

**CITY OF RYE
1051 BOSTON POST
ROAD RYE, NY 10580
AGENDA**

**REGULAR MEETING OF THE CITY
COUNCIL COUNCIL CHAMBERS, CITY
HALL
Wednesday, July 11, 2018
7:30 p.m.**

Please Note: The Council will convene at 7:30 p.m. and it is expected they will adjourn into Executive Session at the close of the regular meeting to discuss attorney-client privileged matters, personnel matters and labor negotiations.

1. Pledge of Allegiance.
2. Roll Call.
3. Draft unapproved minutes of the regular meetings of the City Council held June 6 & 20, 2018.
4. Presentation of an award to honor the Department of Public Works, City of Rye, New York with the Club Civic Improvement Commendation.
5. Presentation on City Financials by Brendan K. Kennedy of the auditing firm of BST & Co, LLP.
6. Residents may be heard on matters for Council consideration that do not appear on the agenda.
7. Consideration of a resolution to establish a test pilot program to assess the effect of removing the "except Sunday" condition from certain locations subject to a 15-minute parking rule. The test pilot program would be limited to Forest Avenue in front of Playland Market and Griffin Wines. Such a pilot program would end on November 1, 2018 and be subject to renewal if the Council deems appropriate.
8. Staff update on proposed capital projects and Council discussion.
9. Consideration to set a Public Hearing for August 8, 2018 to establish the 2019 budgeted fees and charges.
10. Consideration to set a Public Hearing for August 8, 2018 regarding a resolution in support of Chapter 433 of the laws of New York, 2013 regarding hydrant fees for Suez.
11. Consideration of a resolution for Westchester Joint Water Works to transfer the hydrant fees.
12. Consider a resolution to authorize the City Manager to submit a WQIP grant application for funding for work related to studying the City's sewer system and repairing necessary

infrastructure.

13. Consideration to set a public hearing to amend Rye City Code Chapter 167 “Streets and Sidewalks” regarding repaving requirements after road openings and required deposits.
14. Consideration to authorize the City Manager to execute an amended access easement for City owned infrastructure between the City of Rye and Rye Country Day School.
15. Appointments to Boards and Commissions, by the Mayor with Council approval.
16. Miscellaneous communications and reports.
17. Old Business.
18. New Business.
19. Adjournment.

There will be a special meeting of the City Council held on Thursday, July 26, 2018.

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”.

The Mayor and City Council have office hours in the Mayor’s Conference Room Annex at Rye City Hall, 1051 Boston Post Road. The Mayor’s Conference Room Annex is located on the 1st floor of City Hall adjacent to the Council Chambers. Hours are as follows:

Mondays 9:30 a.m. to 11:00 a.m.

Councilwoman Danielle Tagger-Epstein & Councilwoman Julie Souza

Wednesdays 9:00 a.m. to 10:30 a.m.

Mayor Josh Cohn, Deputy Mayor Emily Hurd & Councilwoman Sara Goddard

DRAFT UNAPPROVED MINUTES of the
Regular Meeting of the City Council of the City of
Rye held in City Hall on June 6, 2018, at 8:00 P.M.

PRESENT:

JOSH COHN, Mayor
SARA GODDARD
EMILY HURD
RICHARD MECCA
JULIE SOUZA
BENJAMIN STACKS
DANIELLE TAGGER-EPSTEIN
Councilmembers

ABSENT:

None

The regular meeting of the City Council began at 8:00 P.M. following a public workshop on Forest Avenue sidewalks.

1. Pledge of Allegiance.

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

2. Roll Call.

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

3. Draft unapproved minutes of the regular meeting of the City Council held May 23, 2018.

Mayor Cohn and Councilwoman Goddard provided ministerial corrections to the draft minutes.

Councilwoman Mecca made a motion, seconded by Councilwoman Tagger-Epstein and unanimously carried, to adopt the minutes of the regular meeting of the City Council held May 23, 2018.

4. Annual Stormwater Management Report Presentation.

Mayor Cohn invited City Engineer and Superintendent of DPW, Ryan Coyne, to make a presentation regarding the annual Stormwater Management report.

Ryan Coyne, City Engineer, presented the Annual Stormwater Management update for the City of Rye. He said that the annual presentation is the result of a 2004 DEC mandate for communities to develop a stormwater maintenance program. There are five components to the report: Annual presentation and outreach, public involvement, prevention of inflow and infiltration, construction and post-construction run-off, and municipal operations. Mr. Coyne stated that the report has been submitted to the DEC each summer.

10. Bid Award for the continuation of the Rye Golf Club Greens Renovation projects (Contract #2018-01)

Mayor Cohn invited Jim Buonaiuto, Rye Golf Club Manager, to present about the greens renovation project. He said that the Golf Club had consulted a golf course architect for professional advice on the need for greens renovation. From that advice, the Golf Club issued a bid for the work to be completed. Two responsive bids were received and the lowest responsible bidder had satisfactory experience and recommendations. He reminded the Council that the work will be funded by the enterprise fund at the Golf Club, and not from the general fund.

Councilman Stacks made a motion, seconded by Councilman Mecca, to adopt the following resolution:

RESOLVED, that Contract 2018-01, Rye Golf Club Green Renovation Project, be awarded to Turco Golf in the amount of \$617,141.

ROLL CALL

AYES: Councilmembers Goddard, Hurd, Mecca, Souza, Stacks, Tagger-Epstein,
Mayor Cohn
NAYS: None
ABSENT: None

5. Update from the Finance Committee.

Mayor Cohn made a brief statement on behalf of the Finance Committee. He said that finances are a principle City problem. The City has not been maintaining its infrastructure over recent years, leaving the current situation in a difficult place. He thanked the Finance Committee who have dedicated their time this year to study the issues and options for the City regarding capital needs, ideas for additional revenue sources and fees, with raising taxes as a final option. The Finance Committee is also looking at savings measures.

Councilman Stacks added that the budget and reporting aspects of the City's finances will be as transparent as possible. The Committee is looking at various reporting options. He thanked the Committee for their good work.

Councilman Mecca inquired about any deadline for any of these decisions with regard to capital improvements. Mayor Cohn replied that any bond issues would need to be decided prior to the end of summer.

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

Ray Tartaglione, 10 Hen Island, addressed the Council on the issue of sewage from Hen Island. He felt that sewage from the island was entering the Long Island Sound. He presented letters from James Carnicelli and HydroEnvironmental Solutions regarding the conditions at Hen Island. He urged the Council to take action.

Mayor Cohn responded that the City had asked the County to inspect Hen Island with regard to the proposed issues.

7. Resolution to modify the fees regarding the 2019 commuter parking permits.

Councilwoman Souza made a motion, seconded by Councilman Stacks, to adopt the following resolution:

RESOLVED, to authorize the modification of the fees regarding the 2019 commuter parking permits to charge \$1000 for resident commuter permits and \$1400 for non-resident commuter permits.

ROLL CALL

AYES: Councilmembers Goddard, Hurd, Mecca, Souza, Stacks, Tagger-Epstein, Mayor Cohn
NAYS: None
ABSENT: None

8. Consideration of proposed revisions and addition to the Rules and Regulations of the City of Rye Police Department:

- General Order #103.1 regarding General Regulations.
- General Order #109.6 regarding Offenses Involving Foreign Diplomats and Consular Officials.
- General Order #109.11 regarding Drug Recognition Expert (DRE). (New)
- General Order #111.1 regarding Evidence and Non Agency Property Management Guns”.
- General Order #111.4 regarding Processing of Recovered Firearms: “Crime Guns”
- General Order #114.2 regarding Supervisory Notifications and Response.
- General Order #114.9 regarding Continuity of Operations Plan (C.O.O.P.).

- General Order #116.4 regarding Sick Leave.
- General Order #116.10 regarding Pregnancy and Maternity Leave.
- General Order #117.4 regarding City Owned Property
- General Order #120.3 regarding Interrogation of Members.
- General Order #120.6 regarding Cause for Relief from Duty.
- General Order #120.7 regarding Disciplinary Matters.
- General Order #120.9 regarding Workplace Violence Prevention.

There was general discussion about the proposed revisions and additions to the police regulations. The Council asked for the redline version of the proposed regulations to distinguish what was previously in place. This item was held over.

9. Consideration of proposed revisions and addition to the Rules and Regulations of the City of Rye Fire Department:
- General Order #1.1 regarding an Operations Manual.

Mayor Cohn said that when there are substantive rules and regulations in place, it is important that the volunteer corps read the rules and regulations and comment on them. The Council decided to hold the matter over until substantive regulations were proposed.

11. Acceptance of donation to the Rye Fire Department from Marjan Kiepura in the amount of Two Hundred (\$200.00) Dollars.
Roll Call.

Items 11, 12, and 13 were taken together.

Councilman Mecca made a motion, seconded by Councilwoman Tagger-Epstein, to accept a donation to the Fire Department in the amount of Two Hundred (\$200.00) Dollars.

ROLL CALL

AYES: Councilmembers Goddard, Hurd, Mecca, Souza, Stacks, Tagger-Epstein,
Mayor Cohn

NAYS: None

ABSENT: None

12. Acceptance of donation to the Rye Fire Department from the Milton Harbor House in the amount of Two Hundred (\$250.00) Dollars.
Roll Call.

Councilman Mecca made a motion, seconded by Councilwoman Tagger-Epstein, to accept a donation to the Fire Department in the amount of Two Hundred Fifty (\$250.00) Dollars.

ROLL CALL

AYES: Councilmembers Goddard, Hurd, Mecca, Souza, Stacks, Tagger-Epstein,
Mayor Cohn
NAYS: None
ABSENT: None

13. Acceptance of donation to the Rye Fire Department from The Woman's Club of Rye, Inc. in the amount of Two Hundred (\$200.00) Dollars.
Roll Call.

Councilman Mecca made a motion, seconded by Councilwoman Tagger-Epstein, to accept a donation to the Fire Department in the amount of Two Hundred (\$200.00) Dollars.

ROLL CALL

AYES: Councilmembers Goddard, Hurd, Mecca, Souza, Stacks, Tagger-Epstein,
Mayor Cohn
NAYS: None
ABSENT: None

Councilwoman Hurd stated she would be interested in a history on how donations have been used in the past.

14. Resolution to authorize the expenditure for the purchase of refuse trucks. Funds to cover the cost for acquisition may be made from General operations, Contingency, Fund Balance or Debt.
Roll Call

Mayor Cohn said that the Council has examined the need for refuse trucks to be replaced. There was general discussion on the need for the trucks, and that the Council would be able to specifically authorize how to pay for them when they are purchased.

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

RESOLVED, to authorize the purchase of new refuse trucks for the Department of Public Works; now therefore be it

RESOLVED, that the funds to cover the cost of the purchase may be made from General operations, Contingency, Fund Balance or Debt.

ROLL CALL

AYES: Councilmembers Goddard, Hurd, Mecca, Souza, Stacks, Tagger-Epstein,
Mayor Cohn
NAYS: None
ABSENT: None

15. Consideration of a request by Christ’s Church for use of City streets on Sunday, June 17, 2018 from 8:30 a.m. to 12:30 p.m. for their semi-annual picnic.

