

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

**SPECIAL MEETING OF THE CITY COUNCIL
CITY HALL
Wednesday, September 26, 2018
7:30 p.m.**

The Council will convene at 7:30 p.m. and they will adjourn into Executive Session at the conclusion of the meeting to discuss attorney-client privileged matters, personnel matters and labor negotiations.

1. Pledge of Allegiance.
2. Roll Call.
3. Consideration to set a Public Hearing on October 17, 2018 to consider a local law to establish a Community Choice Aggregation Program in the City of Rye.
4. Continuation of Public Hearing to establish the 2019 budgeted fees and charges.
5. Consider a motion to ratify the comment letter submitted by the Mayor to the Federal Communications Commission on September 18, 2018 regarding a proposed order relating to telecommunications equipment in the right of way.
6. Resolution to test certain traffic changes, including temporary closures of Grandview and Evergreen at High Street, temporary flow restriction of Grandview and Evergreen at their south ends and temporary restriction of turns from Hillside onto Boston Post Road to right turn only.
7. Resolution to consider projects for the New York Rising Community Reconstruction Program.
8. Adjournment.

The next regular meeting of the City Council will be held on Wednesday, October 3, 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. Attendance by the Mayor and Council Members will vary. 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.
Wednesdays 9:30 a.m. to 11:00 a.m.**



CITY COUNCIL AGENDA

NO. 3

DEPT.: Legal

DATE: September 21, 2018

CONTACT: Kirsten Wilson, Corporation Counsel

AGENDA ITEM: Consideration to set a Public Hearing for October 17, 2018 to establish a Community Choice Aggregation Program in the City of Rye.

FOR THE MEETING OF:

September 26, 2018

RYE CITY CODE:

CHAPTER
SECTION

RECOMMENDATION: Call for a Public Hearing on October 17, 2018 to establish a Community Choice Aggregation Program in the City of Rye.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

On September 12, 2018 Westchester Power made a presentation to the City Council and the public regarding their Community Choice Aggregation Program. The City Council decided to move forward with the process. The process requires a Public Hearing.

LOCAL LAW NO. ____ 2018

**A LOCAL LAW TO ESTABLISH A COMMUNITY CHOICE AGGREGATION
(ENERGY) PROGRAM IN THE CITY OF RYE.**

Be it enacted by the City of Rye of County of Westchester as follows:

Section 1. The Code of the City of Rye is hereby amended by adding a new Chapter 74 titled “Community Choice Aggregation (Energy) Program, to read as follows:

§74-1. Legislative Findings; Intent and Purpose; Authority.

- A. It is the policy of both the City of Rye and the State of New York to reduce costs and provide cost certainty for the purpose of economic development, to promote deeper penetration of energy efficiency and renewable energy resources such as wind and solar, and wider deployment of distributed energy resources as well as to examine the retail energy markets and increase participation of and benefits for residential and Small Commercial customers in those markets. Among the policies and models that may offer benefits in New York is community choice aggregation (“CCA”), which allows local governments to determine the default supplier of electricity and natural gas on behalf of its residential and Small Commercial customers.
- B. The purpose of this CCA Program is to allow participating local governments including City of Rye to procure energy supply service for their residential and Small Commercial customers, who will have the opportunity to opt out of the procurement, while maintaining transmission and distribution service from the existing Distribution Utility. This Chapter establishes a program that will allow the City of Rye to put out for bid the total amount of natural gas and/or electricity being purchased by local residential and Small Commercial customers. Bundled Customers will have the opportunity to have more control to lower their overall energy costs, to spur clean energy innovation and investment, to improve customer choice and value, and to protect the environment; thereby, fulfilling the purposes of this Chapter and fulfilling an important public purpose.
- C. The City of Rye is authorized to implement this Community Choice Aggregation (Energy) Program pursuant to Section 10(1)(ii)(a)(12) of the New York Municipal Home Rule Law; and State of New York Public Service Commission Case No. 14-M-0564, Petition of Sustainable Westchester for Expedited Approval for the Implementation of a Pilot Community Choice Aggregation Program within the County of Westchester, Order Granting Petition in Part (issued February 26, 2015) as may be amended, including subsequent orders of the Public Service Commission issued in connection with or related to Case NO. 14-M-0564 (collectively, the “Order”). Order shall also mean orders of the Public Service Commission related to State of New York Public Service Commission Case No. 14-M-0224, Proceeding on Motion of the Commission to Enable Community Choice Aggregation Programs (issued December 15, 2014) to the extent that orders related to Case No. 14-M-0224 enable actions by the City of Rye not otherwise permitted pursuant to orders related to Case 14-M-0564: provided, however, that in the event of any conflict between orders from Case NO. 14-M-0564 and orders from Case No. 14-M-0224, orders from Case No. 14-M-0564 shall govern the CCA Program.

