

## **CITY OF RYE**

### **NOTICE**

There will be a regular meeting of the City Council of the City of Rye on Wednesday, May 8, 2013, at 8:00 p.m. at the **Square House**. *The meeting will move from the Square House to Council Chambers in City Hall at approximately 8:45 p.m. The Council will convene at 7:00 p.m. and it is expected they will adjourn into Executive Session at 7:01 p.m. to discuss personnel matters related to the City Manager's office.*

### **AGENDA**

1. Pledge of Allegiance.
2. Roll Call.
3. General Announcements.
4. Draft unapproved minutes of the informal minutes of the Joint Meeting of the City Council and Board of Education held April 13, 2013 and the regular meeting of the City Council held April 17, 2013.
5. Mayor's Management Report
  - Update on the City of Rye 2012 Result of Operations
  - Update from the Landmarks Advisory Committee
  - Legal Update
  - Capital Projects Update
6. Discussion and Update on a Financial Disclosure and Conflict of Interest form.
7. Discussion of City Council support for a community-wide Civility Statement.
8. Discussion regarding the possible sale of a City-owned unit at The Ives at Rye Condominium located at 234 North Street.
9. Authorization of a Special Permit Application submitted by United Water Westchester, Inc. for the installation of towers and telecommunications equipment to collect billing information.
10. Resolution to establish a temporary Technology Committee.
11. Three appointments to the Technology Committee for a three-year term, by the Mayor with Council approval.
12. Two appointments to the Landmarks Advisory Committee to fill a term expiring January 1, 2014 and a term expiring January 1, 2015, by the Mayor with Council approval.
13. Residents may be heard on matters for Council consideration that do not appear on the agenda.
14. Miscellaneous communications and reports.

15. Old Business.
16. New Business.
17. Adjournment.

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The next regular meeting of the City Council will be held on Wednesday, May 22, 2013 at 8:00 p.m.

\*\* City Council meetings are available live on Cablevision Channel 75, Verizon Channel 39, and on the City Website, indexed by Agenda item, at [www.ryeny.gov](http://www.ryeny.gov) under "RyeTV Live".

\* Office Hours of the Mayor by appointment by emailing [dfrench@ryeny.gov](mailto:dfrench@ryeny.gov).



# CITY COUNCIL AGENDA

NO. 4

DEPT.: City Clerk

DATE: May 8, 2013

CONTACT: Dawn Nodarse

**AGENDA ITEM** Draft unapproved informal minutes of the Joint meeting of the City Council and Board of Education held April 13, 2013 and the regular meeting of the City Council held April 17, 2013, as attached.

**FOR THE MEETING OF:**

May 8, 2013

**RYE CITY CODE,  
CHAPTER  
SECTION**

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

**IMPACT:** ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

**BACKGROUND:**

Approve the informal minutes of the Joint meeting of the City Council and Board of Education held April 13, 2013 and the regular meeting of the City Council held April 17, 2013, as attached.

***DRAFT UNAPPROVED MINUTES*** of the  
Joint Meeting of the City Council of the City of Rye  
and the Rye City School Board held in City Hall on  
April 13, 2013 at 8:00 P.M.

PRESENT:

DOUGLAS FRENCH Mayor  
LAURA BRETT  
PETER JOVANOVIH  
JULIE KILLIAN  
CATHERINE F. PARKER  
JOSEPH A. SACK  
Councilmembers

LAURA SLACK President  
KAREN BELANGER  
KENDALL EGAN  
EDWARD FOX  
KATY KEOHANE GLASSBERG  
NANCY PASQUALE  
Board Members

SCOTT PICKUP, City Manager  
FRANK ALVAREZ, Superintendant of Schools  
KATHLEEN RYAN, School District Assistant Superintendent for Business  
CHRISTIAN MILLER, City Planner  
RYAN COYNE, City Engineer  
NOREEN WHITTY, City Assessor  
KRISTEN WILSON, Corporation Counsel

ABSENT:     RICHARD FILIPPI, Councilmember  
              CHRIS REPETTO. Board Member

The meeting convened at 9:00 a.m. Board Member Glassberg made a motion, seconded by Board Member Egan and unanimously carried, to immediately adjourn into executive session to discuss tax certiorari matters. Councilwoman Brett made a motion, seconded by Mayor French to adjourn the executive session at 9:55 a.m. The joint meeting convened at 10:00 a.m.

1.     Pledge of Allegiance

Board President Slack called the meeting to order and invited everyone to join in the Pledge of Allegiance.

2. Roll Call

Board President Slack asked the City Clerk to call the roll; a quorum of both boards was present to conduct business.

3. State of the Schools

Superintendent Alvarez said this has been a challenging year for the School District due to outside circumstances such as weather issues and the Newtown tragedy, but said the administration had tried to stay focused on students, the curriculum, and mandates. He reported on five areas: student achievement; teacher effectiveness; culture of caring; fiscal responsibility; and community engagement, which included a report on new and proposed curriculum programs and the proposed School District Budget, which reflects a \$2.3 Million reduction and a \$2.2 Million use of Fund Balance.

There was a discussion among the two boards regarding the State mandated 2% tax levy cap and the impact on the School District going forward due to lack of mandate relief. The necessity of “high performing” school districts such as Rye communicating these impacts to lawmakers in Albany was stressed. There was also a suggestion of updating and reissuing the joint Resolution calling for mandate relief that was adopted by the School District and City Council at their April 2012 joint meeting.

4. Update on the Rye City School District bond project and schedule

Kathleen Ryan, School District Assistant Superintendent for Business, provided a handout showing the proposed plan and discussed changes in traffic patterns that would be in effect during the construction period; the size and location of the construction site; changes to parking areas; and removal of temporary classrooms. The timing of the project is three or four weeks off the original schedule based on State Education Department delays. The bids will be opened in May. The groundbreaking will be in June and the project is expected to be completed prior to school opening in September 2014. City Manager Pickup suggested that the Board begin the process of educating the parents now about any changes that will affect them during the construction period.

5. Discussion of Alarm Fee Waiver for construction period

City Manager Pickup said that during the construction at the school it would be difficult to maintain a normal alarm system so in unusual circumstances, the Council has the ability to waive fees for false alarms. Board President Slack said that she believes that the Council should consider waiving all fees for false alarms for the School District. Councilwoman Parker noted that there was a cost to the City to provide the service that goes along with the false alarms and suggested that the waiver be for false alarms fees greater than the usual annual amount.

6. School Safety – StoneGate - police presence, crossing guards, Safe Routes to Schools

StoneGate – Dr. Alvarez said that the District has begun looking at how safe the schools are in the wake of Newtown. There has been a plan in place but it had not been revisited since 2008. StoneGate Associates has been hired and they have done a facilities update on all school buildings and will provide a recommendation on possible changes or improvements to facilities, which will be discussed at the April 23<sup>rd</sup> Board meeting. They will provide training for all teachers and are conducting drills in the schools. The District has also been working with Police Commissioner Connors and the Police Department and they have come into the school buildings to run drills. StoneGate will also work with parent groups. The new plan should be state of the art in terms of school safety measures.

Police Presence – City Manager Pickup said that in terms of long-term police presence at schools there is a patrol deficit. The City has looked at Community Service Workers, Peace Officers and other options in the Civil Service process. The people on the civil service lists have not been able to satisfy the City's requirements. The Council may have to look at a budget item in the 2014 budget to create an assignment within the Police Department.

Crossing Guards – City Manager Pickup said the City has tried a variety of options on the crossing guard issue. There are issues with recruitment and retention. There is now an afternoon crossing guard in place at the High School. The City is looking into a contracting company that provides crossing guard services and would be responsible for replacements when a guard calls out.

Safe Routes to Schools - City Planner Christian Miller made a presentation on pedestrian safety projects that will be undertaken in the next couple of years, some of which are related to the bond referendum approved in November and others to a Safe Routes to School grant received by the YMCA. The projects include:

- Midland Crosswalk – This calls for a new crosswalk at the north playground of Midland School. The City can design the project but there are issues related to programming and operation of the school. The crosswalk would need to be staffed.
- Milton Road Corridor – (1) Improvements on Milton Road down to Oakland Beach Avenue. A crosswalk is proposed near the La Panetiere restaurant which would modify the curbing to provide for a pedestrian signal. (2) Sidewalk improvements, particularly on the east side, to provide for a concrete sidewalk and adequate ramps. The project is currently in the survey/design phase.
- Forest Avenue Improvements – This calls for a series of improvements near Rye Town Park to improve the crosswalks.
- Installation of rapid flash pedestrian-activated beacons at intersections without crossing guards.
- Milton School – Elevation of the sidewalk and installation of a new 6-inch curb.
- Theall/Osborn Crosswalk – Change the curbing to reduce the crossing distance.
- Five Points Intersection – Reduce the crossing distance on Grace Church Street by putting in a larger island to give relief to the pedestrian, or making additional modifications to the intersection that would require County approval.

7. Discussion of a City of Rye proposal for joint communications for emergencies

City Manager Pickup said the City would like to adopt a formal agreement with the School District whereby they can utilize the school's network to contact people in an emergency situation. It was suggested that school parents should be encouraged to sign up to receive Nixle alerts.

8. Civility Initiative

Board Member Glassberg, who is on the Drafting Committee for the Civility Statement, reported that the initiative came from the Rye Youth Council, who wanted to look at values shared among the Rye community. Two community meetings have been held and the issue has been embraced by all the religious organizations in the City, the parent organizations in the schools and the YMCA. The Drafting Committee is trying to model the initiative on a program called "Choose Civility". The goal is for individuals, groups and Boards to sign on to a "Civility Statement", in order for it to become a movement embraced by the community.

9. Communications

Mayor French noted the greater collaboration between the City Council and School Board in the last three years.

Board Member Fox suggested that the City revisit the ideal of conducting a city-wide property revaluation in order to deal with the problems that result from tax certiorari petitions. He said homeowners bear the burden of tax reductions granted to condominiums, co-ops, clubs and businesses. Councilwoman Parker suggested looking into doing a county-wide revaluation.

Board Member Belanger thanked Recreation Superintendent Sally Rogol and Assistant School Superintendent Ryan for looking at alternative opportunities for intramural sports for Middle School students and said she hoped to hear back on what could be offered starting next year.

10. Adjournment

There being no further business to discuss Board Member Egan made a motion, seconded by Board Member Pasquale and unanimously carried, to adjourn the meeting at 11.40 a.m.

Respectfully submitted,

Dawn F. Nodarse  
City Clerk

***DRAFT UNAPPROVED MINUTES*** of the  
Regular Meeting of the City Council of the City of  
Rye held in City Hall on April 17, 2013 at 8:00 P.M.

PRESENT:

DOUGLAS FRENCH Mayor  
LAURA BRETT  
RICHARD FILIPPI  
PETER JOVANOVIH  
JULIE KILLIAN  
CATHERINE F. PARKER  
JOSEPH A. SACK  
Councilmembers

ABSENT:     None

The Council convened at 6:30 p.m. Councilman Jovanovich made a motion, seconded by Councilwoman Parker and unanimously carried to immediately adjourn into executive session to discuss personnel matters related to the City Manager's Office; potential litigation related to 1037 Boston Post Road; and litigation related to *Lamont v. City of Rye*. Councilwoman Killian made a motion, seconded by Councilwoman Brett and unanimously carried, to adjourn the executive session at 8:00 p.m. The regular meeting convened at 8:06 p.m.

1.     Pledge of Allegiance

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

2.     Roll Call

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

3.     General Announcements

Announcements were made about upcoming events in the community. A moment of silence was held for the tragedy at the Boston Marathon.

4.     Approval of the election of the Chiefs of the Rye Fire Department

Mayor French made a motion, seconded by Councilwoman Parker and unanimously carried, to approve the election of Michael Taylor as Chief of the Rye Fire Department; Peter



Cotter as 1<sup>st</sup> Assistant Chief; and Michael Billington as 2<sup>nd</sup> Assistant Chief held at the Annual Fire Department Meeting held on April 8th.

5. Draft unapproved minutes of the regular meeting of the City Council held April 3, 2013

Councilman Jovanovich made a motion, seconded by Councilman Filippi and unanimously carried, to approve the minutes of the regular meeting of the City Council held on April 3, 2013, as amended.

6. Mayor's Management Report

- Capital Projects Update

City Manager Pickup reported on the following projects:

Central Avenue Bridge – The project is on target. The neighborhood and website outreach has worked very well.

Sluice Gate – The system is operational. Training will be done with the engineers from the City and Rye Brook. Nicole Levitsky is working with a vendor to create an “App” that will be available for people’s Smart Phones so data from the Sluice Gate, tide information, and weather information will be available to people in real time. Reimbursement requests have been submitted to the State and will then be submitted to the County and to Rye Brook.

- Legal Update

Corporation Counsel Wilson reported on the following items:

*Panetta v. Planning Commission* – A decision was rendered by the Appellate Division, Second Department that upholds the Planning Commission’s decision to deny Petitioner’s request to modify private road standards.

DEC Administrative Proceeding (Beaver Swamp Brook) – The City submitted a petition for full-party status to the DEC in connection with this matter. A Harrison resident, Michael LaDore, also submitted a petition for similar party status. Mr. LaDore has informed the City that the DEC will be in touch by mid-May regarding these petitions.

Sale of 1037 Boston Post Road – The closing on the property did not take place as scheduled. Lester’s, the current tenant, has not provided the City and potential buyer with a Clean Tenant Estoppel Certificate and the City was unable to get title insurance. If the document is not provided by Monday, Ms. Wilson asked the Council to authorize the commencement of a lawsuit alleging Tortious Interference with the contract and other causes of action.

Mayor French made a motion, seconded by Councilman Jovanovich to adopt the following Resolution:

**RESOLVED**, that the City Council of the City of Rye hereby authorizes the Corporation Counsel to commence a lawsuit against Lester's if they do not provide a signed Clean Tenant Estoppel Certificate to the City by Monday, April 22, 2013.

ROLL CALL:

AYES: Mayor French, Councilmembers Brett, Filippi, Jovanovich, Killian, Parker and Sack

NAYS: None

ABSENT: None

The Resolution was adopted by a 7-0 vote

7. Discussion of the Rye Arts Center lease

Mayor French said the 30-year lease with the Rye Arts Center is coming due in two years. The City does not want to commit to another 30-year lease without going through proper "due diligence". The goal is to have something in place by the fall. City Manager Pickup said that there are concerns about parking at the location and how the spaces are allocated among the user groups. Eileen Neiman, President of the Arts Center Board, thanked the Council for considering the renewal in advance of the expiration date. It was suggested that the Arts Center explore if they would be eligible for outside funding if the term of the lease was extended and that as part of the City's "due diligence" an appraisal of the property should be done as well as a list prepared of costs the City incurs in the upkeep of the property.