Mayor Cohn explained that this request has routinely come before the Council for the Christ Church semi-annual picnic. Councilwoman Souza made a motion, seconded by Councilwoman Hurd, and unanimously carried, to approve the request by Christ’s Church for use of City streets on Sunday, June 17, 2018 from 8:30 a.m. to 12:30 p.m. for their semi-annual picnic.

- 15a. Resolution to Waive Chapter 144-8(D) and (G) of the Rye City Code to permit Barley on the Beach to operate a singular food truck adjacent to the Rye Town Park Restaurant Site.

There was discussion about Barley on the Beach, Rye Town Park’s new restaurant, providing a food truck to patrons while the restaurant site is prepared to open in July.

Councilwoman Hurd made a motion, seconded by Councilman Mecca and unanimously carried, to waive Chapter 144-8(D) and (G) of the Rye City Code to permit Barley on the Beach to operate a singular food truck adjacent to the Rye Town Park Restaurant site, provided that the food truck operates within the timeframe prescribed in the agreement between Barley and the Beach and Rye Town Park, and ends when the restaurant is able to open.

ROLL CALL

AYES: Councilmembers Goddard, Hurd, Mecca, Souza, Stacks, Tagger-Epstein,
Mayor Cohn
NAYS: None
ABSENT: None

16. Appointments to Boards and Commissions, by the Mayor with Council approval.

Mayor Cohn designated Councilwoman Goddard as liaison to the Tunnel Advisory Committee.

17. Miscellaneous communications and reports.

Councilwoman Souza announced that the annual Food Truck Festival would be held June 23, 2018 from 1:00 to 5:00 P.M. at Rye Recreation. Summer group tennis registration is open and can register online. One week speciality camp for August – registration is open.

Councilwoman Tagger Epstein announced that the Rye Historical Society Gala was a huge success. The Traffic and Pedestrian Safety Committee will be meeting in the following week. Councilwoman Tagger-Epstein took a moment to talk about the recent passing of Kate Spade. She said that mental health problems do not discriminate and need to be taken seriously. She read a statement about the statistics on suicide and depression.

Councilwoman Hurd announced that Rye Town Park has had a successful season so far, and is looking forward to the upcoming food truck and Barley on the Beach. Pavilions are available for rental, and there are upcoming events at the park. On behalf of the Boat Basin, Councilwoman Hurd announced that there were still slots available for the current year, with boats under 21 feet being especially welcome. She said there was always room for kayaks and canoes. She also announced that New York Rising projects are moving forward. Councilwoman Hurd said that the Chamber of Commerce soiree was being held at American Yacht Club on June 7, 2018. She then announced that both the Red Pony and Rafele Restaurant had received approvals for outdoor dining from the Planning Commission.

Councilman Mecca announced that the Planning Commission continued to have outdoor table applications. He also announced that Resurrection Church had also recently presented before the Planning Commission, and that the project at Rock Ridge Deli was moving along.

Councilwoman Goddard announced that the Ted Stein had organized a meeting of the Tunnel Advisory Committee for Monday, June 11, 2018 at 7:00 P.M. She stated she would give an update at the next City Council meeting. She also noted that Rye Town Park had a gardening and composting workshop co-sponsored by the Rye Sustainability Committee from June 16, 2018 from 10:00 to 12:00, costing \$5 per family. She encouraged those interested to register on Eventbrite. She also mentioned a waste reduction project and metal drinking straws initiate by the Rye Boy Scouts.

18. Old Business

There was nothing discussed under this agenda item.

19. New Business.

There was nothing discussed under this agenda item.

20. Adjournment.

There being no further business to discuss, Councilman Mecca made a motion, seconded by Councilwoman Souza and unanimously carried, to adjourn the meeting at 9:22 pm.

Respectfully submitted,

Carolyn 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 June 20, 2018, at 7:30 P.M.

PRESENT:

JOSH COHN, Mayor
EMILY HURD
JULIE SOUZA
BENJAMIN STACKS
Councilmembers

ABSENT:

SARA GODDARD
RICHARD MECCA
DANIELLE TAGGER-EPSTEIN

The Council convened at 6:30 P.M. Councilman Mecca made a motion, seconded by Councilwoman Souza, to adjourn immediately into executive session at 6:30 P.M. to discuss personnel and litigation matters.

At 7:25 P.M., Councilman Stacks made a motion, seconded by Councilwoman Souza, to adjourn the executive session. The special meeting of the City Council began at 7:30 P.M.

1. Pledge of Allegiance.

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

2. Roll Call.

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

3. A Mid-Year Report From the Mayor.

Mayor Cohn started by stating his intention was to conduct a brief review of some of the highlights over the past six months. He thanked the City staff and the citizens who provide their volunteer services on the City's Boards, Commissions and Committees for their hard work. He thanked the current Council and acknowledged that the group has met nearly every week since January in various formats (regular meetings, work sessions, workshops, executive sessions and attorney client meetings). He also acknowledged the weekly office hours the Council holds to provide another way to be available to the public. With the additional meetings and office hours, the intent is to make the public meetings shorter and more efficient.

Mayor Cohn started by addressing infrastructure, stating that two of the most consuming subjects have been infrastructure and money. He explained that prior administrations have deferred repairs over the years and have left the City in its current state. Current issues for the City include: a State directive to renovate the court house, DPW garages and salt shed being in poor condition, City Hall approaching 60 years old without having fundamental systems overhauled, the entire garbage truck fleet needing to be replaced, City roads needing maintenance, and sewer pipes (many approaching 100 years of age) will soon face mandatory sewer repairs, where State funding only subsidizes a fraction of the funding. With all of these issues and a lack of money, the Council must decide what projects to pursue this year and if it will bond for them. Additionally, the question is to bond for the entire group of projects or bond for some now and a second bond once the sewer bills are known. Mayor Cohn explained that the City only receives about 15% of the total tax payer dollars. However, a large portion is used to pay for employee salaries, benefits and retiree benefits. Further, that 15% which comes from property taxes is the largest revenue source, but is subject to a tax cap of about two percent, even with the current rate of inflation is 2.8 percent, leaving the City in a financial bind on how to pay for the needed repairs. The Council has worked with the Finance Committee, which is currently reviewing all of the spending and revenue sources, compiling a list of critical infrastructure projects, and analyzing City programs and the fees the City charges.

Mayor Cohn mentioned the proposed Tunnel to Long Island, and reported that the City has a newly-appointed Tunnel Advisory Committee. Although many say it is highly unlikely to be built, the City cannot chance the project's unexpected fruition. He said that the project is bad for the whole I-287 and I-95 corridor, bad for the Long Island Sound, bad for New York State finances, and bad for Rye.

On the Last Mile Project, Mayor Cohn said that he and Deputy Mayor Hurd recently met in Albany to coordinate with the Thruway Authority to rebuild I-95 to the Connecticut border. He was disappointed to learn that the Authority has sought contractor bids without the means to seek relief for the residents of Rye from construction activities.

With regard to road repairs, the City will add whatever funds that can be found to the \$1M of budgeted funds that have been allocated to road repairs this year. Although bonding may be an option for a portion of the project, the total funds available will not fix all of the roads the City desires.

Mayor Cohn then touched on the Con Ed gas main work. Con Ed intends to replace gas mains under streets during the summer and fall of 2018. With the City's own road work schedule and the Last Mile Project, the City is attempting to agree on a multi-year schedule with Con Ed so it remains possible to traverse the City.

On the Boat Basin, Mayor Cohn said that the Milton Harbor Channel is threatened by silting from the Blind Brook. With federal dredging aid is no longer available, sediment samples from the basin are now being studied to determine how many millions of dollars dredging will cost. The Enterprise fund is unclear on how it will raise the funds but it is understood how important the Boat Basin is to all.

On the issue of sidewalks, the Council has studied design options and held a workshop for Forest Avenue sidewalks, as well as worked with the TPSC to consider which other walking routes to City schools the City should look into for sidewalk additions. The City seeks to obtain grant funding for the Forest Ave sidewalk.

Mayor Cohn mentioned the Fire Department and said that a closer look is still being studied to see if the actions taken by the prior Council has been effective when they established a Public Safety Commissioner that puts supervision of the Fire Department in the hands of the then Police Commissioner. The prior Council also initiated the hiring of additional paid Firefighters with the intention of stabilizing the department of professionals and volunteers.

Mayor Cohn gave an update on Crown Castle, stating that the litigation in State court is still in process and a motion to dismiss Crown's law suit and Crown's motion for summary judgement will soon be under consideration by the judge.

Concerning the project proposed at the United Hospital site, Mayor Cohn said that Starwood continues to try and sell its rights to the project. Port Chester's mayor has committed to hear the City's concerns if the project moves forward, specifically as it relates to traffic patterns for the Rye Park neighborhood before construction starts.

The City recognizes the need for additional sports field space but does not have the means to invest in sports fields at this time. However, private funding may be an option, but whether the City can move in that direction is unclear. Additionally, the City is still currently in communication with the Rye Country Day school on a shared field on Boston Post Road.

Mayor Cohn lastly mentioned the New York Rising funding and projects. He explained that several years ago, Rye had received \$3 million in grant money under the New York Rising program for flood-related projects. The City has been working with the Governor's office on storm recovery to spend that money well. Installing flow sensors on Blind Brook and improving Milton Road drainage are some of the projects in mind.

4. Finance Committee Report.

Mayor welcomed Greg Usry, Finance Committee Chair, to address the Council. He thanked the Council for the opportunity to present initial recommendations and analysis. He thanked the City staff for the time that they have spent with the Committee. The Committee has met, at times weekly, since February. He thanked the Committee members for their hard work and dedication. Currently, the committee has reviewed the following to date: Rye Golf Club, Boat Basin, Rye Recreation, Department of Public Works, Department of Safety and Rye TV. They are currently reviewing the Rye Free Reading Room, Nature Center, and Rye Arts Center over the next few weeks. Additionally, the Save the Sound settlement and Boat Basin dredging are not included in current recommendations. Union contracts not yet completed so no comment will be made beyond that they know the operating expenses will be higher in the future. The Committee is halfway through reviewing parking in the downtown/ fees will have their recommendations closer to the budget.

CAPITAL IMPROVEMENT PLAN

The Committee has organized themselves on three basic lines. First, the City has had a 5 year capital improvement plan which is more of a planning document or wish list and not a focused near-term plan. One of the focuses of the Committee has tried to prioritize what the critical projects are. Next, with an understanding that we won't pay as we go, without bonding, there will be a hole in the budget, therefore the second line of focus is revenue expansion. Thirdly, how to improve the budget process for the citizens at large. He also stated that everything said tonight has been a unanimous vote of the Committee.

To further detail the above, Mr. Usry explained that the single most pressing matter is the deferred maintenance and deferred spending for capital projects. He said that there were four categories within discretionary spends that are not clearly visible. First, projects that are court mandated which are not discretionary, but rather mandatory. Second, those facilities that need to be improved because it is a danger to employees or the community. Third, items more expensive than it should be due to age and inefficiency. Lastly, projects that the mere deferral of spend is going to result in an exponentially higher expense. The list they have comprised is a "have to have," versus the "nice to have" for the City. Additionally, all of the years of deferred maintenance is now going to impact bond ratings and interest rates are going up.

Out of this list, depending upon where the court improvement comes in, the Committee feels that priority capital needs may amount to approximately of \$10.5 million. Under the City Charter, the Council has the ability without referendum to approve \$11.5 million of capital projects. Additionally, in 2012 there was a bond referendum for \$1.38 million which was never bonded for, but was approved by voters. That money, less \$200,000 was spent and borrowed from the General Fund, which results in the current receivable coming from a future bond issue.

