

## **CITY OF RYE**

### **NOTICE**

There will be a regular meeting of the City Council of the City of Rye on Wednesday, December 20, 2017, at 7:30 p.m. in Council Chambers at City Hall.

### **AGENDA**

1. Pledge of Allegiance.
2. Roll Call.
3. Draft unapproved minutes of the Regular Meeting of the City Council held December 6, 2017.
4. Continuation of the Public Hearing on the proposed 2018 Budget.
5. Continuation of the Public Hearing to adopt a Local Law to override the State enacted tax levy limitation.
6. Resolution to adopt the 2018 Budget and establish the 2018 tax levy and 2018 tax rate.  
Roll Call.
7. Resolution authorizing the City Comptroller to make the necessary year-end closing transfers.  
Roll Call.
8. Public Hearing to amend local law Chapter 197, "Zoning" of the Rye City Code by amending Section §197-3, "Zoning Map", Subsection "a", to change the zoning designation of a property at 280 Purchase Street from RA-2, *Apartment*, District to B-1, *Neighborhood Business*, District designation.
9. Public Hearing to amend local law Chapter 35, "Traffic Violations Bureau" of the Rye City Code by amending provisions related to the disposition of parking violations.
10. Resolution to waive parking restrictions and parking fees in all downtown parking lots and Purchase Street for the period between December 18, 2017 and December 24, 2017.  
Roll Call.
11. Resolution to approve a new retainer agreement with the Corporation Counsel.  
Roll Call.
12. Resolution to authorize participation in Westchester County contracts.  
Roll Call.
13. Resolution authorizing the Mayor to execute an agreement with the Rye Free Reading Room to furnish library services for 2018.  
Roll Call.

14. Resolution to appropriate \$9,135 of the Police Department's 1033 account and transfer to the Building and Vehicle Fund for the detailing of three police vehicles acquired through the NYS LESO 1033 program for use in the specialized and auxiliary enforcement units.  
Roll Call.
15. One appointment to the Boat Basin Commission, by the Council, to fill a term expiring on January 1, 2019.
16. Resolution designating January 10, 2018 as the first regular meeting of the City Council for 2018.
17. Adjournment.

\* \* \* \* \*

The next regular meeting of the City Council will be held on Wednesday, January 10, 2018 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](http://www.ryeny.gov) under "RyeTV Live".

\* Office Hours of the Mayor by appointment by emailing [jsack@ryeny.gov](mailto:jsack@ryeny.gov) or contacting the City Manager's Office at (914) 967-7404.



# CITY COUNCIL AGENDA

NO. 3

DEPT.: City Clerk

DATE: December 20, 2017

CONTACT: Carolyn D'Andrea, City Clerk

**AGENDA ITEM:** Draft unapproved minutes of the regular meeting of the City Council held December 6, 2017.

**FOR THE MEETING OF:**

December 20, 2017

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** That the Council approve the draft minutes.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** Approve the minutes of the regular meeting of the City Council held December 6, 2017, as attached.

***DRAFT UNAPPROVED MINUTES***  
of the Regular Meeting of the City Council of  
the City of Rye held in City Hall on December  
6, 2017, at 7:30 P.M.

PRESENT:

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

ABSENT:

None

The meeting of the City Council convened at 7:30 P.M.

1. Pledge of Allegiance.

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

2. Roll Call.

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

9. Consideration to set a Public Hearing for December 20, 2017 to amend local law Chapter 197, "Zoning" of the Rye City Code by amending Section §197-3, "Zoning Map", Subsection "a", to change the zoning designation of a property at 280 Purchase Street from RA-2, Apartment, District to B-1, Neighborhood Business, District designation.

This item was taken out of order. David Mooney, architect for 280 Purchase Street, made a statement to the Council. He stated that the majority of the property was located in one zoning district, while the remainder was in another. In 2004, the lot line was moved. The applicant would like the Council to consider changing the zoning designation, so that the entire lot falls within one conforming zone.

Mayor Sack made a motion, seconded by Councilman Mecca second to set the Public Hearing for December 20, 2017 to amend local law Chapter 197, "Zoning" of the Rye City Code by amending Section §197-3, "Zoning Map", Subsection "a", to change the zoning designation of a property at 280 Purchase Street from RA-2, Apartment, District to B-1, Neighborhood Business, District designation.

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

This item was taken out of order. Jeff Dorfman, 38 Breevort Lane, sought clarification on neighborhood noise in the City Code. He asked what rights individual homeowners have to a quiet environment. Specifically, he asked for an understanding of lawn moving and leaf blowing at all hours. There was a discussion of Chapter 133 of the City Code. Mayor Sack recommended that in the future, calling the police or the building department as enforcement of the Code would be helpful.

3. General Announcements.

Councilman McCartney announced that the Holiday Bonfire was a success. He thanked the Recreation staff, Fire Department and Police Department for their hard work during the event. He also announced that registration opened on December 5, 2017 for winter recreation programs. On behalf of the Rye Golf Club, Councilman McCartney announced that the End of the Year Party would be held December 7, 2017 from 7:00 to 9:00 P.M. at Whitby Castle. Lastly, he announced that the golf course greens were still open, but would likely close with the upcoming frost.

Councilwoman Killian announced that Rye Youth Council would be hosting an event, "Understanding Boys," with Troy Kemp, the Executive Director of the National Center for the Development of Boys, at the Wainwright House on December 6 and 7, 2017.

Councilwoman Hurd announced that the Holiday party for the Rye Chamber of Commerce would be held on December 7, 2017 from 6:00 to 8:00 P.M. at Morgan's Fish House.

4. Draft unapproved minutes of the Regular Meeting of the City Council held November 29, 2017.

Councilwoman Killian made a motion, seconded by Councilwoman Tagger-Epstein, to approve the minutes of the Regular Meeting of the City Council held November 29, 2017.

5. Issues Update/Old Business.

There was nothing discussed under this agenda item.

6. Mayor and Council amendments to the proposed 2018 City of Rye Budget.  
Roll Call.

Mayor Sack stated that he had asked for options to propose to reduce the tax levy increase. He thanked City Manager Serrano, City Comptroller Fazzino, and Councilmembers, who had studied the options and would present some this evening.

Councilwoman Bucci made a motion, seconded by Councilman McCartney, to adopt the following proposed budget changes:

On the revenue side, 1) adding \$145,000 for budget Building Department revenues, 2) an increase of \$25,000 in sales tax revenue, 3) \$25,000 increase in vehicle and traffic fines, 4) \$25,000 in parking fines, 5) \$25,000 in interest income. Further, the following decreases were included in the motion: 1) reducing outside legal fee budget by \$100,000, 2) decreasing building fund charges by \$60,000 (cleaning services and building consultants), 3) reduce street lighting costs by \$100,000 due to savings from LED light installation, 4) removing proposed decrease in hydrant costs due to relying on other entities to move forward, 5) using \$200,000 of fund balance to offset operating expenses, 6) capital project removal of the parking deck study (\$100,000); and 7) capital project removal of the Forest Avenue study capital project (\$150,000).

There was discussion on the motion prior to the vote.

Councilwoman Tagger-Epstein stated she had concerns with the adjustments proposed. She said her understanding was that this budget would require the City to go over the tax cap in an effort to avoid pulling from the General Fund. She said that the raise would not be a substantial amount (\$20/ month) per household, and keeps the City out of the General Fund. She said with regard to hydrant costs specifically, she did not agree with taking \$190,000 out of fund balance. Councilwoman Tagger-Epstein also opposed reducing outside legal fees by \$100,000 after the City had seen a high amount of legal fees in recent years. She also expressed concern over building permit revenues with the recent proposed federal tax implications.

Councilwoman Bucci said that those items were fair points. She defended the motion by stating the Building Department would not be gambling on the issue of revenues or a new position, as a hire would only occur if the position could be substantiated by a certain amount of revenue. Second, she stated that outside legal fees would go from \$300,000 to \$200,000. Councilwoman Bucci said that she agreed with taking hydrant costs out of the budget due to uncertainty. She said that there was \$4.3 million in fund balance, and an argument could be made that a large fund balance could be a waste of reserves. Therefore, she said she was in support of taking \$200,000 out of fund balance.

Councilwoman Hurd stated concern over building permit revenues and staffing. She said that the Building Department is currently overburdened. She said that the permit backlog is huge because the department is not adequately staffed and stressed the need for a new hire. Councilwoman Hurd stated she was against increasing building permit revenues. She said she also could not support reducing the projected legal fees with current trends.

