

CITY OF RYE

NOTICE

There will be a regular meeting of the City Council of the City of Rye on Wednesday, December 7, 2015, at 7:30 p.m. in Council Chambers at City Hall. *The Council will convene at 6:30 p.m. and it is expected they will adjourn into Executive Session at 6:31 p.m. to discuss litigation.*

AGENDA

1. Pledge of Allegiance.
2. Roll Call.
3. General Announcements.
4. Draft unapproved minutes of the Presentation of the 2017 Budget held November 9, 2016, the Budget Workshop held November 14, 2016 and the Regular Meeting of the City Council held November 16, 2016.
5. Issues Update/Old Business.
6. Mayor and Council amendments to the proposed 2017 City of Rye Budget.
Roll Call.
7. Public Hearing on the proposed 2017 Budget.
8. Public Hearing to adopt a Local Law to override the State enacted tax levy limitation.
9. Consideration regarding the request from the Rye Town Park Commission for \$50,000 in funding from the City of Rye for the Rye Town Park's Capital Account for FY 2015.
10. Resolution to transfer \$100,000 from the Contingency account and appropriate \$200,000 from the General Fund, Fund Balance to the Legal Department to fund legal services.
Roll Call.
11. Resolution to appropriate \$30,000 from the General Fund, Fund Balance to the City Council Consultant Account to fund traffic engineering services for the United Hospital redevelopment project.
Roll Call.
12. Residents may be heard on matters for Council consideration that do not appear on the agenda.
13. Public Hearing to amend local law Chapter 194, "Water", of the Rye City Code by amending Section §194-1, "Conservation in times of emergency", to give the City Manager the authority to declare conservation in times of water emergency.

14. Public Hearing on the proposed revision to the Rye City Charter to rescind Article 12 “Police Department” and Article 13 “Fire Department” and create a new Article 12 “Department of Public Safety” and to create a new position of “Commissioner of Public Safety” which position shall have charge and supervision of the Police and Fire Departments.
15. Continuation of the Public Hearing regarding the request submitted by Crown Castle to amend their agreement with the City and for the installation of additional locations to their existing wireless telecommunications located in the City of Rye.
16. Consideration to review a SEQR determination in connection with the request submitted by Crown Castle to amend the Right of Way Use Agreement and the installation of additional locations to their existing wireless telecommunications located in the City of Rye.
17. Miscellaneous communications and reports.
18. New Business.
19. Adjournment.

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The next regular meeting of the City Council will be held on Wednesday, December 21, 2016 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 7, 2016

CONTACT: Carolyn D'Andrea, City Clerk

AGENDA ITEM: Draft unapproved minutes of the Presentation of the 2017 Budget held November 9, 2016, the Budget Workshop held November 14, 2016 and the Regular Meeting of the City Council held November 16, 2016.

FOR THE MEETING OF:

December 7, 2016

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council approve the draft minutes.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: Approve the minutes of the Presentation of the 2017 Budget held November 9, 2016, the Budget Workshop held November 14, 2016 and the Regular Meeting of the City Council held November 16, 2016, as attached.

DRAFT UNAPPROVED MINUTES
of the Regular Meeting of the City Council of
the City of Rye held in City Hall on
November 9, 2016 at 7:30 P.M.

PRESENT:

KIRSTIN BUCCI
EMILY HURD
JULIE KILLIAN
TERRENCE McCARTNEY
RICHARD MECCA
DANIELLE TAGGER-EPSTEIN
Councilmembers

ABSENT:

JOSEPH A. SACK, Mayor

1. Pledge of Allegiance.

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

2. Roll Call.

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

Deputy Mayor Killian congratulated Senator Latimer for his win in the 2016 election. She was also happy to report that the position of Public Safety Commissioner passed by referendum.

3. Presentation of the FY 2017 Budget by the City Manager.

City Manager Serrano stated that the budget was the most important item for a City Manager to do. He said he was proud and honored to present the 2017 budget. He thanked the department heads for the months of work they put into the budget. He announced that there would be budget workshops scheduled for November 14 and 16, 2016, with a budget hearing on December 7, 2017. The 2017 proposed budget recommends a 6.73% tax increase, which exceeds the state tax cap. City Manager Serrano stated that revenues would remain stagnant. He also gave an overview of salary and benefits and the current situation of the NYS Retirement System, which had stabilized somewhat. He said that he recommended looking at additional revenues in the future, or overriding the tax cap. He said that Rye's taxable value remains strong, the housing market is strong, and building permits remain strong. However, Mr. Serrano

said that the City has a number of tax certiorari and claims. There is also a number of unsettled contracts with the unions. He also said that the City has binding arbitration with the Fire Department and Police Department, which result is currently an unknown number. He further mentioned that the the stabilization of retirement rates is currently positive, and the State will be creating a new tier for new employees. This will increase contributions and later retirement, while reducing the overtime attributed toward retirement.

City Manager Serrano recognized Deputy Comptroller Joseph Fazzino, who worked many months and evenings on this budget. He also said that the assessment roll had a .47 increase, which is positive, but very small. Mr. Serrano then said that the City must plan for the future. In terms of revenues, the real property tax is 6.12% of overall budget. Parking rates will change and the parking permit structure will also change. What the fee sources are and the recommendations. He said that the City also has a fund balance policy, to increase it slightly more to protect the City in the future. Further, the City has a separate fund for Rye TV from the franchise agreement. City Manager Serrano then discussed the property taxes. For an average house assessed at \$1.5 million, the assessed value is \$22,600. The increase per household is \$240/year. Mr. Serrano then discussed paving as an operating expense. He said that the State tax cap is 2%, or the CPI, whichever is less. The CPI was less and would have raised only \$500,000. However, the City needs \$1.6 million to balance the budget. He said that the CSEA and DPW unions are still up for negotiation. The PBA contract has also expired. He stated that the City needs to be sustainable and have new employees pay a bit more. He announced that the City and the Fire Department are going to arbitration. There have been good starting points, such as the switch to a less expensive health insurance plan.

City Manager Serrano discussed capital projects and taking money out of fund balance. He also said that he was proud and happy that the City Council amended the debt limit in 2016. He then stated that the City has other funds, such as the Boat Basin. He discussed the mooring fees. He said that the Boat Basin changed the fee structure and found a company that did a survey of all the moorings. City Manager Serrano then said that with the Rye Golf Club, the City is seeing the light at the end of the tunnel, due to a great manager a great staff. He also said that with Rye TV, he is proposing to take \$25,000 from the franchise fund. He thanked the department heads for their work to provide the best resources they can with limited resources. He thanked the City Council for the opportunity to work in Rye with the Council, staff and volunteers. Finally, he thanked to thank Joe Fazzino, Deputy Comptroller, who has been doing a fantastic job. With Joe's leadership and the staff, the City has been able to maintain a AAA rating.

Deputy Comptroller Fazzino thanked City Manager Serrano and the Council. He made the following statement:

“Before we get into the 2017 budget information, I would like to give a summary of where the City will be at the end of 2016.

Based on our 2016 projections, we expect the City to have a loss of roughly \$1.55 million. As was the case in the last few years, this is actually a positive item as the City's 2016 Budget had planned to use Fund balance of over 2.6 million dollars, so the 2016 projections show the City to be around 1,100,000 better than originally planned. In 2016, this is a combination of City revenues and expenditures performing better than budget.

Sales Tax will come in at \$2.15 Million or \$50,000 better than budget.

Penalties and interest on delinquent property tax payments up \$85,000 (we began the foreclosure process more late payments overall).

Parking Permit revenues are up almost \$104,000. Building Permit revenues are \$86,000 more than budgeted.

Traffic Enforcement has increased as shown by a forecast of \$80,000 more in fines than originally budgeted for.

Police overtime reimbursements are expected to be up \$140,000 better than budget.

The largest component of this performance comes as a result of settlement with Travelers as the City was reimbursed for its numerous legal costs pertaining to the Rye Golf Club investigation of roughly \$595,000.

Salaries are expected to be down City-wide, about \$542,000. This is mostly due to vacancies in certain positions throughout the course of the year. There were 11 retirements and two resignations from the end of 2015 and during 2016. While these positions were eventually filled, in most cases they were done so with employees earning lower salaries than their predecessors. Part-time and seasonal salaries are also down across various departments.

Employee health care costs are down and retiree health care costs are up which is a direct result of the situation above. Obviously with 11 retirements the cost of retirees, healthcare will increase. Even though these employees were replaced, there is a lag in time for their replacement, which creates savings along with the savings from our fire fighters switching to the New York State Health Insurance Plan. As you can see, the net effect of these 2 variances is almost zero.

Due to the appropriation of fund balance for the Hewlett Avenue Pump Station, approved at your last meeting, transfers to Capital are \$500,000 more than the original Budget.

The 2017 City budget proposes expenditure increases of 917,584 over the originally budgeted 2016 expenditures.

The largest component of the increase are Salaries and benefits. The City has budgeted for some type of increase for the settlement of currently expired contracts as all 4 union contracts will be expired as of December 31st of this year. Other major changes in expenses affecting the budget are listed here: I will highlight a few and I'd be happy to answer questions on any other ones.

Fire salaries are up \$210,000, representative of the settlement of the Firefighter Union's contract, which was expired for 7 years.

Legal costs are up \$229,000 as a result of the several large cases that the City is currently involved in.

Workers Compensation costs also increased in 2017, by \$238,703 compared to \$37,358 in 2015 as the City continues to deal with the effects resulting from the large claim in 2011 coupled with a 13% increase from the Workers' Compensation board throughout the state. This will be discussed more later on.

The cost of health insurance overall unfortunately for both current employees and retirees continues to increase; up \$347,844, combined for 2017. This graph does a good job of showing where health insurance costs were prior to the recession and where they are today. You can see since 2007 the cost has more than doubled.

In a positive turn, for the fourth consecutive year NYS employee retirement rates for 2017 have decreased after experiencing double digit rate increases from 2010 through 2012. These decreased rates along with new tiers for new employees, have resulted in retirement costs overall being down \$53,731 for 2017. Similar to health insurance, you can see the huge spike in costs at the time of the recession.

These next charts show the different component of General Fund expenditures.

Salaries and benefits are the largest portions making up overall expenditures at a combined 64%.

The next slide shows expenditures by program, with Public safety being the highest function.

Police and Fire services are the biggest portion of public safety, but programs such as parking enforcement, crossing guards, EMS and Building inspection are also included here.

As for the revenue side, revenues other than property taxes are up about \$217,000 over the 2016 budget. While there were no major increases in any of these revenue streams, we looked at historical data and were comfortable making these increases. Parking permit revenues have the largest increase, and that's due not only to historical trends, but also there are some proposed rate increases. We can discuss this further at next week's workshop.

Please see the charts below depicting the City's current major revenues other than property taxes. Sales tax, mortgage tax and building permit revenues have been the largest contributors to major revenues over the last few years. This next chart shows how Major revenues have been consistently at least 25% and in recent years over 30% of all City Revenues compared to total expenditures.

Given the changes in expenditures and revenues mentioned above, how did we balance this budget? For 2017, we use the same formula has been used to balance the budget over the past few years:

1. The use of fund balance
2. Increase the property tax levy.

In terms of the use of fund balance, the budgeted use of General Fund fund balance is consistent with last year.

In addition to the use of fund balance for Capital Projects, of \$700,000, there is a planned use of fund balance for miscellaneous equipment purchases in the amount of \$394,400. We have also appropriated fund balance to fund our contingency budget of \$350,000.