As a result, the Committee's full recommendation as it relates to capital projects is for the City to borrow \$11.5 million for bonds by year end, plus the \$1.38 million that was approved by referendum in 2012. He added that this does not included anything for the sewer remediation and that the future settlement is expected to be of great magnitude in the near future.

One of the things that many communities do, and that this Committee is recommending, is to create capital projects reserve fund (CPRF). The creation of funds would mean there is an automated transfer of funds to the capital projects reserve at the conclusion of the annual audit each year. Any excess monies from the prior year would be transferred to the capital projects reserve. Additionally, any one time non-recurring revenues in excess of \$25,000 should be transferred into the CPRF. Mr. Usry said the Committee also evaluated the Rye TV reserve and feel the franchise fees that the two cable companies provide the City should be classified as a tax revenue instead of a revenue generated by Rye TV. That revenue should also be transferred to the capital projects fund. Those funds should then be identified and allocated for specific projects as part of the manager's annual budget submission for the upcoming budget year.

Mr. Usry explained that if the City were to bond for the full \$11.5 million, it would amount to approximately \$800,000 year to service the debt. The Committee proposes the

following to offset debt service cost and suggests to pull from the following revenue streams: as proposed by the staff, the increased cost of train station parking permits which will generate approximately 125K-150K, annual Cable TV franchise fees, mandating that enterprise funds borrowing money for projects pay the City an annual credit enhancement fee for the use of the city's credit on behalf of the enterprise, Rye Recreation's self-supporting expense target being raised by 5% (from 40%) over the next two budget years, which could equate to an additional \$150,000 for the City. Mr. Usry stated that fees and permits are still being evaluated and further recommendations will be made in the next 30 to 45 days.

BUDGET PROCESS AND TRANSPARENCY:

The Committee's first recommendation was implemented several months prior, to have an ongoing report to the City Council on the status of the City financials. Next, Mr., Usry recommended an annual capital projects plan to be completed by September 1 with the City Manager making recommendations for the next 12-18 months, including funding sources on an annual basis. Further, the Citizens Budget Report should be summarized to three to four pages and accompany the City Manager's budget as prepared by the Finance Committee and Comptroller Fazzino.

Mr. Usry reported that the Committee also feels it necessary to better educate the community, recommending Rye TV as an avenue to produce a series of educational videos on the City's finances, budget, capital plan, etc. to support the focus of transparency.

Mr. Usry then said that all departments should report overtime pay quarterly so the community can see the impact, in particular during a heavy snow season or other impactful events.

Lastly, once a capital project has been added to the City Manager's priority list, the Finance Committee should review other projects and financial viability with a resulting report to the Mayor and Council.

Mr. Usry closed the presentation by stating that the City has not explored public and private partnerships and may want to do so in the future if the City wants to update items such as fields, which may never make the priority list of City capital improvements.

Jerry Seitz, 141 Kirby Lane, said that he felt that the presentation was helpful. As a longtime resident and volunteer, he commented that when he was on the Council, he ran on the platform that within four years the board will get you to below the increase at the cost of living. He commented that it is important to find depreciation with respect to capital project reserves. He said the analysis of Rye TV was excellent. Mr. Seitz said that demographics have changed over the last fifty years. He said that if we want to preserve Rye as a community, there are some of the things we have to address, such as making a conscious effort take care of people who have been a part of the Rye community for a long period of time. He said that it is also important to raise additional monies. Mr. Seitz mentioned the hotel occupancy tax, parking meters, and trying to make Rye friendly and available to the people who work here. He urged the Council to explore a flip tax on real estate, and to increase the sales tax.

Steve Fairchild, Rye Cable Committee, spoke on the Cable TV Franchise. He supported keeping the money and funding in the Rye Cable Committee for future needs and to sustain the contract with Rye High School.

5. Discussion of Possible Capital Spending.

Mayor Cohn commented that the Council has already have had the discussion this evening with regard to possible capital spending. He reminded the community about past workshops, which are available to the public on the website.

6. Discussion of Rye TV.

Mayor Cohn said that with respect to Rye TV, he proposed a sub-panel to be created of the City Council to analyze the current situation and recommendations of the Finance Committee. He said that the sub-panel may consider hiring of a consultant to gain an outside perspective of the operations and cost.

Mayor Cohn designated Councilwoman Goddard, Councilman Stacks, and Councilwoman Hurd to the Council sub-panel for Rye TV.

7. Miscellaneous communications and reports.

There was nothing to report under this agenda item.

8. Old Business

There was nothing to report under this agenda item.

9. New Business.

Corporation Counsel Wilson noted that applications were due soon for designation as Tree City USA. She said that in order for the City to comply with the regulations, it would need to observe Arbor Day and have a proclamation to that effect. The City already has a tree law in the City Code.

There were questions on possible cost for the program. Mayor Cohn responded that if there were additional requirements than stated above, that the matter would be brought back to the Council for a vote.

Councilwoman Hurd made a motion, seconded by Councilman Stacks and unanimously carried, to consent to the Mayor signing an application on behalf of the City of Rye for a Tree

City USA designation, on the condition that any further requirements or cost are brought back to the Council for a vote.

10. Adjournment.

There being no further business to discuss, Councilwoman Souza made a motion, seconded by Council Stacks and unanimously carried, to adjourn the meeting at 8:57 pm.

Respectfully submitted,

Carolyn D'Andrea
City Clerk



CITY COUNCIL AGENDA

NO. 7

DEPT.: City Manager's Office

DATE: July 6, 2018

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Consideration of a resolution to establish a test pilot program to assess the effect of removing the "except Sunday" condition from certain locations subject to a 15-minute parking rule. The test pilot program would be limited to Forest Avenue in front of Playland Market and Griffin Wines. Such a pilot program would end on November 1, 2018 and be subject to renewal if the Council deems appropriate.33 of the laws of New York, 2013.

FOR THE MEETING OF:

July 11, 2018

**RYE CITY CODE,
CHAPTER
SECTION**

RECOMMENDATION: That the Council considers a resolution to establish a test pilot program as stated above.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:



CITY COUNCIL AGENDA

NO. 9

DEPT.: Finance

DATE: July 6, 2018

CONTACT: Joseph Fazzino, City Comptroller

AGENDA ITEM: Consideration to set a Public Hearing for August 11, 2018 to establish the 2019 Budgeted Fees and Charges.

FOR THE MEETING OF:

July 11, 2018

RYE CITY CODE:

CHAPTER
SECTION

RECOMMENDATION:

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

A Public Hearing will be held to establish the 2019 fees and charges which will be incorporated into the City's 2019 Budget.

Please see attached fee schedule.

CITY OF RYE, NEW YORK
GENERAL FUND
ANNUAL BUDGET
FOR FISCAL YEAR ENDING DECEMBER 31, 2018

FEE SCHEDULE

FEE DESCRIPTION	CITY CODE	LAST CHANGED	2017	2018	2019
<u>ASSESSOR'S OFFICE</u>					
GENERAL					
Standard Photocopy Fee					
Letter/Legal per page		1999	0.25	0.25	0.25
MAPS					
City Maps 3'x5"		1996	15.00	15.00	15.00
Aerial Map		1996	15.00	15.00	15.00
Drain & Sewer map from blueprints (blue on white)		1996	60.00	60.00	60.00
Standard Tax Map		1996	15.00	15.00	15.00
Tax index map (40"x64")		1996	15.00	15.00	15.00
Topographical maps		1996	60.00	60.00	60.00
<u>BOARD OF APPEALS</u>					
GENERAL					
Multi & Commercial Appeals	197-84	2016	700.00	700.00	700.00
Single Family Appeals	197-84	2016	500.00	500.00	500.00
Adjourned Applications		2003	100.00	100.00	100.00
Revised Plans		2003	75.00	75.00	75.00
<u>BUILDING</u>					
ELECTRICAL					
Electrical permits in existing building where a building permit is not required: for multiple residences, commercial or industrial buildings	68-12	2011	100.00	100.00	120.00
Electrical Permits in existing buildings where a building permit is not required: for one & two family dwellings with contracts valued at \$500 or more	68-12	2014	100.00	100.00	120.00
GENERAL					
Building Permits (1) - minimum fee	68-12	2011	75.00	75.00	100.00
Building Permits (2a) - add'l charge per \$1,000 est. work (residential)	68-12	2013	17.00	17.00	17.00
Building Permits (2b) - add'l charge per \$1,000 est. work commercial)	68-12	2012	30.00	30.00	30.00
Building Permit (3) - penalty for work begun without permit	68-12D, 197-84E	2016	1,500.00	1,500.00	1,500.00
Certificate for Commercial Buildings	68-12	2011	175.00	175.00	225.00
Certificate of Occupancy: to be paid with application for building permit	68-12	2011	100.00	100.00	125.00
Changes in Approved Plans	68-12	2016	500.00	500.00	550.00
Demolition Permits - Commercial and residential structures	68-12	2010	2,000.00	2,000.00	2,500.00
Demo Pmts - In-ground pools tennis crts detached garages	68-12	2010	750.00	750.00	900.00
Demo Pmts - Sheds, above ground pools, pool decks, gazebo	68-12	2011	200.00	200.00	225.00
Fence Permit	68-12	2016	100.00	100.00	115.00
Generator Permit	68-12	2014	300.00	300.00	400.00
Sign Permit	68-12	2016	100.00	100.00	125.00
New Certificate for old buildings	68-12	2016	300.00	300.00	350.00
Pre-date letters		2016	200.00	200.00	225.00
Rock Removal / Chipping		2016	250.00	250.00	300.00
Roof Replacement		2016	175.00	175.00	200.00
Change of Occupancy		2016	175.00	175.00	200.00