- D. This Chapter shall be known and may be cited as the “COMMUNITY CHOICE AGGREGATION (ENERGY) PROGRAM Law of the City of Rye”.

§ 74-2. Definitions.

For purposes of this Chapter, and unless otherwise expressly stated or unless the context otherwise requires, the terms in this Chapter shall have the meanings employed in the State of New York Public Service Commission’s Uniform Business Practices or, if not so defined there, as indicated below:

BUNDLED CUSTOMERS – Residential and Small Commercial customers of electricity or natural gas (“fuels”) who are purchasing the fuels from the Distribution Utility.

SMALL COMMERCIAL – Non-residential customers as permitted by the Order.

COMMUNITY CHOICE AGGREGATION PROGRAM or CCA PROGRAM – A municipal energy procurement program, which replaces the incumbent utility as the default Supplier for all Bundled Customers within the City of Rye.

DISTRIBUTION UTILITY – Owner or controller of the means of distribution of the natural gas or electricity that is regulated by the Public Service Commission.

PUBLIC SERVICE COMMISSION – New York State Public Service Commission.

SUPPLIERS – Energy service companies (ESCOs) that procure electric power and natural gas for Bundled Customers in connection with this Chapter or, alternatively, generators of electricity and natural gas or other entities who procure and resell electricity or natural gas.

SUSTAINABLE WESTCHESTER, INC. – A not-for-profit organization comprised of member municipalities in Westchester County, New York.

§ 74-3. Establishment of a COMMUNITY CHOICE AGGREGATION (ENERGY) Program.

- A. A Community Choice Aggregation (Energy) Program is hereby established by the City of Rye, whereby the City of Rye shall work together with Sustainable Westchester to implement the CCA Program to the full extent permitted by the Order, as set forth more fully herein. The City of Rye role under the CCA Program involves the aggregating of the electric and/or gas supply of its residents and the entering into a contract with one or more Suppliers for supply and services. Under the CCA Program, the operation and ownership of the utility service shall remain with the Distribution Utility.
- B. The City of Rye participation in a CCA Program constitutes neither the purchase of a public utility system, nor the furnishing of utility service. The City of Rye will not take over any part of the electric or gas transmission or distribution system and will not furnish any type of utility service, but will instead negotiate with Suppliers on behalf of participating residential and Small Commercial customers.
- C. In order to implement the CCA Program, the City of Rye will adopt one or more resolutions that outline the process of and conditions for participation in the CCA Program, including but not limited to signing a contract for a compliant bid with one or more Suppliers, all as consistent with the Local Law and the Order.

- D. The Public Service Commission supervises retail markets and participants in these markets through legislative and regulatory authority and the Uniform Business Practices, which includes rules relating to the eligibility of participating ESCOs, the operation by which ESCOs provide energy services and the terms on which customers may be enrolled with ESCOs.

§ 74-4. Procedures for Eligibility; Customer Data Sharing.

- A. As permitted by the Order, the City of Rye may request from the Distribution Utilities aggregated customer information by fuel type and service classification on a rolling basis.
- B. Sustainable Westchester, on behalf of the City of Rye, shall issue one or more requests for proposals to Suppliers to provide energy to participants and may then award a contract in accordance with the CCA Program.
- C. Sustainable Westchester or the City of Rye, if the City of Rye so chooses, will then request individual customer data from the Distribution Utility in accordance with the CCA Program.
- D. Sustainable Westchester or the City of Rye, if the City of Rye so chooses, and the selected Supplier will then notify Bundled Customers of the contract terms and their opportunity to opt out of the CCA Program.
- E. In accordance with and for purposes of the Order, ConEd will provide to Sustainable Westchester aggregate and customer-specific data (including usage data, capacity tag obligations, account numbers, and service addresses) of all Bundled Customers in the City of Rye not currently enrolled with an individually chosen ESCO.
- F. Sustainable Westchester and the City of Rye will protect customer information as required by law, subject to the Order and the limitations of the New York State Freedom of Information Law.