Councilwoman Tagger-Epstein added that with Building Department revenues, there is currently an overload of permits, not anticipated to drop off soon. She felt strongly that the Building Department needs to hire someone in the near future.

There was discussion about the building permit revenues projected.

There was then extensive discussion over projected and past legal fees, both outside and inside fees and retainers.

Councilwoman Hurd said that the other issue that she had was decreasing the expenses for Rye Town Park, which has some upcoming capital improvement needs. She stated she did not feel comfortable decreasing the funds allocated to Rye Town Park. Further, she stated that she disagreed with taking out \$200,000 from fund balance. She said that she supported leaving in the funding for the parking study and Forest Avenue sidewalk study. She said she would suggest cutting the Gagliardo Park improvements if there is a need to cut a capital project.

Councilman McCartney said that the City cannot just keep blowing through the tax cap every year, as it is not fiscally responsible. He recalled that last year the Council felt that it could not ensure the long term health of the City without going over the tax cap for that year, but there was not a plan to continue this trend. With respect to legal fees, Councilman McCartney said that after a review of the previous ten year average, he is comfortable moving forward with the amendments proposed by Councilwoman Bucci. He said that for six of the last ten years, there had been lower numbers. He further stated that with respect to the Forest Avenue study, there had never been a consensus on the Council on the Forest Avenue project. He also said that Gagliardo Park was one of the most neglected parks in Rye. The City had not spent money at Gagliardo Park in years and he stated that the playground is unsafe. He supported keeping that project in the budget. He said he also agreed with the parking deck study, which has been supported by residents and the consultant in the Master Plan study. Councilman McCartney thanked fellow councilmembers and City Comptroller Fazzino for their input in proposing changes to the budget that would help keep the City below the tax cap.

Councilwoman Killian said that she agreed with Councilman McCartney about not going over the tax cap. She said that there was never any consensus that the Council would exceed the cap. She highlighted that there was a possibility that residents would not be able to deduct state and local taxes pursuant to proposed federal tax regulations. Regarding Forest Avenue, she said it might not be prudent to spend \$150,000 when the entire project could cost upward of \$2 to 3 million dollars. She said she did not think this Council should be deciding priorities for the new Council. She stated she disagreed with allocating funds to the parking study. With regard to Rye Town Park, she said the City already had \$50,000 that was not spent previously, with an extra \$20,000 saved. Further, she said that Rye Town Park was operating at a surplus now.

Councilwoman Tagger-Epstein asked if the \$70,000 that had been set aside for Rye Town Park gets rolled over to the new budget. City Comptroller Fazzino confirmed that if the Council would like to do so, the amount can be rolled over.

There was general discussion over rolling the funds over for the 2018 budget with regard to Rye Town Park.

Mayor Sack stated that the budget is about prioritizing, managing expenses, and estimating revenues.

City Comptroller Fazzino stated that with the proposed amendments, the City would be \$10,649 under the tax cap.

ROLL CALL

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

7. Public Hearing on the proposed 2018 Budget.

Councilman Mecca made a motion, seconded by Councilwoman Killian, to open the public hearing on the proposed 2018 Budget.

Robin Jovanovich, Rye Resident and Rye Record, brought up the current federal tax changes. She said that the changes on the federal level would have a huge impact on Rye residents. She asked City Manager Serrano if his thinking changed based on what is happening in the national arena.

City Manager Serrano responded that during the discussion when he presented the budget, it was a concern and that he and City staff thought about very seriously. He said with regard to building revenues and trends, most of the permits are for home renovations. He said the City did not want to overtax residents. He stated he was happy that the City had the cushion of fund balance. He said that with regard to the federal regulations, the City will have a better idea in the next year of how residents and the City will be affected. He stated that because of the unknown, he would like to avoid the risk of taxing people unnecessarily.

Mayor Sack stated that there was active management on the budget that occurs during the year. He recounted that retired City Manager, Frank Culross, would monitor the budget revenues as they came in, making adjustments if need be throughout the year.

Bertrand de Frondeville, 19 Hook Road, made a statement opposing the override of the State-enacted tax levy limitation. He thanked the Council for considering bringing the budget under the tax cap. He brought up capital projects and recommending bonding for these priorities.



Councilwoman Killian thanked Comptroller Fazzino for his work on the budget and receiving the GFOA award.

The Public Hearing on the 2018 Budget was kept open.

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

Mayor Sack made a motion, seconded by Councilwoman Tagger-Epstein, to open the Public Hearing to adopt a Local Law to override the State-enacted tax levy limitation.

The Public Hearing was kept open.

10. Consideration to set a Public Hearing for December 20, 2017 to amend local law Chapter 35, "Traffic Violations Bureau" of the Rye City Code by amending provisions related to the disposition of parking violations.

Corporation Counsel Wilson explained that this would amend the Code to allow the City Council to designate a person to oversee the resolution of parking ticket issues.

Mayor Sack made a motion, seconded by Councilwoman Killian and unanimously carried, to set a Public Hearing for December 20, 2017 to amend local law Chapter 35, "Traffic Violations Bureau" of the Rye City Code by amending provisions related to the disposition of parking violations.

12. Resolution to transfer funds donated to the *Branching out for Rye Campaign* to the General Fund, Shade Tree cost center.

Roll Call.

City Manager Serrano said that the Sustainability Committee had been raising funds for the planting of trees. Sara Goddard, Rye Sustainability Committee, thanked the donors and the committee for raising funds and for the efforts selecting seven trees and planting them throughout the City.

Councilwoman Tagger-Epstein made a motion, seconded by Councilwoman Hurd, to adopt the following resolution:

**WHEREAS**, the Branching out for Rye Campaign raised funds to purchase and plant trees for the City of Rye; and

**WHEREAS**, due to the generosity of campaign donors, an amount of \$2,055.00 was raised during the campaign; and

**WHEREAS**, the donations must be transferred into the project account as preparations are made to have the trees purchased and planted; be it therefore

**RESOLVED**, that the City Comptroller is authorized to transfer the amount of \$2,055.00 from the General Fund account to the General Fund Account "Shade Tree Project" for the purchase of trees using funds donated.

ROLL CALL

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

13. Acceptance of the donation of a boat to the Rye Boat Basin Marina.  
Roll Call.

City Manager Serrano explained that the American Yacht Club would like to donate a boat to the Rye Boat Basin Marina, and procedure requires that the City Council must accept the donation by resolution. He thanked the American Yacht Club for the donation.

Councilwoman Hurd made a motion, seconded by Councilwoman Killian, to adopt the following resolution:

**WHEREAS**, the American Yacht Club desires to donate a 17-foot Boston Whaler boat to the Rye Boat Basin Marina; and

**WHEREAS**, the Marina staff will use the boat for moving floats and maintenance of the marina; and

**WHEREAS**, the 17-foot Boston Whaler boat has an estimated value of \$1,500; now, therefore be it

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

**RESOLVED**, that the City Comptroller is authorized to add the boat to the list of City assets.

ROLL CALL

AYES: Mayor Sack, Councilmembers Bucci, Hurd, Killian, McCartney, Mecca and Tagger-Epstein

NAYS: None  
ABSENT: None

14. Resolution to declare certain equipment as surplus.  
Roll Call.

City Manager Serrano explained that Commissioner Corcoran had provided a memo recommending that certain items be declared as surplus by the City Council, as those items had become obsolete.

Councilman McCartney made a motion, seconded by Councilwoman Killian, to adopt the following resolution:

**WHEREAS**, the City has been provided with a list of Police equipment, acquired through the NYS LESO 1033 program, identified as being obsolete or will become obsolete during 2017, and,

**WHEREAS**, the Police Department has recommended that said equipment be declared surplus and they have been cleared by NYS LESO to be disposed of, now, therefore, be it

**RESOLVED**, that said equipment is declared surplus, and, be it further

**RESOLVED**, that authorization is given to the City Comptroller to sell or dispose of said equipment and that the revenue be deposited in the Fund Balance Reserve for Law Enforcement.

ROLL CALL

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

15. Miscellaneous communications and reports.

There was nothing discussed under this agenda item.

16. New Business.

There was nothing discussed under this agenda item.

17. Adjournment.

There being no further business to discuss, Councilman Mecca made a motion, seconded by Councilman McCartney and unanimously carried, to adjourn the meeting at 9:06 P.M. into Executive Session to discuss personnel matters.