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PLUMBING					
<i>Oil or gas heating permits in existing building w/o building permit required:</i>					
New heating equipment installation or replacement	68-12	2013	150.00	150.00	200.00
Plumbing - No building permit required (min)	68-12	2016	200.00	200.00	200.00
Plumbing - for each fixture above 5	68-12	2011	5.00	5.00	5.00
Sewer or storm drain connection (per)	68-12	2016	100.00	100.00	100.00
 <u>CITY CLERK</u>					
FIRE PREVENTION					
Explosive Inspection Fee	98-41	2005	115.00	115.00	REMOVE
Fireworks Display (each)	98-45	2010	750.00	750.00	1,000.00
Installation of liquefied petroleum gas	98-82	2005	57.00	57.00	REMOVE
Place of assembly 100 or more people	98-101	2005	115.00	115.00	350.00
Storage of Flammable liquids (permits & insp.)	98-51	2005	115.00	115.00	REMOVE
Storage of lumber (in excess of 100,000 bd. ft.)	98-85	2005	57.00	57.00	REMOVE
Storage of underground tanks <1100 gal.(permits & insp.)	98-57	2005	57.00	57.00	REMOVE
Storage of underground tanks >1100 gal. (permits & insp.)		2005	115.00	115.00	REMOVE
Welding & cutting	98-130	2001	55.00	55.00	REMOVE
 GENERAL					
Auctioneer	56-3	2010	500.00	500.00	750.00
Birth Certificate	NYS-Governed		10.00	10.00	10.00
Blasting Permit	98-41	2018	500.00	750.00	1,500.00
Cabaret	50-5	2012	200.00	200.00	750.00
Christmas Tree Sale Refundable Bond	98-124	2001	45.00	45.00	45.00
Christmas Tree Sales: Inspection	98-124	2003	100.00	100.00	100.00
Code of the City of Rye	AT-COST	2005	300.00	300.00	400.00
Code of the City of Rye - Supplement		2005	n/a	n/a	n/a
Codes: Zoning	AT-COST	2005	n/a	n/a	REMOVE
Coin operated Dry Cleaning Establishment	98-29	2005	n/a	n/a	n/a
Coin operated Laundry: Establishment	98-36	2005	n/a	n/a	n/a
Death Transcript	NYS-Governed		10.00	10.00	10.00
Dog License: Nuetered Dog - Owner's Cost	76-5	2015	15.00	15.00	21.00
Breakdown of Owner's Cost:					
City of Rye Fee	76-5	2015	14.00	14.00	20.00
NYS Fee	NYS-Governed		1.00	1.00	1.00
Off Leash Fee (Rye Town Park)		2016	25.00	25.00	30.00
Dog License: Non-Nuetered Dog - Owner's Cost		2015	23.00	23.00	28.00
Breakdown of Owner's Cost:					
City of Rye Fee	76-5	2015	20.00	20.00	25.00
NYS Fee	NYS-Governed		3.00	3.00	3.00
Dog Redemption: with current license	76-4	1977	n/a	n/a	n/a
Dog Redemption: without current license	76-4	1977	n/a	n/a	n/a
Dry Cleaning Establishment	98-22	2005	90.00	90.00	100.00
Debris Collection Container:	167-14	2001	40.00	40.00	40.00
Filming: Private Property Per Day	93-6	2016	800.00	800.00	1,000.00
Filming: Public Property (Maximum)	93-6	2012	25,000.00	25,000.00	30,000.00
Filming: Public Property (Minimum)	93-6	2001	1,600.00	1,600.00	1,800.00
Junk Merchant: Establish place of business	113-4	2005	n/a	n/a	n/a

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		CHANGED				
Junk Peddler	113-4	2005		n/a	n/a	n/a
Laundromat	121-4	2005		n/a	n/a	n/a
Marriage License	NYS-Governed	2003		40.00	40.00	40.00
Marriage Transcript	NYS-Governed	2002		10.00	10.00	10.00
Non-refundable Bid fee (per every \$50 of bid)		2001		15.00-100.00	15.00-100.00	15.00-100.00
Other Pamphlet Codes	AT-COST			8.00	8.00	8.00
Peddler, Hawker, Solicitor	144-6	2012		300.00	300.00	500.00
Additional Permit Issued		2013		75.00	75.00	REMOVE
Lost Permit Replacement		2013		5.00	5.00	REMOVE
Sign posting @ Boston Post Road & Cross Street		2018		35.00	40.00	40.00
Tourist Park or Camp App. 5 units or less	157-9	2001		n/a	n/a	n/a
Tourist Park or Camp App. 6 units or less	157-9	2001		n/a	n/a	n/a
Tourist Park or Camp license (per unit)	157-12	2001		n/a	n/a	n/a
MECHANICAL INSTALLATION LICENSE						
Gas Heat	68-12	2012		150.00	150.00	250.00
Oil Heat	68-12	2012		150.00	150.00	250.00
MISCELLANEOUS LICENSES						
Bowling Alleys	50-5	2005		n/a	n/a	n/a
Circus	50-5	2005		n/a	n/a	n/a
Driving Range	50-5	2005		n/a	n/a	n/a
Miniature Golf	50-5	2005		n/a	n/a	n/a
Moving Picture House	50-5	2005		n/a	n/a	n/a
Public Exhibition	50-5	2005		90.00	90.00	90.00
Public Hall	50-5	2005		90.00	90.00	90.00
Shooting Gallery	50-5	2005		n/a	n/a	n/a
Skating Rink	50-5	2012		n/a	n/a	n/a
Taxi Cab License	180-12	2012		130.00	130.00	200.00
Taxi Driver License	180-8	2012		75.00	75.00	100.00
Theater	50-5	2005		n/a	n/a	n/a
<u>PARKING</u>						
Non-Resident Commuter (Includes Tax)	191-47	2014		760.00	760.00	1,400.00
Resident Commuter (Includes Tax)	191-47	2014		760.00	760.00	1,000.00
Merchant Parking (Non-Taxable)	191-47	2017		500.00	500.00	500.00
Taxi Stall Rental (Plus tax)	2005	2005		700.00	700.00	700.00
Guest Parking Overnight (max. 14 days per night)		2014		15.00	15.00	25.00
Replacement Sticker (without old sticker)	191-47	2017		300.00	300.00	n/a
Replacement Sticker (with old sticker)	191-47	2017		20.00	20.00	n/a
Resident All Day/All Night	191-47	2017		900.00	900.00	900.00
Resident All Night	191-47	2017		480.00	480.00	480.00
Snow Field Parking		2016		200.00	200.00	300.00
Special Permits (Theo. Fremd Lot)*		2003		n/a	n/a	200.00
Commuter Parking Waitlist Fee (One-time Fee)		2017		100.00	100.00	100.00
Commuter Meters - Daily Rate (12 hours)		2013		5.00	5.00	7.00
Paystation rate per hour		2012		1.00	1.00	1.00
Additional Car on Permit		2018		n/a	n/a	20.00

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<u>ENGINEERING</u>					
GENERAL					
Constructed or Replaced Curb		2014	50.00	50.00	50.00
Constructed or Replaced Depressed Curb (min)		2014	50.00	50.00	n/a
Constructed or Replaced Driveway (min)		2014	50.00	50.00	50.00
Constructed or Replaced Sidewalks (min)	167-8	2014	50.00	50.00	50.00
Construction Debris Containers (per day)	167-14	2014	100.00	100.00	250.00
Street Obstructions, Storage of Materials, Operating Machinery, loading & unloading, scaffolding & bridging	167-13	2014	150.00	150.00	250.00
Street Opening: Curbing-Asphalt/Concrete/Flag		2014	250.00	250.00	n/a
Street Opening: Sidewalk Area-Asphalt/Concrete/Flag		2014	250.00	250.00	n/a
Street Opening: Street Area-Asphalt	167-9	2014	250.00	250.00	500.00
Street Opening: Street Area-Concrete		2014	250.00	250.00	n/a
Street Opening: Test Holes (keyhole method) (each)	167-9	2014	250.00	250.00	n/a
Street Opening: Unpaved Areas		2014	250.00	250.00	250.00
Street Opening Permit Surcharge		2014	200.00	200.00	500.00
Street Opening Public Service Fee(per LF, over 72 FT length)	167-9	2014	5.00	5.00	n/a
Surface Water Control Application fee (Stand Alone)	173-9	2013	200.00	200.00	500.00
STREETS/SIDEWALKS					
Construction Manhole/Catch Basin (min)		2012	180.00	180.00	250.00
Driving Pipes (min)		2012	100.00	100.00	n/a
Install Underground Tank/Vault (min)		2012	110.00	110.00	n/a
Plumbing Connection to Structures: Manholes/Catch Basin (min)	1.67	2012	45.00	45.00	250.00
Plumbing Connection to Structures: Sewer or Drain Line (min)		2012	35.00	35.00	250.00
<u>FIRE</u>					
GENERAL					
Inspection Fee (per inspection)		2018	135.00	150.00	200-300
Return Inspection		2012	50.00	50.00	150.00
Tank Removal Inspection		2010	100.00	100.00	150-200
<u>PLANNING</u>					
COASTAL ZONE MANAGEMENT					
Waterfront Consistency Review Application	73-6	2012	825.00	825.00	950.00
GENERAL					
Copies of Subdivision or site plans - complete sets only (per sheet)		2012	12.00	12.00	15.00
Informal review	197-84.F. (1) (A)	2012	n/a	n/a	n/a
Preliminary Application (up to 10 parking spaces)	197-84.F. (1) (B)	2013	1,000.00	1,000.00	1,125.00
Preliminary Application - Add'l charge per required parking space over 10 spaces		2012	n/a	n/a	n/a
Modification or Extension of Preliminary Application	197-84.F. (1) (D)	2012	n/a	n/a	n/a
Final Application (up to 10 parking spaces)	197-84.F. (1) (C)	2013	1,300.00	1,300.00	1,500.00
Final Application - Add'l charge per required parking space over 10		2012	n/a	n/a	n/a
Modification or Extension of Preliminary Application	197-84.F. (1) (G)	2012	n/a	n/a	n/a
Inspection Fee (Fee + 7.0% cost of improvement)	197-84.F. (1) (H)	2012	550.00	550.00	650.00

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		CHANGED	2017	2018	2019
Construction and Use without prior approval	197-84.F. (1) (J)	2013	2,800.00	2,800.00	3,500.00
Modification of Tree Preservation Plan by the City Planner		2012	500.00	500.00	500.00
Tree Replacement, fee in lieu of	170-15.D. (9)	2013	1,900.00	1,900.00	1,900.00
SUBDIVISION REVIEW					
Informal Review	170-5.D.	2013	675.00	675.00	750.00
Preliminary Application	170-6.B. (4)	2012	825.00	825.00	950.00
Preliminary Application - Add'l charge per lot		2012	390.00	390.00	450.00
Waiver of Preliminary Application - Add'l charge per lot		2012	n/a	n/a	n/a
Modification or Extension of Preliminary Application	170-11.B.	2012	n/a	n/a	n/a
Final Application	170-7.A.	2012	1,120.00	1,120.00	1,300.00
Final Application - Add'l charge per lot		2012	385.00	385.00	450.00
Modification or Extension of Final Application	170-11.B.	2012	n/a	n/a	n/a
Waiver of Penalty Application	170-7.A.	2012	n/a	n/a	n/a
Inspection Fee - 7% of cost of improvement plus \$50 per lot, or \$500, whichever is greater	170-8.B. (3)	2012	550.00	550.00	650.00
Modification of Tree Preservation Plan by City Planner		2012	500.00	500.00	575.00
Tree Replacement, fee in lieu of	170-17.A.(1)	2013	1,900.00	1,900.00	2,200.00
Fee in lieu of Parkland - In trust-minimum (dollars per square foot of lot area)	170-17.A. (1)	2012			
<i>R-1 One Family District</i>			0.14	0.14	0.17
<i>R-2 One Family District</i>			0.25	0.25	0.30
<i>R-3 One Family District</i>			0.35	0.35	0.42
<i>R-3 One Family District (Floodplain)</i>			0.25	0.25	0.30
<i>R-4 One Family District</i>			0.40	0.40	0.48
<i>R-4 One Family District (Floodplain)</i>			0.25	0.25	0.30
<i>R-5 One Family District</i>			0.49	0.49	0.59
<i>R-5 One Family District (Floodplain)</i>			0.25	0.25	0.30
<i>R-6 One Family District</i>			0.57	0.57	0.69
<i>R-6 One Family District (Floodplain)</i>			0.25	0.25	0.30
<i>RT Two-Family district (1 and 2 Family Residence)</i>			0.57	0.57	0.69
<i>RS School & Church District (1 Family Residence)</i>			0.35	0.35	0.42
<i>RA-1 District (1 Family Residence)</i>			0.57	0.57	0.69
<i>RA-1 District (2 Family Residence)</i>			0.41	0.41	0.50
<i>RA-2 District (1 Family Residence)</i>			0.57	0.57	0.69
<i>RA-2 District (2 Family Residence)</i>			0.49	0.49	0.59
<i>RA-3 District (1 and 2 Family Residence)</i>			0.57	0.57	0.69
<i>RA-4 District (1 and 2 Family Residence)</i>			0.57	0.57	0.69
<i>B-1 Business District (1 and 2 Family Residence)</i>			0.57	0.57	0.69
Apportionment Application	170-11.C.	2012	650.00	650.00	750.00
Construction and Use without prior approval	170-6.B.	2006	2,730.00	2,730.00	3,500.00
RE-ZONING APPLICATIONS		2013	1,300.00	1,300.00	1,500.00
WETLANDS/WATER COURSES					
Application Fee	195	2012	985.00	985.00	1,100.00
Inspection Fee	195	2012	550.00	550.00	600.00
Appeal of Determination	195	2012	550.00	550.00	650.00
Extension of Prior Approval		2012	600.00	600.00	700.00
Outdoor Dining Fee		2009	500.00	500.00	650.00

