAL LAWS:

It is the City's intent to comply with any and all applicable Federal, New York State, Westchester County, and Local laws and regulations. If there are any inconsistencies between this statement of the City's generalized benefits and applicable laws, the laws apply and supersede this statement of the generalized benefits.

EXCEPTIONS/PARTIAL INVALIDITY:

ADMINISTRATIVE PAY GROUP (APG)
Generalized Benefits

This document is intended to be a guideline of the generalized benefits of members of the Administrative Pay Group. Any individual deviations from the benefits mentioned shall be with written consent of the City Manager. The City Council and City Manager reserve the right to make any changes to these generalized benefits as necessary. These generalized benefits are not intended to replace, modify, or amend any existing programs, policies, practices or agreements between the City and the employees in the Administrative Pay Group. Where a conflict exists between any existing programs, policies, practices or agreements and this document, they shall supersede this document insofar as it is inconsistent with them.



CITY COUNCIL AGENDA

NO. 10

DEPT.: Finance

DATE: December 17, 2014

CONTACT: Joseph Fazzino, Deputy Comptroller

AGENDA ITEM: Resolution to authorize participation in Westchester County contracts.

FOR THE MEETING OF:
December 17, 2014

RECOMMENDATION: That the City Council adopt the following resolution:

WHEREAS, by Act No. 8-1983, The County Board of Legislators authorized the County Purchasing Agent to act as Purchasing Agent for any city, town, village, school district or other unit of local government within the County of Westchester County, provided that said unit of local government by act, ordinance or resolution authorizes the County Purchasing Agent to act as its Purchasing Agent for items purchased by the County, and empowering designated officers and employees to sign requisitions, and further directing the proper official of local government to audit and pay County bills for the cost of County services within thirty (30) days after the receipt of said bill by the local government, and to provide the County with such insurance coverage as may be required by the County's Director of Risk Management, NOW, THEREFORE, be it

RESOLVED, that the County Purchasing Agent is hereby authorized to act as Purchasing Agent for the City of Rye, New York on a continuing basis, and be it further

RESOLVED, that the City Manager, the Assistant City Manager, the City Comptroller, and/or the City Engineer are hereby authorized to sign appropriate requisitions, and be it further

RESOLVED, that the City Comptroller is hereby authorized and directed to audit and pay County bills for the cost of County services within thirty (30) days after receipt of said bills, and be it further

RESOLVED, that the City Comptroller is hereby authorized to secure and provide to the County of Westchester any and all insurance required by the County's Director of Risk Management, in Accordance with County Act No. 8-1983.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The City of Rye participates in contracts awarded by the County of Westchester. The County of Westchester requires a resolution of our governing board for our continued participation in County purchase contracts.



CITY COUNCIL AGENDA

NO. 11

DEPT.: City Manager

DATE: December 17, 2014

CONTACT: Frank J. Culross, City Manager

AGENDA ITEM: Resolution authorizing the City Manager to engage an independent audit firm to perform the examination of the City's Comprehensive Annual Financial Report for the fiscal years ending December 31, 2014, 2015, and 2016.

FOR THE MEETING OF:

December 17, 2014

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Mayor and Council authorize the City Manager to enter into an agreement with an independent audit firm.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The City of Rye requested proposals from qualified firms of certified public accountants to audit the City's financial statements for the fiscal years ending December, 2014, 2015 and 2016. Responses were received from seven (7) firms including:

- Bonadio & Co., LLP
- Drescher & Malecki LLP
- Nawrocki Smith LLP
- Nugent & Haeussler, P.C.
- O'Connor Davies, LLP
- SaxBST LLP
- Toski & Co., P.C.

The Audit Committee has reviewed the responses to the RFP. The Council is asked to authorize the City Manager to enter into an agreement with an independent audit firm.



CITY COUNCIL AGENDA

NO. 12

DEPT.: Finance

DATE: December 17, 2014

CONTACT: Joseph S. Fazzino, Deputy City Comptroller

AGENDA ITEM: Resolution to transfer \$50,000 from the Contingency account to fund expenses associated with the recruitment of the next City Manager.