8. Discussion on the proposed revision of the Rules and Regulations of the City of Rye Police Department General Order #121.04 regarding a Social Media Policy

Police Commissioner William Connors said that the Police Department has been looking at the issue for over three years and brought to the Council about a year ago. They were asked to take another look at the issue post Hurricane Sandy. The policy is not designed to promote the use of social media. The goal is to deal with the reality of social media in everyday life and be prepared for the inevitable transition into the use of social media. The two aspects of the proposed policy are to: (1) establish protocols for official department use as a media tool; and (2) establish guidelines for members of the department. The policy was circulated to the PBA in accordance with the contract but no feedback has been received. City Manager Pickup said that the City needs to make updates to its automated systems policy, which would incorporate social media. He also said that the Technology Group would be looking at the issue of social media. The Council requested that the proposed policy be re-circulated to the Cable and Communications Committee, the Corporation Counsel and labor attorney, and that the PBA be notified that it is back on the agenda.

9. Authorization to reject the previously accepted Police Uniform Bid and award the bid to the next qualified bidder

Police Commissioner William Connors explained the issues related to the current police uniforms contract. An investigation was conducted based on allegations that the owner of the company that was awarded the bid at the last meeting had submitted a fraudulent warranty letter. The District Attorney's office issued felony complaint charges and an arrest was made. This is not a conflict of interest issue; it is an issue about warranty requirements. Commissioner Connors also provided a history of previous police uniform bids. It is recommended that the Council rescind the previous bid award for the Contract for Police Uniforms and award it to the next qualified bidder.

There was a lengthy discussion among the Council about the issues of conflict of interest; awarding a bid or contract to a company that anyone associated with the City is affiliated with; how it might affect the bidding process; and additional burdens placed on the City in these instances. Corporation Counsel Wilson suggested that there should be a policy with definable parameters to address the issues.

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

**RESOLVED**, that the City Council of the City of Rye hereby rescinds the award of Contract 2013-03, Police Uniforms, previously awarded to New England Sportswear, Inc. at the March 20, 2013 meeting.

ROLL CALL:

AYES:	Mayor French, Councilmembers Brett, Filippi, Jovanovich, Killian, Parker and Sack
NAYS:	None
ABSENT:	None

The Resolution was adopted by a 7-0 vote

Councilman Sack made a motion, seconded by Councilwoman Parker, to adopt the following Resolution:

**RESOLVED** that the City Council of the City of Rye hereby rejects the bid of New England Uniform LLC for Contract 2013-03 Police Uniforms and authorizes the rebidding of the contract.

ROLL CALL:

AYES: Mayor French, Councilmembers Brett, Filippi, Jovanovich, Killian, Parker and Sack  
NAYS: None  
ABSENT: None

The Resolution was adopted by a 7-0 vote

Jim Amico, Leon Sculti and Ted Carroll commented on this agenda item.

10. Authorization for the City Manager to enter into an Agreement with All City Management Services (ACMS) for the outsourcing of school crossing guard services

City Manager Pickup outlined the process the City has been going through in order to fill the additional crossings that the Council approved in the 2013 Budget. The City has been unable to fill all ten spots. All City Management Services approached the City about a year ago with a proposal but there were concerns that the company was not well established on the East Coast yet. They have expanded into New York suburbs recently and the City took another look at the company. Commissioner Connors provided an overview of the company and the services they provide which cover all responsibility for crossing guard services, including recruitment, training, background checks, equipment, supervision and management. The proposed contract would run through June 2014 but can be cancelled by either party with 30-days notice.

Council discussion touched on the issues of bidding the contract; doing an RFP (Request for Proposal) for the services; exploring other alternatives for traditional recruitment; and doing a trial of the service prior to the end of the school year. There was a suggestion that engaging a company to hire crossing guards would take away City control over the quality of people who are hired. City Manager Pickup expressed doubt about providing enough coverage at crossings through traditional recruiting methods and was especially concerned with issues related to construction at the High School/Middle School during the upcoming school year. Action on this item was deferred.

11. Resolution authorizing the refunding of \$5,540,000 of serial bonds of the City of Rye, Westchester County, New York as a cost saving measure  
Roll Call.

City Manager Pickup said that Bond Counsel has prepared two series of bonds for refunding. There is \$86,000 in savings on the 1998 Golf bonds, which are due in six years, and \$239,000 in savings for the 2005 bonds over the next 13 years, or \$325,000 in present value savings. The savings will accrue beginning in 2014. There was a brief discussion with former Councilman Mack Cunningham regarding Golf Club bonds that were not refunded in 2010

Councilwoman Killian made a motion, seconded by Councilwoman Parker, to adopt the following Resolution:

REFUNDING BOND RESOLUTION, DATED APRIL 17, 2013, AUTHORIZING THE ISSUANCE OF REFUNDING SERIAL BONDS OF THE CITY OF RYE, IN THE COUNTY OF WESTCHESTER, STATE OF NEW YORK, PURSUANT TO SECTION 90.10 OF THE LOCAL FINANCE LAW OF THE STATE OF NEW YORK, PROVIDING FOR OTHER MATTERS AND MAKING CERTAIN DETERMINATIONS IN RELATION THERETO AND PROVIDING FOR THE PAYMENT OF THE BONDS TO BE REFUNDED THEREBY.

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WHEREAS, the City of Rye, located in the county of Westchester, State of New York (the “City”) previously issued \$1,743,000 principal amount of Public Improvement (Serial) Bonds 1998 Series B (Federally Taxable) (the “Series 1998 Bonds”) pursuant to a certificate of determination of the City Comptroller (sometimes referred to herein as the “Chief Fiscal Officer”), which Series 1998 Bonds are dated September 15, 1998 and matured or mature in annual installments on September 15 in each of the years 2000-2018, inclusive, as follows:

\$48,000 in the year 2000,  
\$55,000 in the year 2001,  
\$55,000 in the year 2002,  
\$60,000 in the year 2003,  
\$65,000 in the year 2004,  
\$70,000 in the year 2005,  
\$70,000 in the year 2006,  
\$75,000 in the year 2007,  
\$80,000 in the year 2008,  
\$85,000 in the year 2009,  
\$90,000 in the year 2010,  
\$100,000 in the year 2011,  
\$105,000 in the year 2012,  
\$110,000 in the year 2013,  
\$120,000 in the year 2014,  
\$125,000 in the year 2015,  
\$135,000 in the year 2016,  
\$145,000 in the year 2017, and  
\$150,000 in the year 2018

WHEREAS, the Series 1998 Bonds were authorized pursuant to one or more serial bond resolutions duly adopted by the City Council of the City for the objects or purposes described therein and delegated to the Chief Fiscal Officer the power to prescribe the terms, form and contents of and to sell and deliver such serial bonds of the City; and

WHEREAS, \$785,000 aggregate principal amount of the Series 1998 Bonds currently remain outstanding and unredeemed as of the date hereof; and

WHEREAS, it is hereby determined to be in the public interest of the City to refund all or a portion of the outstanding Series 1998 Bonds, by the issuance of the refunding bonds authorized

herein pursuant to Section 90.10 of the Local Finance Law (the “Series 1998 Refunding Bonds”); and

WHEREAS, the City previously issued \$6,428,000 principal amount of Public Improvement Serial Bonds, Series 2005 (Tax-Exempt) (the “Series 2005 Bonds”) pursuant to a certificate of determination of the City Comptroller, which Series 2005 Bonds are dated December 15, 2005 and matured or mature in annual installments on December 15 in each of the years 2006-2025, inclusive, as follows:

\$213,000 in the year 2006,  
\$220,000 in the year 2007,  
\$230,000 in the year 2008,  
\$240,000 in the year 2009,  
\$250,000 in the year 2010,  
\$255,000 in the year 2011,  
\$265,000 in the year 2013,  
\$275,000 in the year 2013,  
\$290,000 in the year 2014,  
\$305,000 in the year 2015,  
\$315,000 in the year 2016,  
\$330,000 in the year 2017,  
\$350,000 in the year 2018,  
\$365,000 in the year 2019,  
\$380,000 in the year 2020,  
\$395,000 in the year 2021,  
\$410,000 in the year 2022,  
\$430,000 in the year 2023,  
\$445,000 in the year 2024, and  
\$465,000 in the year 2025

WHEREAS, the Series 2005 Bonds were authorized pursuant to one or more serial bond resolutions duly adopted by the City Council of the City for the objects or purposes described therein and delegated to the Chief Fiscal Officer the power to prescribe the terms, form and contents of and to sell and deliver such serial bonds of the City; and

WHEREAS, \$4,755,000 aggregate principal amount of the Series 2005 Bonds currently remain outstanding and unredeemed as of the date hereof; and

WHEREAS, it is hereby determined to be in the public interest of the City to refund all or a portion of the outstanding Series 2005 Bonds, by the issuance of the refunding bonds authorized herein pursuant to Section 90.10 of the Local Finance Law (the “Series 2005 Refunding Bonds”); and

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RYE, IN THE COUNTY OF WESTCHESTER, STATE OF NEW YORK (BY THE AFFIRMATIVE VOTE OF NOT LESS THAN TWO-THIRDS OF THE VOTING STRENGTH OF CITY COUNCIL OF THE CITY), AS FOLLOWS:

Section 1. For the purpose of refunding all or a portion of the \$785,000 outstanding principal amount of the Series 1998 Bonds and all or a portion of the outstanding \$4,755,000 Series 2005 Bonds, providing moneys which, together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein authorized shall be sufficient to pay: (i) the refunded principal amount of the Series 1998 Bonds and Series 2005 Bonds (collectively, the "Refunded Bonds"); (ii) the aggregate amount of the unmatured interest payable on the Refunded Bonds to and including the date on which any series of the Refunded Bonds which are callable are to be redeemed prior to their respective maturities in accordance with the Refunding Financial Plan (as hereinafter defined) and attached hereto as Exhibit B; (iii) the costs and expenses incidental to the issuance of the Series 1998 Refunding Bonds and the Series 2005 Refunding Bonds (collectively, the "Refunding Bonds") as hereinafter authorized and as described in Exhibit A, including without limitation, the development of the Refunding Financial Plan, costs and expenses of executing and performing the terms and conditions of the Escrow Contract (as hereinafter defined), and any securities supply contract, the premium with respect to any bond insurance policy or policies acquired with respect to the Refunding Bonds (as defined below), discount or compensation of underwriters, fees of bond counsel and financial advisors, rating agency fees, printing and service agency fees and expenses, and fees and charges of the Escrow Holder (as hereafter described); and (iv) the redemption premium, if any, to be paid on any series of the Refunded Bonds which are to be called prior to their respective maturities; there are hereby authorized to be issued in one or more series not exceeding \$7,500,000 aggregate principal amount of refunding serial bonds of the City pursuant to the provisions of Section 90.10 of the Local Finance Law, it being anticipated that the par amount of Refunding Bonds actually to be issued will be approximately \$5,245,000 as provided in Section 4 hereof. The proposed principal amounts and dates of maturity of such Refunding Bonds are set forth in the Refunding Financial Plan attached hereto.

Section 2. It is hereby determined pursuant to Section 90.10 that:

(a) the maximum amount of the Refunding Bonds authorized to be issued pursuant to this resolution does not exceed the limitation imposed by subdivision 1 of paragraph (b) of Section 90.10 of the Local Finance Law with respect to each series of the Refunded Bonds;

(b) the aggregate amount of estimated present value savings computed in accordance with subparagraph (a) of subdivision 2 of paragraph b of Section 90.10 of the Local Finance Law is not expected to be less than three percent (3.0%) of debt service on the Refunded Bonds paid to stated maturity.

(c) The City Council is hereby authorized and directed to enter into an escrow contract (the "Escrow Contract") with a bank or trust company located and authorized to do business in this State as the City Council shall designate (the "Escrow Holder") for the purpose of having the Escrow Holder act, in connection with the Refunding Bonds, as the escrow holder to perform the services described in Section 90.10 of the Local Finance Law. In addition, the Escrow Contract may include a forward supply or purchase contract or agreement as part thereof or as a separate agreement for the provision of acquiring obligations of the United States of America or unconditionally guaranteed by the United States of America or other obligations or instruments qualified under Section 90.10 of the Local Finance Law or may be necessary for the completion of the Refunding Financial Plan. The Escrow Contract shall contain such terms and conditions as shall be necessary or required, including terms and conditions required for the completion of the

Refunding Financial Plan, including provisions for the Escrow Holder, without further authorization or direction from the City Council of the City, except as otherwise provided therein, including, without limitation, (i) to make all required payments of principal, interest and any redemption premiums to appropriate paying agents with respect to the Refunded Bonds, (ii) to pay costs and expenses incidental to the issuance of the Refunding Bonds, including the development of the Refunding Financial Plan, and of executing and performing the terms and conditions of the Escrow Contract by the Escrow Holder, (iii) at the appropriate time or times, to cause to be given on behalf of the City in the manner provided by law the notice of redemption authorized to be given pursuant to Section 8 hereof, and (iv) to invest the moneys held by the Escrow Holder pursuant to the terms of the Escrow Contract and consistent with the provisions of the Refunding Financial Plan. The Escrow Contract shall be irrevocable and shall constitute a covenant with the owners of the Refunding Bonds.

(d) The proceeds, inclusive of any premium, from the sale of the Refunding Bonds, immediately upon receipt, shall be placed in escrow by the City with the Escrow Holder pursuant to the terms of the Escrow Contract. All moneys held by the Escrow Holder shall be invested only in direct obligations of the United States of America, in obligations the principal of and interest on which are unconditionally guaranteed by the United States of America or in obligations or instruments qualified under Section 90.10 of the Local Finance Law, which obligations or instruments shall mature or be subject to redemption at the option of the Escrow Holder not later than the respective dates when such moneys will be required to make payments in accordance with the Escrow Contract and the Refunding Financial Plan. Any such moneys remaining in the custody of the Escrow Holder after the performance in full of the Escrow Contract by the Escrow Holder shall be returned to the City and shall be applied by the City Comptroller to the payment of the principal of or interest on the Refunding Bonds then outstanding, to the payment of any amounts required to be paid to the United States of America in connection of with the refunding of the Refunding Bonds or to the payment of or reimbursement for the costs of issuance or other administrative costs incurred in connection with the issuance of the Refunding Bonds. In connection with the investment of moneys held by the Escrow Holder under the Escrow Contract, the City Comptroller is authorized to execute on behalf of the City any forward purchase or supply contract for the purchase or supply of the securities described in this subsection (d) at a date subsequent to the delivery of the Refunding Bonds, as is needed to accomplish the purposes of the Refunding Financial Plan.