In 2016, the City used \$310,000 of fund balance to offset some of the costs associated with workers compensation. In order to keep in line with 2016 we have decided to appropriate \$310,000 of fund balance in 2017 as well.

Please note that the 2016-2017 workers comp premium will be the 5th and final premium reflecting the large claim from 2011. According to conversations with our insurance broker, we can expect substantial savings with the removal of this claim from our experience. He has also informed us of some insurance coverage options we can take advantage of further reducing our costs. These savings will hopefully allow to us no longer rely on this use of fund balance to cover workers' compensation.

Finally, to further offset some of the above mentioned costs that are beyond the City's control, proposed by the City Manager in this budget, we are using \$350,000 of Building & Vehicle Fund Balance to cover some of the operating expenditures of that fund.

In 2016, the City was able to use \$200,000 of fund balance from the risk retention fund. This practice was followed from 2013 through 2016. Unfortunately due to the City's reliance on this source of revenue, over the last few years, it is no longer available for 2017. For this reason, the use of the Building & Vehicle Fund balance was increased from \$150,000 in 2016 to \$350,000.

A list of capital projects will be discussed in further detail at next week's capital projects workshop. One important item to note is the funding of Street resurfacing in

2017. This year's proposed tax rate includes \$600,000 in annual street paving, which was previously funded from the General Fund's unassigned fund balance. Had street paving not been included in the tax rate, and funded from General Fund unassigned fund balance, the proposed tax rate increase for 2017 would have been about 2 ³/₄ percent less than the tax rate that is being proposed.

For the 2017 Budget and most recent budgets, the property tax levy is two-thirds of our total revenues. The 2017 property tax levy is \$23,632,420, a levy increase of \$1,593, over the 2016 Budgeted tax levy. This translates to a 6.73% tax rate increase. This is an annual increase of roughly \$240 to the average home in Rye with a market value of \$1,500,000.

Not surprisingly, the 2017 total levy amount is \$1,097,184 over the tax levy cap. I thought it was important to show how we arrived at 1.6 Million dollar tax levy increase, and I think this slide does a good job of this. The tax levy has increased by more than 5% five times in the last 17 years. The tax rate had not increased by more than 3.5% since 2010. The City tax for an average home in the City of Rye is lower than neighboring communities.

However, there are some concerns going forward:

1. Looking forward to 2016, it is important to remember that we cannot expect our elastic revenues to increase significantly enough for us to conservatively budget increases going forward.
2. The use of appropriated fund balance at this level is not sustainable. A large portion of fund balance usage is to fund capital fund projects. If fund balance is no longer available for Capital projects, the City might have to turn to debt to fund future projects."

Councilwoman Bucci noted that with the 6.73 % increase in taxes, this will continue unless the City finds a way to keep its biggest expense down, which is employee benefits and salaries.

Councilwoman Hurd noted that under capital projects, there was no allocation for the Forest Avenue sidewalk grant.

Councilman Mecca inquired about the Blind Brook Sewer District, and there was general discussion about expenses for that district.

Councilwoman Hurd asked that in terms of process, if there is something that is not in the proposed budget, such as Forest Avenue sidewalks/ paving, how can the Council discuss putting it in. Deputy Comptroller Fazzino responded that the proposed budget can be amended.

Councilwoman Tagger-Epstein brought up the proposed five-points intersection capital project and there was discussion about it costing the City an additional \$200,000. There was also discussion about revenues generally. Councilwoman Tagger-Epstein that asked where the Master Plan fits into all of this.

4. Consideration to set a Public Hearing on the 2017 Budget for December 7, 2016.

Councilman Mecca made a motion, seconded by Councilwoman Tagger-Epstein and unanimously carried, to set a Public Hearing on the 2017 Budget for December 7, 2016.

5. Consideration to set a Public Hearing to adopt a Local Law to override the State enacted tax levy limitation for December 7, 2016.

Councilman Mecca made a motion, seconded by Councilwoman Tagger-Epstein and unanimously carried, to set a Public Hearing to adopt a Local Law to override the State enacted tax levy limitation for December 7, 2016.

Joseph Murphy, Rye resident, discussed the Senior Advocacy Program budget for 2017. He asked when that item would be discussed. City Manager Serrano responded that it would be considered at the budget workshop.

6. Adjournment.

Councilman Mecca made a motion, seconded by Councilman McCartney and unanimously carried, to adjourn the regular meeting of the City Council at 9:00 P.M.

Respectfully submitted,

Carolyn E. D'Andrea
City Clerk

DRAFT UNAPPROVED MINUTES of
the Budget Workshop of the City Council of the
City of Rye held in City Hall on November 14,
2016 at 7:30 P.M.

PRESENT:

KIRSTIN BUCCI
EMILY HURD
JULIE KILLIAN
TERRENCE McCARTNEY
RICHARD MECCA
DANIELLE TAGGER-EPSTEIN
Councilmembers

ABSENT: JOSEPH SACK, Mayor

1. Pledge of Allegiance

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

2. Roll Call

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

3. Discussion of the FY 2017 Budget

City Manager Serrano reminded the Council that the budget's public hearing will take place on December 7, 2016. Budget changes would need five votes from the Council. He was happy to report that the City of Rye, under Deputy Comptroller Joseph Fazzino's leadership, the City has received the GFPA Budget Award Report, and the GFOA CAFR award.

- **Capital Projects Update**

City Planner Miller stated that as usual, the City was presented with a Capital Projects report in August of 2016. Now is the time to start thinking about priorities for these projects. City Planner Miller said that fund balance is \$750,000. He provided an overview of important capital projects:

Dearborn Pump Station

City Planner Miller said that sewer upgrades are a high priority for the City. The proposed budget has increased the funding for this.

Five-Points Intersection and Pedestrian Improvements project

City Planner Miller said that this project would cost approximately \$250,000. Councilwoman Killian added that this project originally came about with the Safe Routes to School Initiative. City Planner Miller agreed and stated that eventually, the project was taken away from the Safe Routes Program because of certain changes.

First Street Parking Lot Improvements

City Planner Miller said that this lot is located in front of Rye Bar and Grill. That lot has been in the CIP for some time. The lot is deteriorated and needs to be maintained and improved.

Councilwoman Hurd said that she was concerned about the City having to pay for damage during street opening and felt it might be appropriate to raise street opening fees.

City Engineer Coyne clarified that the City does take street opening permit fees and surcharges.

Councilwoman Hurd and City Engineer Coyne discussed the street opening fees and permit surcharges. City Engineer Coyne explained that there are different classifications for street openings.

Councilwoman Tagger-Epstein asked if the City can require deposits for street opening. City Engineer Coyne responded that it is already required for private utilities. There was discussion over deposits and bonds for each and every opening.

There was general discussion about trenching and restoration.

Councilman Mecca asked miller on the Dearborn Avenue Pump Station and the work required. City Engineer Coyne responded that pumps and controls would be replaced. He said that the steel housing is rotting away and the pumps need to be replaced.

Councilman McCartney commented that Dearborn Avenue and First Avenue seem to be the biggest priorities of the three. He felt that the five-points intersection was not urgent.

There was general discussion over priorities, which will be looked at further in January 2017.

Councilwoman Hurd encouraged the Council to consider the funding of the engineering construction documents to the Forest Avenue sidewalk program. There was discussion over this project.

Councilwoman Bucci felt that it was important to consider the major priorities under the CIP first.

There was more discussion on capital improvement projects and priorities.

- **Building and Vehicle Fund Review**

Deputy Comptroller Fazzino said that this fund is used to fund the operation of buildings, which is done through the General Fund. He said that the City uses fund balance for equipment and vehicles.

Councilman Mecca asked about bonding and Deputy Comptroller Fazzino explained that typically, the City would bond for a project over \$500,000. There was general discussion over vehicles and replacements. There was also discussion over the possibility of electric cars used by the City.

- **Public Works Department Budget Review**

City Engineer Coyne explained that the DPW maintains the City's infrastructure. There are no proposed changes for staffing, and the budget is staying mostly flat for 2017. The department will be implementing a computerized work ticket program to keep track of requests.

Councilman Mecca asked Mr. Coyne to clarify about the lack of increase to staffing. City Engineer Coyne confirmed that there are no increases proposed, but that the department has had some turnover with employees. He commended the DPW staff who with take their work seriously. He would like to maintain the same level of service. Councilman McCartney complimented the DPW workers and all they do for Rye.

Councilman McCartney asked if the department was losing half of an engineering position. City Engineer Coyne explained that an administrative role will be split between them and Planning.

Councilwoman Hurd asked about the Disbrow Park Master Plan. City Engineer Coyne explained that the Recreation Commission went out to RFP for a consultant, had six consultants submit, and narrowed it down to three, whereas one was recently selected. He commented that they were eager and excited to move forward with Stantec, the consultant who was selected. There was general discussion over timeline of the project.

City Engineer Coyne said that there was a great need to replace a garbage truck, but it can cost up to \$1.6 million. That item was tabled for capital project discussions in January 2017.

- **Rye Golf Club Budget Review**

Jim Buonaiuto, Golf Club Manager, made the following statement to the Council:

“The Rye Golf Club is a City-owned membership based recreational facility which offers a meticulously maintained 18 hole golf course overlooking the Long Island Sound and a large pool facility with both an Olympic sized pool and children’s pool.

Additionally, the Club is home to the famous Whitby Castle, designed by renowned architect Alexander Jackson Davis in 1852. Whitby Castle’s restaurant and events operations are licensed out to Lessing’s Hospitality. Now completing their 3rd year of a 10 year contract, Lessing’s is also responsible for our pool snack bar and golf course half-way house operations.

It is important to note that every attempt is made to avoid depending on any tax dollars or City subsidies to fund the golf club’s operations. The club has consistently run at an operational surplus in the last several years which has resulted in contributions to our own reserve fund for major projects in addition to contributions to the City’s General Fund in the form of inter-fund charges, risk charges, taxes on City Property, and repayments of the club’s debt service from municipal bonds. The Golf Club also pays for all employees, both current and retired, including benefits and 100% of OPEB costs.

Review of 2016

2016 has been a tremendously successful year for our club. In 2015, the Golf Club sustained extraordinary damage due to a faulty product which was part of our greens maintenance program. This damage resulted in the closing of our putting greens for the majority of our season. The golf club maintenance staff worked diligently to recover from this damage and continued this hard work throughout 2016 to have the course in excellent condition. Returning golf members of the club were also offered a 35 percent discount when returning this season.

The total discounts given to returning members was almost \$800,000. If the Club were to take this lost revenue into consideration, our operating projections for 2016 would have the club at about a \$540,000 surplus, which is consistent with our 2014 and 2015 operations. Without the discount accounted for from a purely operational stand point, the club is projected to operate at a deficit of about \$250,000 this season. Fortunately, the club will not need to offset this operational deficit with reserve funds but will in fact still see an increase in our reserve funds thanks to the allocations of money from the settlements with TKI and Travelers. Our projection for the end of 2016 is that our reserve funds will increase to \$3.9 million.

From a revenue perspective, our golfing membership dues were down by about 2% when adjusted for the discount and compared to 2015 actuals, but they were still ahead of 2014 actuals. Pool membership dues were slightly ahead of 2015 and consistent with our overall three year average. User fees including golf and pool guest fees and golf cart fees have increased over our previous three year average.

2016 has been a successful season from a revenue standpoint and it is also a successful starting point for several important projects at the club. On the golf course, we are nearing completion of our new short-game practice area and putting green adjacent to the 12th tee, our renovated 16th tee and castle putting green, and greens expansions and drainage installation on three additional greens. We are also working on our tree management program which is improving our growing environments around our greens and tee complexes. We are also nearing completion of our roof repairs and replacement projects. This project has allowed us to repair or replace several dilapidated roofing structures. We are also currently pursuing the selection of a consultant that will help the club identify long term planning and needs at our pool facility.