FOR THE MEETING OF:
December 17, 2014

RECOMMENDATION: That the City Council adopt the following resolution:

WHEREAS, City staff has determined that the amounts required to fund expenses associated with the recruitment of the next City Manager were not anticipated and were not provided for in the adopted 2014 budget, and;

WHEREAS, the General Fund Contingent Account has a balance of \$140,000, now therefore be it;

RESOLVED, that the City Comptroller is authorized to transfer \$50,000 from the General Fund Contingent Account to the City Manager's Consultant Account.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: Use and status of the Contingent Account:

01/01/2014 Beginning balance	\$300,000
01/29/2014 Transfer to Public Works for Salt	(50,000)
05/21/2014 Transfer to Legal Department for legal services	(100,000)
07/09/2014 Transfer to Street Maintenance for Mile Markers	(10,000)
12/17/2014 Transfer to City Mgr Consultant for City Manager Recruitment	<u>(50,000)</u>
12/17/2014 Balance	<u>\$90,000</u>



CITY COUNCIL AGENDA

NO. 13 DEPT.: City Manager's Office DATE: December 17, 2014
CONTACT: Frank J. Culross, City Manager

AGENDA ITEM: Resolution authorizing the Mayor to enter into an agreement with the Rye Free Reading Room to furnish library services for 2015.

FOR THE MEETING OF:

December 17, 2014

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the City Council approve the following resolution:

RESOLVED, that the Mayor be and hereby is authorized to execute an agreement with the Rye Free Reading Room to furnish library services for 2015.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: Each year the City of Rye financially supports the operations of the Rye Free Reading Room (RFRR). In FY 2014, the contribution was in the amount of \$1,170,000. The attached agreement for FY 2015 includes an appropriation of \$1,195,000. The agreement stipulates the specific rights and obligations of both parties, pursuant to section 256 of the Education Law of the State of New York.

THIS AGREEMENT, made as of the ____ day of December, 2014, by and between the CITY OF RYE, a municipal corporation located within the County of Westchester and State of New York, party of the first part, and RYE FREE READING ROOM, a free library association duly registered by the Regents of the University of the State of New York at a meeting thereof on January 24-25, 1917, and maintaining a free library in the City of Rye, County of Westchester and State of New York, party of the second part:

WITNESSETH, that the parties hereto, pursuant to section 256 of the Education Law of the State of New York, do hereby mutually covenant and agree as follows:

1. The party of the second part does hereby agree to furnish library privileges to the people of the City of Rye, under reasonable rules and regulations of the party of the second part, during the terms of this agreement.

2. The party of the second part does hereby agree that the Rye Free Reading Room will make all best efforts to offer service to the public a minimum of 43.5 hours in the winter and 43.5 hours in the summer. The Library will make all best efforts to ensure that within its hours of operation that Saturday is open. In addition, the Rye Free Reading Room will guarantee that they will be open for "special events" in accordance with the policies and procedures of the library as they occur throughout the year.

3. The party of the second part does hereby agree to submit to the City of Rye a financial report within two months of the close of its fiscal year and to provide copies of an annual narrative report prepared for association members. Copies of all audit reports prepared by independent audit firms or the State of New York will be filed, within 30 days of receipt, with the City Comptroller and the City Council's Audit Committee.

4. In consideration of the foregoing the party of the first part does hereby agree to pay the sum of One Million One Hundred Ninety Five Thousand Dollars (\$1,195,000) to the party of the second part during the calendar year: Five Hundred Ninety Seven Thousand Five Hundred Dollars (\$597,500) to be paid in January, and Five Hundred Ninety Seven Thousand Five Hundred Dollars (\$597,500) to be paid in July.

5. Pursuant to said statute, such total sum shall be a charge upon the City of Rye and shall be raised, appropriated and paid in the same manner as other City charges.

6. If the capital improvements that were part of the 2012 bond resolution are installed in 2015, the Rye Free Reading Room will be responsible for all maintenance and repair costs of same.

7. This agreement shall be effective and continue for the calendar year 2015.

IN WITNESS WHEREOF, the parties hereto have duly executed this agreement as of the day and year first above written.