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<u>POLICE</u>					
ALARMS					
Alarms permit - Fire/Burglar - New Permit - Residential	46-5	2017	50.00	50.00	100.00
Alarms permit - Fire/Burglar - Annual Renewal - Residential	46-5	2006	35.00	35.00	50.00
Alarms permit - Fire/Burglar - New Permit - Commercial	46-5	2017	100.00	100.00	150.00
Alarms permit - Fire/Burglar - Annual Renewal - Commercial	46-5	2017	50.00	50.00	100.00
False alarm: 2nd call per annum*(Requires change to Code)	46-8	2010	50.00	50.00	100.00
False alarm: 3rd, 4th call each per annum		2003	100.00	100.00	150.00
False alarm: over 4 per annum		2003	200.00	200.00	200.00
GENERAL					
Auxiliary Police Services Event Fee		2012	200.00	200.00	OMIT
Motor vehicle accident reports (available online)		2016	10.00	10.00	25.00
Flash Drive option for digital photos		2016	25.00	25.00	25.00
Good Conduct Certificates		2012	75.00	75.00	100.00
Mooring Permits (per permit)		2003	150.00	150.00	150.00
Police report copies (per copy, victims of crimes no charge)		1990	0.25	0.25	0.25
Redemption of Shopping Carts	164-6	2012	50.00	50.00	50.00
Reprints of Photographs		2012	30.00	30.00	30.00
Subpoena Fees for Records (min)		2012	30.00	30.00	30.00
LOCAL ORDINANCE					
Failure to shovel snow after a storm	167-48	2011	50.00	50.00	75.00
BILLABLE OVERTIME HOURLY RATES:					
Police Lieutenants		2016	142.00	142.00	142.00
Police Sergeants		2016	134.00	134.00	134.00
Police Officers		2016	118.00	118.00	118.00
Parking Enforcement Officers		2016	76.00	76.00	76.00
Parking Enforcement Officers - Double Time		2016	102.00	102.00	102.00
<u>PUBLIC WORKS</u>					
GENERAL					
Collection of bulky metals at curbside (minimum)	157-34	2012	35.00	35.00	n/a
Collection of bulky waste in excess of 2 cubic yards (min)	157-34	2012	35.00	35.00	250.00
Penalty for amounts not paid within 60 days	157-34	2001	25.00	25.00	50.00
Penalty for amounts not paid within 90 days	157-34	2001	25.00	25.00	50.00
Add'l penalty for amounts not paid if collection by levy is required	157-34	2001	25.00	25.00	250.00
<u>RECREATION</u>					
ATHLETIC FIELD USE SURCHARGE (per person/per prog)		2011	15.00	15.00	20.00
BUILDING FEES					
*Descriptions changed to be more relevant to Rec facilities					
Lower Level Multi Purpose Room (per hour)* # ^		2017	110.00	110.00	110.00
Upper Level Rooms (per hour) * #		2017	90.00	90.00	90.00
Lower Level Multi Purpose Room: Non-Profit (per hour)		2018	75.00	90.00	90.00
Upper Level Rooms: Non-Profit Rate (per hour)		2017	70.00	70.00	70.00
Lower Level Multi Purpose Room Event Party (4 Hours)		2011	575/675	575/675	575/700
Birthday Party: Basic Program Restricted time frame (2 hrs)		2018	225/325	225/350	225/350
Upper Level Room Event Party: (4 hours)		2011	475/575	475/575	475/600
Maintenance Coverage (per hour) Full-time		2014	60.00	60.00	60.00

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Maintenance Coverage (per hour) Part-time		2014	40.00	40.00	40.00
Alcohol Permit Fee - Event Parties		2017	75.00	75.00	75.00
Event Party Security Deposit (Refundable)		2014	150.00	150.00	150.00
*Long - term rentals receive a discounted rate to be determined by the Superintendent of Recreation					
^High School Booster Clubs receive discounted rate room rental for sports dinners - birthday party rate					
Community Groups do not pay for room rentals during regular business hours; community groups include but are not limited to: scouts, republican and democratic clubs, garden clubs, Women's Club of Rye, Rye Auxilliary Police, Rye Fire Department					
# Each school receives one free room rental as a sponsorship towards their school fund raiser					
 DAY CAMP					
Day Camp - 2 week full day session (resident)		2018	555.00	565.00	570.00
Day Camp - 6 week basic (non-resident)		2018	1,610.00	1,640.00	1,660.00
Day Camp - 6 week basic (resident)		2018	805.00	820.00	830.00
Day Camp - 6 week extended program (resident)		2012	n/a	n/a	n/a
Day Camp - Swim group		2014	85.00	85.00	90.00
Day Camp - Swim lessons (with group)		2016	125.00	125.00	130.00
Kiddy Camp (resident)		2018	745.00	760.00	770.00
Kiddy Camp - 2 week session (resident)		2012	n/a	n/a	n/a
Registration fee after deadline		2015	25% Inc	25% Inc	25% Inc
Camp 78 - 5-day week		2018	260.00	275.00	325.00
Camp 78 - 4-day week		2018	n/a	230.00	260.00
Camp Withdrawal Fee		2014	25% of Fee	25% of Fee	25% of Fee
 INDOOR RECREATION					
Daily Fees (resident/non-resident)		2010	5.00/10.00	5.00/10.00	5.00
 OUTDOOR RECREATION					
All day field permit (10am-6pm)		2011	700.00	700.00	700.00
Field permit (2 hrs.) *		2011	200.00	200.00	250.00
Field/Facility Use - Basketball - Outdoor lights (2hrs)		2009	160.00	160.00	250.00
Softball - Men's Adult (per team)		2018	390.00	400.00	420.00
Softball - Woman's Adult (per team)		2018	340.00	350.00	370.00
Movie Shoot parking lot rental per lot (per day)		2016	1,200.00	1,200.00	2,000.00
*50% Reduced rate available if facility does not require field prep					
 PICNIC					
Non-profit/Sport League Groups		2012	50.00	50.00	50.00
Refundable Deposit (Part of Fee)		2015	100.00	100.00	n/a
Weekday Picnic (4-Dark)		2011	165.00	165.00	175.00
Up to 75 (Resident/Non Resident)		2017	225/350	225/350	225/350
75 to 150 (Resident/Non Resident)		2017	425/550	425/550	425/550
Free events for City of Rye organizations such as Rye Auxiliary Police and Rye Fire Department					
 TENNIS					
Permit - Adult (19 & over)		2011	110.00	110.00	120.00
Permit - Family (max. 5)		2011	285.00	285.00	n/a
Permit - Individual (non-resident)		2011	220.00	220.00	240.00
Permit - Junior (6-18 years)		2011	60.00	60.00	70.00
Permit - Senior (60+)		2011	75.00	75.00	80.00
Daily Fee (resident only; Adult/Junior or Senior)		2014	13.00/8.00	13.00/8.00	13.00/8.00
Guest of Permit Holder - Hourly fee (Adult/Junior or Senior)		2014	13.00/8.00	13.00/8.00	13.00/8.00
Private lessons: Per half hour		2017	40.00	40.00	40.00
Private lessons: Per hour		2017	55.00	55.00	75.00

CITY OF RYE, NEW YORK
 GENERAL FUND
 ANNUAL BUDGET
 FOR FISCAL YEAR ENDING DECEMBER 31, 2018

FEE SCHEDULE

FEE DESCRIPTION	CITY CODE	LAST CHANGED	2017	2018	2019
Non-Resident Senior		2014	150.00	150.00	160.00
Clinic - Adult Tennis (Per class)		2017	25.00	25.00	25.00
Clinic - Child Tennis (Per class)		2017	23.00	23.00	23.00



CITY COUNCIL AGENDA

NO. 10 DEPT.: City Manager's Office DATE: July 6, 2018
CONTACT: Marcus Serrano, City Manager

<p>AGENDA ITEM: Public Hearing to consider a resolution in support of Chapter 433 of the laws of New York, 2013.</p>	<p>FOR THE MEETING OF: July 11, 2018</p> <p>RYE CITY CODE, CHAPTER SECTION</p>
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RECOMMENDATION: That the Council hold a Public Hearing to consider a resolution to authorize the Public Service Commission to order SUEZ to transfer hydrant fees from the tax base to all users.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: Under Chapter 433 of the laws of New York, 2013 a public hearing is required to be held for the public to provide comments on a proposal to transfer hydrant fees from the tax base to all customers. After the public hearing, if the Council approves to move forward with the transfer, the Council must approve a resolution authorizing the Public Service Commission, upon application by the City, to order the costs for infrastructure maintenance and access to be charged to all customer classes located in such Municipality.

CHAPTER TEXT:

LAWS OF NEW YORK, 2013
CHAPTER 433

AN ACT in relation to authorizing the public service commission, upon application by a municipality, to order costs for infrastructure maintenance and access to be charged to all customer classes located in such municipality

Became a law October 23, 2013, with the approval of the Governor. Passed by a majority vote, three-fifths being present. The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. 1. Notwithstanding any law to the contrary, a municipality may apply to the public service commission to have any costs for infrastructure maintenance and access it is charged by a water-works corporation to instead be charged to all customers across all customer classes located in the municipality provided the municipality has held a public hearing with notice on the matter and has adopted a resolution and determined by a majority vote of the total voting strength of its governing body if that it is in the overall public interest to have such costs charged to all customers across all customer classes. Any savings achieved as a result of this action shall be applied to the property tax levy of the municipality which has adopted such a resolution in an amount equal to such savings in the following fiscal year. Within 120 days after receiving an application pursuant to this act, the public service commission is empowered and directed to issue an order requiring that costs for infrastructure maintenance and access be included in the rates charged to all customer classes and apportioned among all customers located in the municipality and that such municipality shall not be charged separately or additionally for costs for infrastructure maintenance and access. The public service commission shall have the power to request any information that it may deem necessary from the water-works corporation or municipality so that it may issue an order as required by this section and may require that such information or application be in the form and manner as the commission may request. 2. Definitions. For purposes of this act:

a. "costs for infrastructure maintenance and access" means all costs associated with maintenance and operation of infrastructure and equipment used in connection with the sale, furnishing, transmission and distribution of water for domestic, commercial, public and emergency purposes and shall also mean costs or charges associated with municipal access to infrastructure or equipment.

b. "Municipality" shall mean a city, town or village located in the county of Westchester.

c. "water-works corporation" shall have the same meaning as that term is defined in section 2 of the public service law.