2017 Budget

During the 2017 budgeting process the club was faced with two stark realities; the first is that the cost of materials that are used in the everyday operation of the club continue to increase. The second is that our club is understaffed in one of the key areas to the welfare of our product – that being the golf course maintenance department. Currently, the golf club does not have an assistant superintendent. This means that we only have one qualified, experienced, and licensed person to supervise our maintenance crew and be responsible for the welfare of our 100 plus acres of maintained plants and turf.

Compared to other golf courses and clubs in our immediate area which have at least one assistant superintendent and sometimes multiple assistants, we are at great risk in the event that our existing superintendent were not available to perform his duties. Due to this liability we have proposed the addition of one new full time staff member – an assistant superintendent. This would increase the number of full time staff members to 8, but this is well below the club's all-time high of 13 in 2002.

With these pressures in mind, the budget that we propose projects an operational surplus that is smaller than in years past due to these increased expenses. In an effort to offset these increases the club has proposed an increase in one of its most popular user fees – electric golf cart rentals. This fee has not been raised since 2012 and is well below the average rental fee at comparable facilities in the area. Our proposed increase is completely within the market range and will provide a slight bump in revenues. This budget also has conservative plans for revenues, dues, and third party rent from Lessing's. Additionally, we have a \$100,000 unassigned contingency fund as a line item which hopefully will not be needed.

With all of these items taken into consideration, the Golf Club Commission and I feel as though we have prepared a very sound operating budget for 2017.”

Following Mr. Buonaiuto's statement, there was discussion about guest fees.

Councilwoman Bucci commented that the Golf Club has come so far and thanked Mr. Buonaiuto and his staff for doing a fantastic job. She stated that she, the Council and the City are very pleased with the progress.

Mr. Charlie Davies, Rye Golf Club Commission, stated that things have been going well, and there is still more to be done.

Councilwoman Hurd asked whether the neighborhood golf ball issue had been resolved. Mr. Buonaiuto responded that the Golf Club has been making some positive changes on that front.

There was also discussion over the GPS golf carts.

Mack Cunningham commented that when the Finance Committee met at Rye Golf Club, there was discussion about the golf carts. The Finance Committee contemplated a 10 to 15 percent increase. However, raising may cause an issue for some of the club's older members. Mr. Cunningham stated that 2017 is the year to raise these fees (Year 1) for long-term growth. He stated the Golf Club is now in a growth pattern.

Councilman Mecca inquired about the replacement of the golf shop roof. Mr. Buonaiuto responded that the replacement was earlier than expected, due to was poor craftsmanship that unfortunately caused damage and leaks. With the new roof, the Golf Club has worked with its roof consultant to double the warranty with the new roof.

Councilman McCartney asked about possible membership numbers for next year. Mr. Buonaiuto responded that he projected membership would return to the numbers seen in the 2014/15 year.

Councilwoman Killian asked about marketing for the golf club. Mr. Buonaiuto responded that the marketing materials, such as print, journalism and email campaign, are receiving a lot of foot traffic.

Mr. Cunningham mentioned that the Golf Club is also the facilitator for the school district and for the Recreation Department, accommodating the Rye High School Golf Team and summer camp swimming. Mr. Buonaiuto also mentioned the senior citizen discounts.

There was also a discussion on the "Young Executive Membership," for those under 35 years of age.

- **City Clerk Budget Review**

Carolyn D'Andrea, City Clerk, provided the following statement to the Council:

“I have been asked to give a short presentation of possible proposed changes to parking throughout the City of Rye. As you may have seen from the memo I distributed to the Council, parking in the City of Rye is both limited and complex. It takes a lot of thought to understand each lot, permit type, and regulations. Parking within the City is a constant balancing act due to the limited spaces. The Clerk’s office must balance the needs of residents living within the downtown area, the commuters, the merchants, and shoppers that come to visit the central business district.

The Clerk’s office is very open to Council and resident feedback on parking issues. While we see parking and how it works from inside our office, we do not truly witness what it is like to be a commuter or merchant, so we spent the last year surveying those who have come into the clerk’s office with what they would look for in parking. We attempted to take major themes of what we learned and apply them to bring City of Rye parking into the 21st century.

At the same time, we are asked each year to evaluate fees and charges and attempt to create fair fee structures to offset the cost to tax payers and help the City succeed. Over the past year, we have had many internal meetings about positive change and moving toward a direction that helped everyone, whether it be commuters, merchants, residents or the City itself. For purposes of this presentation, I have broken my discussion up by permit type.

COMMUTER PARKING

By way of background, there are approximately 1000 commuter parking permits sold, broken down by roughly 700 MTA lot permits and 300 Highland Cedar permits. The MTA lot has approximately 500 spaces and the Highland Cedar lot has 168 spaces. While oversold, we have observed the lots over the last year and have not seen that the rate at which the City oversells is an issue. We propose to continue with these figures and not increase the number sold.

In terms of proposed changes, first, we note that an overwhelming number of commuters were in favor of being able to use more than one vehicle to travel to the train station. In 2015 alone, there were 377 replacement permits and 450 temporary permits, issued when people needed to take their other car to the station. The current sticker only allows commuters to use one car as their station car. This year, we are happy to announce that across the board, there will be parking hangtags. Commuters will now have the ability to put two license plates on one hangtag so that they can easily switch out their permit to the car that they need for that day. The hangtag program is new and will be here on a trial basis. We are hopeful that it is successful and makes life easier for the everyday commuter.

This year, there is no proposed fee increase on commuter permits. However, City staff had to contemplate every situation, and is worried about the potential for fraud with regard to potential false claims of a lost hangtag permit. With the issuance of a permit with two license plates, it is theoretically possible for there to be a false claim of a lost permit which may lead to two vehicles being parked at the train station at the same time under the same permit. To dissuade this unfortunate situation, the Clerk’s office reached out to other municipalities for ideas regarding lost permit fee structures. Many municipalities responded that they charge the

entire permit fee for a lost permit. In our case, that would be \$760. The Clerk's office felt this was too punitive, as residents are used to a \$60 lost permit fee. As you saw in your packets, the fee being proposed for a lost permit is \$300. Of course, that number is up to the Council, but our goal is to ensure that the permits work fairly and we felt that a higher fee would dissuade fraudulent claims. We welcome Council discussion and feedback on this number, as we know it is a big change. As a matter of policy, on top of the lost permit fee, if any permit does use their permit fraudulently, it has been the policy for years that the permit would be immediately revoked for life.

The Wait list for the commuter parking lot closed approx. seven years ago. This year, we are happy to report that the remainder of the list will be depleted. There are 12 names left who we are confident will be awarded spots. However, as 40 people did not renew for the MTA, we have about 28 extra permits to give out. In the past, the wait list was a very complex system, requiring that people pay \$50 each year to renew their spot. If someone had forgotten to renew by the deadline, they were kicked off the list, even if they had been diligent for years prior.

This year, we are proposing that the Wait List be reopened, but that the rules of the waitlist are slightly different. We are proposing only a ONE TIME FEE for commuters with an online sign up. There would be no deadline to renew each year. The one-time fee of \$100 would be used to offset the administrative costs that the City pays to E-Gov, our online commuter parking manager. Each year, the City would allow more names to be added to the list, depending on how many are given away in a given year. The idea is to cap the Wait list at 500 names at all times.

ALL DAY / ALL NIGHT PERMITS

There are approximately 50-60 all day/ all night permits distributed throughout the city. This type of permit allows a resident to park their car in municipal lots 24 hours a day. It is restricted to those residents living in multifamily units or apartments, located within the downtown area, without off-street parking available. There is only one allowed per unit. One of the biggest challenges the Clerk's office has seen this year is the pressure on the City to guarantee parking for a second car. The question is whether we really want to be in the business of providing parking for a second vehicle. With the parking restraints being what they are, it is difficult for us to justify giving priority to those who need a place to store their second vehicles. With all day/ all night permits, the biggest change we are proposing is a fee raise to \$900/ year, and only selling them on an annual basis. The fee raise was due to the fact that they were paying less than commuters, which did not make sense. The commuters are just paying to park during the day and the all day/ all night permit holders are parking for 24 hours. We adjusted the fees accordingly. There are approximately 25 of these permits sold within the central business district lots.

The Highland/ Cedar lots also have all day/ all night permits, but are strictly limited at 25 permits due to the fact that those lots are commuter lots. We have had a lot of pressure from the Highland Apartments to increase this number, but that would mean reducing the number of commuter permits issued.

There are all day/ all night permits issued at the Rye Arts Center. There are approximately 20 spots allocated to “all day/ all night” permit holders only. However, last year, the city sold only 8 all day/ all night permits. 100% of the permits sold were for residents of the Blind Brook Lodge. Blind Brook guarantees that they have room for a vehicle from each unit. However, there has been pressure on the City to guarantee spots for “second cars” for residents of Blind Brook. While we feel for the residents there, we have had to balance their needs with the needs of the residents who come to the Rye Arts Center. I cannot tell you how many residents from the City who attend programs at the Arts Center have come in to complain about parking tickets they have received because there is just not enough parking in their lot. Our proposal is to officially limit the number of all day/ all night permits sold to 8 in total, to match the demand in 2015, and to also give 12 spots back to those coming to park at the Rye Arts Center.

The last place where residents can park all day/ all night is the Gagliardo Park lot on High Street. There are many multifamily units in that area that do not have parking for their tenants. It is an unfortunate situation over there as parking is extremely tight with 6 spots allocated, but the City does its best to help the residents.

MERCHANT PERMITS

There are 488 total spots within the downtown central business lots, and there are approximately 350 merchant parking permits issued. Of course, this is a huge number. Upon taking a closer look, many businesses have between 5 and 10 permits, while two businesses in particular have 30 and 60 permits. The Clerk’s office felt uncomfortable reducing this number without some guidance, as we know that the downtown cannot run without its merchants. However, this also needs to be balanced with the needs of shoppers to park their cars.

The biggest changes we are proposing to the merchant permits are as follows:

- A fee increase to \$500/ year from \$420,
- Including hangtags that only have the business name on them, as we’ve noticed that many, many stickers are shared among those who have “shift work” – the distribution of which would be managed by the businesses themselves. The businesses would still be required to provide names, license plates and proof of employment with their applications;
- Lastly, we are proposing that like commuter permits, these are sold on an annual basis with no prorated fees.

We feel that these changes may result in a reduction of the number of merchant permits naturally, without their being a hard limit imposed.

NIGHT PERMITS

Night permits are sold throughout the city and allow residents within the downtown who do not have off street parking to park from 7pm to 7am. This is especially helpful during the winter months and the snow ordinance period. The biggest change we are proposing is a slight fee raise from \$30 to \$40/ month. We sell about 60 of these at most per year and do not limit them. We have not seen an issue with this type of permit.”

Following the Clerk’s statement, there was general discussion about parking hangtags, merchant parking, Rye Arts Center parking, and the upcoming waitlist for commuter parking.

4. Adjournment.

Councilman McCartney made a motion, seconded by Councilman Mecca and unanimously carried, to adjourn the Budget Workshop at 10:00 P.M.

Respectfully submitted,

Carolyn E. D’Andrea
City Clerk

DRAFT UNAPPROVED MINUTES of
the Regular Meeting of the City Council of the
City of Rye held in City Hall on November 16,
2016 at 7:30 P.M.