Respectfully submitted,

Carolyn D'Andrea  
City Clerk



# CITY COUNCIL AGENDA

NO. 4      DEPT.: City Manager's Office      DATE: December 20, 2017  
CONTACT: Marcus Serrano, City Manager

<p><b>AGENDA ITEM:</b> Continuation of the Public Hearing on the proposed 2018 Budget.</p>	<p><b>FOR THE MEETING OF:</b> December 20, 2017</p> <p><b>RYE CITY CODE,</b> CHAPTER SECTION</p>
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**RECOMMENDATION:** That the Mayor and the Council hold a Public Hearing on the proposed 2018 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 8, 2017. The Council held Budget Workshops on November 13<sup>th</sup> and 29<sup>th</sup>.

The Public Hearing on the Budget was opened on December 6, 2017 and the Budget adoption is scheduled for December 20, 2017.

The proposed 2018 Budget is available on the City website [www.ryeny.gov](http://www.ryeny.gov).



# CITY COUNCIL AGENDA

NO. 5

DEPT.: City Manager

DATE: December 20, 2017

CONTACT: Marcus Serrano, City Manager

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

**FOR THE MEETING OF:**

December 20, 2017

**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 2017**

**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, 2018 and ending December 31, 2018 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 2018 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 2018 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 Four<sup>1</sup>)
- 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

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<sup>1</sup> 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.

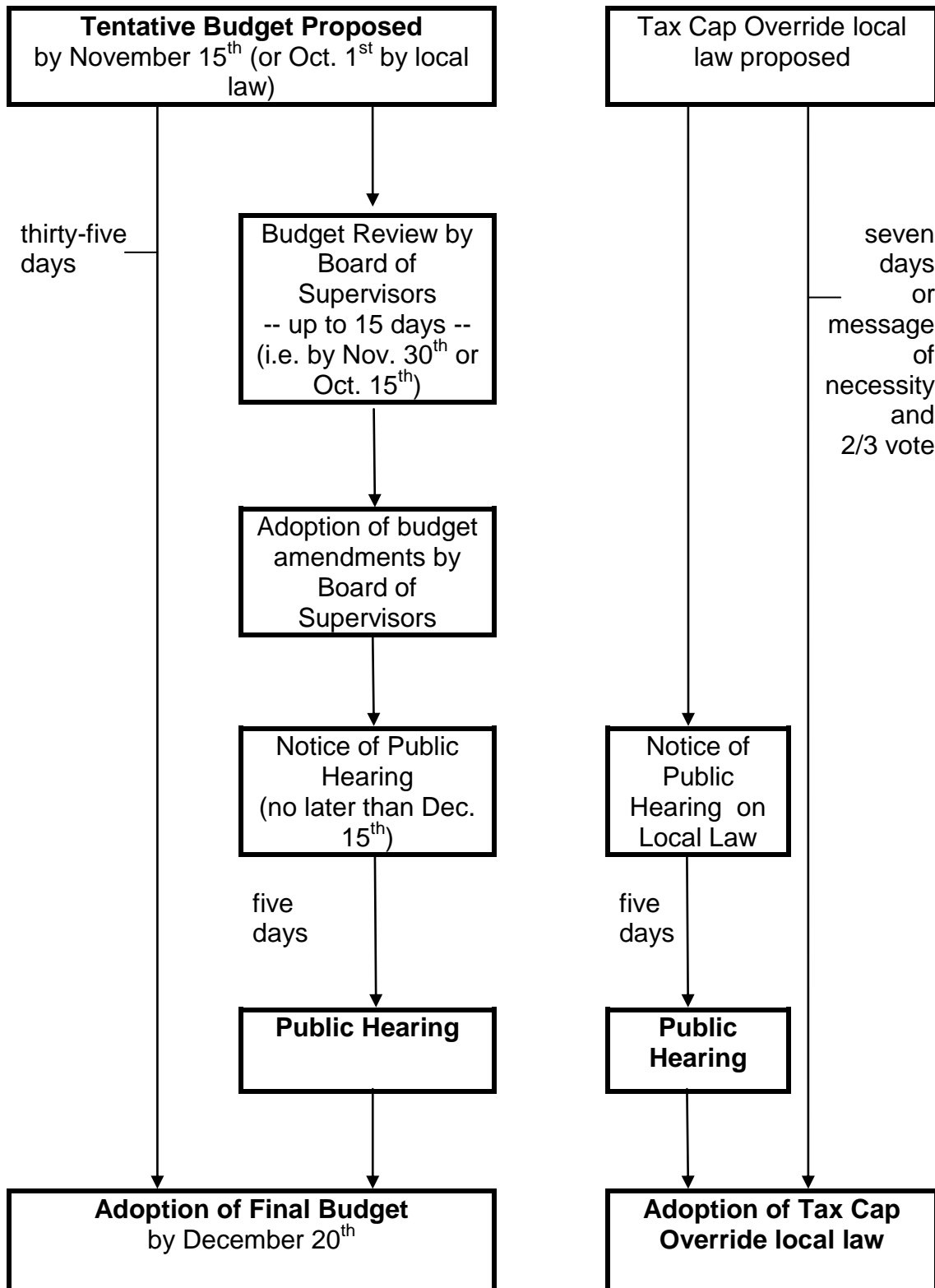
- **Consolidation.** When two or more local governments consolidate, the Office of the State Comptroller will calculate the tax levy limit for the first year after the consolidation. This calculation will be based upon the prior year tax levy limits of both local governments, but other factors pertaining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

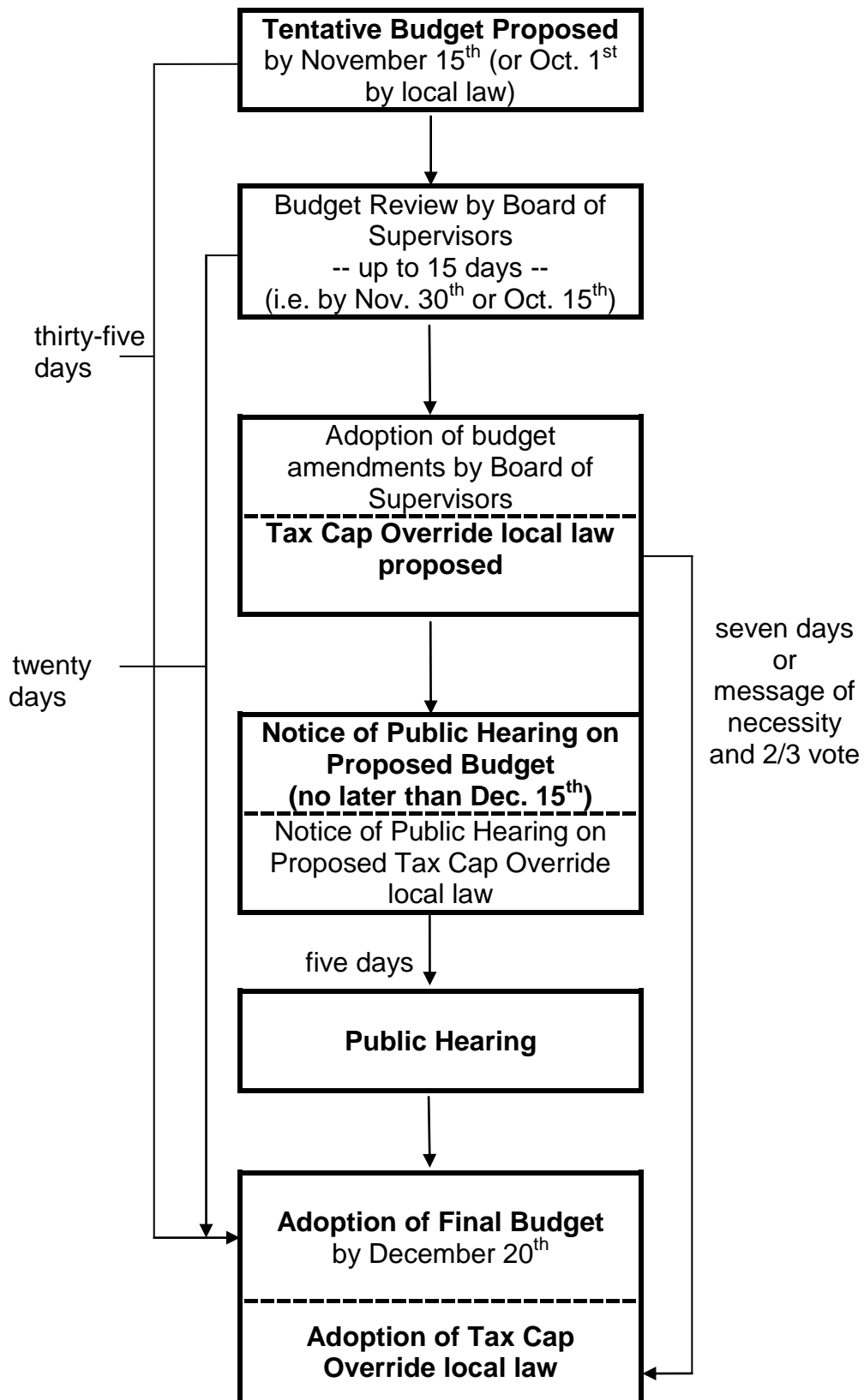
## **XI. Treatment of “Chargebacks” by Counties**

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.