§ 2. This act shall take effect immediately. EXPLANATION—Matter in italics is new; matter in brackets[-] is old law
to be omitted.

CHAP. 4 33 2

The Legislature of the STATE OF NEW YORK ss:

Pursuant to the authority vested in us by section 70-b of the Public Officers Law, we hereby jointly certify that this slip copy of this session law was printed under our direction and, in accordance with such section, is entitled to be read into evidence.

DEAN G. SKELOS
Temporary President of the Senate

SHELDON SILVER
Speaker of the Assembly



CITY COUNCIL AGENDA

NO. 11

DEPT.: City Manager's Office

DATE: July 6, 2018

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Consideration of a resolution for Westchester Joint Water Works to transfer the hydrant fees.

FOR THE MEETING OF:

July 11, 2018

**RYE CITY CODE,
CHAPTER
SECTION**

RECOMMENDATION: That the Council consider a resolution to authorize Westchester Joint Water Works to transfer hydrant fees from the tax base to all users.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: Westchester Joint Water Works has agreed to transfer the hydrant fees from the tax base to all users. This resolution will acknowledge that the WJWW will proceed with the transfer of these fees.



CITY COUNCIL AGENDA

NO.12

DEPT.: City Manager's Office

DATE: July 6, 2018

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Consider a resolution to authorize the City Manager to submit a Water Quality Improvement Project (WQIP) grant application to fund sewer improvement projects.

FOR THE MEETING OF:

July 11, 2018

RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION: That the Council adopt the resolution authorizing the City Manager to submit a Water Quality improvement project (WQIP) grant application.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The attached resolution for the City Council's consideration authorizes the City Manager to submit a Consolidated Funding Application (CFA) for the 2018 funding round from New York State to the New York State DEC Water Quality Improvement Grant Program. The adoption of this resolution is recommended to enhance the City's CFA grant request of approximately \$4.367 Million to fund sewer improvement projects identified in the Sewer System Evaluation Survey (SSES) completed late last month. The SSES identifies sewer improvement projects to comply with a NYSDEC consent order. This resolution needs to be adopted by the City Council in advance of the July 27, 2018 CFA deadline. The WQIP grant pays 75% of the total project cost. The required 25% City funding match is \$1,091,750. Please see attached resolution and memorandum.



CITY OF RYE
Engineering Department

Interoffice Memorandum

To: Marcus Serrano, City Manager

From: Melissa Johannessen, Project Manager
Christian K. Miller, City Planner

Date: July 6, 2018

Subject: **Resolution Seeking City Council Authorization to Submit Water Quality Improvement Project (WQIP) Grant Application**

Attached herewith for the City Council's consideration is a resolution authorizing the City Manager to submit a Consolidated Funding Application (CFA) for the 2018 funding round from New York State to the New York State DEC Water Quality Improvement Grant Program. The adoption of this resolution is recommended to enhance the City's CFA grant request of approximately \$4.367 Million to fund sewer improvement projects identified in the Sewer System Evaluation Survey (SSES) completed late last month. The SSES identifies sewer improvement projects to comply with a NYSDEC consent order. This resolution needs to be adopted by the City Council in advance of the July 27, 2018 CFA deadline.

Background

The Water Quality Improvement Project (WQIP) grant program is a competitive, statewide reimbursement grant program open to local governments and not-for-profit corporations for implementation projects that directly address documented water quality impairments or protect a drinking water source.

There are several categories of projects that are eligible for funding under this program. The City of Rye is applying under the "Wastewater Treatment Improvement" category. Specifically, the City's project is a "Combined Sewer Overflow/Sanitary Sewer Overflow" project, which is considered a "high priority" project. For high priority projects, the maximum grant award amount is \$5 Million and must include a minimum 25% funding match from the City.

Eligible grant and match costs include salary, fringe, contractual, equipment costs, and construction inspection costs incurred by the awardee to implement the construction phase of the

project such as general, electrical, plumbing, HVAC and mechanical. Ineligible costs include engineering design and specs, design, construction oversight, non-construction costs incurred during the construction phase of the project, indirect costs (e.g. travel, space/property rent, utilities, and other office supplies), administrative costs and legal fees and costs incurred outside the start and end date of the contract, which can be no earlier than May 1, 2018.

The WQIP Grant is a competitive process. Each application is scored based on the degree to which it satisfies a variety of scoring criteria including performance measures, reasonableness of cost, project readiness and experience and ability. The project engineers, which are continuing to finalize the required engineering report, will be assisting staff and our consultant in preparing the application. If awarded the grant, the City can anticipate being required to comply with a variety of requirements typical of similar New York State administered grants, including, but not limited to completion of SEQR documentation, obtaining state and local permits, compliance with Minority/Women Business Enterprises (M/WBE) and Equal Employment Opportunities (EEO) requirements, compliance with contractor procurement and competitive bidding procedures and adhering to financial reporting and payment requirements.

Project Description and Cost

The City of Rye is applying for grant funding to implement the projects identified in the Sewer System Evaluation Survey (SSES), which was prepared in response to a consent order from NYSDEC. A description and estimated cost of the projects, which are proposed in two phases, are provided below:

Project Name	Project Description	Estimated Cost
Midland Avenue Sewer Replacement	Replacement of 500 feet of 10-inch sewer line within the 5-way intersection of Grace Church Street and Manursing Avenue	\$460,000
Highland Road Sewer Lining	Relining of 350 feet of 8-inch sewer	\$70,000
Locust Avenue Sewer Siphon Replacement	Replacement of the existing siphon within Locust Avenue with a gravity sewer.	\$410,000
Brevoort Lane Force Main Replacement	Replacement of the existing 8" sewer main with new ductile iron pipe.	\$660,000
<i>Phase 1 Total (Estimated)</i>		<i>\$1,600,000</i>
Sewer Line Repairs	Miscellaneous repairs to sewer lines based on a system wide assessment and evaluation.	\$2,012,000
Mahole Repairs	Miscellaneous repairs to sewer manholes based on a system wide assessment and evaluation.	\$755,000
<i>Phase 2 Total (Estimated)</i>		<i>\$2,767,000</i>
<i>TOTAL (Phases 1 and 2)</i>		<i>\$4,367,000</i>
<i>25% City of Rye Required WQIP Grant Match</i>		<i>\$1,091,750</i>

RESOLUTION

**AUTHORIZING THE SUBMISSION OF A NEW YORK STATE
CONSOLIDATED FUNDING APPLICATION BY THE CITY OF RYE**

On motion of Councilperson _____, seconded by Councilperson _____,

the following resolution was adopted by the City Council of the City of Rye, New York:

WHEREAS, New York State is accepting applications for the 2018 Funding Round of the New York State Consolidated Funding Application (“CFA”) Program;

NOW, THEREFORE, be it RESOLVED, by the City of Rye’s City Council that the City Manager is hereby authorized to submit a Consolidated Funding Application for the 2018 Funding Round from New York State to the New York State DEC Water Quality Improvement Grant Program, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the City of Rye; and be it further

RESOLVED, that the aforementioned potential grant agreement is subject to the approval of the City’s Corporation Counsel as to form and content.

(signature)

Josh Cohn, City of Rye

CERTIFICATION:

I, _____, the clerk of the City of Rye hereby certify that at a meeting of the City Council on (_____) the above *RESOLUTION* was duly adopted.

AFFIX GOV’T,
CORPORATE OR
NOTARY SEAL

(signature) City Clerk



CITY COUNCIL AGENDA

NO. 13

DEPT.: City Manager's Office

DATE: July 6, 2018

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Set a public hearing to amend Rye City Code 167 "Streets and Sidewalks".

FOR THE MEETING OF:

July 11, 2018

**RYE CITY CODE,
CHAPTER
SECTION**

RECOMMENDATION: That the Council consider setting a public hearing to amend Rye City Code 167 "Streets and Sidewalks" regarding pavement requirements after road openings and required deposits.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The amendment would require a more comprehensive restoration of City streets after the completion of road openings and required deposits. Mr. Coyne will be at the meeting to provide background information on what other municipalities have done.



CITY COUNCIL AGENDA

NO. 14

DEPT.: City Manager's Office

DATE: July 6, 2018

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Authorize City Manager to execute amended access easement for City owned infrastructure between the City and Rye Country Day School.

FOR THE MEETING OF:

July 11, 2018

RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION: That the Council authorize the City Manager to execute amended access easement for City owned infrastructure between the City of Rye and Rye Country Day School.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The City of Rye currently owns an easement on the property of Rye Country Day School. The Council is asked to consider authorizing the City Manager to amend the access easement as requested by Rye Country Day School. The School would like to make improvements within the easement. This amendment would allow Rye Country Day School to make any improvements but will not require the City to provide any land restoration upon completion of these improvements. These improvements include brick pavers, planters and plants.

MODIFICATION OF EASEMENT AGREEMENT

This Modification of Easement Agreement (the "Agreement") is entered into as of the day of JUNE 28, 2018, by and among Rye Country Day School (the "Grantor"), situate at 3 Cedar Street, Rye, New York, and the City of Rye (the "Grantee"), a municipal corporation, with offices at 1051 Boston Post Road, Rye, New York.

WITNESSETH

WHEREAS, Grantor is the owner in fee of real property that was formerly a section of Grandview Avenue as described on Schedule "A" attached hereto (the "Property") granted to Grantor by the Grantee on September 5, 2000 by deed recorded with the Westchester County Clerk, Division of Land Records on November 9, 2000, under Control No. 402990681;

WHEREAS, Grantor granted to Grantee an easement over the Property for the maintenance, alteration and repair of storm and sanitary sewer lines pursuant to an Easement Agreement dated September 4, 2000, recorded with the Westchester County Clerk, Division of Land Records on December 21, 2000, under Control No. 403330453 (the "Easement Agreement");

WHEREAS, the Easement Agreement contained, inter alia, the following provisions:

"Grantee shall indemnify and reimburse Grantor for any damage to the Property or any improvements thereon, arising out of entry by Grantee, and Grantee shall restore the Property to its condition prior to entry

thereon by Grantee, its agents, officer, employees or authorized parties as soon as possible after the purpose of such entry has been attained” (the “Restoration Clause”);

WHEREAS, parties are desirous to amend the terms of the Easement Agreement as set forth hereinbelow,

NOW THEREFORE, the parties hereto amend, modify and supplant the terms of the Restoration Clause within the Easement Agreement with the following:

“Grantee shall indemnify and reimburse Grantor for any damage to the Property or any improvements thereon, arising out of entry by Grantee, resulting from Grantee’s or Grantee’s agents, officers, employees or authorized parties’ negligence or willful actions. Notwithstanding the foregoing, Grantee shall have no obligation to restore disturbed areas of the Property to their condition prior to entry thereon by Grantee, its agents, officer, employees or authorized parties after the purpose of such entry has been attained, to the extent such disturbance was reasonably necessary to exercise Grantee’s rights under the Easement Agreement, other than for damage resulting from Grantee’s negligence or willful actions.”