CITY OF RYE

By _____
Mayor

RYE FREE READING ROOM

By _____
President

Attest:

City Clerk



CITY COUNCIL AGENDA

NO. 14

DEPT.: City Manager's Office

DATE: December 17, 2014

CONTACT: Frank J. Culross, City Manager

AGENDA ITEM: Continuation of Public Hearing to amend local law Chapter 165 , "Signs", of the Rye City Code by adding Section §165-10, "Regulation of banners", to establish regulations for banners on City owned ball field fences and utility poles on City property.

FOR THE MEETING OF:

December 17, 2014

RYE CITY CODE,

CHAPTER 165

SECTION 10

RECOMMENDATION: That the City Council hold a Public Hearing to amend Chapter 165, "Signs".

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: Council is asked to consider amendments to Chapter 165, "Signs" of the Rye City Code to allow for the display of banners at City of Rye ball fields and utility poles on City property.

See attached Draft Local Law.

**CITY OF RYE
LOCAL LAW NO. 2014**

A local law to amend Chapter 165 “Signs” of the Code of the City of Rye by adding a new §165-10 to establish regulations for banners on City owned field fences and utility poles located on City property and to renumber the remaining section of the Chapter as follows:

Section 1: Chapter 165, Signs.

§ 165-10. Banners on City owned field fences and utility poles.

- A. Banners are permitted on City owned field fences upon approval from the Board of Architectural Review. All permits will be issued by the City Clerk’s office and are seasonal and will be approved for the spring, summer and/or fall season. No banners shall be displayed during the winter season.**
- (1) When reviewing applications for the display of banners on field fences, the Board of Architectural Review shall take into consideration the size of the banner, the design, and the colors to ensure that such are in harmony are appropriate for the placement on the field fences.**
 - (2) In no event shall banners on field fences be larger than 32 square feet.**
 - (3) The Board of Architectural Review will consider applications for banners on a first come/first serve basis and has the authority to limit the number of banners at any given time depending on the availability of fence space.**
 - (4) The Board of Architectural Review may consult with the Recreation Commission to determine whether a particular banner is consistent with the type of activities performed on a given field area.**
 - (5) Applications for the spring season must be received on or before February 1, for the summer season by May 1, and the fall season by August 1.**
 - (6) The City reserves discretion as to the exact placement of the banners on the field fences.**
 - (7) All banners shall be hung with the advertisement facing inside the playing field area.**
- B. Banners are permitted on City utility poles in the Central Business District upon receipt of a permit from the Board of Architectural Review.**
- (1) All banners to be placed on the utility poles shall be approximately 30” by 60”.**
 - (2) Only banners supporting or advertising not-for-profit organizations shall be considered by the Board of Architectural Review.**
 - (3) When reviewing applications, the Board of Architectural Review shall take into consideration the design and colors of the banners to ensure that such are appropriate for display in the Central Business District.**

- (4) The Board of Architectural Review will consider applications for banners on a first come/first serve basis.
- (5) The maximum permitted time for display is twenty-one (21) days.
- C. Once a permit is issued, the permittee is required to provide the banner(s) to the Department of Public Works for display. The City shall display and remove all banners.
- D. If an application for a banner is disapproved, the applicant may appeal the decision pursuant to Chapter 53, § 53-10 as set forth in § 165-2(D) of this Chapter.
- E. The permit fees shall be set annually by resolution of the City Council.

§ 165-101. Severability.

If any phrase, sentence, part, section, subsection, or other portion of this chapter or any application thereof to any person or circumstance is declared void, unconstitutional or invalid for any reason, then such word, phrase, sentence, part, section, subsection or other portion, or the proscribed application thereof, shall be severable, and the remaining provisions of this chapter, an all applications thereof, not having been declared void, unconstitutional or invalid, shall remain in full force and effect.

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



CITY COUNCIL AGENDA

NO. 15

DEPT.: City Manager's Office

DATE: December 17, 2014

CONTACT: Frank J. Culross, City Manager

AGENDA ITEM: Resolution designating the days and time of regular meetings of the City Council for 2015 setting January 14, 2015 as the first regular meeting.

FOR THE MEETING OF:

December 17, 2014

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Mayor and City Council schedule the 2015 meeting dates.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The Rye City Charter stipulates that the City Council meet within the first two weeks of January in each year and shall hold stated meetings at least twice a month, except for the months of June through September when only one stated meeting per month need be held.