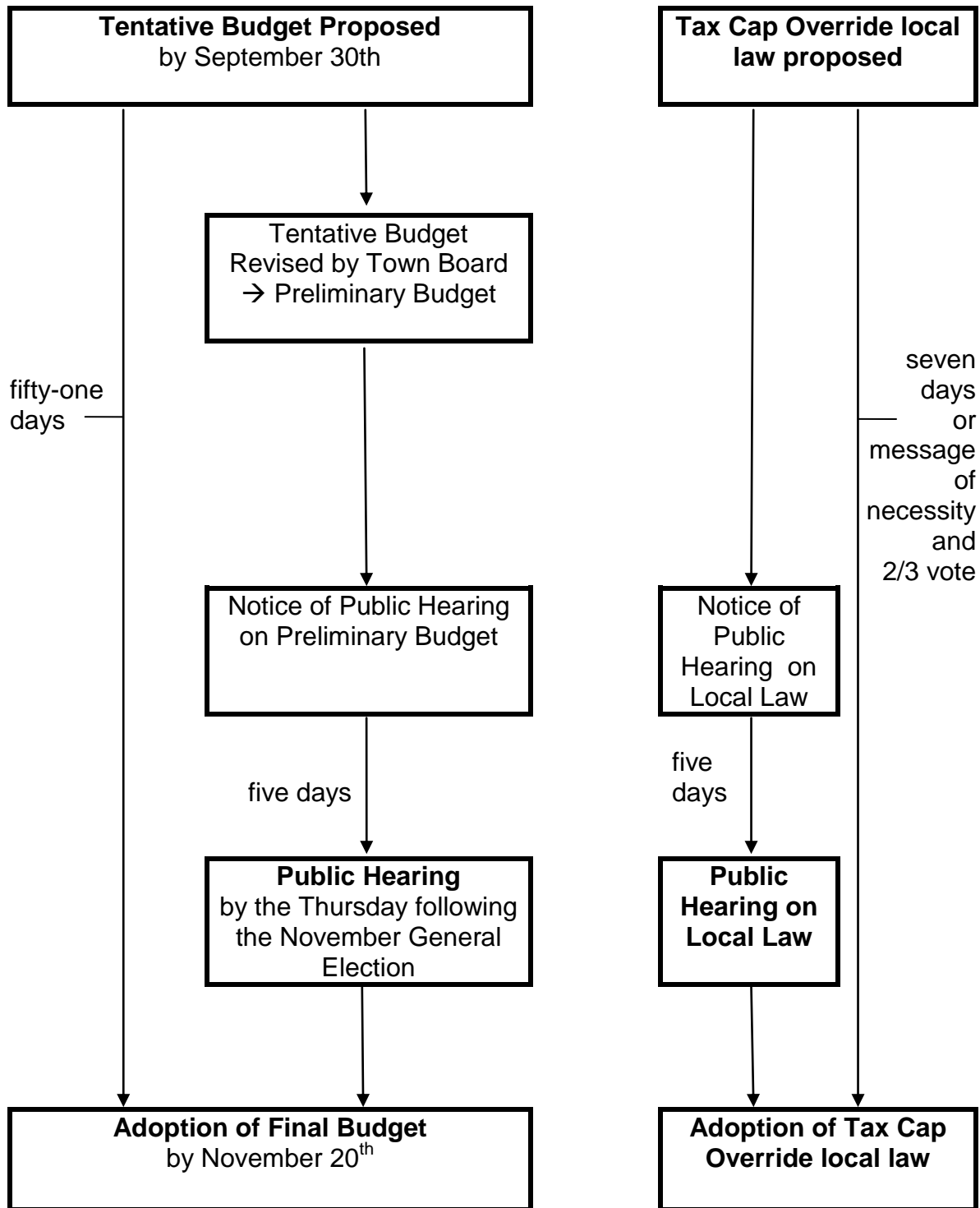
**Appendix A**  
**Timeline for Tentative County Budget that Requires Tax Cap Override**



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



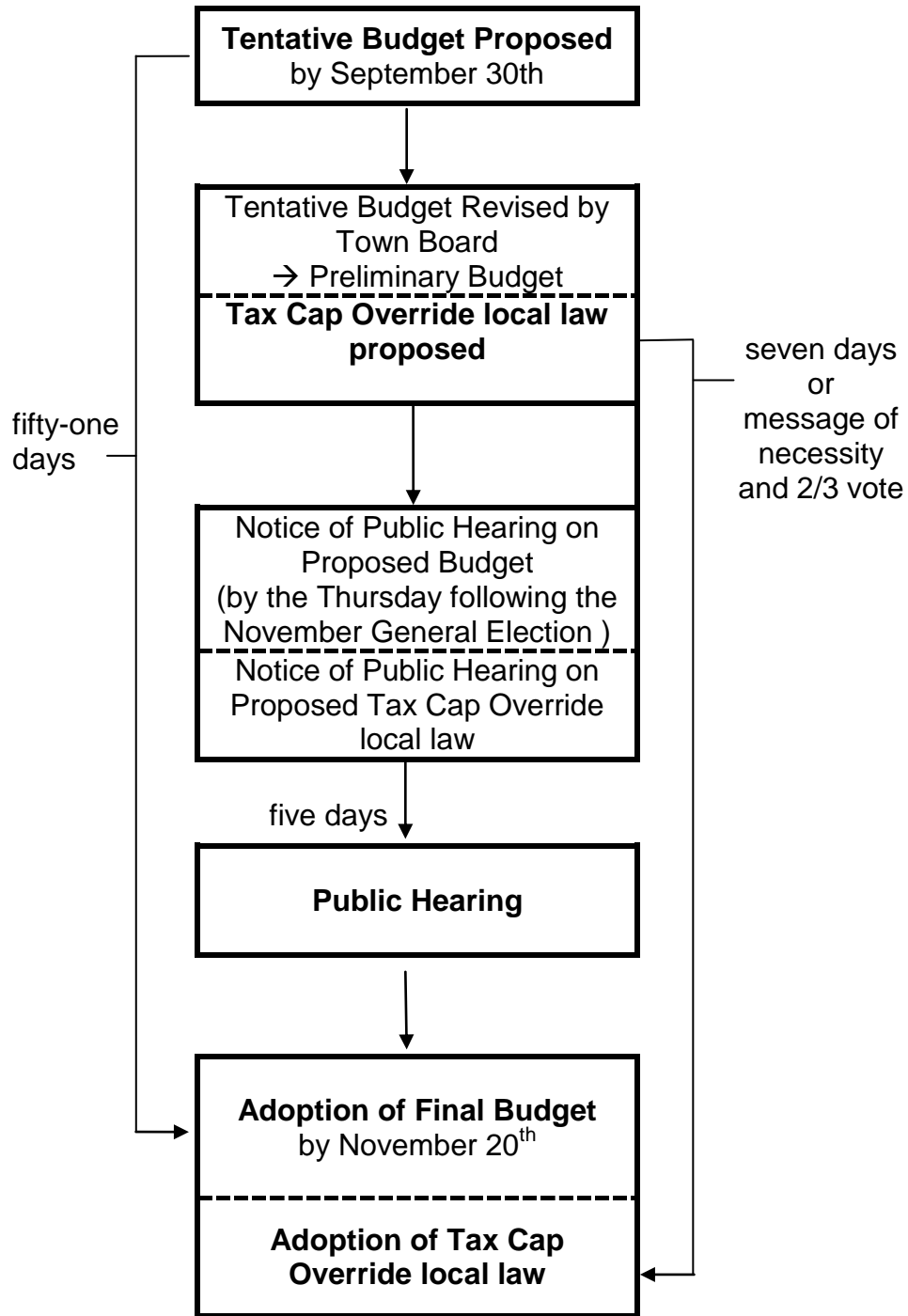
**Appendix C**  
**Timeline for Tentative Town Budget that requires Tax Cap Override\***