PRESENT:

JOSEPH A. SACK Mayor
KIRSTIN BUCCI
EMILY HURD
TERRENCE McCARTNEY
RICHARD MECCA
DANIELLE TAGGER-EPSTEIN
Councilmembers

ABSENT:

JULIE KILLIAN, Councilmember

The Council convened at 6:30 P.M. Councilman McCartney made a motion, seconded by Councilwoman Bucci and unanimously carried to immediately adjourn into Executive Session to discuss litigation and personnel matters. Councilman McCartney made a motion, seconded by Councilwoman Bucci and unanimously carried, to adjourn the Executive Session at 7:45 P.M. The regular meeting convened at 7:45P.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.

Mayor Sack stated that the month of November is Pancreatic Cancer Month. He announced that there was a pancreatic cancer cure advocate at the meeting that evening. Tara Shanes-Hernandez is the daughter of Gigi Hernandez, lifelong resident of Rye who lost her battle with pancreatic cancer seven years ago.

Ms. Shanes-Hernandez addressed the Council. She stated she has been a lifelong resident. She announced that November 17 will be World Pancreatic Cancer Day. She stated that pancreatic cancer is the third leading cause of death in cancers in the U.S. with an 8% survival rate. She mentioned that her mother was the first female auxiliary police officer in Rye and dedicated her life to those with special needs. Ms. Shanes-Hernandez

said that eight years ago, she founded the Pancreatic Cancer Research Walk in April, which has raised over \$2 million for cancer research. She said that her mother dedicated her time to helping others, which has continued through her legacy. Ms. Shanes-Hernandez encouraged everyone to wear purple on November 17 for pancreatic cancer awareness. She also thanked the Rye Police officers who help with the walk each year.

Mayor Sack thanked Ms. Shanes-Hernandez for coming, and presented her with a proclamation recognizing November 17, 2016 as Pancreatic Cancer Awareness Day within the City of Rye.

Councilwoman Tagger-Epstein announced that November 17, 2016 will be the award ceremony for the Healthy Yard sign design contest at 6:00 P.M. at the Rye Arts Center. She reported that the contestants' drawings have been wonderful. She encouraged the community to come to the event. She also stated that the Southern Poverty Law Center has reported hate crimes throughout the nation over the past few weeks. She urged parents to be "Careful the things you say, children will listen." She encouraged parents to set an example as role models of civility and kindness. She then congratulated the Rye Neck students who completed a workshop with the anti-defamation league, "No Place for Hate." She was hopeful that Rye City Schools look into this program.

Councilman Mecca stated that the Planning Commission met on November 15, 2016 to review the plan for 120 Old Post Road. After many months of consultation, there will be a public hearing on Tuesday, December 13, 2016 at 7:00 P.M. in Council Chambers. He invited the Council to attend the event and witness the process. The applicant has made a proposal for an underground parking garage with less impervious surface, with five buildings and a rain garden. He thanked his fellow Planning Commission members for all of their hard work.

Councilman McCartney thanked Councilwoman Tagger-Epstein for her thoughtful comments about children listening. He told a story about his own family with that message. He also announced that the Veterans Day ceremony was a big success on November 11, 2016. He said that the Mayor and Senator Latimer did a wonderful job. He stated he enjoyed Mayor Sack's account about Rye's Fred DeBarros and his Veteran's Day story. Councilman McCartney thanked the families for attending the event, as it is important that the children appreciate the generation veterans that the City is blessed with in Rye. Councilman McCartney also announced that Rye Town Park is having their beach cleanup on November 12, 2016 from 9:00 to 11:00 A.M. He also encouraged people to wear bright clothing when walking in the dark, especially in these winter months. On the Recreation front, Councilman McCartney reminded the community of the 40th Annual Turkey Trot, to be held on November 26, 2016. The fee is \$15 if you pay by November 22, 2016, and higher when you pay at the event. Councilman McCartney recognized Esther Martensen, who has been a longtime member of the Recreation Commission, and retiring from the Commission. He thanked her for her service to the community. He also announced that the annual holiday bonfire will be held at Rye Recreation on Sunday, December 4, 2016. There will be carolers at the event. He also encouraged residents to look forward to membership

at the Rye Golf Club for 2017. Councilman McCartney lastly announced that the golf course was still open until the frost comes.

Mayor Sack reminded the community that November 18, 2016 is the Rye Youth Council Annual Benefit at the Capitol Theater, featuring Robert Randolph and the Family Band.

Councilwoman Bucci announced that the Rye Free Reading Room will host Warren St. John at Rye High School on November 17, 2016 at 7:00 P.M., author of “Outcasts United.”

Councilwoman Hurd announced that Mistletoe Magic will be held Sunday, November 11, 2017 after Thanksgiving. She also reminded the community that the deadline for Boat Basin slip holders to remove their boats from the water is December 1, 2016. She also reminded boat basin slip holders to vote in the Boat Basin Commission election.

4. Draft unapproved minutes of the regular meeting of the City Council held November 2, 2016.

Councilman Mecca made a motion, seconded by Councilman McCartney and unanimously carried, to approve the minutes of the regular meeting of the City Council held November 2, 2016.

5. Issues Update/Old Business.

Mayor Sack discussed the Rye Town Park Commission. He thanked Mack Cunningham, Laura Brett and Terry McCartney who have attended the meetings when he or Councilwoman Killian could not attend.

Councilman McCartney updated the Council on the Seaside Johnny’s issue. He stated that it was decided that there should be some friendly competition for the space. The formal RFP process will take months, and as a result, the Rye Town Park Commission offered one additional year to the owner of Seaside Johnny’s with a one year option to renew its lease. Councilman McCartney said that the resolution to do so passed unanimously, but the Commission is unsure as to what will happen in the future.

Mayor Sack said that at the last Council meeting, a group from Waters Edge attended the meeting. They were under the impression that the damaged edge of the wall was an easy fix. As an update, Mayor Sack stated that the City has checked with its engineers, who have confirmed that the City of Rye portion of the wall will cost between 400,000 and \$500,000. Unfortunately, the City cannot lay out this funding without FEMA assurance for reimbursement.

Mayor Sack also stated that the Crown Castle issue will return on the agenda on December 7, 2016. There is a group of residents who have banded together and hired an

attorney on this issue. They have submitted correspondence to the City which is now on the record for the public hearing, including the alternative of ten 70-100 foot towers.

There was discussion about the Master Plan progress for the City.

6. Presentation by the Landmarks Committee on the Benjamin Franklin Mile Markers.

Mayor Sack said that the historic preservation of the Benjamin Franklin Mile Markers was a very important issue that the Council has given a lot of thought to. About a month ago, the Council went out with members of the Landmarks Committee to view Mile Marker 25, which was very helpful and educational. He asked the chairs of the Landmarks Committee to provide the residents with an update.

Jack Zahringer, Chair of Landmarks Committee, stated that one of the most important items is preserving the Benjamin Franklin Mile Markers. He said that it helps keep Rye Rye.

Maurio Sax, Landmarks Committee, said that by way of background, the cost to preserve the Mile Markers will be minimal. The markers are the oldest items that have been preserved in Rye, from 1763. They were placed one mile apart, from New York to Boston, and New York to Richmond. The Committee would like to preserve that history. The City has four of them that were placed one hundred years ago by Mayor Morehead. There is one on the Post Road (Mile 25), one at the Jay Mansion, one at City Hall, and one at the grounds of United Hospital. Mr. Sax stated that they have discovered now that residents in this community do not know where they are. Mile Marker 25 has been covered with branches and no one can appreciate it in its current place. It was originally at the Osborn Wall on Boston Post Road. He stated that the Committee would like to move it back there for safety, preservation, and the ability for the community to appreciate this rich history. He introduced Ms. Arenstein, who is a conservator.

Rachael Arenstein, A.M. Art Conservation, LLC, presented to the Council. She thanked the Mayor and Council for the opportunity to add onto Mr. Sax's presentation. As conservators, Ms. Arenstein said their job was to preserve works of art by groups and communities. This is a project that they have really enjoyed because it brings together interesting issues. There are four markers, three of which we have seen and looked at. She showed photos to the Council of Mile Marker 24, indicating a substantial amount of biological growth. She also showed photos of Mile Marker 26, now in City Hall. She then discussed Mile Marker 25 and the work that been done so far to preserve the stone. The stone is stable in its present condition, but the text will continue to erode. There are some things to do to slow the process of erosion. The proposed location is close to where it is placed right now. She said it is important to note whether the stone is preserved, and whether the community can enjoy it. She laid out the options of doing nothing, upgrading the mounting in the marker's current location, moving it to a new location, or moving it indoors (with or without replica for outdoors).

Mayor Sack thanked Ms. Arenstein for her presentation. He asked Mr. Sax and Mr. Zahringer for a future formal recommendation.

Councilman Mecca asked if the current location was a City-owned wall. Mr. Sax responded that it was, and that the new location would not be placed within the wall, but in the right-of-way.

Councilwoman Tagger-Epstein asked about the erosion and expressed concern that the inscription would be lost. Ms. Arenstein responded that any outdoor design would slow the inscription erosion, but that placing it indoors would stop erosion completely.

Councilwoman Hurd added that a cast mold has been made. There was discussion about balancing positives and negatives of all options.

Mr. Sax stated that each of the mile markers had been moved.

Councilman McCartney made a point that the proposed location is actually close to the original location during Benjamin Franklin's time.

Mr. Sax responded that their goal was to landmark and plaque it and give it legal and environmental protection.

Councilman McCartney and Ms. Arenstein discussed the different options of preserving the marker's history in the long-term.

Ms. Arenstein stated that her firm gave a proposal to the City for their part of the work and the pedestal, which would cost between \$12,000 and \$14,000.

Councilwoman Bucci confirmed that the City had spent \$32,000 on mile markers in the past. The \$14,000 would be extra. There was a confirmation that the City already put the money aside for this project.

Mayor Sack recommended that the issue be put over to a later date.

Councilwoman Tagger-Epstein stated that she struggled with the issue of the erosion control, and said that she felt that the writing gives it significance. She wanted to make sure she gave a well-thought out vote for a later time.

Ms. Arenstein stated that she did feel that there was power in the original artifact.

The issue was put over to December 21, 2016 for a Council vote.

Peter Roland, Landmarks Committee, stated that one of the things to be concerned about is that it is presently not in the original location, and also that it is inaccessible. He recounted the meeting earlier in 2016, in which the Police were required to come direct traffic in order for the group to view it.

- ~~● Rye Free Reading Room Budget Review~~
- ~~● Police Department Budget Review~~
- ~~● Fire Department Budget Review~~
- ~~● Boat Basin Budget Review~~
- ~~● Recreation Department Budget Review~~

8. Public Hearing for a Special Permit Application submitted by New Cingular Wireless PCS, LLC (“AT&T”) for modifications to its existing wireless telecommunications facility located at 66 Milton Road.

Councilman McCartney made a motion, seconded by Councilman Mecca and unanimously carried, to open the public hearing for a Special Permit Application submitted by New Cingular Wireless PCS, LLC (“AT&T”) for modifications to its existing wireless telecommunications facility located at 66 Milton Road. (See discussion below Item 9, in which both public hearings were taken together).

9. Public Hearing for a Special Permit Application submitted by T-Mobile Northeast LLC (“T-Mobile”) for modifications to its existing wireless telecommunications facility located at 66 Milton Road.

Councilman McCartney made a motion, seconded by Councilman Mecca and unanimously carried, to open the public hearing for a Special Permit Application submitted by T-Mobile Northeast LLC (“T-Mobile”) for modifications to its existing wireless telecommunications facility located at 66 Milton Road.