Section 3. It is hereby determined that the maximum period or periods of probable usefulness permitted by law at the time of the issuance of the Refunded Bonds for each of the objects or purposes for which the Refunded Bonds were issued is no less than as shown in the Certificates of Determination of the City Comptroller incorporated by reference herein and made a part of this resolution taking into account the earlier of the original date of issuance of any such series of serial bonds or bond anticipation notes funded by such series of Refunded Bonds; and

Section 4. The financial plan for the refunding authorized by this resolution (the "Refunding Financial Plan"), showing the sources and amounts of all moneys required to accomplish such refunding, the estimated present value of the total debt service savings and the basis for the computation of the aforesaid estimated present value of total debt service savings, are set forth in Exhibit B attached hereto and made a part hereof. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in the aggregate principal amount of \$5,245,000 if fully issued and will mature, be of such terms, and bear such



interest as set forth in the Refunding Financial Plan. The City Council of the City recognizes that the principal amount of the Refunding Bonds, the series, maturities, terms, interest rate or rates borne by the Refunding Bonds, the provisions for redemption thereof prior to maturity and whether or not all of the Refunding Bonds will be insured, and the resulting present value savings are likely to vary from such assumptions and that the Refunding Financial Plan will likely vary from that attached hereto as Exhibit B. The City Comptroller is hereby authorized and directed to determine the principal amount of the Refunding Bonds to be issued, the series and designation or designations thereof, the time or times of the sale thereof, the maturities and terms thereof, the provisions relating to the redemption of the Refunding Bonds prior to maturity, if any, the rate or rates of interest to be borne thereby, whether or not the Refunding Bonds will be insured in whole or in part or uninsured, and to prepare, or cause to be provided, a final Refunding Financial Plan, all in accordance herewith, and all powers in connection therewith may be exercised by the City Comptroller; provided, that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of Section 90.10 of the Local Finance Law. The City Council shall file a copy of a certificate determining the details of the Refunding Bonds and the final Refunding Financial Plan with the City Clerk within ten (10) days after the delivery of the Refunding Bonds, as herein provided.

Section 5. The faith and credit of the City are hereby irrevocably pledged to the payment of the principal of and interest on the Refunding Bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on the Refunding Bonds becoming due and payable in such year. To the extent that the same are not paid from other sources, there shall be annually levied on all the taxable real property in the City a tax sufficient to pay the principal of and interest on the Refunding Bonds as the same become due and payable.

Section 6. Proceeds from the sale of the Refunding Bonds, including any accrued interest and, together with interest earned thereon, which shall be required for the payment of the principal of and interest on the Refunded Bonds, including any redemption or call premiums, in accordance with the Refunding Financial Plan, shall be irrevocably committed and pledged to such purpose and the owners of the Refunded Bonds shall have a lien upon such moneys and the investments thereof held by the Escrow Holder. The pledge and lien provided by this resolution shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding against all parties having claims of any kind in tort, contract, equity, at law or otherwise against the City irrespective of whether such parties have notice thereof. Neither this resolution, the Escrow Contract, nor any other instrument relating to such pledge and lien, need be filed or recorded.

Section 7. In accordance with the terms of the Refunded Bonds and the provisions of Section 53.00 and of paragraph (h) of Section 90.10 of the Local Finance Law, and subject only to the issuance of the Refunding Bonds, as herein authorized, the City hereby elects to call in and redeem (i) all or a portion of the Series 1998 Bonds maturing on and after September 15, 2013 on May 15, 2013 and (ii) all or a portion of the Series 2005 Bonds maturing on and after December 15, 2015 on December 15, 2014. The sum to be paid therefor on such redemption dates shall be the par value thereof plus the redemption premium, if any, as provided in the issuance proceedings for the Series 1998 Bonds and the Series 2005 Bonds and the accrued interest to such redemption date.

The Escrow Holder is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the City in the manner and within the times provided in the issuance proceedings for the Series 1998 Bonds and the Series 2005 Bonds. Such notice of redemption shall be in substantially the form attached to the Escrow Contract. Upon the issuance of the Refunding Bonds, the election to call in and redeem the applicable portion of the Series 1998 Bonds and the Series 2005 Bonds and direction to the Escrow Holder to cause notice thereof to be given as provided in this paragraph shall become irrevocable, provided that this paragraph may be amended from time to time as may be necessary in order to comply with the notice, requirements of paragraph (a) of Section 53.00 of the Local Finance Law, or any successor law thereto. It is hereby determined that with respect to the series of Refunded Bonds to be called in and redeemed as provided in this Section 7, it is to the financial advantage of the City not to charge, impose and collect or receive from registered owners of the Refunded Bonds mailing, shipping, insurance or other similar charges in connection with such redemption or calls. Accordingly, pursuant to paragraph (c) of Section 70.00 of the Local Finance Law, no such charges shall be so charged, collected or received by the Chief Fiscal Officer, as fiscal agent.

Section 8. The Refunding Bonds may be sold at either a private or competitive sale and the City Comptroller is hereby authorized to execute a purchase contract on behalf of the City Comptroller for the sale of the Refunding Bonds, provided that the terms and conditions of such sale shall be approved by the State Comptroller and further provided that, prior to the issuance of the Refunding Bonds the City Council shall have filed with the City Clerk a certificate approved by the State Comptroller pursuant to subdivision 2 of paragraph (g) of Section 90.10 of the Local Finance Law setting forth the present value savings to the City resulting from the issuance of the Refunding Bonds. In connection with such sale, the City Council of the City hereby authorizes the preparation of an Official Statement and approves its use in connection with such sale, and further consents to the distribution of a Preliminary Official Statement prior to the date said Official Statement is executed and available for distribution, all in accordance with applicable State and Federal securities laws, rules and regulations.

Section 9 The City Council of the City hereby appoints the law firm of Squire Sanders (US) LLP of New York, New York, as bond counsel in connection with the issuance and sale of the Refunding Bonds. The City Council of the City hereby appoints the firm of New York Municipal Advisors Corp. of Syosset, New York, as financial advisor in connection with the issuance and sale of the Bonds. The power to appoint the Escrow Holder, as that term is referred to herein, and a senior managing underwriter for the sale of the Refunding Bonds if sold at private sale, is hereby delegated to the City Comptroller of the City, as chief fiscal officer of the City.

Section 10. Each of the Refunding Bonds authorized by this resolution shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law and the Refunding Bonds shall be general obligations of the City, payable as to both principal and interest by a general tax upon all the taxable real property within the City, without limitation as to rate or amount.

Section 11. The City Comptroller, pursuant to Sections 50.00, 90.00, 90.10 and 168.00 of the Local Finance Law, and all other officers, employees and agents of the City are hereby authorized and directed for and on behalf of the City to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby, including to correct or

amend the documents and certificates authorized to complete the transactions contemplated by this resolution.

Section 12. All other matters pertaining to the terms, issuance and sale of the Refunding Bonds consistent with the provisions of Section 90.10 of the Local Finance Law shall be determined by the City Comptroller and the powers in connection therewith not otherwise heretofore delegated thereto are hereby delegated to the City Comptroller.

Section 13. The City intends to issue the obligations authorized by this resolution to finance the costs of the purposes described herein for the completion of the Refunding Financial Plan. The City covenants for the benefit of the holders of the Refunding Bonds that it will not make any use of (a) the proceeds of the Refunding Bonds, any funds reasonably expected to be used to pay the principal of or interest on the Refunding Bonds or any other funds of the City, and (b) the purposes financed with the proceeds of the Series 1998 and Series 2005 Refunding Bonds, which would cause the interest on which to become subject to Federal income taxation under the Internal Revenue Code of 1986, as amended (the "Code") (except for the federal alternative minimum tax imposed on corporations by Section 55 of the Code), or subject the City to any penalties under Section 148 of the Code, and that it will not take any action or omit to take any action with respect to the Refunding Bonds or the proceeds thereof, if such action or omission would cause the interest on the Series 2005 Refunding Bonds to become subject to Federal income taxation under the Code (except for the federal alternative minimum tax imposed on corporations by Section 55 of the Code), or subject the City to any penalties under Section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of the Refunding Bonds or any other provision hereof until the date which is sixty (60) days after the final maturity date or earlier prior redemption date thereof. The proceeds of the Refunding Bonds may be applied to reimburse expenditures or commitments made for the purposes on or after a date which is not more than sixty (60) days prior to the adoption date of this resolution by the City.

Section 14. For the benefit of the holders and beneficial owners from time to time of the Refunding Bonds, the City agrees, in accordance with and as an obligated person with respect to the Refunding Bonds under, Rule 15c2-12 promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934 (the "Rule"), to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner, as may be required for purposes of the Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the City Comptroller is authorized and directed to sign and deliver, in the name and on behalf of the City, the commitment authorized by subsection 6(c) of the Rule (the "Commitment") to be placed on file with the City Clerk, which shall constitute the continuing disclosure agreement made by the City for the benefit of holders and beneficial owners of the Refunding Bonds in accordance with the Rule, with any changes or amendments that are not inconsistent with this resolution and not substantially adverse to the City and that are approved by the City Comptroller on behalf of the City, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed, collectively by this paragraph and the Commitment, shall be the City's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform thereunder. The City Comptroller is

further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the City Comptroller shall consult with, as appropriate, the City Corporation Council and bond counsel or other qualified independent special counsel to the City and shall be entitled to rely upon any legal advice provided by the City Corporation Council or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

Section 15. The validity of the Refunding Bonds may be contested only if such obligations are authorized for objects or purposes for which the City is not authorized to expend money, or the provisions of law which should be complied with at the date of the publication of this resolution, are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of publication, or if said obligations are authorized in violation of the provisions of the Constitution of New York.

Section 16. When this bond resolution takes effect, it shall be published in full by the City Clerk, together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law, and such publication shall be in The Journal News a newspaper having a general circulation in the City and which is hereby designated as the official newspaper of the City for such purpose.

Section 17. This bond resolution shall take effect immediately upon its adoption by the City Comptroller of the City.

City of Rye, New York

Exhibit A to the Refunding Bond Resolution,  
Dated April 17, 2013,  
of the City of Rye  
in the County of Westchester, State of New York

\$830,000 Public Improvement Refunding Serial Bonds (Federally Taxable) - Estimated Debt Service

<u>Maturity Date</u>	<u>Principal Amount</u>
9/15/2013	\$120,000
9/15/2014	140,000
9/15/2015	140,000
9/15/2016	140,000
9/15/2017	145,000
9/15/2018	145,000

\$4,415,000 Public Improvement Refunding Serial Bonds - Estimated Debt Service

<u>Maturity Date</u>	<u>Principal Amount</u>
12/15/2013	\$20,000
12/15/2014	40,000
12/15/2015	350,000
12/15/2016	355,000
12/15/2017	365,000
12/15/2018	375,000
12/15/2019	385,000
12/15/2020	395,000
12/15/2021	405,000
12/15/2022	415,000
12/15/2023	425,000
12/15/2024	435,000
12/15/2025	450,000

Exhibit B to the Refunding Bond Resolution,  
dated April 17, 2013  
of the City of Rye,  
County of Westchester, State of New York  
Refunding Financial Plan

SUMMARY OF BONDS  
REFUNDED

City of Rye  
Sample Series 2013 Refunding  
Bonds Refunding of Taxable  
1998B Bonds Level Savings  
Scenario

Bond	Maturity Date	Interest Rate	Par Amount	Call Date	Call Price
Series 1998B Bonds: SERIALS	09/15/2013	6.200%	110,000.00	05/15/2013	100.000
	09/15/2014	6.250%	120,000.00	05/15/2013	100.000
	09/15/2015	6.300%	125,000.00	05/15/2013	100.000
	09/15/2016	6.300%	135,000.00	05/15/2013	100.000
	09/15/2017	6.300%	145,000.00	05/15/2013	100.000
	09/15/2018	6.300%	150,000.00	05/15/2013	100.000
			785,000.00		

SOURCES AND USES OF FUNDS

City of Rye  
Sample Series 2013 Refunding Bonds  
Refunding of Taxable 1998B Bonds  
Level Savings Scenario

Sources:

Bond Proceeds:

Par Amount	830,000.00
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	830,000.00
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Uses:

Refunding Escrow Deposits:

Cash Deposit	0.54
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SLGS Purchases	793,168.00
	<hr/> 793,168.54

Delivery Date Expenses:

Cost of Issuance	25,000.00
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Underwriter's Discount	10,000.00
	<hr/> 35,000.00

Other Uses of Funds:

Additional Proceeds	1,831.46
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	830,000.00
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SUMMARY OF REFUNDING RESULTS

City of Rye  
Sample Series 2013 Refunding Bonds  
Refunding of Taxable 1998B Bonds  
Level Savings Scenario

Dated Date	04/15/2013
Delivery Date	04/15/2013
Arbitrage yield	1.037219%
Escrow yield	0.069044%
Bond Par Amount	830,000.00
True Interest Cost	1.451022%
Net Interest Cost	1.440490%
Average Coupon	1.039018%
Average Life	3.001
Par amount of refunded bonds	785,000.00
Average coupon of refunded bonds	6.294621%
Average life of refunded bonds	3.098
PV of prior debt to 04/15/2013 @ 1.037219%	914,013.75
Net PV Savings	85,845.21
Percentage savings of refunded bonds	10.935696%
Percentage savings of refunding bonds	10.342796%



SAVINGS

City of Rye  
Sample Series 2013 Refunding Bonds  
Refunding of Taxable 1998B Bonds  
Level Savings Scenario

Date	Prior Debt Service	Refunding Debt Service	Savings	Present Value to 04/15/2013 @ 1.0372195%
12/31/2013	134,642.50	122,992.71	11,649.79	11,599.68
12/31/2014	162,465.00	146,702.50	15,762.50	15,624.55
12/31/2015	159,965.00	145,862.50	14,102.50	13,827.89
12/31/2016	162,090.00	144,812.50	17,277.50	16,733.22
12/31/2017	163,585.00	148,552.50	15,032.50	14,398.33
12/31/2018	159,450.00	146,957.50	12,492.50	11,830.07
	942,197.50	855,880.21	86,317.29	84,013.75

Savings Summary

PV of savings from cash flow	84,013.75
Plus: Refunding funds on hand	1,831.46
Net PV Savings	85,845.21

BOND PRICING

City of Rye  
Sample Series 2013 Refunding Bonds  
Refunding of Taxable 1998B Bonds  
Level Savings Scenario

Bond Component	Maturity Date	Amount	Rate	Yield	Price
Serial Bonds:					
	09/15/2013	120,000	0.400%	0.400%	100.000
	09/15/2014	140,000	0.600%	0.600%	100.000
	09/15/2015	140,000	0.750%	0.750%	100.000
	09/15/2016	140,000	0.900%	0.900%	100.000
	09/15/2017	145,000	1.100%	1.100%	100.000
	09/15/2018	145,000	1.350%	1.350%	100.000
		830,000			

Dated Date	04/15/2013	
Delivery Date	04/15/2013	
First Coupon	09/15/2013	
Par Amount	830,000.00	
Original Issue Discount		
Production	830,000.00	100.000000%
Underwriter's Discount	-10,000.00	-1.204819%
Purchase Price	820,000.00	98.795181%
Accrued Interest		
Net Proceeds	820,000.00	