\* 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. 6

DEPT.: Finance

DATE: December 20, 2017

CONTACT: Joseph Fazzino, Deputy City Comptroller

**AGENDA ITEM:** Resolution to adopt the 2018 Budget and establish the 2018 City tax levy and 2018 tax rate.

**FOR THE MEETING OF:**  
December 20, 2017

**RECOMMENDATION:** That the City Council adopt the following resolution:

**WHEREAS**, on November 8, 2017 the 2018 Tentative Budget was presented to the City Council, and;  
**WHEREAS**, since November 8, 2017 the City Council has discussed possible amendments to the 2018 Tentative Budget, now, therefore be it;

**RESOLVED**, that the tentative budgets and fee schedules as amended for the General Fund, Cable TV Special Revenue Fund, K.T. Woods Permanent Fund, Debt Service Fund, Capital Projects Fund, Boat Basin Enterprise Fund, Golf Club Enterprise Fund, Risk Retention Internal Service Fund and Building and Vehicle Maintenance Internal Service Fund, are hereby adopted for the fiscal year ending December 31, 2018, and be it further;

**RESOLVED**, that the City Council does hereby certify to the City Comptroller the 2018 City of Rye tax rate of \$172.83 per \$1,000 taxable assessed valuation and the 2018 City of Rye tax levy of \$24,311,043 and be it further;

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

**IMPACT:**    Environmental    Fiscal    Neighborhood    Other:

**BACKGROUND:** On November 8, 2017 the City Manager and City Comptroller presented the 2018 Tentative Budget to the City Council. The tentative budget has since been reviewed and amended by resolutions adopted by City Council at public meetings. The above resolution provides for the adoption of the 2018 Budget.



# CITY COUNCIL AGENDA

NO. 7      DEPT.: Finance      DATE: December 20, 2017  
CONTACT: Joseph Fazzino, Deputy Comptroller

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

**FOR THE MEETING OF:**

December 20, 2017

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** That the City Council adopt the following resolution:

**RESOLVED,** that the City Comptroller is hereby authorized to make the necessary 2017 fiscal year-end budget transfers in City accounts, provided a list of such transfers over \$10,000 is furnished to the City Council after completion of such transfers.

**IMPACT:**     Environmental     Fiscal     Neighborhood     Other:

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



# CITY COUNCIL AGENDA

NO. 8

DEPT.: Planning

DATE: December 20, 2017

CONTACT: Christian K. Miller, City Planner

**AGENDA ITEM:** Public Hearing to amend local law Chapter 197, "Zoning" of the Rye City Code by amending Section §197-3, "Zoning Map", Subsection "A", to change the zoning designation on a portion of a property located at 280 Purchase Street (S/B/L 139-19-3-5-2) from RA-2, *Apartment*, District to B-1, *Neighborhood Business*, District designation.

**FOR THE MEETING OF:**

December 20, 2017

**RYE CITY CODE,**

CHAPTER 197

SECTION 197-3.A

**RECOMMENDATION:** That the City Council hold a Public Hearing to consider the request to change the zoning designation on a portion of a property located at 280 Purchase Street from RA-2, *Apartment*, District to B-1, *Neighborhood Business*, District designation.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** The subject petition involves a request to amend the City Zoning Map to change the zoning designation on a portion of a property located at 280 Purchase Street (A.K.A. "Rockridge Deli") from RA-2, *Apartment*, District, to B-1, *Neighborhood Business* District. At its September 13, 2017 meeting, the City Council declared itself Lead Agency under SEQRA and referred the matter to the Planning Commission for an advisory recommendation. The Planning Commission considered the application at their November 14, 2017 meeting and prepared the attached memorandum for the Council's consideration. The Planning Commission's memorandum provides background on the petition and supports the requested map amendment. The petitioner seeks the requested change to better facilitate a proposed mixed-use redevelopment of his property currently under consideration by the Planning Commission.

Nick Everett, Chairman  
Martha Monserrate, Vice Chair  
Andy Ball  
Laura Brett  
Hugh Greechan  
Richard Mecca  
Alfred Vitiello



Planning Department  
1051 Boston Post Road  
Rye, New York 10580  
Tel: (914) 967-7167  
Fax: (914) 967-7185  
<http://www.ryeny.gov>

## CITY OF RYE Planning Commission

**Memorandum**

**No. 01-2017**

To: Rye City Council

From: Rye City Planning Commission

cc: Marcus Serrano, City Manager  
Kristen K. Wilson, Esq., Corporation Counsel  
David Mooney, AIA

Date: November 14, 2017

**Subject: Consideration of Zoning Map Modification Request – 280 Purchase Street (Tax Map ID 139-19-3-5.2)**

Pursuant to your referral request, the Rye City Planning Commission has reviewed and supports the petition of Rocco and Gemma Lagana to rezone a portion of their property at 280 Purchase Street from RA-2, *Apartment*, District to B-1, *Neighborhood Business*, District.

### **Background**

Last June, the petitioner submitted an application to the Planning Commission to redevelop their retail deli/nursery business on an approximately 18,672 square-foot property located at 280 Purchase Street. That application proposed to eliminate the existing nursery business and retail/deli building and construct two new retail buildings with second floor residences. The buildings would have approximately 2,261 square feet and 2,356 square feet of ground floor commercial floor area, respectively. Both buildings would also have two second floor apartments and related parking. This proposed development would be consistent with similar projects in the B-1 District constructed over the last decade at four properties located adjacent to or opposite the subject site on Purchase Street.

At its meeting in July the Planning Commission identified a number of site planning concerns related to the proposed development. These concerns remain and will require further review by the Commission as well as a public hearing. During its deliberation

## **Consideration of Zoning Map Modification Request – 280 Purchase Street**

November 14, 2017

Page 2 of 2

there were questions of zoning interpretation and the applicability of relevant standards because an approximately 1,620 square foot portion of the rear of the property is located in the RA-2 District.

It is considered good planning practice to have zoning district boundaries follow property boundaries and/or natural features. In this case, the RA-2/B-1 District follows neither. This is not uncommon as zoning maps and property boundaries were established decades ago and did not coincide. In addition, prior changes in property and zoning district boundaries (as was the case with the subject and abutting properties) and development activities may result in the lack of conterminous or logical boundaries.

The logical and rational zoning configuration for the B-1 District in this area is to have the B-1/RA-2 District boundary be coterminous with rear boundary line of the Petitioner's property. In addition, the Petitioner's survey confirms that the rear property line also straddles a rock ledge in which the adjacent residential property is located approximately 15 feet above the 280 Purchase Street property. The proposed zoning boundary would result in all area at the base of the rock ledge being located in the B-1 District and the area above the site on the adjacent residential property being located in the RA-2 District. This new boundary would rationally follow these existing topographic features. The proposed change would not alter the zoning designation on any other property.

### **Recommendation**

The Planning Commission supports the petition of Rocco and Gemma Lagana to rezone a portion of their property at 280 Purchase Street from RA-2, *Apartment*, District to B-1, *Neighborhood Business*, District. Though not required by local or state law, the Commission recommends that consistent with prior practice that notice of any City Council hearing be circulated to property owners within 500 feet of the subject site and that a notification sign of the hearing date be posted on the property.

**JOSEPH S. MALARA, P.C.**  
**ATTORNEY AT LAW**

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Phone: 914-285-3732  
Fax: 914-285-3971  
Email: [jsmalaraesq@gmail.com](mailto:jsmalaraesq@gmail.com)

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Joseph S. Malara, Esq.

Of Counsel

Vincent N. Amato, Esq.

**Pearl River Office**

275 No. Middletown Road, Ste.1H  
Pearl River, New York 10965

August 22, 2017

Via: 1<sup>st</sup> Class mail and  
Email: [jsack@ryeny.gov](mailto:jsack@ryeny.gov); [manager@ryeny.gov](mailto:manager@ryeny.gov)

Hon. Joseph A. Sack  
Marcus A. Serrano, City Manager  
3<sup>rd</sup> Floor City Hall  
1051 Boston Post Road  
Rye, NY 10580

Re: Rezoning request, Rocco and Gemma Lagana

Dear Mayor Sack and City Manager Serrano:

I represent Rocco and Gemma Lagana the owners of 280 Purchase Street, which contains Rockridge Deli and Florist. Tax Map ID 139.19, Block 3 Lot 5.2. They also own the residence on lot 5.1 which abuts to the east.