See attached schedule for regular meetings of the City Council for 2015.

CITY OF RYE
CITY COUNCIL
MEETING SCHEDULE 2015

MEETINGS BEGIN 7:30 P.M. AT CITY HALL

January 14
January 28

February 11
February 25

March 11
March 25

April 8
April 22

May 6
May 20

June 10

July 8

August 3 - Presentation of the CIP
August 5

September 16

October 7
October 21

November 4
November 18

December 2
December 16

2015 City Council Meetings Calendar

January 2015							February 2015							March 2015						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3	1	2	3	4	5	6	7	1	2	3	4	5	6	7
4	5	6	7	8	9	10	8	9	10	11	12	13	14	8	9	10	11	12	13	14
11	12	13	14	15	16	17	15	16	17	18	19	20	21	15	16	17	18	19	20	21
18	19	20	21	22	23	24	22	23	24	25	26	27	28	22	23	24	25	26	27	28
25	26	27	28	29	30	31								29	30	31				

April 2015							May 2015							June 2015							
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	
			1	2	3	4						1	2			1	2	3	4	5	6
5	6	7	8	9	10	11	3	4	5	6	7	8	9	7	8	9	10	11	12	13	
12	13	14	15	16	17	18	10	11	12	13	14	15	16	14	15	16	17	18	19	20	
19	20	21	22	23	24	25	17	18	19	20	21	22	23	21	22	23	24	25	26	27	
26	27	28	29	30			24	25	26	27	28	29	30	28	29	30					
							31														

July 2015							August 2015							September 2015						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4							1			1	2	3	4	5
5	6	7	8	9	10	11	2	3	4	5	6	7	8	6	7	8	9	10	11	12
12	13	14	15	16	17	18	9	10	11	12	13	14	15	13	14	15	16	17	18	19
19	20	21	22	23	24	25	16	17	18	19	20	21	22	20	21	22	23	24	25	26
26	27	28	29	30	31		23	24	25	26	27	28	29	27	28	29	30			
							30	31												

October 2015							November 2015							December 2015						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3	1	2	3	4	5	6	7	1	2	3	4	5	6	7
4	5	6	7	8	9	10	8	9	10	11	12	13	14	6	7	8	9	10	11	12
11	12	13	14	15	16	17	15	16	17	18	19	20	21	13	14	15	16	17	18	19
18	19	20	21	22	23	24	22	23	24	25	26	27	28	20	21	22	23	24	25	26
25	26	27	28	29	30	31	29	30						27	28	29	30	31		



Council Meeting Dates
 Joint Meeting of City Council & School Board

February 16 – 20
 March 30 – April 3
 November 3

School Mid-Winter Recess
 School Spring Break
 Election Day



CITY COUNCIL AGENDA

NO. 16

DEPT.: City Manager's Office

DATE: December 17, 2014

CONTACT: Frank J. Culross, City Manager

AGENDA ITEM: Consideration to set a Public Hearing for January 28, 2015 to amend local law Chapter 117, Landmarks Preservation, of the Rye City Code by amending Section §117-5, "Designation of Preservation Districts or Protected Sites and Structures", Subsection E, to add (9) Protected site and structures: 600 Milton Road, the Bird Homestead, and 624 Milton Road, the Rye Meeting House as landmarks.

FOR THE MEETING OF:

December 17, 2014

RYE CITY CODE,

CHAPTER 197

SECTION 15

RECOMMENDATION: That the City Council set a Public Hearing to landmark the Bird Homestead and the Rye Meeting House.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The Landmarks Advisory Committee is seeking approval to landmark the City-owned properties: the Rye Meeting House and the Bird Homestead. Both properties have already been listed on the State and National Registers of Historic Places. At the June 11, 2014 City Council meeting, the request was referred to the Board of Architectural Review (BAR) and the Planning Commission. Both Committees support the approval to landmark the properties.

See attached Draft Local Law and Board opinions.

Chapter 117. LANDMARKS PRESERVATION

§ 117-5. Designation of Preservation Districts or Protected Sites and Structures.

E. The designated Preservation District and Protected Sites and Structures shall be set forth in this subsection by block and lot number, street designation and, if appropriate, by local designation.