§ 74-5. Choice of Energy Supplier; Opt-Out Notice and Procedure.

- A. The City of Rye or, in conjunction with the ESCO, will notify its residential and Small Commercial customers, by letter notice, of the City of Rye to establish the CCA Program, of the contract terms with an ESCO, and of the opportunity to Opt-Out of the CCA Program.
- B. The letter notice will be sent to each customer at the address provided by the Distribution Utility and explain the CCA program and the material provisions of the ESCO contract, identify the methods by which the customer can opt out of the CCA Program, and provide information on how the customer can access additional information about the CCA Program.
- C. The opt-out period shall be at least twenty (20) Days.
- D. CCA Program Bundled Customers, upon enrollment, will receive a welcome letter that will explain the customers' options for canceling the enrollment if they believe they were enrolled incorrectly or otherwise decide to withdraw from the CCA Program in favor of another Supplier. The welcome letter also will explain that residential customers are entitled to the added protection of the mandated three (3) day rescission period as detailed in Section 5(B)(3) of the Uniform Business Practices.

§ 74-6. Verification and Reporting.

- A. Sustainable Westchester shall be responsible for filing an annual report with the Public Service Commission, which identifies the number of customers enrolled in the CCA Program by municipality and customer class, the number of customers who returned to utility service or service with another Supplier during the reporting period, and the average cost of commodity supply by month for the reporting period.

Section 2: Severability.

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

Section 3. This local law shall take effect upon filing with the Secretary of State.



CITY COUNCIL AGENDA

NO. 4

DEPT.: Finance

DATE: September 21, 2018

CONTACT: Joseph Fazzino, City Comptroller

AGENDA ITEM: Public Hearing continued to establish the 2019 Budgeted Fees and Charges.

FOR THE MEETING OF:

September 26, 2018

RYE CITY CODE:

CHAPTER
SECTION

RECOMMENDATION: That the Council continue a public hearing to establish the 2019 Budgeted Fees and Charges.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

Continuation of a Public Hearing 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

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
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.)	98-57	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
Junk Peddler	113-4	2005	n/a	n/a	n/a
Laundromat	121-4	2005	n/a	n/a	n/a

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
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

PARKING

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	2016	1,050.00	1,050.00	1,050.00
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

ENGINEERING

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

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
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

FIRE

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

PLANNING

COASTAL ZONE MANAGEMENT

Waterfront Consistency Review Application	73-6	2012	825.00	825.00	950.00
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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
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

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
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
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
<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

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
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
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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

PUBLIC WORKS

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

RECREATION

ATHLETIC FIELD USE SURCHARGE (per person/per prog)	2011	15.00	15.00	20.00
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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
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

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

COMMENTS



CITY COUNCIL AGENDA

NO. 5

DEPT.: Mayor

DATE: September 21, 2018

CONTACT: Josh Cohn, Mayor

AGENDA ITEM: Consider a motion to ratify the comment letter submitted by the Mayor to the Federal Communications Commission on September 18, 2018 regarding a proposed order relating to telecommunications equipment in the right of way.

FOR THE MEETING OF:

September 26, 2018

RYE CITY CODE:

CHAPTER
SECTION

RECOMMENDATION: That the Council moves to ratify the comment letter Mayor, Josh Cohn submitted to the FCC on September 18, 2018 regarding a proposed order relating to telecommunications equipment in the right of way.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

See attached



CITY OF RYE

**JOSH COHN
MAYOR**

Federal Communications Commission

Re: Accelerating Wireless Broadband
Deployment by Removing Barriers to
Infrastructure Investment

WT Docket No. 17-79
WC Docket no. 17-84

The City of Rye, New York, respectfully requests that the Federal Communications Commission (the “Commission”) not adopt the proposed Declaratory Ruling and Third Report and Order, WT Docket No. 17-79, WC Docket No. 17-84 (the “Proposed Order”). The City of Rye urges the Commission to heed section 332(c)(7)(A) of the Telecommunications Act and not abridge municipal authority over placement, construction and modification of wireless facilities, whether by imposition of destructive restrictions on aesthetic review or unreasonable review timelines. The City of Rye additionally urges the Commission not to convert the value that is in the municipal right of ways to a source of corporate welfare for wireless providers. The value in the right of ways should be dedicated to the citizens of the municipalities that own them.