Corporation Counsel Wilson stated that procedurally, the Council had referred both applications to the BAR for aesthetics. The BAR has approved the sites for aesthetics. There have been no substantial changes proposed to the sites pursuant to the law.

Councilman McCartney asked where the City was on the 60-day requirement. Corporation Counsel Wilson responded that the City is beyond the 60 days, but the applicants are currently showing good faith.

Corporation Counsel Wilson stated that the City’s engineering consultant Lee Afflerbach has confirmed that the RF limits for both sites are well below the federal standards.

Daniel Allen, Cuddy & Feder, spoke on the application for AT&T. He explained that the proposed modifications were the replacement of three antennae and three remote radio heads. These upgrades will provide more robust service with faster speed for data upload and download.

Councilwoman Hurd asked when this equipment was first installed on Blind Brook Lodge. Mr. Allen responded that they were installed in 2004, and that there had been two or three modifications since that time.

Councilwoman Hurd asked if their application was a “6409 submission.” Mr. Allen replied that it was, which means that federal law requires that it be approved.

Robert Gaudio, Snyder & Snyder, on behalf of T-Mobile, explained that there were some replacements and slight additions to the current equipment.

Councilman McCartney asked if based on experience, if an update is needed every four years. Mr. Gaudio responded that it was more sporadic than that, whether it be a technological change, or license change.

Sandra Wyman, Blind Brook Lodge, asked if this would increase cellular power. Mr. Gaudio stated that the frequency would change, but not so much the power, and that two batteries would be added. There was discussion over the timing of the installation of equipment.

Councilwoman Hurd asked how long a modification takes. Mr. Gaudio responded that it takes usually less than one week, weather permitting. He said this was a relatively quick installation, to which Mr. Allen agreed.

Nancy Vincent, Blind Brook Lodge, asked if the applicants had presented photographs to identify what they proposed. Mr. Gaudio responded that they had given photographs to the Council within the record application. Mr. Gaudio stated that the new proposed equipment had no substantial different to the existing equipment. Mr. Gaudio and Mr. Allen explained that the equipment would be secured by mounting brackets.

It was confirmed that the carriers had lease agreements with Blind Brook Lodge.

Councilwoman Tagger-Epstein asked about the length of the lease with Blind Brook Lodge. Mr. Gaudio responded that it was likely 20-30 years. Councilwoman Tagger-Epstein expressed concern that if both applicants’ work coincided, it could cause noise. The attorneys responded that they would both be coordinating with the management on timing to avoid this issue.

Councilwoman Hurd asked if there were concerns about the roof holding the weight of the equipment. Mr. Gaudio responded that there were no concerns as the steel that spans from one brick wall to the other brick wall will help.

There was further discussion about the details of the telecommunications equipment in conjunction with the building.

Councilman Mecca made a motion, seconded by Councilman McCartney and unanimously carried, to close the public hearing for a Special Permit Application submitted by New Cingular Wireless PCS, LLC (“AT&T”) for modifications to its existing wireless telecommunications facility located at 66 Milton Road.

Councilman Mecca made a motion, seconded by Councilman McCartney and unanimously carried, to close the public hearing for a Special Permit Application submitted by T-Mobile Northeast LLC (“T-Mobile”) for modifications to its existing wireless telecommunications facility located at 66 Milton Road.

Councilman Mecca made a motion, seconded by Councilman McCartney and unanimously carried, to grant the request for modification of a Special Permit Application submitted by New Cingular Wireless PCS, LLC (“AT&T”) for modifications to its existing wireless telecommunications facility located at 66 Milton Road.

ROLL CALL

AYES: Mayor Sack, Councilmembers Bucci, McCartney, Mecca and Tagger-Epstein
NAYS: None
ABSENT: Councilwoman Killian
ABSTAIN: Councilwoman Hurd

Councilman Mecca made a motion, seconded by Councilman McCartney and unanimously carried, to grant the application for modification of a Special Permit Application submitted by T-Mobile Northeast LLC (“T-Mobile”) for modifications to its existing wireless telecommunications facility located at 66 Milton Road.

ROLL CALL

AYES: Mayor Sack, Councilmembers Bucci, McCartney, Mecca and Tagger-Epstein
NAYS: None
ABSENT: Councilwoman Killian
ABSTAIN: Councilwoman Hurd

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

There was nothing discussed under this agenda item.

11. Consideration of the proposed new Rules and Regulations of the City of Rye Police Department General Order #114.9 regarding a Continuity of Operations Emergency Preparedness Plan.

City Manager Serrano said that the new Police Commissioner has been working toward documenting important policies and procedures of the Police Department. In an emergency, this policy would codify all procedures.

Councilman Mecca asked if this policy would be amended to include the Fire Department when the Police and Fire Departments are merged. City Manager Serrano responded that they would be.

Councilman McCartney said that one of the things that Judge Carey often reminds us of is that there are certain people who need help. The Commissioner is aware of these people who do need help in an emergency situation.

Councilman Mecca said that Councilman McCartney made an excellent point. He recalled assisting those in need during floods.

Councilwoman Hurd commented that including a community emergency response team could be beneficial.

Councilman McCartney made a motion, seconded by Councilwoman Tagger-Epstein and unanimously carried to adopt Rye Police Department General Order #114.9 regarding a Continuity of Operations Emergency Preparedness Plan.

12. Consideration of the proposed new Rules and Regulations of the City of Rye Police Department General Order #119.6 regarding a Visitor Log and Procedure Policy.

City Manager Serrano stated that the process has been very relaxed and this will safeguard the department by keeping a record of those within the building.

Councilman McCartney made a motion, seconded by Councilwoman Tagger-Epstein and unanimously carried, to adopt the City of Rye Police Department General Order #119.6 regarding a Visitor Log and Procedure Policy.

12A. Resolution to amend the 2016 Adopted Fees and Charges for the City Clerk Commuter Parking Waitlist Fee.
Roll Call.

City Clerk D'Andrea explained that with the opening of a new commuter waitlist, there is a proposed one-time fee of \$100 for applicants. This fee was not contemplated within the 2016 City of Rye Budget, and therefore would need Council approval to move forward.

Councilman Mecca made a motion, seconded by Councilman McCartney, that the Council amend the 2016 Adopted Fees and Charges for the City Clerk Commuter Parking Waitlist Fee.

ROLL CALL

AYES: Mayor Sack, Councilmembers Bucci, Hurd, McCartney, Mecca and Tagger-Epstein
NAYS: None
ABSENT: Councilwoman Killian

- 12B. Consideration to set a Public Hearing on the proposed revision to the Rye City Charter to rescind Article 12 “Police Department” and Article 13 “Fire Department” and create a new Article 12 “Department of Public Safety” and to create a new position of “Commissioner of Public Safety” which position shall have charge and supervision of the Police and Fire Departments.

Mayor Sack stated that starting in 2015, it has been new policy that the City Council give consent to hire a Police Commissioner. He thanked City Manager Serrano for his help hiring Commissioner Corcoran. The language regarding this item needs to be amended within the City Charter now that the Public Safety Commissioner position has passed within the City. He stated he was very happy to see that the community voted in the affirmative for the referendum to add the position of Public Safety Commissioner.

Councilwoman Bucci made a motion, seconded by Councilman Mecca and unanimously carried, to set a Public Hearing for December 7, 2016 on the proposed revision to the Rye City Charter to rescind Article 12 “Police Department” and Article 13 “Fire Department” and create a new Article 12 “Department of Public Safety” and to create a new position of “Commissioner of Public Safety” which position shall have charge and supervision of the Police and Fire Departments.

13. Miscellaneous communications and reports.

Councilman McCartney announced that he and Councilwoman Tagger-Epstein met recently to discuss the committee on gun safety. He said that they were planning on researching all issues and engaging in public discussion on this important issue. He stated that he is motivated by gun safety, an important subject which he has witnessed in his career.

Councilwoman Tagger-Epstein said that she had been in touch with Harrison and a similar Harrison group. She stated that the group was in the beginning stages, and that the goal is public safety.

14. New Business.

Councilman Mecca asked for the 2017 proposed City Council calendar. Councilwoman Bucci asked for an update of legal fees for Crown Castle.

15. Adjournment.

There being no further business to discuss, Mayor Sack made a motion, seconded by Councilman Mecca and unanimously carried, to adjourn the regular meeting of the City Council at 9:56 P.M.

Respectfully submitted,

Carolyn E. D’Andrea
City Clerk



CITY COUNCIL AGENDA

NO. 5 DEPT.: City Council DATE: December 7, 2016
CONTACT: Mayor Joseph A. Sack

AGENDA ITEM: Issues Update/Old Business

FOR THE MEETING OF:

December 7, 2016

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 Council

DATE: December 7, 2016

CONTACT: Mayor Joseph A. Sack

AGENDA ITEM: Mayor and Council amendments to the proposed 2017 City of Rye Budget.

FOR THE MEETING OF:

December 7, 2016

**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. 7

DEPT.: City Manager's Office

DATE: December 7, 2016

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Public Hearing on the proposed 2017 Budget.

FOR THE MEETING OF:

December 7, 2016

**RYE CITY CODE,
CHAPTER
SECTION**

RECOMMENDATION: That the Mayor and the Council hold a Public Hearing on the proposed 2017 Rye City Budget.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The Rye City Charter stipulates that a Public Hearing must be held on the proposed budget. The Public Hearing shall be held not later than the first Wednesday in December of the current year and upon at least 10 days' notice.

The City Manager presented the 2017 budget on November 9th. The Council held Workshops on November 14th, 16th and 28th.

The proposed 2017 Budget is available on the City website www.ryeny.gov.

The Budget adoption is scheduled for December 21, 2016.



CITY COUNCIL AGENDA

NO. 8

DEPT.: City Manager

DATE: December 7, 2016

CONTACT: Marcus Serrano, City Manager

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

FOR THE MEETING OF:

December 7, 2016

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Mayor and the Council hold a Public Hearing to adopt a Local Law to override the State enacted tax levy limitation.

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 2016

**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, 2017 and ending December 31, 2017 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c.

The City Council finds that this local law would provide the City the flexibility it may need when it adopts the 2017 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 2017 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.