(1) Preservation District: Village Green, the Square House, the Rye Free Reading Room and City Hall, Boston Post Road, Rye, New York, also known as Block 2, Lot Nos. 29 and 31, on the current tax assessment map of the City of Rye, and formerly known as Block 42, Lot Nos. 14A, 14B, 20, 21, 22, 23 and 24. Specifically designated as protected within the district are: [Added 9-15-1982 by L.L. No. 8-1982]

(a) The Square House: the exterior and the grounds surrounding, a total of 1.88 acres. On the interior: the council room; tavern room; warming kitchen; small exhibit room; ballroom; nineteenth-century bedroom; the main entrance hall and staircase; adjoining hallways between the specified rooms and the Civil War period room in the attic, all exclusive of displays, furnishings or exhibits. All areas not specifically proposed for preservation as listed above should be deemed to be excluded.

(b) The Rye Free Reading Room:

- [1] The exterior and grounds surrounding, a total of 0.26 acre. On the interior, only that portion of the 1913 building described as: in the first floor entrance vestibule: woodwork, excluding doors; in the first and second floor foyer: staircase, stairwell and landing space, including three arches; woodwork, excluding doors to north and south second floor rooms; in the first floor circulation area: woodwork, including square and circular columns and connecting beams only; in the first floor reading rooms, north and south: woodwork, including fireplace surrounds and mantels, trim above seven feet one inch (level of mantels), window trim, including sills, and fireplaces as working fireplaces.
- [2] The following portions of the interior and exterior of the 1913 building shall be specifically excluded: second floor, north and south rooms; toilet rooms and adjacent hallway: furniture, including circulation desk and bookshelves: furnishings, including carpet, vases, artwork, signage and paint colors. Interior and exterior exclusions: lighting, heating ventilation and electric; alarm systems, including fire and security; wiring and devices for telecommunications, including cable television, computer, phone and similar installations.
- [3] The following future possible changes are also excluded: installation of ceiling and attic fans, railing in foyer, exterior sign identifying the building, storm windows, security lights and glass doors or stoves (e.g., Stovalator) in fireplaces; waterproofing terrace.

- (c) The Rye City Hall be deemed protected as to exterior.
 - (d) The Village Green be deemed protected as to walks, walls, millstones and landscaping.
- (2) Protected site and structures: Alansten, the Jay Mansion, and the Carriage House, 210 Boston Post Road, Rye, New York, also known as Sheet 153.09, Block 1, Lot 24.1, on the current Tax Assessment Map of the City of Rye. Specifically designated as protected sites and structures are: [Added 7-18-1984 by L.L. No. 10-1984]
- (a) Alansten: The entire site consisting of 22.46 acres and including a viewway, a trapezoidal area located between the Jay Mansion and the southerly property line in which there shall be no construction, except for the installation of utility services, which shall have a width of 90 feet at the rear of the building and a width of 300 feet along the southerly property line, the centers of which shall be the center of the rear facade of the building and the point at which a line extending from the rear facade and perpendicular to the rear facade intersects the southerly property line, respectively. The foregoing described orientation of the viewway to the mansion may be adjusted by the Planning Commission during site plan review if it finds that said adjustment will improve the public's view of the mansion.
 - (b) The Jay Mansion: The entire exterior.
 - (c) The Carriage House: The entire exterior.
- (3) Protected site and structure: the Hains-Robinson House, 556 Milton Road, also known as Sheet 153.06, Block 1, Lot 70, on the current Tax Map of the City of Rye. Specifically designated as protected is: [Added 1-16-1985 by L.L. No. 1-1985]
- (a) The Hains-Robinson House: the entire exterior and the entire site, including the stone walls; the interior; the entire ground floor, which includes the original kitchen and tap room containing the ship's doors and paneling from the frigate Brandywine. Also deemed protected are the stair railings and newel posts and other Brandywine doors throughout the house.
- (4) Protected site: the Jay Family Cemetery, Boston Post Road, Rye, New York, also known as Sheet 153.09, Block 1, Lot 33, on the current Tax Map of the City of Rye. Specifically designated as protected is: [Added 9-17-1986 by L.L. No. 14-1986]
- (a) The Jay Family Cemetery: the entire site comprising 2.85 acres shall be deemed protected, including walls, fences, stones, monuments, paths and the access road. This designation shall not interfere with or prevent additional burials or placement of headstones.
- (5) Protected Site and Structure: the Timothy Knapp House, 265 Rye Beach Avenue, Rye, New York, also known as Sheet 146.19, Block 5, Lot 8, on the current Tax Map of the City of Rye. Specifically designated as protected is: [Added 8-19-1987 by L.L. No. 9-1987]

(a) The Timothy Knapp House: the entire site and entire building including interior and exterior.