1. Aesthetic Concerns

Section 332(c)(7)(A) of the Telecommunications Act is headed “Preservation of Local Zoning Authority.” Aesthetic review is a zoning commonplace throughout the United States.

The City of Rye (the “City”) is a suburban city of approximately 16,000 people located twenty miles northeast of New York City on the shore of Long Island Sound. Sometimes referred to as “Norman Rockwell-esque”, the City’s building stock still includes structures dating back to the 17th and 18th centuries, some of which are designated as historical landmarks or located within historical areas. The

City's residents feel strongly about the City's aesthetics. It has been on the basis of aesthetics, community character and damage to property value that residents have resisted the Crown Castle/Verizon effort to install unsightly and noisy 2007 vintage equipment in the right of way literally on people's lawns and beside houses throughout residential Rye. In many, and perhaps most cases, the facilities proposed are not intended to provide coverage or fill capacity gaps on highly traveled roads. Instead, the facilities have generally been designed to provide service to the residents of a neighborhood – the very residents who object to the proposed installations. This is exactly the local situation in which the FCC does not belong, and where we think there are no real “prohibition” concerns. This is a matter for local, municipal processes. In New York, it is also a matter subject to our State Environmental Quality Review Act, which, where applicable, requires a person proposing a project that, considered *in toto* may have an adverse effect on the environment (including aesthetics), to consider alternatives that mitigate impacts. As we understand it, the Commission has itself decided that it will leave historical and environmental reviews to states and localities, but its order does not allow those reviews to proceed in the manner required by law. The Proposed Order would diminish both local and state law. The Proposed Order is not consistent with Section 332(c)(7)(A) or the property and procedural interests of the community and its residents, and it is arbitrary and capricious.

The Not More Burdensome Standard. The Proposed Order would require that aesthetic standards in local laws applicable to small wireless facilities be not more burdensome than those applicable to “similar infrastructure deployments.” Setting aside that Section 332(c)(7)'s discrimination provisions only apply to discrimination as among providers of functionally similar services, the not more burdensome standard ignores the fact that there actually have not been similar infrastructure deployments, that is mass deployment in the municipal right of way of antennas and supporting equipment used to provide service directly to end users. If “similar” infrastructure deployments are defined broadly to include deployments supporting any of the services customarily found in the municipal right of way, then a wireless provider will be under no compulsion to produce quality equipment design specific to wireless installations.

In addition, the standard will fail to recognize important distinctions between different types of infrastructure. The Commission suggests that in some respects wireless antennas cannot be treated the same as other infrastructure. Its discussion of undergrounding is one instance. If the Commission is requiring differential treatment, it cannot at the same time require us to treat apples like oranges (but better). If, for example, the “not more burdensome” standard would allow a wireless provider the same design liberties that it may be necessary to permit an electricity provider to have with respect to transformers and the like, then the standard simply makes a nonsense of aesthetic regulation with respect to small wireless facilities. This would be a “just as ugly as” standard, detrimental to the national environment.

The fundamental flaw in the not more burdensome standard is that it is to be applied to new, developmental technology to be installed in volume, but it looks backwards to regulation relevant to designs for old and inapposite technologies. If the standard means that a wireless antenna can look just

like an electric transformer, then the standard excuses the wireless industry from design responsibilities in the right of way. If the standard invokes rules for aged technologies or technologies that escaped regulation, then the standard is harmful and unacceptable. Similarly, if the standard defeats regulation that calls for consideration of technology and design alternatives, like New York State's Environmental Quality Review Act, then the standard is harmful and unacceptable.

2. Shot Clock

Impossible Time Constraints. The Proposed Order would impose a time limit of 60 days on location of a small wireless facility on an existing structure and 90 days if a new structure is built. These time limits are shorter than the already dysfunctionally short 90- and 150- day limits previously declared by the Commission.