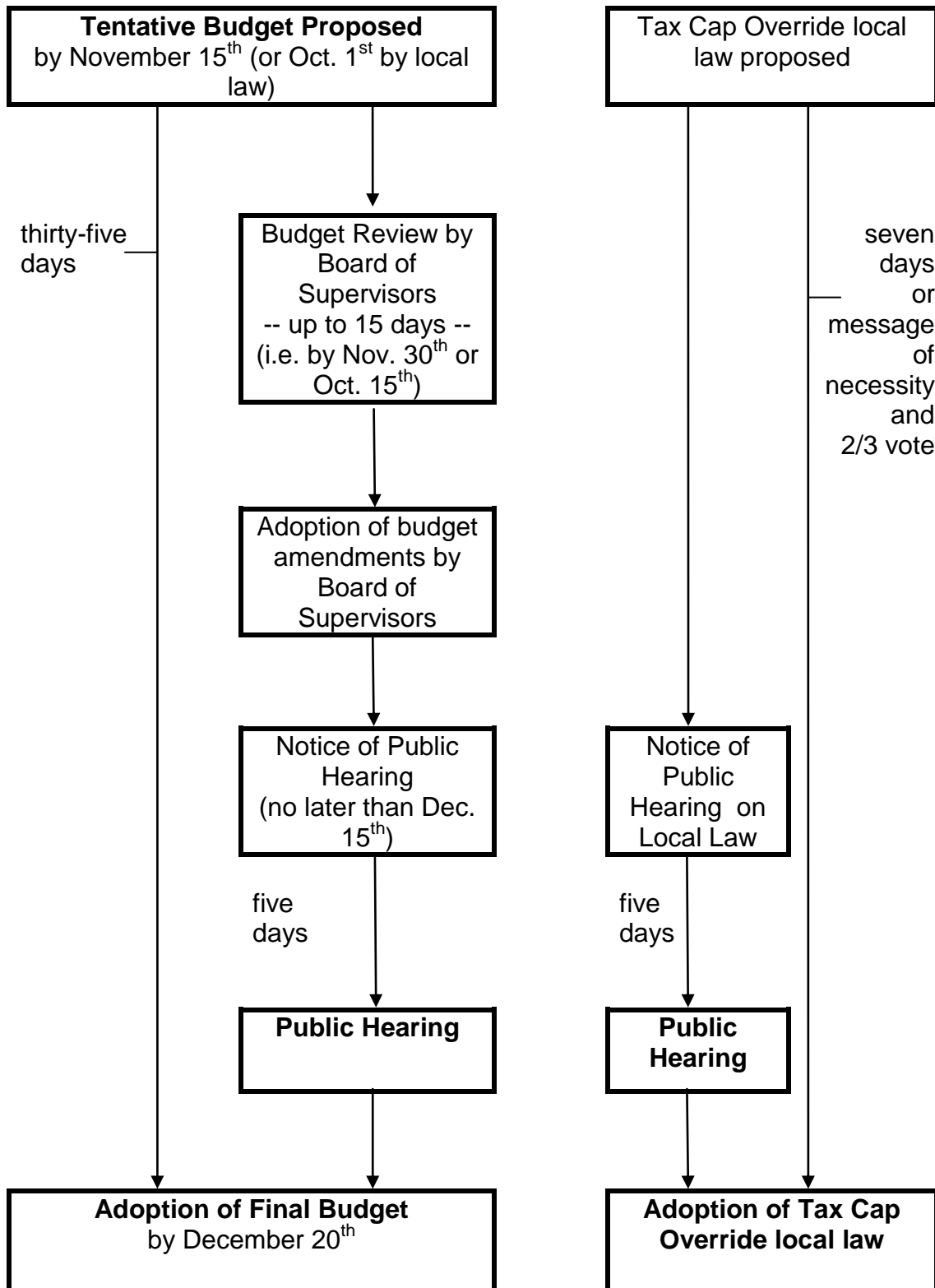
- **Consolidation.** When two or more local governments consolidate, the Office of the State Comptroller will calculate the tax levy limit for the first year after the consolidation. This calculation will be based upon the prior year tax levy limits of both local governments, but other factors pertaining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

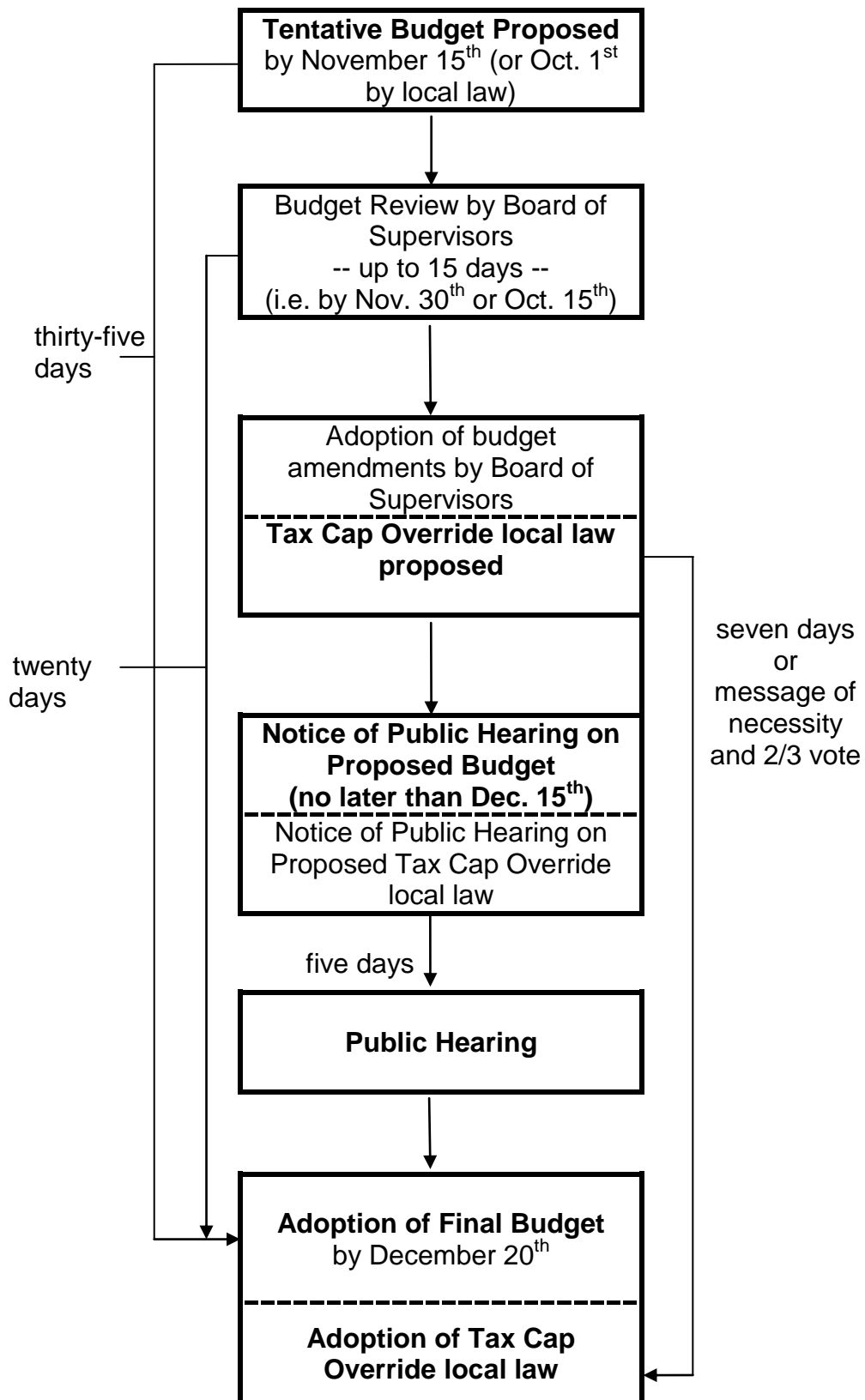
XI. Treatment of “Chargebacks” by Counties

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.

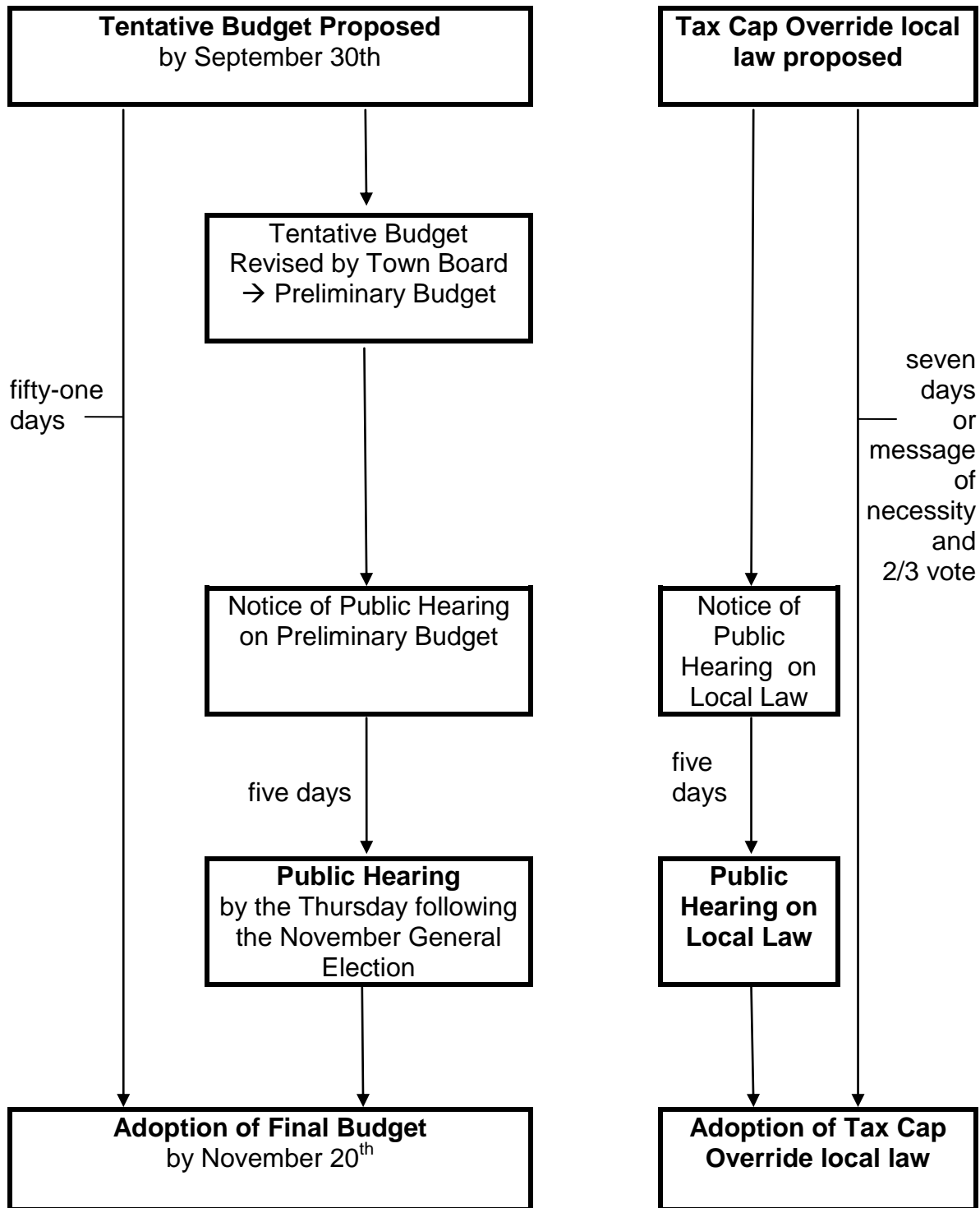
Appendix A Timeline for Tentative County Budget that Requires Tax Cap Override