In 1989 the properties were rezoned to have the zone designation more closely reflect the actual usage of the property. At the time the house on lot 5.1 was in a B-1 zone and the deli was partly in a RA-2 zone. In June of 2006 a "Re-Subdivision" Map was filed which created the lot lines of lot 5.2 and 5.1 as they exist today. The eastern line of lot 5.2 follows the cliff line as it exists. Lot 5.1 contains a home where Rocco and Gemma Lagana live and it is in an RA-2 Zone.

Lot 5.1 is for the most part in a B-1 Zone. I say for the most part because there is a very small portion of Lot 5.2 on its eastern border that is in a RA-2 zone. I have attached a survey which shows that portion of Lot 5.2 which is in the RA-2 zone. As you can see the area in question is a small percentage of the acreage of lot 5.2. Unfortunately when the lots were reconfigured in 2006 the area was not rezoned the match the usage.

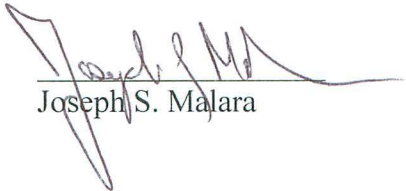
Mr. and Mrs. Lagana have approached the building department about erecting two new structures on lot 5.2. They have been told that because of the RA-2 designation of that small area on the eastern border it will effect the size and positioning of the proposed

structures. If the RA-2 area of Lot 5.2 were to be rezoned to a B-1 designation then the buildings as proposed can be erected. I am also attaching the proposed metes and bounds description of the area which we seek to have rezoned. The area in question contains 1,620 square feet out of a total of 18,672 square feet.

Mr. and Mrs. Lagana ask that the City Council approve their application to have the RA-2 area of Lot 5.2 as described above and in the attachments changed to a B-1 designation which would conform to the rest of the lot. It is submitted that this change would not have any adverse effect on the lots surrounding lot 5.2.

If you require any further information we will be happy to provide it.

Very truly yours,

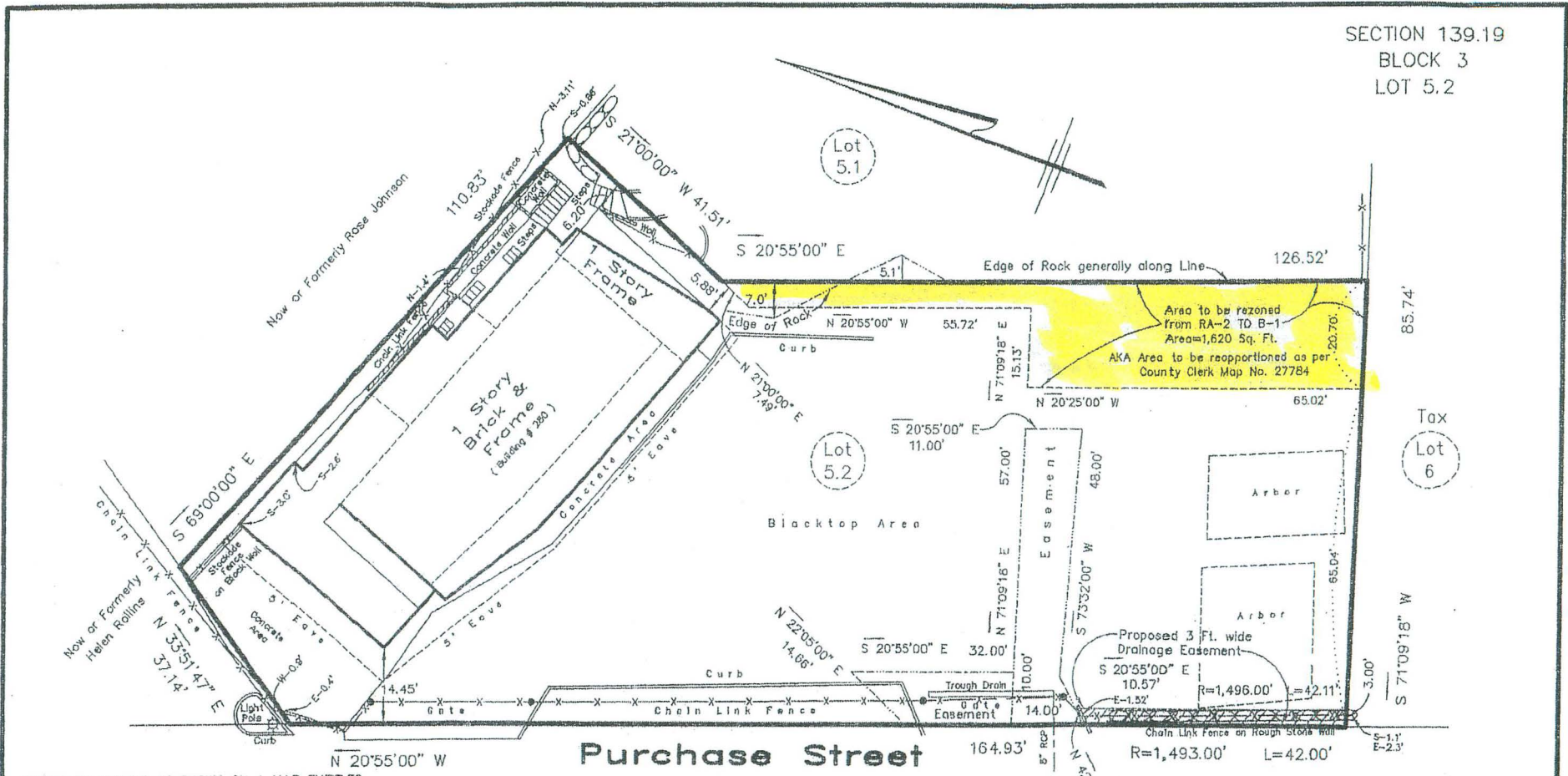


Joseph S. Malara

Cc: Rocco and Gemma Lagana

Enc.





SURVEY OF LOT 5.2 AS SHOWN ON A MAP ENTITLED  
 "RE-SUBDIVISION MAP PREPARED FOR ROCCO & GEMMA  
 LAGANA & VINCENT DELAURANTIS," LAST DATED NOV. 21,  
 2005 & FILED JUNE 19, 2006 IN THE COUNTY CLERK'S  
 OFFICE AS MAP NO. 277B4

July 12, 2017  
 Revised Drainage Easement & Area to be rezoned  
 added Aug. 3, 2017

SURVEYED AS IN POSSESSION  
 THE MUNSON COMPANY  
 9 NORTH GOODWIN AVENUE  
 ELMSFORD, N.Y.

10523  
 Scale 1"=20'

*[Signature]*  
 N.Y.S. License 50054-2

"Unauthorized alterations or additions to a survey map is a violation  
 of section 7209, sub-division 2, of the New York State Education Law."  
 "Only copies of the original survey marked with the land surveyor's  
 linked or embossed seal shall be considered a true and valid copy."

AREA=18,672 SF OR 0.4287 ACRE  
 UNDERGROUND PIPES, WIRES, STRUCTURES,  
 ETC., IF ANY ARE NOT SHOWN

DRAFT OF DESCRIPTION OF AN AREA TO BE REZONED FROM RA-2 TO B-1,  
LOCATED IN THE CITY OF RYE, COUNTY OF WESTCHESTER, STATE OF NEW  
YORK.

All that certain piece or parcel of land situate, lying and being in the City of Rye, County of Westchester and State of New York, designated as "Area to be reapportioned", now being a portion of Lot 5.2 as shown on a map entitled "Re-Subdivision Map prepared for Rocco & Gemma Lagana & Vincent DeLaurantis," made by The Munson Company, LLC, last dated November 21, 2005 and filed June 19, 2006 in the Westchester County Clerk's Office (Division of Land Records) as County Clerk Map No. 27784, and being more particularly bounded and described as follows:

BEGINNING at a point on the division line between Lot 5.2 of said filed map No. 27784 and Tax Lot 6 in Block 3 Section 139.19 of The City of Rye Tax Assessment Maps; said point being distant easterly, N. 71°09'18" E. 65.04 feet as measured along said last mentioned division line from its intersection with the easterly side of Purchase Street, to the point of beginning; running thence from said point of beginning, along the westerly side of the "Area to be reapportioned" as shown on filed map No. 27784, the following four (4) courses and distances: (1). N. 20°25'00" W. 65.02 feet; (2). N. 71°09'18" E. 15.13 feet; (3). N. 20°55'00" W. 55.72 feet; (4). N. 21°00'00" E. 7.49 feet to the division line between Lot 5.1 and 5.2 of said map; continuing thence southerly along said division line between Lot 5.1 and Lot 5.2, S. 20°55'00" E. 126.52 feet to its intersection with the northerly side of Tax Lot 6; running thence along the division line between Lot 5.2 and Tax Lot 6, S. 71°09'18" W. 20.70 feet to the point and place of beginning.