BOND DEBT SERVICE

City of Rye  
 Sample Series 2013 Refunding Bonds  
 Refunding of Taxable 1998B Bonds  
 Level Savings Scenario

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
09/15/2013	120,000	0.400%	2,992.71	122,992.71	122,992.71
03/15/2014			3,351.25	3,351.25	
09/15/2014	140,000	0.600%	3,351.25	143,351.25	146,702.50
03/15/2015			2,931.25	2,931.25	
09/15/2015	140,000	0.750%	2,931.25	142,931.25	145,862.50
03/15/2016			2,406.25	2,406.25	
09/15/2016	140,000	0.900%	2,406.25	142,406.25	144,812.50
03/15/2017			1,776.25	1,776.25	
09/15/2017	145,000	1.100%	1,776.25	146,776.25	148,552.50
03/15/2018			978.75	978.75	
09/15/2018	145,000	1.350%	978.75	145,978.75	146,957.50
	830,000		25,880.21	855,880.21	855,880.21

BOND SUMMARY STATISTICS

City of Rye  
Sample Series 2013 Refunding Bonds  
Refunding of Taxable 1998B Bonds  
Level Savings Scenario

Dated Date	04/15/2013
Delivery Date	04/15/2013
Last Maturity	09/15/2018
Arbitrage Yield	1.037219%
True Interest Cost (TIC)	1.451022%
Net Interest Cost (NIC)	1.440490%
All-In TIC	2.519451%
Average Coupon	1.039018%
Average Life (years)	3.001
Duration of Issue (years)	2.942
Par Amount	830,000.00
Bond Proceeds	830,000.00
Total Interest	25,880.21
Net Interest	35,880.21
Total Debt Service	855,880.21
Maximum Annual Debt Service	148,552.50
Average Annual Debt Service	158,008.65

Bond Component	Par Value	Price	Average Coupon	Average Life
Serial Bonds	830,000.00	100.000	1.039%	3.001
	830,000.00			3.001

	TIC	All-In TIC	Arbitrage Yield
Par Value	830,000.00	830,000.00	830,000.00
+ Accrued Interest			
+ Premium (Discount)			
- Underwriter's Discount	-10,000.00	-10,000.00	
- Cost of Issuance Expense		-25,000.00	
- Other Amounts			
Target Value	820,000.00	795,000.00	830,000.00
Target Date	04/15/2013	04/15/2013	04/15/2013
Yield	1.451022%	2.519451%	1.037219%

PRIOR BOND DEBT SERVICE

City of Rye  
 Sample Series 2013 Refunding Bonds  
 Refunding of Taxable 1998B Bonds  
 Level Savings Scenario

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
09/15/2013	110,000	6.200%	24,642.50	134,642.50	134,642.50
03/15/2014			21,232.50	21,232.50	
09/15/2014	120,000	6.250%	21,232.50	141,232.50	162,465.00
03/15/2015			17,482.50	17,482.50	
09/15/2015	125,000	6.300%	17,482.50	142,482.50	159,965.00
03/15/2016			13,545.00	13,545.00	
09/15/2016	135,000	6.300%	13,545.00	148,545.00	162,090.00
03/15/2017			9,292.50	9,292.50	
09/15/2017	145,000	6.300%	9,292.50	154,292.50	163,585.00
03/15/2018			4,725.00	4,725.00	
09/15/2018	150,000	6.300%	4,725.00	154,725.00	159,450.00
	785,000		157,197.50	942,197.50	942,197.50

ESCROW REQUIREMENTS

City of Rye  
Sample Series 2013 Refunding Bonds  
Refunding of Taxable 1998B Bonds  
Level Savings Scenario

Period Ending	Interest	Principal Redeemed	Total
05/15/2013	8,214.17	785,000.00	793,214.17
	8,214.17	785,000.00	793,214.17

ESCROW COST

City of Rye  
 Sample Series 2013 Refunding Bonds  
 Refunding of Taxable 1998B Bonds  
 Level Savings Scenario

Type of Security	Maturity Date	Par Amount	Rate	Total Cost
SLGS	05/15/2013	793,168	0.070%	793,168.00
		793,168		793,168.00

Purchase Date	Cost of Securities	Cash Deposit	Total Escrow Cost	Yield
04/15/2013	793,168	0.54	793,168.54	0.069044%
	793,168	0.54	793,168.54	

ESCROW CASH FLOW

City of Rye  
Sample Series 2013 Refunding Bonds  
Refunding of Taxable 1998B Bonds  
Level Savings Scenario

Date	Principal	Interest	Net Escrow Receipts	Present Value to 04/15/2013 @ 0.0690445%
05/15/2013	793,168.00	45.63	793,213.63	793,168.00
	793,168.00	45.63	793,213.63	793,168.00

Escrow Cost Summary

Purchase date	04/15/2013
Purchase cost of securities	793,168.00
Target for yield calculation	793,168.00



ESCROW SUFFICIENCY

City of Rye  
Sample Series 2013 Refunding Bonds  
Refunding of Taxable 1998B Bonds  
Level Savings Scenario

Date	Escrow Requirement	Net Escrow Receipts	Excess Receipts	Excess Balance
04/15/2013		0.54	0.54	0.54
05/15/2013	793,214.17	793,213.63	-0.54	
	793,214.17	793,214.17	0.00	

ESCROW STATISTICS

City of Rye  
 Sample Series 2013 Refunding Bonds  
 Refunding of Taxable 1998B Bonds  
 Level Savings Scenario

Total Escrow Cost	Modified Duration (years)	Yield to Receipt Date	Yield to Disbursement Date	Perfect Escrow Cost	Value of Negative Arbitrage	Cost of Dead Time
Global Proceeds Escrow: 793,168.54	0.083	0.069044%	0.069044%	792,530.62	637.92	
793,168.54				792,530.62	637.92	0.00
Delivery date				04/15/2013		
Arbitrage yield				1.037219%		

SUMMARY OF BONDS REFUNDED

City of Rye  
Sample Series 2013 Refunding Bonds  
Refunding of Callable Series 2005 Bonds  
Level Savings Scenario

Bond	Maturity Date	Interest Rate	Par Amount	Call Date	Call Price
Series 2005 Bonds: SERIALS	12/15/2015	3.875%	305,000.00	12/15/2014	100.000
	12/15/2016	3.875%	315,000.00	12/15/2014	100.000
	12/15/2017	3.875%	330,000.00	12/15/2014	100.000
	12/15/2018	3.875%	350,000.00	12/15/2014	100.000
	12/15/2019	3.875%	365,000.00	12/15/2014	100.000
	12/15/2020	3.875%	380,000.00	12/15/2014	100.000
	12/15/2021	3.875%	395,000.00	12/15/2014	100.000
	12/15/2022	3.875%	410,000.00	12/15/2014	100.000
	12/15/2023	4.000%	430,000.00	12/15/2014	100.000
	12/15/2024	4.000%	445,000.00	12/15/2014	100.000
	12/15/2025	4.000%	465,000.00	12/15/2014	100.000
			4,190,000.00		

SOURCES AND USES OF FUNDS

City of Rye  
Sample Series 2013 Refunding Bonds  
Refunding of Callable Series 2005 Bonds  
Level Savings Scenario

Sources:

Bond Proceeds:

Par Amount	4,415,000.00
Premium	81,395.05

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4,496,395.05

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Uses:

Refunding Escrow Deposits:

Cash Deposit	0.34
SLGS Purchases	<u>4,423,105.00</u>
	4,423,105.34

Delivery Date Expenses:

Cost of Issuance	50,000.00
Underwriter's Discount	<u>22,075.00</u>
	72,075.00

Other Uses of Funds:

Additional Proceeds	1,214.71
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4,496,395.05

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SUMMARY OF REFUNDING RESULTS

City of Rye  
Sample Series 2013 Refunding Bonds  
Refunding of Callable Series 2005 Bonds  
Level Savings Scenario

Dated Date	06/15/2013
Delivery Date	06/15/2013
Arbitrage yield	2.117836%
Escrow yield	0.198689%
Bond Par Amount	4,415,000.00
True Interest Cost	2.188940%
Net Interest Cost	2.215830%
Average Coupon	2.391165%
Average Life	7.663
Par amount of refunded bonds	4,190,000.00
Average coupon of refunded bonds	3.933160%
Average life of refunded bonds	7.922
PV of prior debt to 06/15/2013 @ 2.117836%	4,734,967.47
Net PV Savings	239,787.13
Percentage savings of refunded bonds	5.722843%
Percentage savings of refunding bonds	5.431192%

SAVINGS

City of Rye  
Sample Series 2013 Refunding Bonds  
Refunding of Callable Series 2005 Bonds  
Level Savings Scenario

Date	Prior Debt Service	Refunding Debt Service	Savings	Present Value to 06/15/2013 @ 2.1178361%
12/31/2013	82,018.75	70,159.38	11,859.37	11,735.10
12/31/2014	164,037.50	140,018.76	24,018.74	23,600.01
12/31/2015	469,037.50	449,418.76	19,618.74	18,936.78
12/31/2016	467,218.76	447,418.76	19,800.00	18,686.69
12/31/2017	470,012.50	450,318.76	19,693.74	18,175.90
12/31/2018	477,225.00	453,018.76	24,206.24	21,789.91
12/31/2019	478,662.50	455,518.76	23,143.74	20,381.15
12/31/2020	479,518.76	457,818.76	21,700.00	18,694.40
12/31/2021	479,793.76	459,918.76	19,875.00	16,748.69
12/31/2022	479,487.50	459,793.76	19,693.74	16,228.70
12/31/2023	483,600.00	459,418.76	24,181.24	19,463.96
12/31/2024	481,400.00	458,793.76	22,606.24	17,794.75
12/31/2025	483,600.00	462,375.00	21,225.00	16,336.37
	5,495,612.53	5,223,990.74	271,621.79	238,572.42

Savings Summary

PV of savings from cash flow	238,572.42
Plus: Refunding funds on hand	1,214.71
Net PV Savings	239,787.13

BOND PRICING

City of Rye  
Sample Series 2013 Refunding Bonds  
Refunding of Callable Series 2005 Bonds  
Level Savings Scenario

Bond Component	Maturity Date	Amount	Rate	Yield	Price
Serial Bonds:					
	12/15/2013	20,000	1.500%	0.600%	100.448
	12/15/2014	40,000	1.500%	0.700%	101.191
	12/15/2015	350,000	2.000%	0.810%	102.939
	12/15/2016	355,000	2.000%	0.960%	103.571
	12/15/2017	365,000	2.000%	1.110%	103.896
	12/15/2018	375,000	2.000%	1.360%	103.380
	12/15/2019	385,000	2.000%	1.630%	102.273
	12/15/2020	395,000	2.000%	1.880%	100.835
	12/15/2021	405,000	2.500%	2.110%	103.020
	12/15/2022	415,000	2.500%	2.310%	101.612
	12/15/2023	425,000	2.500%	2.500%	100.000
	12/15/2024	435,000	2.625%	2.625%	100.000
	12/15/2025	450,000	2.750%	2.750%	100.000
		4,415,000			

Dated Date	06/15/2013	
Delivery Date	06/15/2013	
First Coupon	12/15/2013	
Par Amount	4,415,000.00	
Premium	81,395.05	
Production	4,496,395.05	101.843602%
Underwriter's Discount	-22,075.00	-0.500000%
Purchase Price	4,474,320.05	101.343602%
Accrued Interest		
Net Proceeds	4,474,320.05	

BOND DEBT SERVICE

City of Rye  
Sample Series 2013 Refunding Bonds  
Refunding of Callable Series 2005 Bonds  
Level Savings Scenario

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
12/15/2013	20,000	1.500%	50,159.38	70,159.38	70,159.38
06/15/2014			50,009.38	50,009.38	
12/15/2014	40,000	1.500%	50,009.38	90,009.38	140,018.76
06/15/2015			49,709.38	49,709.38	
12/15/2015	350,000	2.000%	49,709.38	399,709.38	449,418.76
06/15/2016			46,209.38	46,209.38	
12/15/2016	355,000	2.000%	46,209.38	401,209.38	447,418.76
06/15/2017			42,659.38	42,659.38	
12/15/2017	365,000	2.000%	42,659.38	407,659.38	450,318.76
06/15/2018			39,009.38	39,009.38	
12/15/2018	375,000	2.000%	39,009.38	414,009.38	453,018.76
06/15/2019			35,259.38	35,259.38	
12/15/2019	385,000	2.000%	35,259.38	420,259.38	455,518.76
06/15/2020			31,409.38	31,409.38	
12/15/2020	395,000	2.000%	31,409.38	426,409.38	457,818.76
06/15/2021			27,459.38	27,459.38	
12/15/2021	405,000	2.500%	27,459.38	432,459.38	459,918.76
06/15/2022			22,396.88	22,396.88	
12/15/2022	415,000	2.500%	22,396.88	437,396.88	459,793.76
06/15/2023			17,209.38	17,209.38	
12/15/2023	425,000	2.500%	17,209.38	442,209.38	459,418.76
06/15/2024			11,896.88	11,896.88	
12/15/2024	435,000	2.625%	11,896.88	446,896.88	458,793.76
06/15/2025			6,187.50	6,187.50	
12/15/2025	450,000	2.750%	6,187.50	456,187.50	462,375.00
	4,415,000		808,990.74	5,223,990.74	5,223,990.74



City of Rye  
Sample Series 2013 Refunding Bonds  
Refunding of Callable Series 2005 Bonds  
Level Savings Scenario

Dated Date	06/15/2013
Delivery Date	06/15/2013
Last Maturity	12/15/2025
Arbitrage Yield	2.117836%
True Interest Cost (TIC)	2.188940%
Net Interest Cost (NIC)	2.215830%
All-In TIC	2.351694%
Average Coupon	2.391165%
Average Life (years)	7.663
Duration of Issue (years)	6.992
Par Amount	4,415,000.00
Bond Proceeds	4,496,395.05
Total Interest	808,990.74
Net Interest	749,670.69
Total Debt Service	5,223,990.74
Maximum Annual Debt Service	462,375.00
Average Annual Debt Service	417,919.26

Bond Component	Par Value	Price	Average Coupon	Average Life
Serial Bonds	4,415,000.00	101.844	2.391%	7.663
	4,415,000.00			7.663
	TIC	All-In TIC		Arbitrage Yield
Par Value	4,415,000.00	4,415,000.00		4,415,000.00
+ Accrued Interest				
+ Premium (Discount)	81,395.05	81,395.05		81,395.05
- Underwriter's Discount	-22,075.00	-22,075.00		
- Cost of Issuance Expense		-50,000.00		
- Other Amounts				
Target Value	4,474,320.05	4,424,320.05		4,496,395.05
Target Date	06/15/2013	06/15/2013		06/15/2013
Yield	2.188940%	2.351694%		2.117836%