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

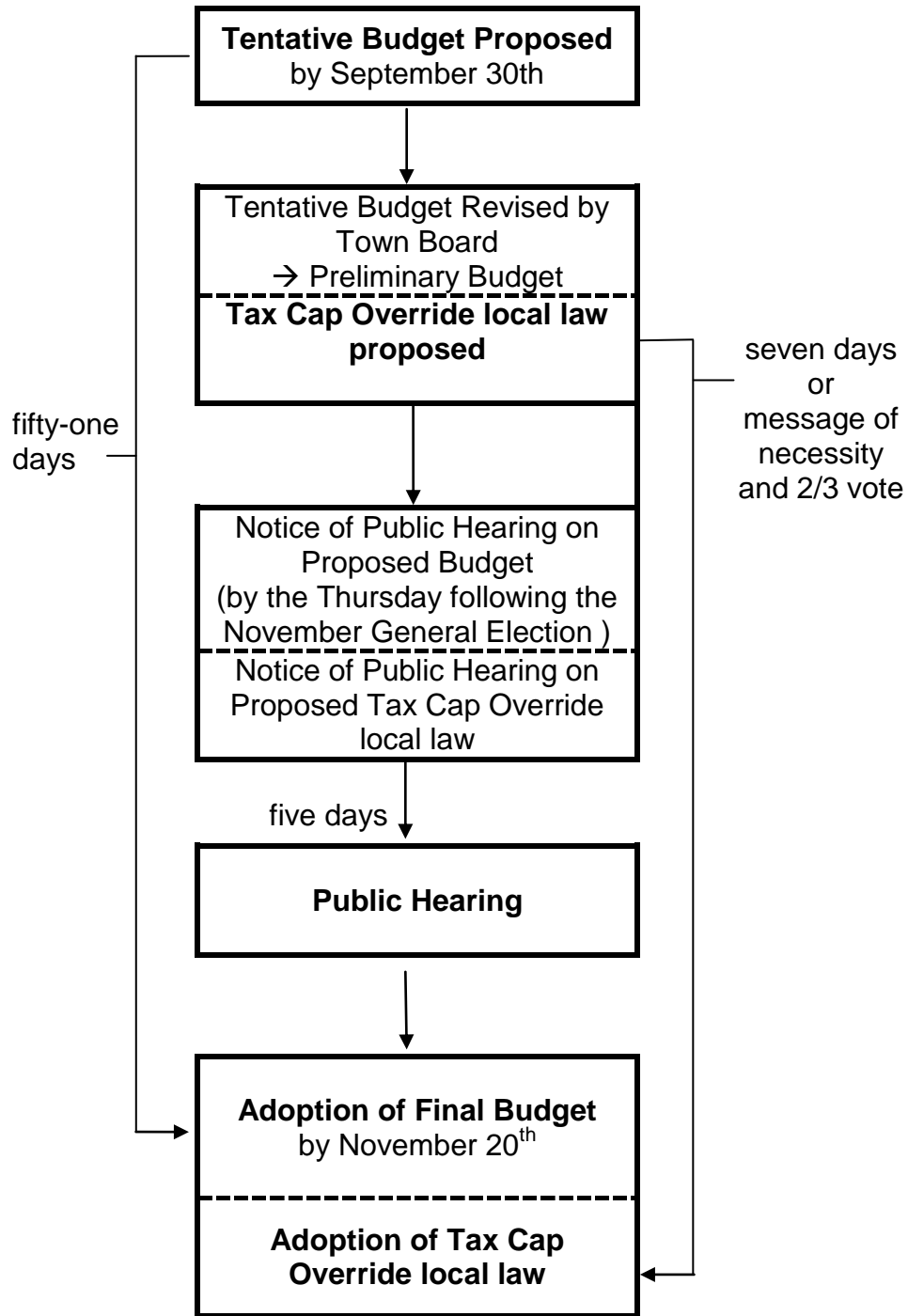


Appendix C
Timeline for Tentative Town Budget that requires Tax Cap Override*



* 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. 9

DEPT.: City Manager

DATE: December 7, 2016

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Consideration regarding the request from the Rye Town Park Commission for \$50,000 in funding from the City of Rye for the Rye Town Park's Capital Account for FY 2015.

FOR THE MEETING OF:

December 7, 2016

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the City Council review the request from the Rye Town Park Commission.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The Rye Town Park Commission is requesting \$50,000 from the City of Rye for the Rye Town Park's Capital Account for future capital expenditures. The City's contribution is generally determined by a prior year loss or outstanding capital projects; there are currently no capital projects identified.

The Agreement signed by the City and Town of Rye on January 31, 1942 stipulated the City's share of the assessed value at 39.278% of the Town's roll. Chapter 848 of the NYS law enacted in 1953 law codified that provision and sets forth the process for capital projects:

1. The RTP Commission identifies the scope of a project and the estimated cost.
2. The RTP Commission provides to the Rye City Council and Rye Town Board a certificate stating the costs of the project and the portions attributable to each municipality.
3. The cost to the City of Rye is the same proportion as the total assessed value of the entire property within the City of Rye as it appeared in the assessment roll of the Town of Rye on January 1, 1942. The balance is to be paid by the Town of Rye.

See attached request.



TOWN OF RYE

222 GRACE CHURCH STREET
PORT CHESTER, NY 10573

TEL: 914-939-3075 * FAX: 914-939-1465
<http://www.townofryeny.com>

GARY J. ZUCKERMAN, ESQ.
SUPERVISOR

DEBORAH A. REISNER
CHIEF-OF-STAFF/CONFIDENTIAL
SECRETARY TO THE SUPERVISOR

TOWN COUNCIL
WILLIAM J. VILLANOVA
DEPUTY SUPERVISOR
ANTHONY BAXTER
LINDSAY A. JACKSON
THOMAS F. NARDI

Mr. Joseph Fazzino
Rye City Acting Comptroller
1051 Boston Post Road
Rye, New York 10580

September 30, 2016

Dear Mr. Fazzino,

The Rye Town Park Commission requests \$11,961 due from the City of Rye as its annual capital contribution to Rye Town Park, as specified on page 7 of the Audited Statements for FY2015 provided by our Auditors, O'Connor Davies, LLP. Rye Town Park had an Operating Excess of \$163,550 in FY 2015. Therefore, no contribution for operating support of the Park is necessary.

As per the agreement reached by the Rye Town Park Commissioners at the Rye Town Park Commission meetings of the November 17th and December 15, 2015, we are requesting \$38,039, representing the balance the City budgeted for Rye Town Park. These funds will be designated for Rye Town Park's Capital Account and will be used to supplement future capital expenditures.

Description	Operating	Capital Supplement	Capital	Total
FY 2015 Excess (Page 7)	\$163,555.00		\$30,453.00	
FY2015 Town of Rye share	\$0	\$31,508	\$18,492.00	\$50,000
FY2015 City of Rye share	\$0	\$38,039	\$ 11,961.00	\$50,000

The combined grand total due from Rye City for FY2015 is \$50,000

Please make this payment to: "Rye Town Park Commission" and forward it to:
Rye Town Park Commission
Office of the Supervisor
222 Grace Church Street
Port Chester, New York 10573

Best regards,

Debbie Reisner
Secretary to the Rye Town Park Commission
Chief-of-Staff/Confidential Secretary to the Supervisor



CITY COUNCIL AGENDA

NO. 10

DEPT.: Finance

DATE: December 7, 2016

CONTACT: Joseph S. Fazzino, Deputy City Comptroller

AGENDA ITEM: Resolution to transfer \$100,000 from the Contingency account and appropriate \$200,000 from the General Fund, Fund Balance to the Legal Department to fund legal services.

FOR THE MEETING OF:
December 7, 2016

RECOMMENDATION: That the City Council adopt the following resolution:

WHEREAS, City staff has determined that the amounts required for the cost of legal services performed and on-going for various legal cases were not anticipated and were not provided for in the adopted 2016 budget, and;

WHEREAS, the General Fund Contingent Account has a balance of \$100,000, and;

WHEREAS, the General Fund, Fund Balance has sufficient monies, now therefore be it;

RESOLVED, that the City Comptroller is authorized to transfer \$100,000 from the General Fund Contingent Account and appropriate \$200,000 from the General Fund, Fund Balance to the City Legal Services Account.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: Use and status of the Contingent Account:

01/01/2016 Beginning balance	\$350,000
05/11/2016 Transfer to B&V Fund, Recreation Thruway Fields Project	(50,000)
06/08/2016 Transfer to Legal Department for legal services	(50,000)
09/14/2016 Transfer to Legal Department for legal services	(150,000)
12/07/2016 Transfer to Legal Department for legal services	<u>(100,000)</u>
12/07/2016 Balance	<u>\$ 0</u>



CITY COUNCIL AGENDA

NO. 11

DEPT.: Finance

DATE: December 7, 2016

CONTACT: Joseph S. Fazzino, Deputy City Comptroller

AGENDA ITEM: Resolution to appropriate \$30,000 from the General Fund, Fund Balance to the City Council Consultant Account to fund traffic engineering services for the United Hospital redevelopment project.

FOR THE MEETING OF:
December 7, 2016

RECOMMENDATION: That the City Council adopt the following resolution:

WHEREAS, City staff has determined that the amounts required for the cost of Consultant engineering services performed and on-going for the United Hospital redevelopment project was not covered by the amount in the adopted 2016 budget, and;

WHEREAS, the General Fund, Fund Balance has sufficient monies, now therefore be it;

RESOLVED, that the City Comptroller is authorized to appropriate \$30,000 from the General Fund, Fund Balance to the City Council Consultant Account.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The City Council engaged the services of Traffic Engineer Philip J. Grealy, Ph.D., P.E. of Maser Consulting P.A. in August, 2015 to assist the City with the United Hospital Redevelopment project. The Final Environmental Impact Statement (FEIS) for the United Hospital Redevelopment was discussed by the Village of Port Chester Board of Trustees at a meeting on November 29, 2016 and was held over. It is anticipated that the Board will take a vote on the FEIS at their meeting on December 19, 2016.

To date \$79,539.42 has been spent on Maser Consulting:

In 2015 \$42,350.78 was spent (\$33,033.55 United Hospital and \$9,317.23 Old Post Road)
In 2016 YTD \$37,188.64 was spent, all for United Hospital. \$20K was included in the 2016 Budget for United Hospital, via use of Fund Balance.



CITY COUNCIL AGENDA

NO. 13

DEPT.: City Manager

DATE: December 7, 2016

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Public Hearing to amend local law Chapter 194, "Water", of the Rye City Code by amending Section §194-1, "Conservation in times of emergency", to give the City Manager the authority to declare conservation in times of water emergency.

FOR THE MEETING OF:

December 7, 2016

RYE CITY CODE,

CHAPTER 194

SECTION 1

RECOMMENDATION: Public Hearing to amend local law Chapter 194, "Water", of the Rye City Code by amending Section §194-1, "Conservation in times of emergency", to give the City Manager the authority to declare conservation in times of water emergency.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

Chapter 194 of the City Code places limitations on the use of water in times of water emergencies. Currently the Code allows for the *City Council* to declare a water emergency based on advice from the officers or agents of the water company. This declaration would need to be made at a City Council meeting. The proposed change to Chapter 194 is to give the *City Manager* the authority to declare the water emergency, providing a more timely response during a water emergency as a City Council meeting would not need to be held.

See attached proposed Local Law.

CITY OF RYE
LOCAL LAW NO. 2016

A local law to amend Chapter 194 “Water Conservation” by repealing §§ 194-1 “Conservation in times of emergency” and 194-2 “Penalties for offenses” in their entirety and to adopt a new Chapter 194 “Water Supply Emergencies” as follows:

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

Section 1:

§ 194-1. Statement of purpose.

The City of Rye purchases water from the New York-American Water Company (hereinafter referred to as “Suez”) and from Westchester Joint Water Works (hereinafter “WJWW”). From time to time, the levels of the reservoirs will require the declaration of a water supply emergency. When a water supply emergency is declared, there are certain water use restrictions that must be implemented. Accordingly, the purposes of this chapter are:

- A. To codify and thereby enable the City of Rye to enforce water-use restrictions imposed during a water supply emergency by Suez and/or Westchester Joint Water Works, acting in conjunction with the municipalities it services;**
- B. To restrict the wasteful, inefficient and/or nonessential use of water during periods of drought; and**
- C. To establish penalties for violations and to provide for enforcement of water conservation measures in the City of Rye for the protection of the health, safety and welfare of the City.**

§ 194-2. Drought Response Plan.