(6) Protected site and structure: the Parsons Estate, 260 Boston Post Road, Rye, New York, also known as Sheet 153.09, Block 1, Lot 34, on the current Tax Map of the City of Rye. Specifically designated as protected is: [Added 6-15-1988 by L.L. No. 11-1988]

(a) The Parsons Estate: the entire site; the exterior and interior of the main residence, the exterior of the gardener's cottage and the exterior of the carriage house and stables.

(7) Protected site and structure: 235 Boston Post Road, Rye, New York, also known as Sheet 153.05, Block 1, Lot 74.1, on the Tax Map of the City of Rye. Specifically designated as protected is: [Added 10-6-2005 by L.L. No. 3-2005]

(a) The Stillman Residence: the entire site and the exterior of the main residence.

(8) Protected structure: 5 Morris Court, Rye, New York, also known as Sheet 153.05, Block 1, Lot 74.3, on the Tax Map of the City of Rye. Specifically designated as protected is: [Added 10-6-2005 by L.L. No. 3-2005]

(a) The exterior of the one-story stone garage, including the chimney. The attached greenhouse-type structure shall be deemed to be excluded.

(9) Protected site and structures: the Bird Homestead, 600 Milton Road, Rye, New York, also known as Sheet 153.6, Block 1, Lot 61, on the Tax Map of the City of Rye; the Rye Meeting House, 624 Milton Road, Rye, New York, also known as Sheet 153.6, Block 1, Lot 60, on the Tax Map of the City of Rye. Specifically designated as protected is:

(a) the Bird Homestead: the entire site and the exterior.

(b) the Rye Meeting House: the entire site and the exterior.

Christian K. Miller, AICP
City Planner
1051 Boston Post Road
Rye, New York 10580



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E-mail: cmiller@ryeny.gov
<http://www.ryeny.gov>

CITY OF RYE
Department of Planning

Memorandum

To: Dawn Nodarse, City Clerk

From: Christian K. Miller, AICP, City Planner

cc: Frank J. Culross, City Manager
Eleanor Militana, Assistant City Manager
Kristen K. Wilson, Esq., Corporation Counsel

Date: November 12, 2014

Subject: **Landmarks Committee Recommendation to Landmark the Buildings
and Property of the Rye Meeting House and the Bird Homestead**

At its September 9, 2014 meeting, the Planning Commission discussed the recommendation of the Landmarks Committee to landmark the buildings and property of the Rye Friends Meeting House and the Bird Homestead. The Commission discussed the significance of the landmark designation and agreed that the buildings and property should be given landmark status.

From: Carmen Aguilar
Sent: Monday, December 01, 2014 11:04 AM
To: Eckman, Maureen
Subject: RE:

Maureen,

BAR has no objection to this recommendation.
It's a great way of preserving Rye's history.

Carmen C. Aguilar, R.A.
Principal & Studio Leader
Rockwell Group
5 Union Square West, 8th Floor
New York, NY 10003



CITY COUNCIL AGENDA

NO. 17

DEPT.: City Manager

DATE: December 17, 2014

CONTACT: Frank J. Culross, City Manager

AGENDA ITEM: Consideration of a request by the Midland Elementary School PTO to approve a parade to precede the Midland Elementary School Fair on Saturday, April 18, 2015 from 9:00 a.m. to 10:15 a.m.

FOR THE MEETING OF:

December 17, 2014

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council consider granting the request.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

The Midland Elementary School PTO is requesting the Council approve a parade to precede the Midland Elementary School Fair on Saturday, April 18, 2015 from 9:00 a.m. to 10:15 a.m.