ESCROW REQUIREMENTS

City of Rye  
Sample Series 2013 Refunding Bonds  
Refunding of Callable Series 2005 Bonds  
Level Savings Scenario

Period Ending	Interest	Principal Redeemed	Total
12/15/2013	82,018.75		82,018.75
06/15/2014	82,018.75		82,018.75
12/15/2014	82,018.75	4,190,000.00	4,272,018.75
	246,056.25	4,190,000.00	4,436,056.25

## ESCROW COST

City of Rye  
Sample Series 2013 Refunding Bonds  
Refunding of Callable Series 2005 Bonds  
Level Savings Scenario

Type of Security	Maturity Date	Par Amount	Rate	Total Cost
SLGS	12/15/2013	77,712	0.100%	77,712.00
SLGS	06/15/2014	77,643	0.140%	77,643.00
SLGS	12/15/2014	4,267,750	0.200%	4,267,750.00
		4,423,105		4,423,105.00

Purchase Date	Cost of Securities	Cash Deposit	Total Escrow Cost	Yield
06/15/2013	4,423,105	0.34	4,423,105.34	0.198689%
	4,423,105	0.34	4,423,105.34	

ESCROW CASH FLOW

City of Rye  
Sample Series 2013 Refunding Bonds  
Refunding of Callable Series 2005 Bonds  
Level Savings Scenario

Date	Principal	Interest	Net Escrow Receipts	Present Value to 06/15/2013 @ 0.1986890%
12/15/2013	77,712.00	4,306.71	82,018.71	81,937.31
06/15/2014	77,643.00	4,376.45	82,019.45	81,856.73
12/15/2014	4,267,750.00	4,267.75	4,272,017.75	4,259,310.96
	4,423,105.00	12,950.91	4,436,055.91	4,423,105.00

Escrow Cost Summary

Purchase date	06/15/2013
Purchase cost of securities	4,423,105.00
Target for yield calculation	4,423,105.00

ESCROW SUFFICIENCY

City of Rye  
Sample Series 2013 Refunding Bonds  
Refunding of Callable Series 2005 Bonds  
Level Savings Scenario

Date	Escrow Requirement	Net Escrow Receipts	Excess Receipts	Excess Balance
06/15/2013		0.34	0.34	0.34
12/15/2013	82,018.75	82,018.71	-0.04	0.30
06/15/2014	82,018.75	82,019.45	0.70	1.00
12/15/2014	4,272,018.75	4,272,017.75	-1.00	
	4,436,056.25	4,436,056.25	0.00	

ESCROW STATISTICS

City of Rye  
Sample Series 2013 Refunding Bonds  
Refunding of Callable Series 2005 Bonds  
Level Savings Scenario

Total Escrow Cost	Modified Duration (years)	Yield to Receipt Date	Yield to Disbursement Date	Perfect Escrow Cost	Value of Negative Arbitrage	Cost of Dead Time
Global Proceeds Escrow: 4,423,105.34	1.471	0.198689%	0.198689%	4,300,599.71	122,505.61	0.02
4,423,105.34				4,300,599.71	122,505.61	0.02

Delivery date	06/15/2013
Arbitrage yield	2.117836%

ROLL CALL:

AYES: Mayor French, Councilmembers Brett, Filippi, Jovanovich,  
Killian, Parker and Sack  
NAYS: None  
ABSENT: None

The Resolution was adopted by a 7-0 vote

12. Resolution to adopt a Financial Disclosure and Conflict of Interest form

Corporation Counsel Wilson reported that the Board of Ethics is working on their comments to the draft policy, but they have not been received yet. Councilwoman Killian provided Corporation Counsel Wilson with proposed changes and asked that the document be resubmitted to the Board of Ethics for comment with the changes. The item was deferred.

13. Resolution to adopt the Westchester County Fire Mutual Aid Plan

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

**RESOLVED**, that the City Council of the City of Rye approves participation by the Rye Fire Department in the Westchester County Fire Mutual Aid Plan (“Plan”), as amended from time to time, and further certifies to Westchester County, through its Commissioner of Emergency Services, that it shall comply with the provisions of the Plan; and be it further

**RESOLVED**, that there are no resolutions in effect that restrict outside service and training by the named Fire Agency; and be it further

**RESOLVED**, that there are currently no limitations, conditions or restrictions on the Fire Agency from providing prompt assistance, and the Commissioner of Emergency Services shall be notified in writing if any such limitations are imposed subsequent to the adoption of this Resolution; and be it further

**RESOLVED**, that the named Fire Agency shall respond to all calls for assistance from another Fire Agency through the Westchester County Emergency Communications Center a/k/a “60 Control”; and be it further

**RESOLVED**, that the City Council of the City of Rye hereby acknowledges and accepts its financial responsibility pursuant to applicable law; and be it further

**RESOLVED**, that a copy of this resolution shall be filed with the Westchester County Commissioner of Emergency Services.

ROLL CALL:

AYES: Mayor French, Councilmembers Brett, Filippi, Jovanovich,  
Killian, Parker and Sack  
NAYS: None  
ABSENT: None

The Resolution was adopted by a 7-0 vote

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

*Suzan Porto of the League of Humane Voters* spoke against bow hunting of deer, calling it inhumane. She urged the City to implement a more humane method of deer control.

\*\*\*\*\*

As an update to the deer issue, City Manager Pickup and Councilwoman Parker reported on a meeting held at the Jay Heritage Center with John Baker of the County Parks Department. There is concern that if a bow hunting program is started within the Marshland Conservancy and Jay Heritage Center, the deer problem in Greenhaven would get worse. More research may be done to find out exactly how large the City's deer population is and where they would go, and if it is a closed or open population in order to come up with other methods to deal with the deer population. The City is looking for partners to share in doing a flyover to map the deer population in order to provide a range of options based on deer densities.

\*\*\*\*\*

*Ray Tartaglione*, asked Councilwoman Parker to take a position on issues related to Hen Island. Ms. Parker said that Mr. Tartaglione had asked her questions regarding West Nile Virus and mosquito breeding; potable water; and pollution in Milton Harbor and addressed the questions. Mr. Tartaglione again expressed concern about how these issues are being addressed on Hen Island and asked the Council to take action. *Jim Amico* urged the Council to check into the claims made by Mr. Tartaglione.

*Leon Sculti* spoke about various issues including City Engineer Ryan Coyne, City Manager Pickup, former Corporation Counsel Kevin Plunkett, the report on Rye Golf Club, and Police Commissioner Connors.

This Agenda Item was taken out of order.

15. Bid Award for Old Milton Road Drainage Project (Contract #2013-01)

Councilman Jovanovich made a motion, seconded by Councilman Filippi, to adopt the following Resolution:



**RESOLVED**, the City Council of the City of Rye hereby awards Contract #2013-01 (Old Milton Road Drainage Project) to ELQ Industries, Inc., the lowest responsive bidder, for the amount of \$189,040.00.

**CONTRACT 2013-01  
MILTON ROAD DRAINAGE IMPROVEMENTS  
BID TAB**

Position	Contractor	Contractor's Total	Engineer's Total
1	ELQ Industries	\$189,040.00	\$189,040.00
2	Joken Development Corp.	\$198,910.00	\$198,910.00
3	Con-Tech	\$237,517.00	<b>\$237,522.00</b>
4	Paladino Concrete	\$258,565.00	<b>\$258,515.00</b>
5	Legacy Value	\$259,902.50	\$259,902.50
6	Landi Contracting Inc.	\$274,700.00	\$274,700.00
7	Abbott & Price	\$275,385.00	\$275,385.00

\* Price in bold differs in bid and was corrected by the City Engineer

**ROLL CALL:**

AYES: Mayor French, Councilmembers Brett, Filippi, Jovanovich, Killian and Parker  
NAYS: None  
ABSENT: Councilman Sack

The Resolution was adopted by a 6-0 vote

16. Bid award for Dredging at the Rye Municipal Boat Basin (Contract #2013-02)

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

**RESOLVED**, that the City Council of the City of Rye hereby awards Contract #2013-02 (Dredging at the Rye Municipal Boat Basin) to Coastline Consulting & Development, LLC, the lowest responsive bidder, for the Base Bid amount of \$417,000.00, conditioned upon the receipt of final authorization of federal funding.

**CONTRACT 2013-03  
DREDGING OF THE RYE MUNICIPAL BOAT BASIN  
BID TAB**

<b>Position</b>	<b>Contractor</b>	<b>Base Bid</b>	<b>Alternative Bid</b>
1	Coastline Consulting & Development LLC	\$417,000.00	\$310,000.00
2	Burnham Associates	\$591,100.00	\$540,000.00
3	Disch Construction	\$1,080,393.00	\$767,800.00

**ROLL CALL:**

**AYES:** Mayor French, Councilmembers Brett, Filippi, Jovanovich, Killian, Parker and Sack

**NAYS:** None

**ABSENT:** None

The Resolution was adopted by a 7-0 vote

17. Resolution to declare certain City of Rye equipment and vehicles as surplus

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

**WHEREAS**, the city has been provided with a list of City equipment and vehicles identified as being obsolete or will become obsolete during 2013; and

**WHEREAS**, these Departments have recommended that said equipment and vehicles be declared surplus, now, therefore, be it

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

**RESOLVED**, that authorization is given to the City Comptroller to sell or dispose of said equipment and vehicles in a manner that will serve in the best interests of the City.

List of Surplus Equipment:

1999 smart trailer, Vin #1K9BS0815XK118082, (PD)  
2001 smart trailer, Vin #1K9BS08151K118218, (PD)  
2008 Ford Crown Vic, Vin #2FAHP71V58X131106, Mileage 92,091 (old PD 18)  
1986 Chevy 3500, Vin #1GBHD34J4GF422800, Mileage 5,584 (PD Aux 31)  
1999 Ford Crown Vic, Vin #2FAFP71W8XX110782, Mileage 60,106 (old PD car 29)  
1993 Jeep Grand Cher, Vin #1J4GZ58S7PC688752, Mileage 70,592 (PD undercover)

2003 Ford Crown Vic, Vin #2FAFP71W53X112581, Mileage 63,531 (Building Car 81)  
1947 AUSWE, Vin #24255AW66 (road grader)  
1946 BARGRE, Vin #H12359 (snow loader)  
1994 Toro 223D (mower)  
1988 Vermeer Stump Grinder, Vin #1VRC131F8H1001918 (stump grinder)  
Toro Sand Pro Mod #5020 (Rye Rec)  
Truck mounted Sprayer (Rye Rec)  
Pro Line Tennis Roller, Sir #A50555 (Rye Rec)  
Toro Snow Thrower CCR 2000 (Marina)

1 Dell Dimension Work Station Computer, 4400 Serial #1VN7F11  
1 Dell E17FBP 17 inch Monitor, Serial #CNOU49314663359L88RM  
1 HP DC7700 CMT Work Station Computer, Serial #MXL7200FH4  
1 Dell Dimension 4550 Work Station Computer, Serial #CL8WF21  
1 HP DC5100 MT Work Station Computer, Serial #2UA6441C90  
1 Dell E1702FP 17 inch Monitor, Serial #mxo8g15247605319dgw1  
1 Dell Optiplex GX27 Work Station Computer, Serial #45496852115

Gestetwer Copy/Fax/Printer/Scanner Model #DSm-416 Super G3, Serial #70203445  
Orange in color – Model 71 Series Basket Stretchers

Cannon copier, Model: Image runner 330S, Serial #NNY00565  
2 Queen Ann style couches  
206 Banquet Chairs

**ROLL CALL:**

AYES: Mayor French, Councilmembers Brett, Filippi, Jovanovich,  
Killian, Parker and Sack  
NAYS: None  
ABSENT: None

The Resolution was adopted by a 7-0 vote

**18. Miscellaneous Communications and Reports**

Councilman Filippi was asked to present information on the proposed Technology Committee at the next meeting in order for the Council to take a vote.

**19. Old Business**

Councilman Sack said he believed there are open ended issues related to purchase orders and 2012 membership numbers in connection with the Golf Club investigation that the City Council should look at. He suggested that the Council should meet soon to talk about them to determine if they should continue with the investigation.

20. New Business

Councilman Jovanovich expressed concern about there being sufficient manpower to deal with important issues such as human resources, auditing, and the volume of work in the City Manager's Office. He asked City Manager Pickup to make a proposal about increasing staffing. Mr. Jovanovich also asked for a proposal for the repair and redesign of Station Plaza.

Councilwoman Parker reported that an RFP is being put out in connection with Rye Town Park. She questioned if this was the correct time to do so with the possible dissolution of the Town of Rye.

21. Adjournment

There being no further business to discuss Councilman Jovanovich made a motion, seconded by Councilman Filippi and unanimously carried, to adjourn the into executive session to discuss issues related to the Golf Club investigation and not return to regular session at 12:30 a.m.

Respectfully submitted,

Dawn F. Nodarse  
City Clerk



# CITY COUNCIL AGENDA

NO. 5

DEPT.: City Council

DATE: May 8, 2013

CONTACT: Mayor Douglas French

**AGENDA ITEM:** Mayor's Management Report

**FOR THE MEETING OF:**

May 8, 2013

**RYE CITY CODE,  
CHAPTER  
SECTION**

**RECOMMENDATION:** That the City Manager provide a report on requested topics.

**IMPACT:** ☐ Environmental ☐ Fiscal ☐ Neighborhood ☐ Other:

**BACKGROUND:** The Mayor has requested an update from the City Manager on the following:

- Update on the City of Rye 2012 Result of Operations
- Update from the Landmarks Advisory Committee
- Legal Update
- Capital Projects Update



# CITY COUNCIL AGENDA

NO. 6

DEPT.: City Council

DATE: May 8, 2013

CONTACT: Mayor Douglas French

**AGENDA ITEM:** Discussion and Update on a Financial Disclosure and Conflict of Interest Form.

**FOR THE MEETING OF:**

May 8, 2013

**RYE CITY CODE,**  
CHAPTER  
SECTION

**RECOMMENDATION:** That the Council review the proposed Financial Disclosure and Conflict of Interest Form.

**IMPACT:** ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

**BACKGROUND:**

The City has been reviewing the policy of financial disclosure with respect to public officials and selected City employees. The Corporation Counsel has drafted a proposed Financial Disclosure Statement which would be filed yearly by public officials and selected employees within the City; the information would be confidential. The document has been reviewed by the Board of Ethics.

See attached draft form and comments from the Board of Ethics.

## **CONFLICT OF INTEREST FORM FOR THE CITY OF RYE – 2013**

**Instructions:** Please answer each question legibly and with blue or black ink only. “Not Applicable” is not an acceptable answer for any question. “No” or “None” may be used to answer a question. This form shall be filled out annually and returned to the City Clerk in a sealed envelope.