The Drought Response Plan of the Connecticut-American and New York-American Water Companies, which plan was established on July 13, 1995, and subsequent modifications and/or supplements thereto published by the Connecticut-American and New York-American Water Companies (hereinafter collectively referred to as the “Drought Response Plan”) shall be incorporated by reference into this chapter and become a part thereof. Similarly, any plan developed by Westchester Joint Water Works shall be incorporated by reference into this chapter and become a part hereof

§ 194-3. Applicability.

Any person, corporation or entity located within the territorial boundaries of the City of Rye that receives, purchases, and/or uses water supplied by United Water/Suez and/or Westchester Joint Water Works shall be subject to the provisions of this chapter.

§ 194-4. Declaration of water supply emergency.

- A. Based upon the levels of the reservoir(s) of the New York-American Water Company (now Suez Water) and/or Westchester Joint Water Works, the precipitation levels in the territories serviced by Suez and in the watershed area of its reservoir(s) and the time of year, Suez may declare the existence of a water supply emergency in one of three possible phases.**
- B. Suez shall provide notice of its declaration of a water supply emergency in a newspaper of general circulation in the City of Rye and by transmittal to the radio and television media in the territorial areas serviced by it.**
- C. When a water supply emergency is declared, the City of Rye is subject to the restriction imposed by the Drought Response Plan.**

§ 194-5. Variances.

- A. Upon written application of any person, corporation or entity, the City Manager may, in his or her discretion, want an exemption and/or variance relieving such person, corporation or entity from compliance with the water use restrictions imposed on the basis of factors including but not limited to any of the following:**
 - 1. An undue hardship would otherwise result;**
 - 2. No possible alternatives exist;**
 - 3. The applicant has taken and will take all possible measures to conserve water, with a complete description of such measures and the water savings to be effected;**
 - 4. Such exemption and/or variance is not inconsistent with the purposes of this chapter; and/or**
 - 5. The source and nature of the applicant's water supply.**
- B. In connection with any exemption and/or variance which may be granted, the City Manager shall impose such terms and conditions as he or she deems appropriate. Any variance and/or exemption granted shall be fashioned to comport as strictly as possible with the intent of this chapter.**
- C. The determination by the City Manager to grant or to deny an**

exemption and/or variance from compliance with the water use restrictions imposed bay be appealed to the City Council. Upon receipt of such an appeal, the City Council shall affirm, reverse or modify the determination of the City Manager and impose such terms and conditions as it deems appropriate.

§ 194-6. Enforcement.

The City Police Department and the City Building Inspector are hereby designated enforcement officers with respect to water use restrictions set forth above.

§ 194-7. Penalties for offenses.

Any person, corporation, or entity violating any water use restrictions imposed pursuant this Chapter may, upon conviction, be punished for the first offense by a fine of not more than \$250; and for the second offense, by a fine of not less than \$250 but not more than \$500, or by imprisonment for not more than 15 days, or both. The third or any subsequent offense within 12 months may be a punishable by a fine of not less than \$500 nor more than \$750 or by imprisonment not exceeding six months, or by both such fine and imprisonment. Each day that a violation under this chapter continues may be considered a separate offense for which a fine or imprisonment may be imposed.

Section 2: Severability.

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

Section 3: Effective date.

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



CITY COUNCIL AGENDA

NO. 14

DEPT.: City Manager

DATE: December 7, 2016

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Public Hearing on the proposed revision to the Rye City Charter to rescind Article 12 “Police Department” and Article 13 “Fire Department” and create a new Article 12 “Department of Public Safety” and to create a new position of “Commissioner of Public Safety” which position shall have charge and supervision of the Police and Fire Departments.

FOR THE MEETING OF:

December 7, 2016

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council hold a Public Hearing on the proposed revision to the Rye City Charter regarding the establishment of a “Department of Public Safety” and the creation of a new position of “Commissioner of Public Safety” *to reflect that the Public Safety Commissioner shall be appointed by the City Manager with the consent of the Mayor and City Council.*

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: At the July 13, 2016 City Council meeting the City Council approved the changes to the City Charter to establish a Department of Public Safety and to create a new position of Commissioner of Public Safety who will oversee the supervision of the Police and Fire Departments. Rye voters passed the Proposition on November 8, 2016 confirming the establishment of the Department of Public Safety and the creation of the position of Commissioner of Public Safety. The Charter amendment before the Council is to reflect that the Public Safety Commissioner shall be appointed by the City Manager with the consent of the Mayor and City Council as the Charter previously reflected this Mayor and City Council consent for the Police Commissioner. The Local Law approved in July, 2016 inadvertently did not note this consent.

See attached revised Local Law.

CITY OF RYE
LOCAL LAW NO. 2016

A local law to rescind Article 12 “Police Department” and Article 13 “Fire Department” of the Rye City Charter and create a new Article 12 “Department of Public Safety” and to create a new position of “Commissioner of Public Safety”, which position shall have charge and supervision of the Police and Fire Departments as follows:

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

Section 1: Repeal City Charter Article 12 “Department of Police” in its entirety and replace same with a new Article C12 “Department of Public Safety”

Section 2: Repeal City Charter Article 13 “Fire Department” in its entirety.

Section 3: Department of Public Safety.

Article C12-1. “Commissioner of Public Safety”

- A. There shall be Department of Public Safety, the head of which shall be the Commissioner of Public Safety, who shall be appointed by the City Manager, and he/she shall serve at the pleasure of the City Manager **except that the City Manager shall obtain the consent of the Mayor and the City Council when appointing the Commissioner of Public Safety.** The Commissioner of Public Safety shall have at least the qualifications and experience specified by the City Council. The Commissioner of Public Safety shall report directly to the City Manager.
- B. The Commissioner of Public Safety shall have charge and supervision of the Fire and Police Departments and shall provide in all ways possible for the safety, care, comfort and protection of the inhabitants of the City of Rye and of their property.

Article C12-2. Powers and Duties of Commissioner of Public Safety.

- A. The Commissioner of Public Safety shall have jurisdiction, supervision and control of the government, administration, disposition and discipline of the officers and members of the Fire and Police Departments; and shall possess and exercise fully and exclusively all powers and perform all duties pertaining to the government, maintenance and direction of the fire department, and the apparatus and property thereof, and buildings furnished therefore and of the Police Department and equipment furnished therefore, and shall have the general directions and supervision of the expenditure of all moneys appropriated to the Department of Public Safety. He/she shall have authority to administer oaths and take evidence, affidavits and acknowledgements in all matters and proceedings pertaining to the Department of Public Safety.
- B. The Commissioner of Public Safety shall have the power to make rules and regulations, approved by the City Council, in regard to the government,

administration, disposition and discipline of the members Fire Department and the Police Department. Such rules and regulations may provide for the hearing, examination, investigation, trial and determination of charges made or prepared against any officer or member of said department for neglect of official duty or incompetency or incapacity to perform his official duties, or some delinquency seriously affecting his general character or fitness for the office, and may, in his/her discretion, punish, discipline and/or terminate any officer or member found guilty thereof, after reasonable notice and upon due trial by the aforesaid Commissioner of Public Safety in the form and manner prescribed by the rules and regulations of his Department.

- C. The Commissioner of Public Safety shall have the power to appoint all officers and members of the Fire Department, except those positions which are elected positions by the Volunteer Fire Department and all officers and members of the Police Department, including Bay Constables, subject to civil service rules and regulations, to such positions in said departments as are established by the City Council.
- D. The Commissioner of Public Safety shall have general supervision over the records of the Department of Public Safety and its officers and employees and shall possess such other powers and perform such other duties as may be prescribed by law or by resolution of the City Council.
- E. The Commissioner of Public Safety shall be responsible for the administration and supervision of police officers assigned to policing and enforcing all laws and ordinances applicable to Rye Town Park and the maintenance of order therein.
- F. The Commissioner of Public Safety shall assist the City Manager in the administration of flood, disaster and other emergency plans.
- G. The Commissioner of Public Safety shall be responsible for the administration, in coordination with other municipalities, of an emergency ambulance service on behalf of the inhabitants of the City.

Article C12-3. Constitution of the Fire Department and the Police Department.

The Fire Department shall be supervised by the supervisory career officers and such other officers as the Commissioner of Public Safety shall authorize. The Police Department shall consist of the paid division, including the Bay Constables, and the auxiliary police division and shall be supervised by the supervisory career officers of the Police Department and such other officers as the Commissioner of Public Safety shall authorize. The supervisory career officers of the Fire Department and the supervisory career officers of the Police Department, under the direction and control of the Commissioner of Public Safety, shall have the supervision and management of the officers, employees and members of the respective departments.

Article C12-4. Election and approval of officers of the Rye Volunteer Fire Department.

The Rye Volunteer Fire Department shall be constituted of a/several volunteer fire company(ies) and shall have the power to elect a chief, a first assistant chief, a second assistant chief, and all company officers to be elected from the company(ies); however, such positions shall only be filled if such volunteers meet all of the training requirements established by the Commissioner of Public Safety. All elected officers shall be approved by the Commissioner of Public Safety and the City Council. The chief, first assistant chief and second assistant chief shall work with the supervisory career officers of the Fire Department and report directly to the Commissioner of Public Safety. Each company shall have the power to elect company officers as are necessary and to select members to fill any vacancies which may occur in their ranks. The company(ies) may adopt by-laws, subject to the approval of the Public Safety Commissioner, City Manager and City Council, to govern the leadership, management and direction of their respective company(ies). The Commissioner of Public Safety may remove any member on the ground of incompetence or misconduct after a hearing upon due notice and upon stated charges with the right of such officer and member to a review pursuant to article seventy-eight of the civil practice law and rules.

Section 4: Severability.

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

Section 5: Effective date.

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

DATE: December 7, 2016

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Continuation of the Public Hearing regarding the request by Crown Castle to amend their agreement with the City regarding existing wireless telecommunications specifications and referral to the Board of Architectural Review for additional attachment locations.

FOR THE MEETING OF:

December 7, 2016

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the City Council continue the Public Hearing regarding Crown Castle's request regarding an agreement amendment and the placement of additional attachments.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The City Council approved an agreement with NextG Networks, Inc. at their January 12, 2011 City Council Meeting to conduct business as a telecommunications company operating with infrastructure located in the City's public ways. Crown Castle purchased NextG in December 2011. Crown Castle is seeking an amendment to the agreement with the City to change the language to "Con Edison approved shroud," as Con Edison is the local utility who owns most of the poles in the right-of-way in the City.

Crown Castle currently has nine (9) facilities in the City of Rye. They are seeking to add approximately fifty (50) additional locations within the City's right-of-way.

The City Council referred the application for additional locations to the Board of Architectural Review (BAR) at their April 13, 2016 meeting. The BAR approved the application at their May 9, 2016 meeting.

Documents regarding Crown Castle are available on the City website at www.ryeny.gov.



CITY COUNCIL AGENDA

NO. 16

DEPT.: City Manager

DATE: December 7, 2016

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Consideration to review a SEQR determination in connection with the request submitted by Crown Castle to amend the Right of Way Use Agreement and the installation of additional locations to their existing wireless telecommunications located in the City of Rye.

FOR THE MEETING OF:

December 7, 2016

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the City Council review the Full Environmental Assessment Form (EAF) submitted by Crown Castle.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

The City Council issued the SEQRA Notice of Intent to serve as Lead Agency for Crown Castle's request to amend the Right of Way Use Agreement at their at their October 5, 2016 City Council meeting. Crown Castle submitted the Full Environmental Assessment Form (EAF) at the City Council meeting on October 19, 2016. Under the State Environmental Quality Review (SEQR) Act, the City Council must review the EAF prior to making a determination of environmental significance.