See attached request from Juli Schmidt, Co-Chair, Midland Fair 2015

From: Juli Schmidt
Sent: Wednesday, October 01, 2014 12:41 PM
To: Moore, Diane C.
Subject: Midland Fair 2015 - Parade Permit

October 1, 2014

Diane Moore
Deputy City Clerk
City of Rye
City Hall
Rye, NY 10580

Hello Diane -

I am respectfully requesting the use of the streets of Rye for the Midland Elementary School Parade from 9:00am to 10:15am on Saturday, April 18, 2015. This event will be hosted by the Midland School PTO.

Normally, the parade vehicles assemble at the train station, proceed along Purchase Street to Midland School via Palisade Avenue and Midland Avenue. Please send any paperwork to me at:

Thanks so much
Juli Schmidt
Co-Chair
Midland Fair 2015



CITY COUNCIL AGENDA

NO. 18

DEPT.: City Manager

DATE: December 17, 2014

CONTACT: Frank J. Culross, City Manager

AGENDA ITEM: Appeal of denial of FOIL request by Leon Sculti.

FOR THE MEETING OF:

December 17, 2014

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council make a decision on the FOIL appeal.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The following FOIL Request was appealed by the requestor:

FOIL 8095271143: The forensic accounting report prepared by Breen & Associates for Rye Golf Club, in relation to the massive amount of fraud committed by city employee Scott Yandrasevich.

FOIL Status: Response sent to requestor: "This FOIL is denied under POL 87(2)(g) as inter/intra agency communications and under 87(2)(a) as being exempt under the NY CPLR. If you wish to do so you may appeal this denial to the City Council by way of the City Clerk."

FOIL Appeal Reason: Requestor feels that according to the exemptions portion of the FOIL law that at least portions of the requested document should have been released.

See attached documentation.

Work Order Form

FOIL

Tracking Number: 8095271143
Date Time Received: 11/24/2014 11:43AM
Created By: Leon Sculti (Citizen)

Contact Information

First Name: Leon

Last Name: Sculti

Business Name:

Email: [REDACTED]

Daytime Phone: [REDACTED]

Fax:

Address: [REDACTED]

City: Rye

State: NY

Zip: 10580

Country:

Issue Location

Street:

Unit:

City: Rye

State: NY

Zip: 10580

Comments:

Request Details

Is this a request for commercial purposes?

No

Describe records being sought - One request per submission.

The forensic accounting report prepared by Breen & Associates for Rye Golf Club, in relation to the massive amount of fraud committed by city employee Scott Yandrasevich.

Please indicate your preference:

Electronic Copies

Please note, if more than two hours are spent in preparing records, the requestor will be charged for the additional time at the hourly rate of the lowest paid employee who has the skill level required to accomplish the task. You will be informed of any charges exceeding \$10.00. Any charges due must be paid within five (5) business days of the City notifying you. If you fail to pay fees from prior FOILs, any future FOIL requests will not be processed until all outstanding fees are paid. By submitting this request, I agree to pay costs related to this FOIL request up to \$10 without further notification.

Request Activity

11/24/2014 1:00 PM – Rye Foil - RESOLVED

—Note to Citizen: This FOIL is denied under POL 87(2)(g) as inter/intra agency communications and under 87(2)(a) as

Work Order Form

FOIL

Tracking Number: 8095271143
Date Time Received: 11/24/2014 11:43AM
Created By: Leon Sculti (Citizen)

being exempt under the NY CPLR. If you wish to do so you may appeal this denial to the City Council by way of the City Clerk.

—Internal Note: This FOIL is complete. The request has been denied.

11/24/2014 12:33 PM – Preflight Foil - INPROGRESS

—Internal Note: This FOIL is denied under POL 87(2)(g) as inter/intra agency communications and under 87(2)(a) as being exempt under the NY CPLR.
 This item has been re-assigned to Rye Foil.

11/24/2014 11:49 AM – Rye Foil - INPROGRESS

—Note to Citizen: Your FOIL request has been forwarded to the pertinent department for response.

—Internal Note: Please respond to this FOIL request.
 This item has been re-assigned to Law Foil.

11/24/2014 11:43AM – Leon Sculti (Citizen) - SUBMITTED