**Applicability:** The following classes of officers or employees of the City of Rye shall be deemed “reporting officials” and shall be required to file this Conflict of Interest Form as provided under this section:

- (1) All elected officials;
- (2) All commissioners and deputy commissioners;
- (3) All department heads and assistant department heads;
- (4) Members of the Board of Appeals, Planning Commission, Board of Ethics, Board of Assessment Review, Architectural Review Board, Conservation Commission Advisory Council.

**\*\*** No person shall be deemed to be a municipal officer or employee solely by reason of being a volunteer firefighter or auxiliary police officer.

### **DEFINITIONS:**

**Relative** - a spouse, domestic partner, child, step-child, sibling, half-brother, half-sister, parent, step-father, step-mother and shall also include any person claimed as a dependent on the New York State individual tax return of the disclosing City officer or employee.

**Financial Benefit** - any pecuniary or material benefit including, but not limited to any money, stock, security, service, license, permit, contract, authorization, loan, travel, entertainment, discount not available to general public, real or personal property, or anything of value.

**Outside Employer** - (1) any person from whom or from which a City officer or employee receives a financial benefit for services rendered or goods sold or produced; (2) any business in which the City officer or employee has an ownership interest of five percent (5%) or more; or (3) any business corporation for which the City officer or employee is an uncompensated member of the board of directors or is an uncompensated corporate officer.

**Interest** – A pecuniary or material benefit accruing to a municipal officer or employee, or a pecuniary or material benefit accruing to: (1) the municipal officer’s or employee’s spouse, minor children and dependents; (2) a firm, partnership or association of which such officer or employee is a member or employee; (3) a corporation of which such officer or employee is an officer, director or employee; and (4) a corporation, any stock of which is accrued or controlled directly or indirectly by such officer or employee.

## GENERAL INFORMATION

Name: (Last Name, First Name, M.I.): \_\_\_\_\_

Spouse: (Last Name, First Name, M.I.): \_\_\_\_\_

Home Address: \_\_\_\_\_

Home Telephone No.: \_\_\_\_\_

Title of Position: \_\_\_\_\_ Salaried: Yes \_\_\_\_\_ No \_\_\_\_\_

Council, Department, Board, or Commission: \_\_\_\_\_: Term  
Ending: \_\_\_\_\_

## REAL ESTATE OWNERSHIP

List the address of each piece of property in the City of Rye that you or your spouse own or have a financial interest in, including your primary residence, and the nature of that interest.

ADDRESS

INTEREST

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## FINANCIAL BENEFITS

To the best of your knowledge, has any Relative received or solicited a **Financial Benefit** from the City of Rye or appeared before the City of Rye on behalf of another person. Attach additional paper if necessary (only list those gifts/benefits received within the past year).

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## GIFTS

While in your position with the City of Rye, have you received a gift valued in excess of seventy five dollars (\$75.00) within the last year?



Yes\_\_\_\_\_ No \_\_\_\_\_

### **OUTSIDE EMPLOYER/CONSULTING/OTHER BUSINESS**

Do you have an **Outside Employer** or business? Yes\_\_\_\_\_ No \_\_\_\_\_

If yes, state the name, address, and telephone number of your **Outside Employer** or business. Attach additional paper if necessary.

NAME	ADDRESS	NATURE OF WORK

During the past year, has your **Outside Employer** or business solicited a **financial benefit** or appeared before the City of Rye on behalf of another person?

Yes\_\_\_\_\_ No \_\_\_\_\_

If yes, state the nature of such activities or matters. Attach additional paper if necessary.


### **INTEREST**

Identify any **interest** in any contract involving the City of Rye held by you, your Spouse, or a Relative Household Member(s), or Children. Attach additional paper if necessary.

Vendor	Nature of Contract

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**AMENDMENTS/MODIFICATIONS**

If, at any time subsequent to filing this form, I become aware that any of the above information is inaccurate, incomplete or otherwise no longer applicable, I will notify the City Clerk of same immediately by filing an amended form.

**CODE OF ETHICS**

I HAVE RECEIVED, READ AND UNDERSTAND THE CITY OF RYE CODE OF ETHICS AND WILL ABIDE BY SUCH REQUIREMENTS

Yes \_\_\_\_\_ No \_\_\_\_\_

I \_\_\_\_\_ (print name) HEREBY CERTIFY UNDER THE PENALTY OF PERJURY THAT THE FOREGOING INFORMATION IS TRUE TO THE BEST OF MY KNOWLEDGE.

\_\_\_\_\_  
Signature of Reporting Individual

\_\_\_\_\_  
Name of Reporting Individual

Sworn before me this  
\_\_\_\_ day of \_\_\_\_\_, 2013

\_\_\_\_\_  
NOTARY PUBLIC

April 29, 2013

To the City Council,  
(via the Corporation Counsel)

Thank you for the opportunity to comment on the proposed updated conflict of interest form.

We have several questions and concerns:

- What is the current compelling need to institute a requirement to use this form?
- Do other communities have similar requirements?
- With respect to the “classes” of people to whom this will apply, we understand the potential need to include the first three classes, but are concerned that applying this requirement to volunteer appointees to boards and commissions will be a disincentive to serve.
- If volunteer appointees are included, why do you envision an exception for volunteer firefighters and auxiliary police?
- Will the completed forms be subject to FOIL?
- Elected officials and employees are already encouraged by the Code of Ethics to ask the Board of Ethics for an opinion before engaging in activities that may be a conflict of interest. Will there be a mechanism for other people who will be covered by this form to seek such an opinion beforehand?

Sincerely,

Rye City Board of Ethics members:  
Beth Griffin Matthews  
John Alfano  
Edward Dunn



# CITY COUNCIL AGENDA

NO. 7

DEPT.: City Council

DATE: May 8, 2013

CONTACT: Mayor Douglas French

**AGENDA ITEM:** Discussion of City Council support for a community-wide Civility Statement.

**FOR THE MEETING OF:**

May 8, 2013

**RYE CITY CODE,  
CHAPTER  
SECTION**

**RECOMMENDATION:** That the Council adopt the resolution approved by the Rye City School District Board of Education.

**IMPACT:** ☐ Environmental ☐ Fiscal ☐ Neighborhood ☐ Other:

**BACKGROUND:** The Rye Youth Council engaged various civic organizations in a *Community Conversation* regarding an initiative to promote civility in the City of Rye. The goal is to build community-wide support for the civility statement and the broader initiative of embracing civility in Rye. All Rye Boards and organizations are asked to support the civility statement. Next steps include:

1. Publish the statement in media outlets, with a listing of ALL organizations and community members who are in support.
2. Arrange a ceremonial signing with the Rye organizations and citizens that have put their support behind civility in Rye.
3. The formation of a larger steering committee comprised of many different community members (with the Rye Youth Council continuing as the lead organization).
4. Promote the initiative with a multi-faceted approach including marketing, developing a website, creating visuals, follow up meetings, and creating community wide symposiums.

See attached Civility Statement.

## RYE CIVILITY STATEMENT

***We strive*** to promote a culture of civility and caring in all aspects of our community life and beyond.

***We recognize***, without judgment, the inherent dignity and worth of each person, group, family and organization.

***We believe*** that all interpersonal exchanges, even adversarial ones, can be conducted with mutual respect.

***We aspire*** to be part of a community that is rooted in acceptance, inclusion and compassion.

***We accept*** the need for honest self-reflection and the obligation to hold each other accountable for our words and actions.

***We commit*** to acting with integrity and living as observable models of positive civic behavior.



# CITY COUNCIL AGENDA

NO. 8

DEPT.: Corporation Counsel

DATE: May 8, 2013

CONTACT: Kristen K. Wilson, Corporation Counsel

**ACTION:** Discussion regarding the possible sale of a City-owned unit at The Ives at Rye Condominium located at 234 North Street.

**FOR THE MEETING OF:**

May 8, 2013

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:**

**IMPACT:** ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

**BACKGROUND:** The City foreclosed on 234 North Street, a unit at The Ives located at Rye Condominium in 2007. The Council should discuss the possibility of a sale of this unit and authorize the City to determine if there are interested buyers in the Property with the distribution of a listing sheet describing the property and specifying the terms of any offer.



# CITY COUNCIL AGENDA

NO. 9

DEPT.: City Manager's Office

DATE: May 8, 2013

CONTACT: Scott Pickup, City Manager

**AGENDA ITEM:** Authorization of a Special Permit Application submitted by United Water Westchester, Inc. for the installation of towers and telecommunications equipment to collect billing information.

**FOR THE MEETING OF:**

May 8, 2013

**RYE CITY CODE,  
CHAPTER  
SECTION**

**RECOMMENDATION:** That the Council authorize the application submitted by United Water.

**IMPACT:** ☐ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

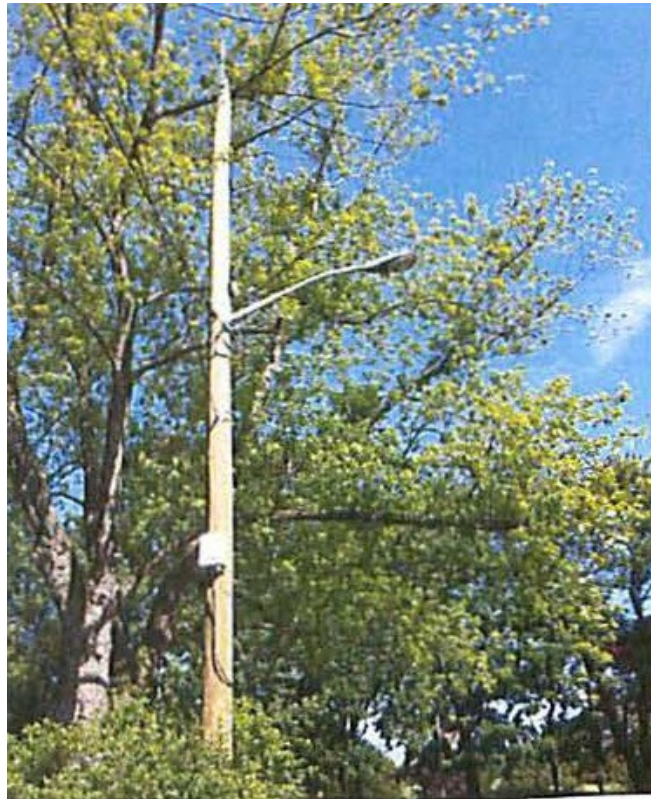
**BACKGROUND:** United Water Westchester, Inc. is seeking approval to place towers and telecommunications equipment in the City at nine specified locations. This equipment would allow them to collect billing information on a drive-by basis without having to enter consumer homes. The application was referred to the Board of Architectural Review (BAR) and was revised at their meeting on April 22, 2013. The BAR approved all locations for the AMI United Water metering projects but requested that all antennae be placed on wood poles that would weather grey and that the boxes and antennae be painted Battleship Grey. Additionally, all lines would be buried; if that was not possible then United must come back before the BAR. The only exception was the Marina where it would be on a flag pole with the box under the gazebo.

See attached.

### List of Tower Locations

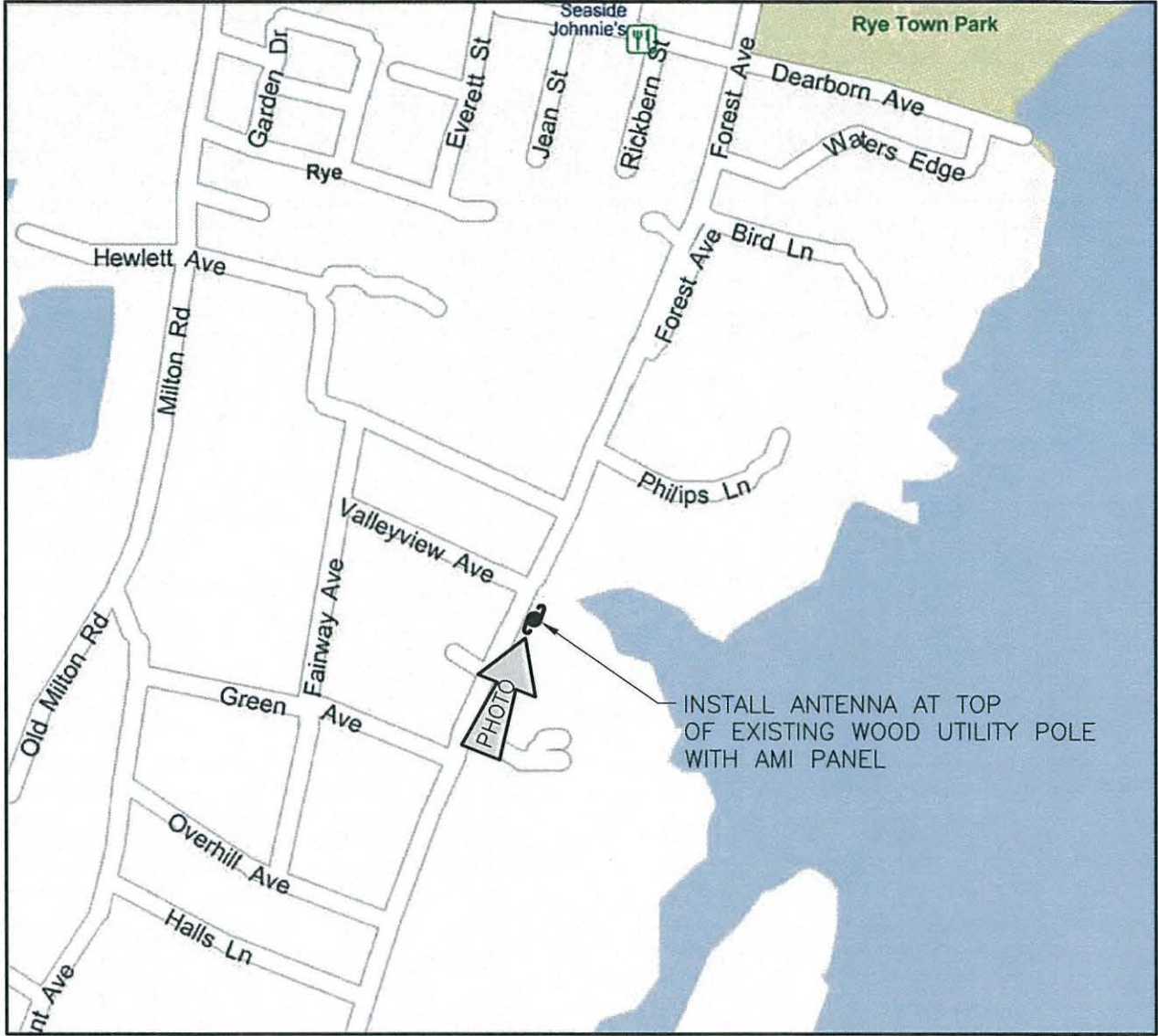
AMI Location Site	Option Seeking Approval
Forest Avenue	Existing Utility Pole near the City's Forest Avenue WWPS
Hammond Road	Traffic Pole at the intersection of North Street and Theodore Fremd Avenue
Kirby Lane	Option 1 – Utility Pole at the intersection of Kirby Lane and Island Drive
Midland Avenue	Traffic Pole at the intersection of Midland Ave and Grace Church Street
Osborn Road	Traffic Pole at the intersection of Osborn Road and Boston Post Road
Peck Avenue	New Utility Pole near the City's Peck Avenue WWPS
Rye City Marina	New Flag Pole with Equipment under Gazebo
Rye DPW	Existing Utility Pole at the Rye DPW Recycling Center
Stuyvesant Avenue	New Utility Pole near the City's Stuyvesant Avenue WWPS

### AMI Installation Example





SOURCE: MICROSOFT MAPPOINT 2010

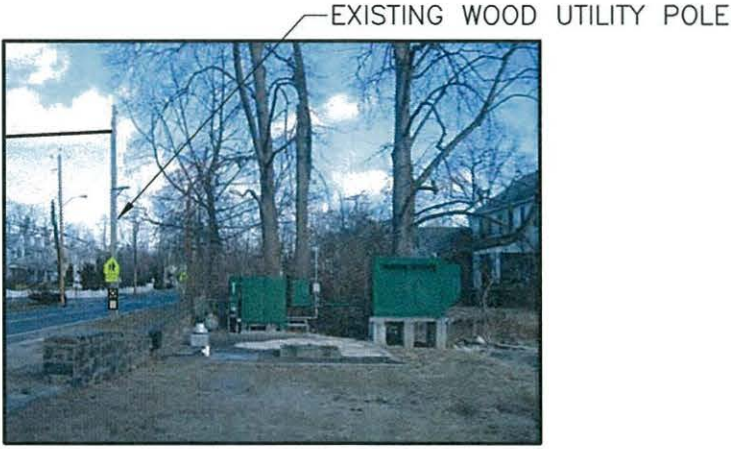


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A PROFESSIONAL ENGINEER OR SURVEYOR HAS BEEN ATTACHED.