The provisions of this Easement Modification shall run with the land and shall inure to the benefit of and be binding upon the parties successors, assigns, heirs and representatives forever;

IT WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first written above.

RYE COUNTRY DAY SCHOOL (Grantor)

By: Robert J Brody

STATE OF NEW YORK)

Ss.:

COUNTY OF WESTCHESTER)

On the 28th day of June in the year 2018, before me, the undersigned, a Notary Public in and for said State, personally appeared Robert Brody personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signatures) on the instrument, the individual(s), or the person upon behalf of which the individuals) acted, executed the instrument.

Ariana Wimpy
Notary Public

CITY OF RYE (Grantee):

ARIANA WIMPY
Notary Public, State of New York
Reg. No. 01WI6292211
Qualified in Westchester County
Commission Expires November 4, 2021

By: _____

STATE OF NEW YORK)

Ss.:

COUNTY OF WESTCHESTER)

On the _____ day of _____ in the year 2018, before me, the undersigned, a Notary Public in and for said State, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their

signatures) on the instrument, the individual(s), or the person upon behalf of which the individuals) acted, executed the instrument.

Notary Public

RECORD & RETURN TO:

**Jonathan D. Kraut, Esq.
Harfenist, Kraut & Perlstein LLP
2975 Westchester Avenue, Suite 415
Purchase, New York 10577
(914) 701-0800**



Office of the Westchester County Clerk



581783582TPD001B

Supporting Document Cover Page

Submitter Information

Name:	Harfenist Kraut & Perlstein LLP	Phone:	914-701-0800
Address 1:	2975 Westchester Avenue	Fax:	914-701-0808
Address 2:	Suite 415	Email:	lnaplor@hkplaw.com
City/State/Zip	Purchase NY 10577	Reference for Submitter:	RCDS Easement Modification

Parent Document Details

Control Number:	581783581	Document Type:	Easement (EAS)
Package ID:	2018062700257001000		

Supporting Document Information

Supporting Document Type: TP-584



Combined Real Estate Transfer Tax Return, Credit Line Mortgage Certificate, and Certification of Exemption from the Payment of Estimated Personal Income Tax

Recording office time stamp

PREP

See Form TP-584-I, Instructions for Form TP-584, before completing this form. Print or type.

Schedule A - Information relating to conveyance

Form with sections for Grantor/Transferor and Grantee/Transferee, including fields for Name, Mailing address, City, State, ZIP code, Federal EIN, and Social security number.

581783581-003

Location and description of property conveyed

Table with 5 columns: Tax map designation - Section, block & lot; SWIS code; Street address; City, town, or village; County.

Type of property conveyed (check applicable box)

Form with checkboxes for property types (One- to three-family house, Commercial/Industrial, etc.) and date of conveyance (6/27/2018).

Condition of conveyance (check all that apply)

Form with multiple checkboxes (a-s) for conditions of conveyance such as fee interest, acquisition of a controlling interest, etc.

Form for recording officer's use, including fields for Amount received, Date received, and Transaction number.

Schedule B – Real estate transfer tax return (Tax Law, Article 31)

Part I – Computation of tax due

1 Enter amount of consideration for the conveyance (if you are claiming a total exemption from tax, check the exemption claimed box, enter consideration and proceed to Part III) <input type="checkbox"/> Exemption claimed	1.	0.00
2 Continuing lien deduction (see instructions if property is taken subject to mortgage or lien)	2.	0.00
3 Taxable consideration (subtract line 2 from line 1)	3.	0.00
4 Tax: \$2 for each \$500, or fractional part thereof, of consideration on line 3	4.	0.00
5 Amount of credit claimed for tax previously paid (see instructions and attach Form TP-584.1, Schedule G)	5.	0.00
6 Total tax due* (subtract line 5 from line 4)	6.	0.00

Part II – Computation of additional tax due on the conveyance of residential real property for \$1 million or more

1 Enter amount of consideration for conveyance (from Part I, line 1)	1.	
2 Taxable consideration (multiply line 1 by the percentage of the premises which is residential real property, as shown in Schedule A) ...	2.	
3 Total additional transfer tax due* (multiply line 2 by 1% (.01))	3.	

Part III – Explanation of exemption claimed on Part I, line 1 (check any boxes that apply)

The conveyance of real property is exempt from the real estate transfer tax for the following reason:

- a. Conveyance is to the United Nations, the United States of America, the state of New York, or any of their instrumentalities, agencies, or political subdivisions (or any public corporation, including a public corporation created pursuant to agreement or compact with another state or Canada)..... a
- b. Conveyance is to secure a debt or other obligation..... b
- c. Conveyance is without additional consideration to confirm, correct, modify, or supplement a prior conveyance..... c
- d. Conveyance of real property is without consideration and not in connection with a sale, including conveyances conveying realty as bona fide gifts d
- e. Conveyance is given in connection with a tax sale..... e
- f. Conveyance is a mere change of identity or form of ownership or organization where there is no change in beneficial ownership. (This exemption cannot be claimed for a conveyance to a cooperative housing corporation of real property comprising the cooperative dwelling or dwellings.) Attach Form TP-584.1, Schedule F..... f
- g. Conveyance consists of deed of partition..... g
- h. Conveyance is given pursuant to the federal Bankruptcy Act h
- i. Conveyance consists of the execution of a contract to sell real property, without the use or occupancy of such property, or the granting of an option to purchase real property, without the use or occupancy of such property i
- j. Conveyance of an option or contract to purchase real property with the use or occupancy of such property where the consideration is less than \$200,000 and such property was used solely by the grantor as the grantor's personal residence and consists of a one-, two-, or three-family house, an individual residential condominium unit, or the sale of stock in a cooperative housing corporation in connection with the grant or transfer of a proprietary leasehold covering an individual residential cooperative apartment..... j
- k. Conveyance is not a conveyance within the meaning of Tax Law, Article 31, section 1401(e) (attach documents supporting such claim) k

581783681-003

*The total tax (from Part I, line 6 and Part II, line 3 above) is due within 15 days from the date conveyance. Please make check(s) payable to the county clerk where the recording is to take place. If the recording is to take place in New York City, make check(s) payable to the NYC Department of Finance. If a recording is not required, send this return and your check(s) made payable to the NYS Department of Taxation and Finance, directly to the NYS Tax Department, RETT Return Processing, PO Box 5045, Albany NY 12205-5045.

Schedule C – Credit Line Mortgage Certificate (Tax Law, Article 11)

Complete the following only if the interest being transferred is a fee simple interest.

I (we) certify that: (check the appropriate box)

- 1. The real property being sold or transferred is not subject to an outstanding credit line mortgage.
- 2. The real property being sold or transferred is subject to an outstanding credit line mortgage. However, an exemption from the tax is claimed for the following reason:
 - The transfer of real property is a transfer of a fee simple interest to a person or persons who held a fee simple interest in the real property (whether as a joint tenant, a tenant in common or otherwise) immediately before the transfer.
 - The transfer of real property is (A) to a person or persons related by blood, marriage or adoption to the original obligor or to one or more of the original obligors or (B) to a person or entity where 50% or more of the beneficial interest in such real property after the transfer is held by the transferor or such related person or persons (as in the case of a transfer to a trustee for the benefit of a minor or the transfer to a trust for the benefit of the transferor).
 - The transfer of real property is a transfer to a trustee in bankruptcy, a receiver, assignee, or other officer of a court.
 - The maximum principal amount secured by the credit line mortgage is \$3,000,000 or more, and the real property being sold or transferred is not principally improved nor will it be improved by a one- to six-family owner-occupied residence or dwelling.

Please note: for purposes of determining whether the maximum principal amount secured is \$3,000,000 or more as described above, the amounts secured by two or more credit line mortgages may be aggregated under certain circumstances. See TSB-M-96(6)-R for more information regarding these aggregation requirements.

Other (attach detailed explanation).

- 3. The real property being transferred is presently subject to an outstanding credit line mortgage. However, no tax is due for the following reason:
 - A certificate of discharge of the credit line mortgage is being offered at the time of recording the deed.
 - A check has been drawn payable for transmission to the credit line mortgagee or his agent for the balance due, and a satisfaction of such mortgage will be recorded as soon as it is available.
- 4. The real property being transferred is subject to an outstanding credit line mortgage recorded in _____ (insert liber and page or reel or other identification of the mortgage). The maximum principal amount of debt or obligation secured by the mortgage is _____ .. No exemption from tax is claimed and the tax of _____ is being paid herewith. (Make check payable to county clerk where deed will be recorded or, if the recording is to take place in New York City, make check payable to the NYC Department of Finance.)

Signature (both the grantor(s) and grantee(s) must sign)

The undersigned certify that the above information contained in schedules A, B, and C, including any return, certification, schedule, or attachment, is to the best of his/her knowledge, true and complete, and authorize the person(s) submitting such form on their behalf to receive a copy for purposes of recording the deed or other instrument effecting the conveyance.

Robert J. Brady Director of Finance

Grantor signature

Title

Grantee signature

Title

Grantor signature

Title

Grantee signature

Title

Reminder: Did you complete all of the required information in Schedules A, B, and C? Are you required to complete Schedule D? If you checked e, f, or g in Schedule A, did you complete Form TP-584.1? Have you attached your check(s) made payable to the county clerk where recording will take place or, if the recording is in New York City, to the NYC Department of Finance? If no recording is required, send your check(s), made payable to the Department of Taxation and Finance, directly to the NYS Tax Department, RETT Return Processing, PO Box 5045, Albany NY 12205-5045.

581783581-003

Schedule D - Certification of exemption from the payment of estimated personal income tax (Tax Law, Article 22, section 663)

Complete the following only if a fee simple interest or a cooperative unit is being transferred by an individual or estate or trust.

If the property is being conveyed by a referee pursuant to a foreclosure proceeding, proceed to Part II, and check the second box under Exemptions for nonresident transferor(s)/seller(s) and sign at bottom.

Part I - New York State residents

If you are a New York State resident transferor(s)/seller(s) listed in Schedule A of Form TP-584 (or an attachment to Form TP-584), you must sign the certification below. If one or more transferors/sellers of the real property or cooperative unit is a resident of New York State, each resident transferor/seller must sign in the space provided. If more space is needed, please photocopy this Schedule D and submit as many schedules as necessary to accommodate all resident transferors/sellers.

Certification of resident transferor(s)/seller(s)

This is to certify that at the time of the sale or transfer of the real property or cooperative unit, the transferor(s)/seller(s) as signed below was a resident of New York State, and therefore is not required to pay estimated personal income tax under Tax Law, section 663(a) upon the sale or transfer of this real property or cooperative unit.

Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date

Note: A resident of New York State may still be required to pay estimated tax under Tax Law, section 685(c), but not as a condition of recording a deed.

Part II - Nonresidents of New York State

If you are a nonresident of New York State listed as a transferor/seller in Schedule A of Form TP-584 (or an attachment to Form TP-584) but are not required to pay estimated personal income tax because one of the exemptions below applies under Tax Law, section 663(c), check the box of the appropriate exemption below. If any one of the exemptions below applies to the transferor(s)/seller(s), that transferor(s)/seller(s) is not required to pay estimated personal income tax to New York State under Tax Law, section 663. Each nonresident transferor/seller who qualifies under one of the exemptions below must sign in the space provided. If more space is needed, please photocopy this Schedule D and submit as many schedules as necessary to accommodate all nonresident transferors/sellers.