In the City's experience, it is unlikely that an applicant will be ready to proceed within even a 90-day period. The City is a small city, and its own processes are hardly set up to move at the speed that the Commission wishes. Finally, the permitting of small wireless facilities next to peoples' houses is every bit as sensitive and difficult a process as siting a larger facility. A shortening by the FCC of the already too short shot clock requirements would be unreasonable and wantonly destructive of local oversight, and will make it difficult for those most affected by the facilities to participate in review of the applications.

3. Fees

The Right of Way is City Property and the City Should be Fairly Compensated For Use. As the Commission is no doubt aware, the right of municipalities to charge for access to the right of way has been recognized in the United States for nearly 150 years. The City of Rye collects fees from various ROW users pursuant to both federal and state law for use of the rights of way. Those fees (as opposed to fees for permits like building permits) were not established on the basis of cost to the municipality; but instead on the value of the right of way used. The de minimis cost-based fees in the Proposed Order trivialize the value of ROW access to the wireless provider and more importantly, trivialize the return on sale of ROW access to the community.

As we read it, the Commission intends to require cost-based charges that favor wireless providers as compared to other users of the rights of way. In general, if fees were limited to cost, you would expect providers to be required to pay (a) the costs that they cause (including the regulatory costs that they cause); and (b) a fully allocated share of the joint and common costs; and (c) some payment that reflects the cost of capital invested in the infrastructure. But the FCC seems to suggest that costs are limited to the first category only, and full costs are not always to be recovered. For example, because other providers pay fees based on gross revenues or some other statutorily or established standard, we have had little reason to perform a cost study to identify or allocate right of way costs. If the City is required to do so, the only beneficiaries would be the companies covered by the FCC's order – they would be the cost causers. Yet the FCC does not clearly indicate that those costs are recoverable by the City.

There are Many Fair Alternatives to Cost-Based Fees . The Proposed Order rejects fees for small cells that are based on revenues. Yet Crown Castle has tried for years to force Rye to accept a deal calling for Crown to pay an adjusted gross revenue-based charge per installation. The Proposed Order indicates such a fee basis doesn't work for mass installations. Yet this is exactly the fee basis that Crown has in many contracts that provide for mass installation. Based on our experience and discussions with other Westchester communities, we know that this standard is embedded in standard contracts drafted by Crown Castle or its predecessors, and under which Crown Castle has been operating. It is obviously not prohibitory, and there is no evidence that it has actually prevented Crown from deploying anywhere. It is also a typical model that reflects the value of the property used, both in the rights of way (cable systems being an example) and also in commercial real estate settings, where rents may require payment of a percentage of revenues. It benefits new entrants, since they pay less as business develops than might be required under a different approach.

Just as a revenue basis is quite obviously workable, other fee bases can be found. Calibrating them to be non-prohibitive should be easily possible, simply on a free market basis, And if, the Commission (counter-intuitively) is not comfortable with the market setting the price, then the Commission should at least be able to work with municipalities and providers to construct fair rate structures informally, rather than through dictate.

4. Conclusion

The Proposed Order would violate the Telecommunications Act, as described above. It would effect a huge transfer of value from the people of the United States to wireless carriers. This would be an enormous taking of public value for the benefit of a relative few in the wireless industry.

The taking will not be only of the value of access to the municipal rights of way. It will be a taking from the people of the United States of the opportunity to benefit from the best broadband access. It is well-known that wired fiber connections are far superior to wireless and are likely to remain that way as fiber technology continues to advance most data purposes can be best-served with wired connections to homes and businesses – supplemented with wifi as desired. Wireless should have its place where mobility is needed, but where mobility is not needed, wireless is second rate and vastly more intrusive to the environment than wired service.

The present goal of wireless industry densification is to encourage cable cutting with massive 4G LTE presence and to enable wireless providers to dominate data transmission for years to come. This will diminish investment in more effective and less intrusive technology.

If there is anything at all to be won in the purported “global race to 5G” imagined in the Proposed Order, there is nothing that could possibly justify this disservice to the U.S.

For all of the foregoing reasons, the City again requests that the FCC reject or amend the Proposed Order.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Cohn', written over the printed name.

Josh Cohn
Mayor