**EXISTING SITE  
PHOTOGRAPH**

NTS

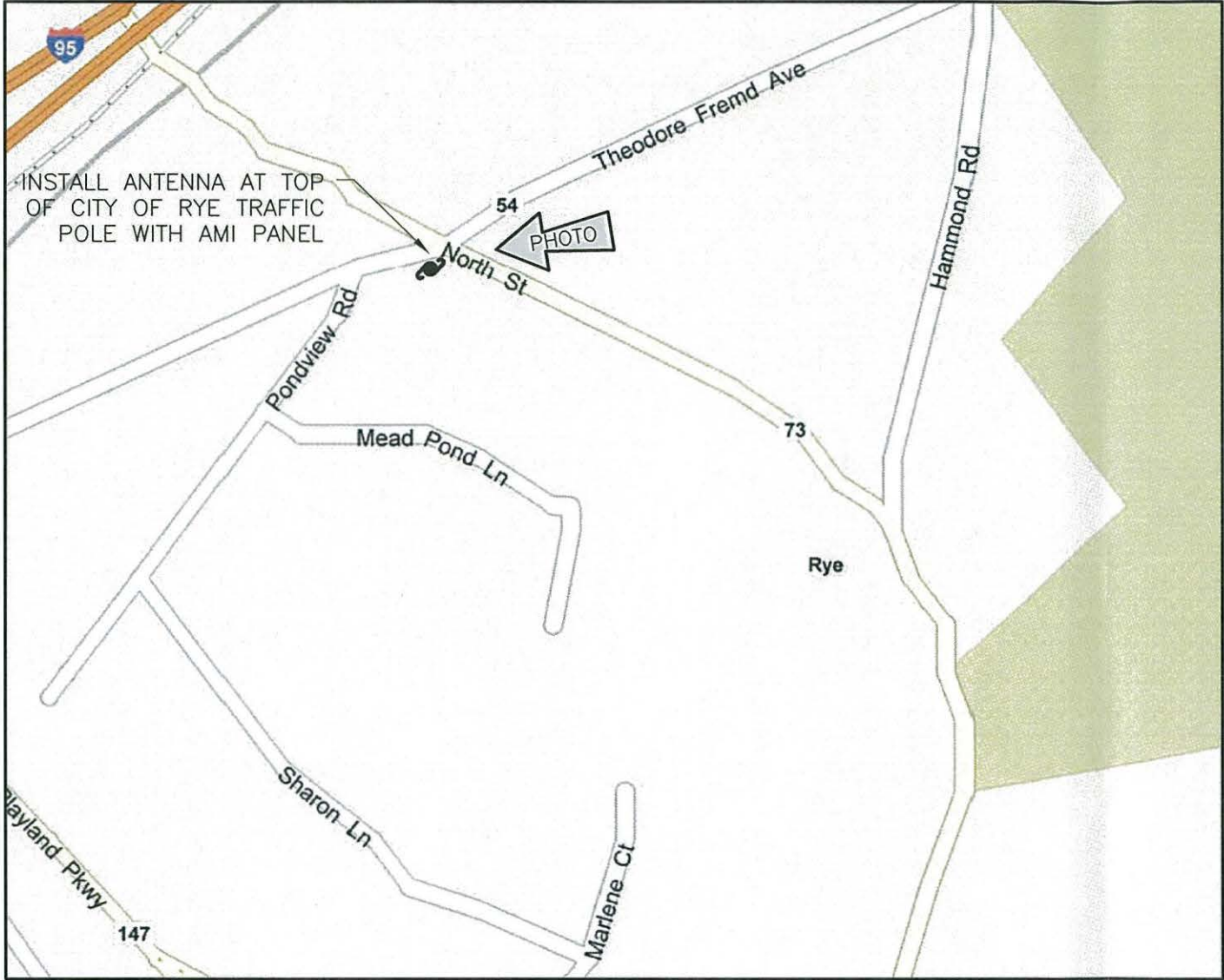


**PROPOSED SITE  
PHOTOGRAPH**

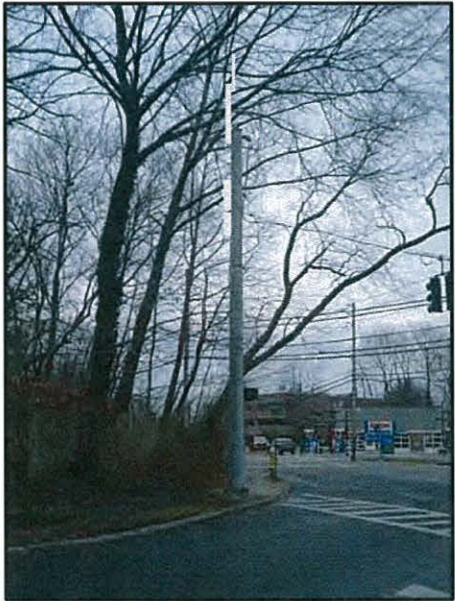
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SOURCE: MICROSOFT MAPPOINT 2010



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PHOTOGRAPH  
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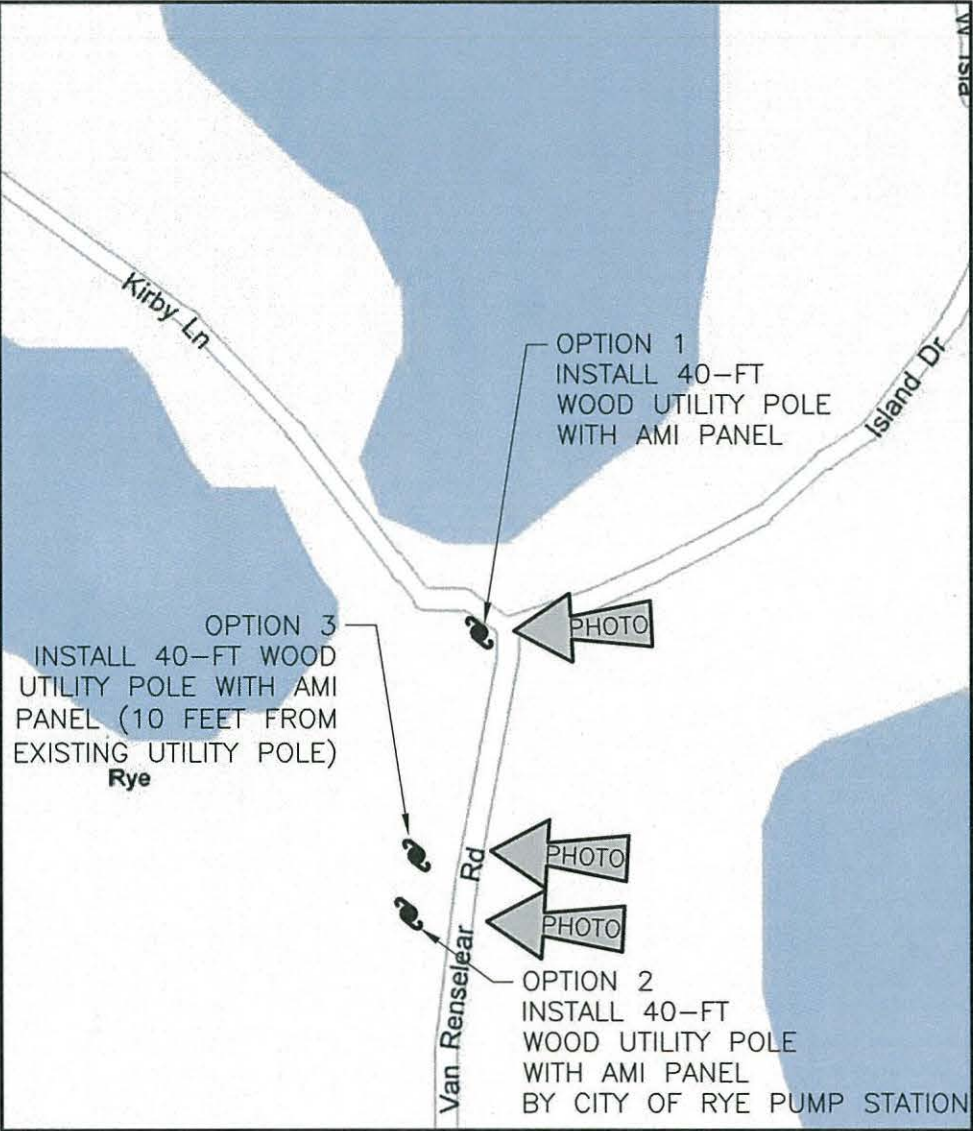
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SOURCE: MICROSOFT MAPPOINT 2010



NOTES:

1. POWER FOR OPTION 2 SHALL BE SUPPLIED FROM THE CITY OF RYE PUMP STATION VIA UNDERGROUND CONDUIT.

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EXISTING SITE – OPTION 1  
PHOTOGRAPH

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EXISTING SITE – OPTION 2  
PHOTOGRAPH

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EXISTING SITE – OPTION 3  
PHOTOGRAPH

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PROPOSED SITE – OPTION 1  
PHOTOGRAPH

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PROPOSED SITE – OPTION 2  
PHOTOGRAPH

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PROPOSED SITE – OPTION 3  
PHOTOGRAPH

NTS

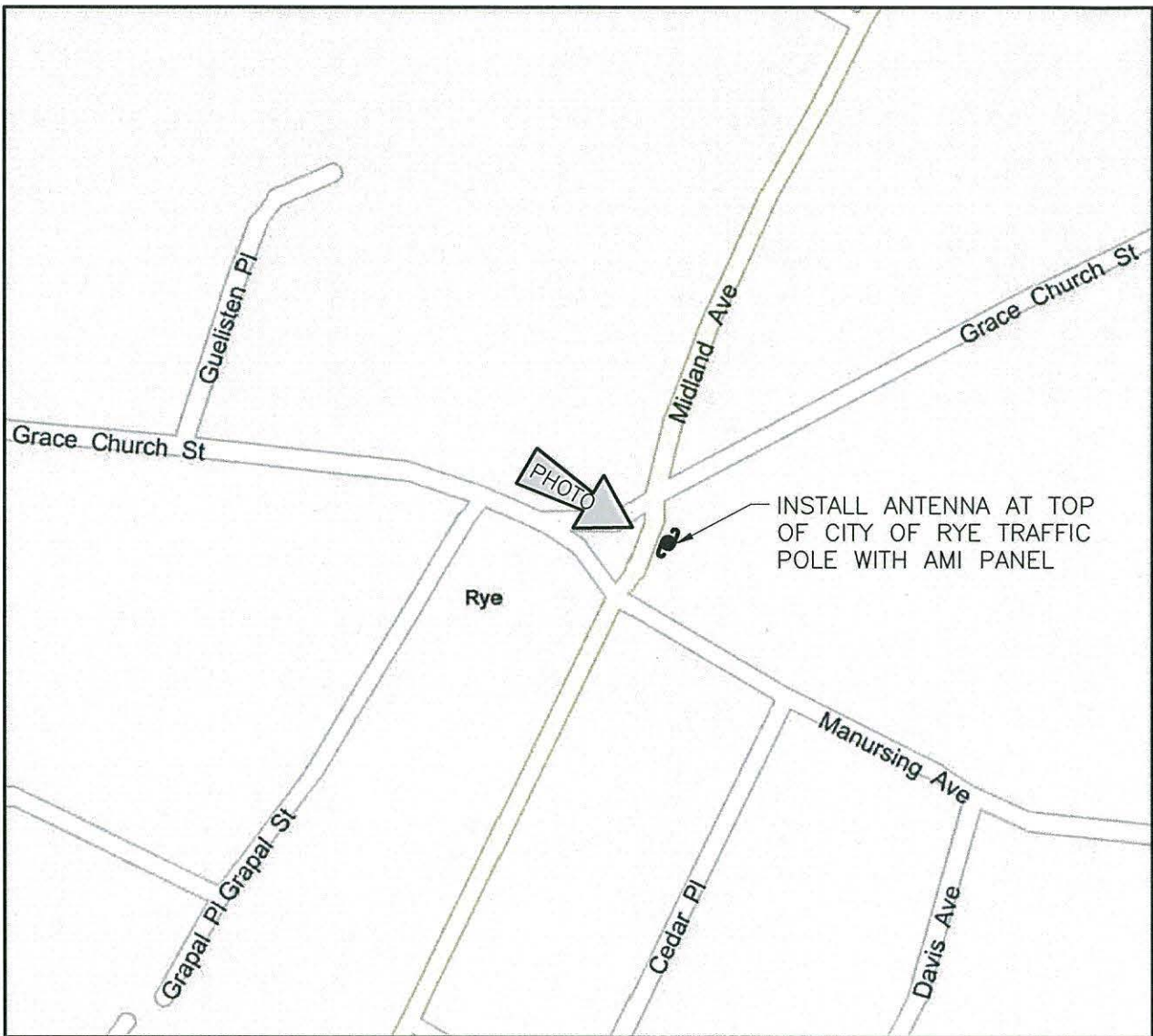
**CDM**

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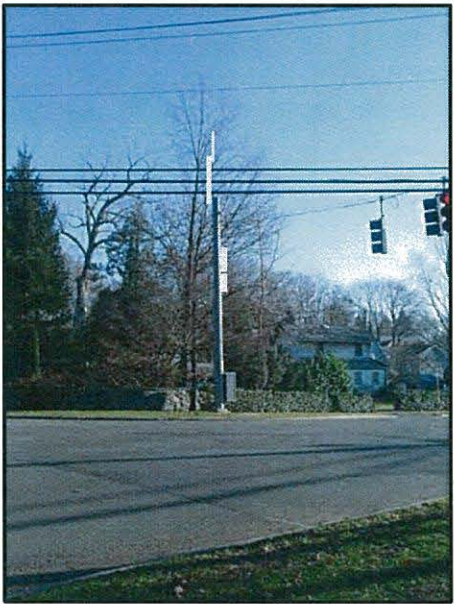
United Water Westchester  
New Rochelle, New York  
AMI Westchester Project  
Kirby Lane Plan (City of Rye)