If none of these exemption statements apply, you must complete Form IT-2663, *Nonresident Real Property Estimated Income Tax Payment Form*, or Form IT-2664, *Nonresident Cooperative Unit Estimated Income Tax Payment Form*. For more information, see *Payment of estimated personal income tax*, on page 1 of Form TP-584-I.

Exemption for nonresident transferor(s)/seller(s)

This is to certify that at the time of the sale or transfer of the real property or cooperative unit, the transferor(s)/seller(s) (grantor) of this real property or cooperative unit was a nonresident of New York State, but is not required to pay estimated personal income tax under Tax Law, section 663 due to one of the following exemptions:

- The real property or cooperative unit being sold or transferred qualifies in total as the transferor's/seller's principal residence (within the meaning of Internal Revenue Code, section 121) from _____ Date to _____ Date (see instructions).
- The transferor/seller is a mortgagor conveying the mortgaged property to a mortgagee in foreclosure, or in lieu of foreclosure with no additional consideration.
- The transferor or transferee is an agency or authority of the United States of America, an agency or authority of the state of New York, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or a private mortgage insurance company.

Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date

581783581-003



403330453EASQ

Control Number
403330453

WIID Number
2000333-000138

Instrument Type
EAS



**WESTCHESTER COUNTY RECORDING AND ENDORSEMENT PAGE
(THIS PAGE FORMS PART OF THE INSTRUMENT)**

***** DO NOT REMOVE *****

THE FOLLOWING INSTRUMENT WAS ENDORSED FOR THE RECORD AS FOLLOWS:

TYPE OF INSTRUMENT EAS - EASEMENT

FEE PAGES 6

TOTAL PAGES 6

RECORDING FEES

STATUTORY CHARGE	\$5.25
RECORDING CHARGE	\$18.00
RECORD MGT. FUND	\$4.75
RP 5217	\$0.00
TP-584	\$5.00
CROSS REFERENCE	\$0.00
MISCELLANEOUS	\$0.00
TOTAL FEES PAID	\$33.00

MORTGAGE TAXES

MORTGAGE DATE	
MORTGAGE AMOUNT	\$0.00
EXEMPT	
YONKERS	\$0.00
BASIC	\$0.00
ADDITIONAL	\$0.00
SUBTOTAL	\$0.00
MTA	\$0.00
SPECIAL	\$0.00
TOTAL PAID	\$0.00

TRANSFER TAXES

CONSIDERATION	\$0.00
TAX PAID	\$0.00
TRANSFER TAX #	12715

**SERIAL NUMBER
DWELLING**

**RECORDING DATE 12/21/2000
TIME 07:07:00**

**THE PROPERTY IS SITUATED IN
WESTCHESTER COUNTY, NEW YORK IN THE:
CITY OF RYE**

WITNESS MY HAND AND OFFICIAL SEAL

**LEONARD N. SPANO
WESTCHETSER COUNTY CLERK**

**Record & Return to:
CORPORATION COUNSEL
CITY OF RYE
CITY HALL
RYE, NY 10580**

2 31 W/09317A

L & H / a division of
First American Title Ins. Co. of NY
188 East Post Road
White Plains, New York 10601

EAS.

5P

RUC

TP584

EASEMENT AGREEMENT

This Easement Agreement (the "Agreement") made as of the day of September 4, 2000 by and among Rye Country Day School (the "Grantor"), situate at Cedar Street, Rye, New York and the City of Rye, a municipal corporation, (collectively "Grantee"), situate at Boston Post Road, Rye, New York.

WITNESSETH

WHEREAS, by resolution dated May 24th, 1999 (the "Resolution"), Grantee agreed to convey in fee a section of Grandview Avenue (the "Property") as described on Schedule A, attached hereto, to the Grantor. Contemporaneously with the execution of this Easement Agreement, Grantee has conveyed, in fee, the Property, by Deed dated September 4, 2000, and retained a 15 foot wide right of access, more particularly defined herein, for the purpose of maintaining, altering or repairing storm and sanitary sewer lines that presently exist, in the Property (the "Easement Area"), more particularly described in Schedule A hereto;

WHEREAS, the Grantor desires to grant an easement to the Grantee for the purpose of Grantee maintaining, altering or repairing storm and sanitary sewer lines that presently exist, and the grantee is willing to accept such an easement;

NOW THEREFORE, in consideration of One Dollar(\$1.00), and other good and valuable consideration, the receipt and sufficiency which is hereby acknowledged, the undersigned agree as follows:

The parties agree as follows:

1. Grant of Easement.

- a. The Grantor hereby grants to Grantee, its successors and/or assigns, a 15 foot wide easement of access to the storm water detention system and sanitary sewer system within the Easement Area, as measured seven and one half feet out from the center line of the former road bed of Grandview Avenue, for the sole purpose of maintaining, replacing, restoring or repairing the storm water detention system and sanitary sewer system in the Easement Area.
- b. Grantee is granted the right and privilege to enter upon the Property as required for the sole purpose of maintaining, replacing, restoring or repairing the storm water detention system and sanitary sewer system in the Easement Area.

- C. When exercising its rights hereunder, Grantee shall at all times exercise the same in the least-intrusive manner so as to minimize any inconvenience to Grantor.
- d. Grantee shall indemnify and reimburse Grantor for any damage to the Property or any improvements thereon, arising out of entry by Grantee, and Grantee shall restore the Property to its condition prior to entry thereon by Grantee, its agents, officer, employees or authorized parties as soon as possible after the purpose of such entry has been attained.

2. Successors and Assigns. This Agreement shall be binding upon, and enure to the benefit of Grantee, the Grantor, their respective successors and assigns, it being the intent herein that this Agreement and the obligations and responsibilities hereunder run with the land.

3. Non-Exclusivity. Nothing herein contained shall be construed as a grant of any exclusive right to Grantee. Grantor shall have the right to grant, renew and extend rights and privileges to others not parties to this Agreement, by contract or otherwise.

4. Further Assurances. Grantee and Grantor shall execute, acknowledge and deliver to the other any other documents which are necessary to record this Agreement, including but not limited to a New York State Board of Real Property Services Real Property Transfer Report (Form RP-5217) and New York State Department of Taxation and Finance Combined Real Estate Transfer Tax Return and Credit Line Mortgage Certificate (Form TP-584).

5. Recording Charges. Grantor shall pay all recording charges to record this Agreement with the County Clerk of the County of Westchester, Land Records Division.

IT WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first written above.

GRANTOR, RYE COUNTRY DAY SCHOOL

By: 

Carmen Ribera Thain, President of the Board of Trustees

GRANTEE, CITY OF RYE

By: *Julia D. Novak*
Julia D. Novak, City Manager

STATE OF NEW YORK

Ss.:

COUNTY OF WESTCHESTER)

On the 4 day of September in the year 2000, before me, the undersigned, a Notary Public in and for said State, personally appeared Carmen Ribera Thain personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

[Signature]
Notary Public JONATHAN D. KRAUT
Notary Public, State of New York
No. 02KR5038503
Qualified in Westchester County
Commission Expires January 30, 192001

STATE OF NEW YORK

Ss.:

COUNTY OF WESTCHESTER)

On the 5th day of September in the year 2000, before me, the undersigned, a Notary Public in and for said State, personally appeared Julia D. Novak, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

[Signature]
Notary Public

*Sheet 139.19
B/1003
LT*

*Receives & Returns to:
Comptroller Council
City of Rye
City Hall
NYC 10582*

CARL J. SCARINGE
Notary Public, State of New York
No. 4860083
Qualified in Westchester County
Commission Expires May 19, 2002

DESCRIPTION OF RIGHT-OF-WAY
 TO BE ACQUIRED BY THE CITY OF RYE
 FROM RYE COUNTRY DAY SCHOOL
 City of RYE
 Westchester County, New York

All that certain strip or parcel of land, situate, lying and being in the City of Rye, County of Westchester, and State of New York, same being a strip of land, generally Fifty (50.00) feet in width, running across a portion of lands of the Rye Country Day School, which said parcel is more particularly bounded and described as follows:

BEGINNING at a point on the westerly side of Grandview Avenue, said point being distant from the southerly end of a curve, having a radius of 20.00 Feet, connecting the northerly side of Cedar Street with the easterly side of Grandview Avenue as follows:

On a curve to the right having a radius of 20.00 Feet and a central angle of 64° 33' 20" for 22.54 Feet;

N. 51° 00' 00" W. 27.70 Feet; and

N. 59° 41' 06" W. 33.28 Feet;

THENCE, from said point of beginning, southerly along the westerly side of Grandview Avenue:

S. 19° 59' 20" W. 33.16 Feet; and

S. 23° 25' 20" W. 17.50 Feet, to a corner;

THENCE, generally in a northerly direction, through lands of Rye Country Day School and in part along the bounds of lands of Rye Country Day School and along the westerly side of Grandview Avenue, as proposed to be realigned, as follows:

N. 59° 41' 06" W. 107.71 Feet, to a point of curvature;

On a curve to the right having a radius of 141.00 Feet and a central angle of 79° 14' 26" for 195.00 Feet, to a point of tangency;

N. 19° 33' 20" E. 141.12 Feet;

N. 16° 33' 50" E. 16.90 Feet;

N. 16° 33' 45" E. 102.96 Feet, to a point of curvature;

On a curve to the left having a radius of 675.00 Feet and a central angle of 4° 06' 09" for 48.33 Feet, to a point of tangency; and

(PAGE 1 - RIGHT-OF-WAY)

N. 12° 27' 36" E. 178.95 Feet, to a point on a curve at a non-tangent intersection on the westerly side of Grandview Avenue, at which point the radius of the curve bears S. 86° 32' 56" E. to the center;

THENCE southerly along the westerly side of Grandview Avenue:

On a curve to the left having a radius of 150.70 Feet and a central angle of 40° 00' 28" for 105.23 Feet;

THENCE, generally in a southerly direction, through lands of Rye Country Day School and along the easterly side of Grandview Avenue, as proposed to be realigned, as follows:

S. 12° 27' 36" W. 88.79 Feet, to a point of curvature;

On a curve to the right having a radius of 725.00 Feet and a central angle of 4° 06' 09" for 51.91 Feet, to a point of tangency;

S. 16° 33' 45" W. 104.33 Feet, to a point of curvature;

On a curve to the right having a radius of 640.00 Feet and a central angle of 2° 59' 35" for 33.43 Feet, to a point of tangency;

S. 19° 33' 20" W. 125.83 Feet, to a point of curvature;

On a curve to the left having a radius of 91.00 Feet and a central angle of 79° 14' 26" for 125.85 Feet, to a point of tangency; and

S. 59° 41' 06" E. 99.66 Feet;

To the point or place of beginning, containing 0.801 acres more or less.

L & H / a division of
First American Title Ins. Co. of NY
188 East Post Road
White Plains, New York 10601

(PAGE 2 - RIGHT-OF-WAY)

The Office of J. W. Delano
Land Surveying & Mapping
901 N. Broadway #25
White Plains, N. Y.

April 27, 1999
File #979-Dwg #1628_45

Desc/F979/1999Re-Align

*Recused Return to
Cooperation Counsel → Cooperation Counsel
City of Rye
City Hall
Rye, New York, 10586
Sheet 139.13 Block 3
Portions of Lots 53, 56, 57, 61 & 64
City of Rye*