Containing 1,620 Square feet or 0.0372 Acre.



# CITY COUNCIL AGENDA

NO. 9

DEPT.: Law Department

DATE: December 20, 2017

CONTACT: Kristen K. Wilson, Corporation Counsel

**AGENDA ITEM:** Public Hearing to amend local law Chapter 35, "Traffic Violations Bureau" of the Rye City Code by amending provisions related to the disposition of parking violations.

**FOR THE MEETING OF:**

December 20, 2017

**RYE CITY CODE,**

CHAPTER 35

SECTION

**RECOMMENDATION:** That the Council hold a Public Hearing to amend local law Chapter 35, "Traffic Violations Bureau" of the Rye City Code by amending provisions related to the disposition of parking violations.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** Chapter 35 of the City Charter currently requires the Rye City Court to designate persons to be in charge of and have jurisdiction over the Traffic Violations Bureau. After consulting with the Court and Corporation Counsel, and based on recent judicial decisions, a change allowing the City Council to designate such person(s) to assist the City in resolving violations is recommended.

See attached proposed Local Law addressing these recommendations.

**CITY OF RYE**  
**LOCAL LAW NO. 2017**

A local law to amend Chapter 35 “Traffic Violations Bureau” by amending provisions related to the disposition of parking violations:

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

**Section 1:**

Chapter 35. Traffic Violations Bureau.

§35-1. Statutory authority.

The City Court of the City of Rye, New York, is hereby authorized to establish a Traffic Violations Bureau to assist the Court in the disposition of offenses in relation to traffic violations, pursuant to Article 14-B of the General Municipal Law.

§ -35-2. Personnel.

The ~~City Court~~ City Council shall designate the person or persons who shall be in charge of the Traffic Violations Bureau and the days and hours that the Bureau shall be open for the transaction of its official business.

§ -35-3. Jurisdiction.

The Traffic Violations Bureau is hereby authorized to dispose of violations of traffic laws, ordinances, rules and regulations of the City of Rye, New York, except for speeding offenses or misdemeanors or felonies.

§ -35-4. Answering charges; fines.

A.-  
A person may appear in person or by written power of attorney in such form as shall be prescribed by the City Court by paying a fine established by the City Court and, in writing, waiving a hearing in Court, pleading guilty of the charge and authorizing the person in charge of the Bureau to make such a plea and pay such a fine.

B.-  
The Bureau shall accept such designated fines and issue receipts therefor.

C.-

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The Bureau shall cause a complaint to be entered against each person who does not answer within the designated time and a warrant to be issued for his arrest and appearance before the Court.

D.-

Any person who shall have been, within the preceding 12 months, guilty of a number of parking violations in excess of such maximum number as may be designated by the court or of three or more violations other than parking violations shall not be permitted to appear and answer to a subsequent violation at the Traffic Violations Bureau but must appear in Court at a time specified by the Bureau.

E.-

Nothing contained in this chapter shall authorize the Traffic Violations Bureau to deprive a person of his right to counsel or to prevent him from exercising his right to appear in Court to answer to, explain or defend any charge of a violation of any traffic law, ordinance, rule or regulation.

§-35-5. Form of waiver and power of attorney.

The waiver and power of attorney referred to in § 371 of the General Municipal Law shall be in substantially the following form:

I, the undersigned, hereby waive a hearing in the City Court of the City of Rye, New York, and plead guilty to the charge specified on the reverse side hereof. I authorize the person in charge of the Traffic Violations Bureau to make such a plea and pay the prescribed fine in Court.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

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§-35-6. Records and reports.

The Bureau shall keep records of all notices or summonses issued and disposed of by said Bureau and such other information as may be prescribed by the City Court of Rye by law.

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**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.

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# CITY COUNCIL AGENDA

NO. 10

DEPT.: City Council

DATE: December 20, 2017

CONTACT: Mayor Joseph A. Sack

**AGENDA ITEM:** Resolution to waive parking restrictions and parking fees in all downtown parking lots and Purchase Street for the period between December 18, 2017 and December 24, 2017.

**FOR THE MEETING OF:**  
December 20, 2017

**RECOMMENDATION:** That the City Council adopt the following resolution:

WHEREAS, the City Council seeks to support the Central Business District local businesses during the 2017 Holiday Season, and;

WHEREAS, the City Council encourages residents to shop and dine downtown during the holiday season as buying locally helps all of us while strengthening our local economy, and;

RESOLVED, the City Council will provide free parking for the period between December 18, 2017 and December 24, 2017 by waiving parking restrictions and parking fees in all downtown lots (Car Parks 1-5) and Purchase Street at the City's expense.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**



# CITY COUNCIL AGENDA

NO. 11

DEPT.: City Council

DATE: December 20, 2017

CONTACT: Mayor Joseph A. Sack

**AGENDA ITEM:** Resolution to approve a new retainer agreement with the Corporation Counsel.

**FOR THE MEETING OF:**  
December 20, 2017

**RECOMMENDATION:** That the City Council adopt the following resolution:

WHEREAS, Kristen K. Wilson was appointed the Corporation Counsel of the City of Rye effective January, 2010, and;

WHEREAS, the City Council is supportive of her role and performance and has considered a new retainer agreement with Ms. Wilson, and;

RESOLVED, that the City Council of the City of Rye hereby authorizes the Mayor to sign an employment agreement for the Corporation Counsel effective January 1, 2017 including a retroactive increase budgeted in the 2017 Budget.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**

See attached retainer agreement.

Honorable Joseph A. Sack  
Mayor  
City of Rye  
1051 Boston Post Road  
Rye, New York 10580

**Re: Proposal for Legal Services – Corporation Counsel  
Kristen Kelley Wilson/Blanchard & Wilson, LLP**

Dear Mayor Sack:

This letter will summarize the proposed terms of my representation of the City of Rye (the “City”) as Corporation Counsel on an independent contractor basis, including the scope of my services and the agreed upon fee and billing arrangement.

**Scope of Engagement/City Invoices**

I propose an annual retainer of \$140,000. This retainer would be paid over the year broken down into twelve (12) equal monthly payments or in accordance with the regular payroll of the City. I would provide most of the general legal services to the City including, for example, and this list is not meant to be exhaustive:

- (1) attending all City Council Meetings and special meetings;
- (2) attending other meetings as needed (Planning Commission/Board of Appeals/Boat Basin/Rye Golf Commission/Landmarks);
- (3) rendering legal opinions as needed for the City Council and all City Commissions/Boards;
- (4) preparing and assisting in the preparation of resolutions, local laws, contracts, MOUs and IMAs, as needed;
- (5) assisting the Records Access Officer and Appeals Officer in responding to Freedom of Information Law (“FOIL”) requests;
- (6) assist the City Manager’s office in rendering decisions on administrative matters;
- (7) monitor and provide pertinent updates on all matters handled by outside insurance counsel; and



- (8) being available to the City staff for consultation on pertinent issues. I propose to have office hours at City Hall and be available to City staff on all issues.

To the extent necessary I will receive assistance from other attorneys at my firm, including Mark Blanchard, Esq., Edward Dunphy, Esq. and Dennis Lynch, Esq.

Matters that will be exempted from the annual retainer include:

- (1) those matters listed below;
- (2) matters for which insurance provides counsel;
- (3) matters involving municipal finance and labor issues; and
- (4) such other matters, as we may mutually agree.

Excluded from the annual retainer will be the following which will be billed directly by Blanchard & Wilson, LLP to the City at an hourly rate of \$215 an hour for each attorney: (1) any litigation, including trials and appeals of tax certiorari matters; (2) Disciplinary or other similar hearings before the City or any other administrative agency and appeals of same; and (3) extraordinary projects requiring extensive research and investigation. All out of pocket expenses for excluded matters shall be reimbursed through my law firm Blanchard & Wilson, LLP. Article 78 proceedings and any other legal matters beyond those covered under the annual retainer would be billed at an hourly rate of \$215 an hour. Prior to working on any litigation matters outside of the annual retainer, I will discuss with the City Council and City Manager the anticipated time and cost necessary to defend (or commence) a particular action.

### **Other Charges**

In addition to our fees for rendering professional services, our billing statements will include separate charges for performing services such as photocopying, delivery charges, long distance telephone calls, facsimile transmissions, specialized computer applications, travel, and other expenses and services incurred incidentally to the performance of our legal services.

### **Effective Date**

The effective date of this agreement is January 1, 2017.

### **Billing Cycle**

Fees for legal services and other charges are billed monthly and are payable within thirty (30) days of receipt.

### **Termination of Engagement**

No termination will relieve the City of the obligation to pay the legal fees owed to me or Blanchard & Wilson, LLP for services performed and other charges owed to us through the date of termination. After the completion of our services on the City's behalf, changes may occur in applicable laws or regulations that could have an impact upon the City's future rights and liabilities.

### **Conclusion of Representation; Disposition of Client Documents**

The City shall provide me and Blanchard & Wilson, LLP with at least ninety (90) days written notice if it wishes to terminate this agreement. Similarly, I (and Blanchard & Wilson, LLP) will provide the City with at least ninety (90) days written notice if we wish to terminate this agreement. Our representation of the City will terminate upon our sending you our final statement for services rendered in a matter. Following such termination, any otherwise nonpublic information you have supplied to us that is retained by us will be kept confidential in accordance with applicable rules of professional conduct. At your request, we will return your papers and property promptly after receipt of payment for any outstanding fees and costs. Our own files pertaining to the matter will be retained by the firm. These firm files include, for example, firm administrative records; internal lawyers' work product such as drafts, notes, internal memoranda; and legal and factual research, including investigative reports, prepared by or for the internal use of lawyers. We will retain all remaining documents for a certain period of time, but reserve the right for various reasons including the minimization of unnecessary storage expenses, to destroy or otherwise dispose of them within a reasonable time after the termination of the engagement.

### **Client Responsibilities**

You agree to cooperate fully with us and to provide promptly all information known or available to you relevant to our representation. You also agree to pay in a timely manner our statements for services and expenses as provided above.

### **Possible Conflicts**

Blanchard & Wilson, LLP represents many other companies and individuals. It is possible that during the time we are representing you or other parties subject to this representation, some of our present or future clients will have disputes or transactions with you or them. You agree that we may continue to represent or may undertake to represent existing or new clients in any matter that is not substantially related to our work for you even if the interests of such clients in those other matters are directly adverse. We agree, however, that your prospective consent to conflicting representation contained in the preceding sentence shall not apply in any instances where, as a result of our representation of you, we have obtained proprietary or other confidential information of a nonpublic nature, that, if known to such other client, could be used in any such other matter by such client to your material disadvantage.

I look forward to working with you, the City Council and City staff to protect the interests of the City. I appreciate the continued opportunity to represent the City of Rye. If this proposal is acceptable, please so indicate by returning an executed copy of this letter.

Very truly yours,

Kristen Kelley Wilson

ACKNOWLEDGED & AGREED

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Joseph A. Sack  
Mayor, City of Rye



# CITY COUNCIL AGENDA

NO. 12

DEPT.: Finance

DATE: December 20, 2017

CONTACT: Joseph Fazzino, Deputy Comptroller

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

**FOR THE MEETING OF:**

December 20, 2017

**RECOMMENDATION:** That the City Council adopt the following resolution:

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

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

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

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

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

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

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



# CITY COUNCIL AGENDA

NO. 13 DEPT.: City Manager's Office DATE: December 20, 2017  
CONTACT: Marcus Serrano, City Manager

**AGENDA ITEM:** Resolution authorizing the Mayor to enter into an agreement with the Rye Free Reading Room to furnish library services for 2018.

**FOR THE MEETING OF:**

December 20, 2017

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** That the City Council approve the following resolution:

RESOLVED, that the Mayor be and hereby is authorized to execute an agreement with the Rye Free Reading Room to furnish library services for 2018.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** Each year the City of Rye financially supports the operations of the Rye Free Reading Room (RFRR). In FY 2017, the contribution was in the amount of \$1,230,000. The attached agreement for FY 2018 includes an appropriation of \$1,285,000. The agreement stipulates the specific rights and obligations of both parties, pursuant to section 256 of the Education Law of the State of New York.

See attached 2018 Agreement.

THIS AGREEMENT, made as of the \_\_\_\_\_ day of December, 2017, by and between the CITY OF RYE, a municipal corporation located within the County of Westchester and State of New York, party of the first part, and RYE FREE READING ROOM, a free library association duly registered by the Regents of the University of the State of New York at a meeting thereof on January 24-25, 1917, and maintaining a free library in the City of Rye, County of Westchester and State of New York, party of the second part:

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

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

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

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

4. In consideration of the foregoing the party of the first part does hereby agree to pay the sum of One Million Two Hundred Eighty Five Thousand Dollars (\$1,285,000) to the party of the second part during the calendar year: Six Hundred Forty Two Thousand Five Hundred Dollars (\$642,500) to be paid in January, and Six Hundred Forty Two Thousand Five Hundred Dollars (\$642,500) to be paid in July.

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

6. If the capital improvements that were part of the 2012 bond resolution are installed in 2018, the Rye Free Reading Room will be responsible for all maintenance and repair costs of same.

7. This agreement shall be effective and continue for the calendar year 2018.

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

CITY OF RYE

By \_\_\_\_\_  
Mayor

RYE FREE READING ROOM

By \_\_\_\_\_  
President

Attest:

\_\_\_\_\_  
City Clerk







# CITY COUNCIL AGENDA

NO. 15

DEPT.: Boat Basin

DATE: December 20, 2017

CONTACT: George Hogben, Boat Basin Supervisor

**ACTION:** One appointment to the Boat Basin Commission, by the Council, to fill a term expiring on January 1, 2019.

**FOR THE MEETING OF:**

December 20, 2017

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** That the Council appoint Joseph Pecora to fill the vacancy on the Boat Basin Commission.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** The Boat Basin Commission elections were held in October, 2017 to fill terms expiring on January 1, 2018. Only two people ran for three open spots, leaving one Boat Basin Commission opening. According to the Resolution outlining the Boat Basin Commission Nomination, Procedures, Elections and Terms: "Vacancies will be filled within 45 days by appointment of the City Council until the next election, at which time the unexpired term will be filled by the candidate elected with the least number of votes."

Mr. Joseph Pecora has expressed his interest in being a member of the Boat Basin Commission and was approved by the Boat Basin Commission at their last meeting on December 4, 2017. The City Council is asked to approve his appointment.

See attached letter from Mr. Pecora.

**Joseph Pecora**  
28 Horton Street  
Rye, NY 10580

City of Rye Boat Basin  
650 Milton Road  
Rye, NY 10580

December 15, 2017

Dear George,

I am writing to you to express my interest in being a member of the Boat Basin Commission. I have been a longstanding member of the Rye Boat Basin since 1986. I was not aware of an opening on the commission until I recently became involved with the liaison committee. I feel that I can contribute in a positive manner to the Boat Basin commission.

If you have any questions or need additional information, do not hesitate to contact me at (914) 584-1886.

Thank you.

Regards,

  
Joe Pecora

October 17, 2017

City of Rye Boat Basin  
650 Milton Road  
Rye, NY  
10580 United States of America

To Whom It May Concern:

The following election results are certified by Simply Voting to have been securely processed and accurately tabulated by our independently managed service.

Respectfully yours,



Brian Lack  
President  
Simply Voting Inc.

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## 2018 Boat Basin Commission Election

**Start:** 2017-10-09 08:00:00 America/New\_York  
**End:** 2017-10-16 23:59:00 America/New\_York  
**Turnout:** 81 (26.6%) of 304 electors voted in this ballot.

### Nominees

Option	Votes
George N. Szczerba	65 (57.0%)
Bob November	49 (43.0%)

### VOTER SUMMARY

<b>Total</b>	81
<b>Abstain</b>	4 (4.9%)





# CITY COUNCIL AGENDA

NO. 16

DEPT.: City Manager's Office

DATE: December 20, 2017

CONTACT: Marcus Serrano, City Manager

**AGENDA ITEM:** Resolution designating January 10, 2018 as the first regular meeting of the City Council for 2018.

**FOR THE MEETING OF:**

December 20, 2017

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** That the Mayor and City Council schedule the first regular meeting date of the City Council for 2018.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

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