SOURCE: MICROSOFT MAPPOINT 2010



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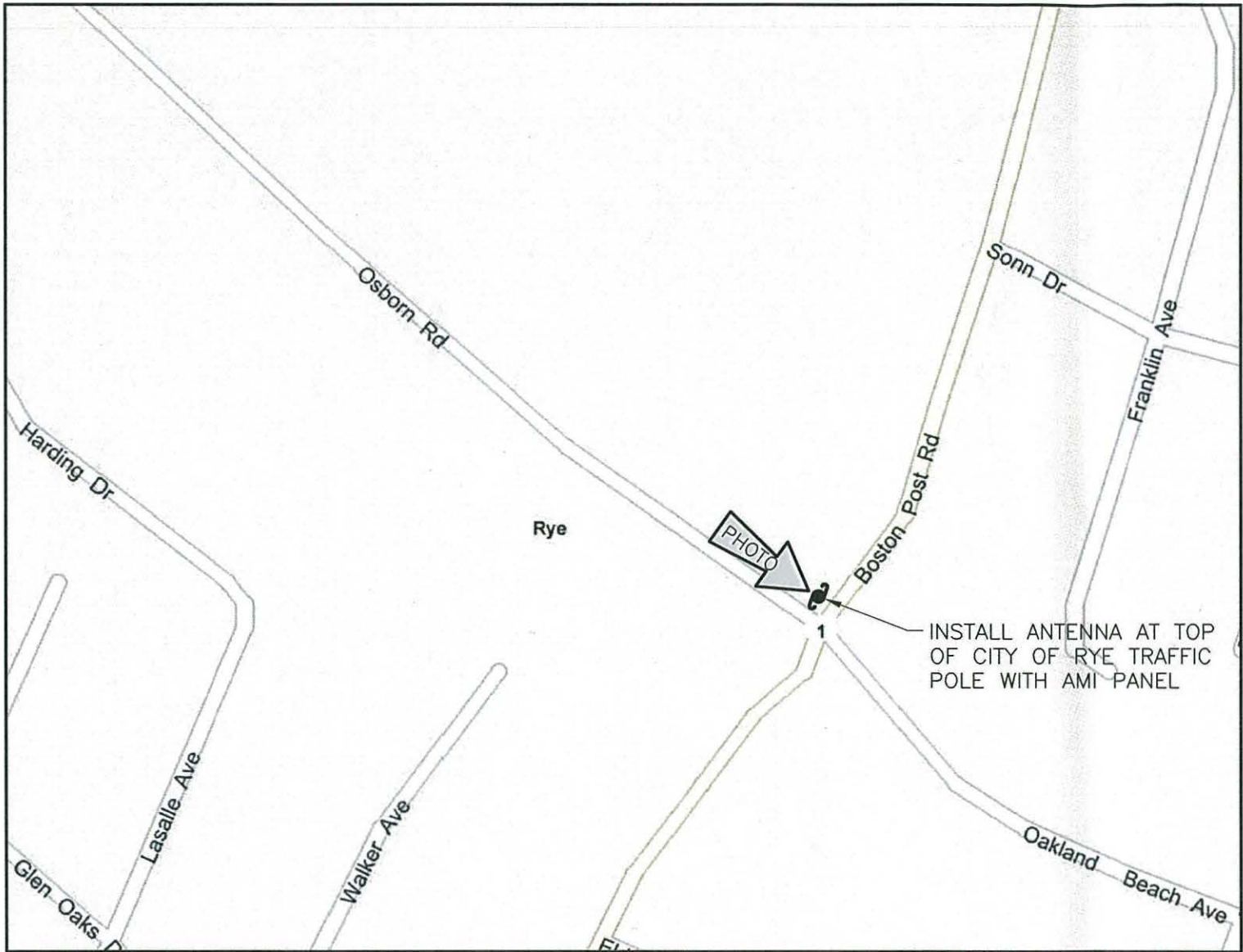


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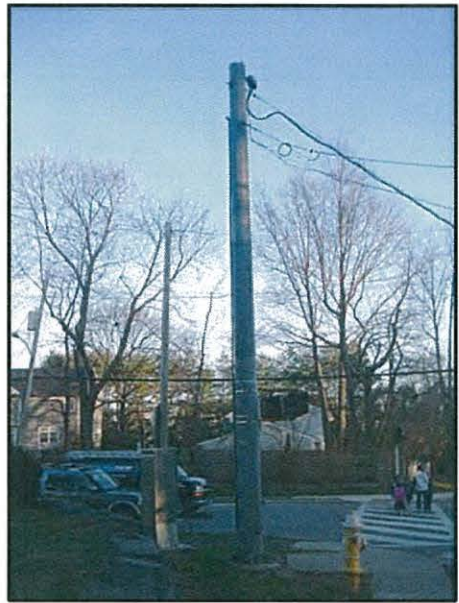
United Water Westchester  
New Rochelle, New York  
AMI Westchester Project  
Midland Avenue Plan (City of Rye)



SOURCE: MICROSOFT MAPPOINT 2010



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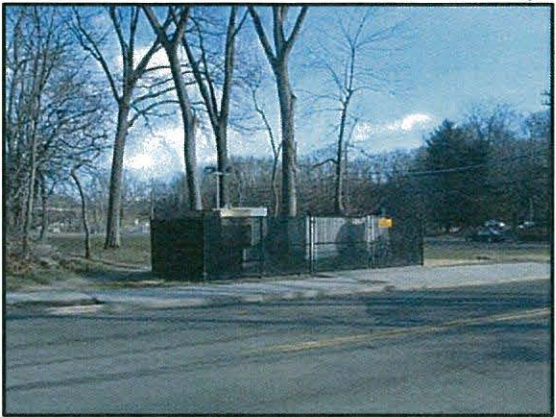
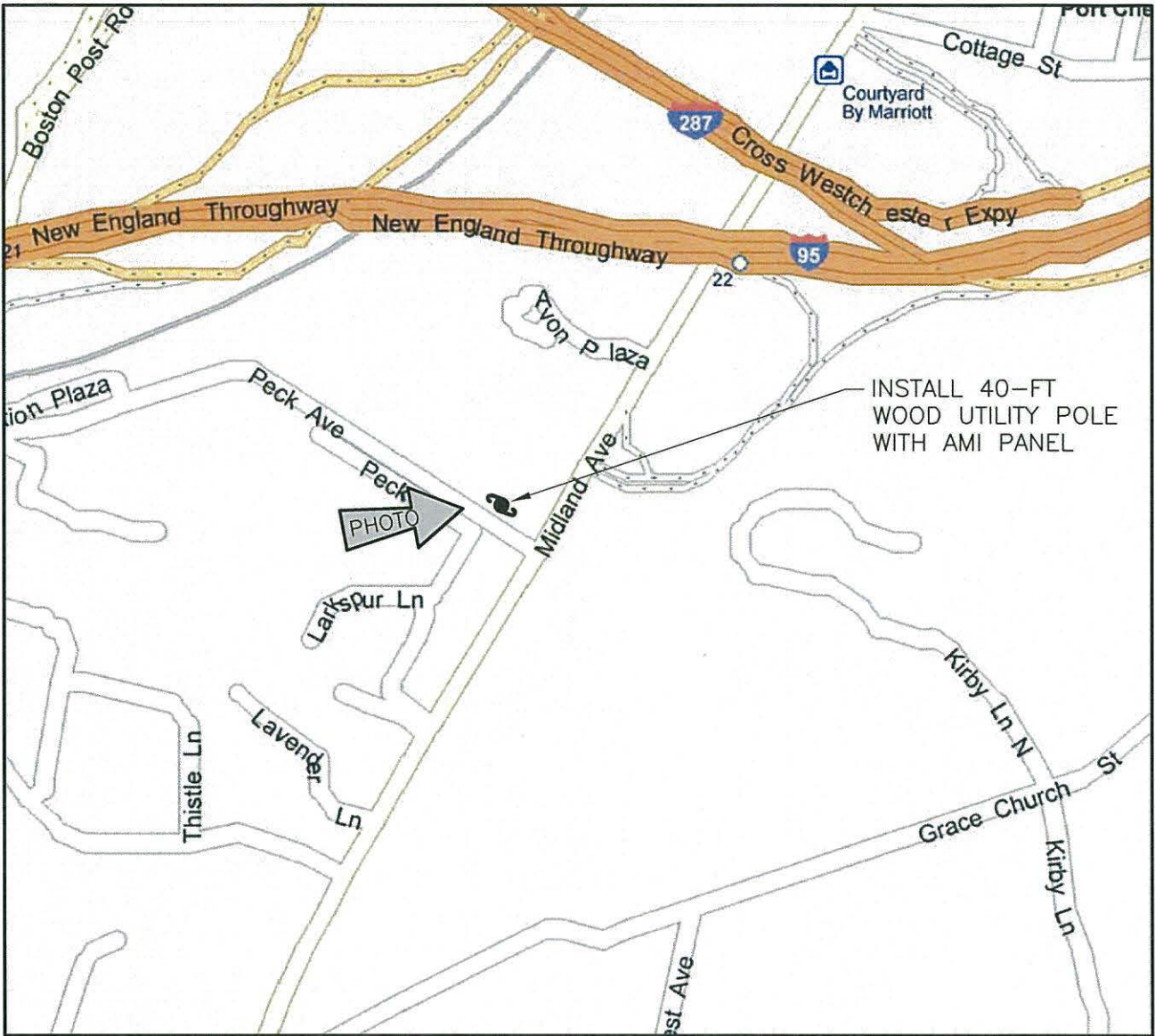
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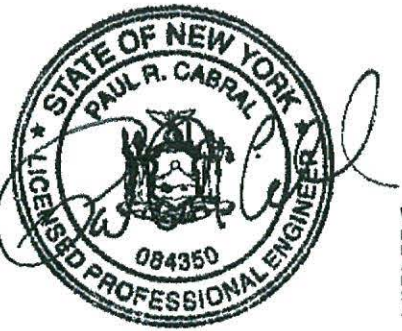
SOURCE: MICROSOFT MAPPOINT 2010



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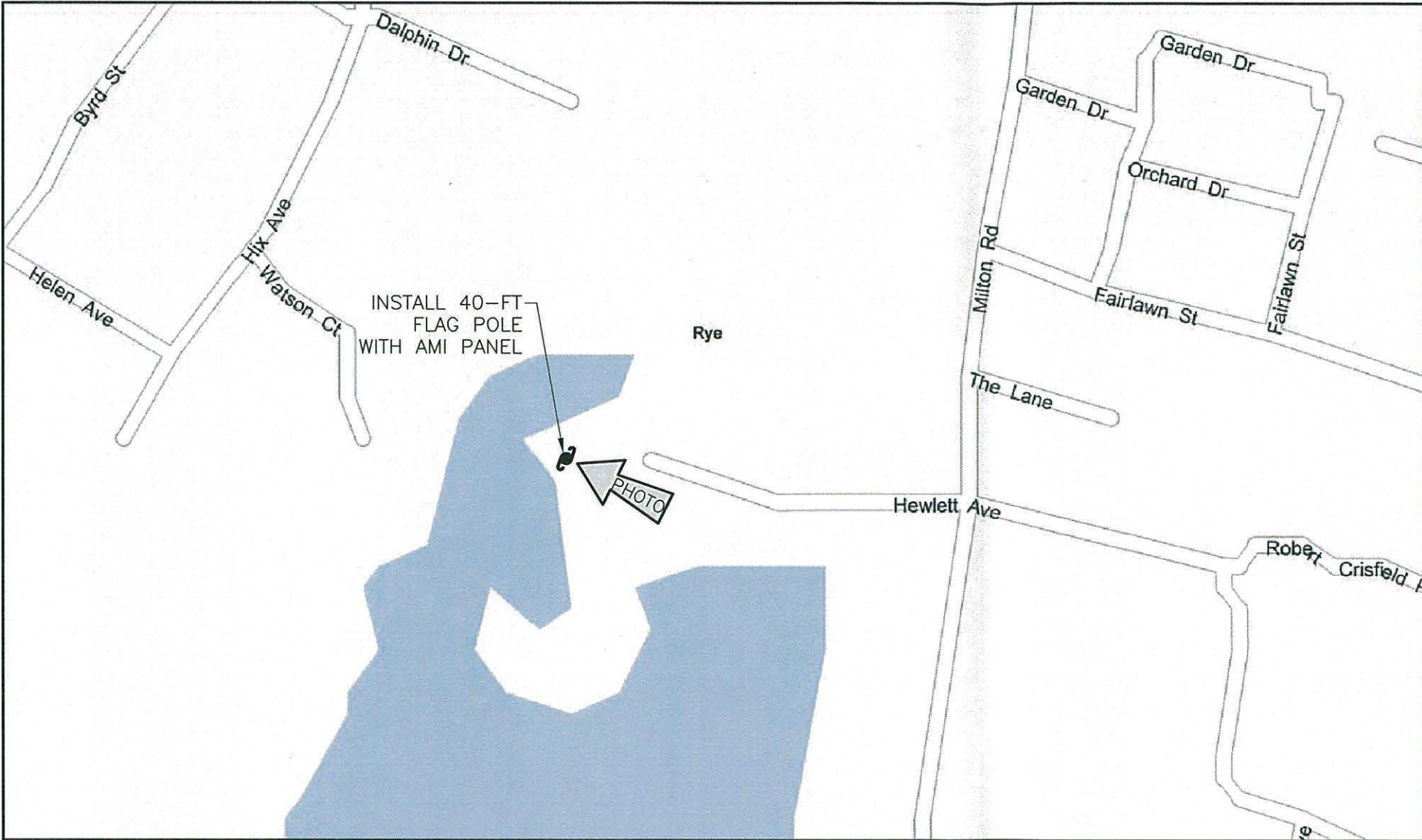
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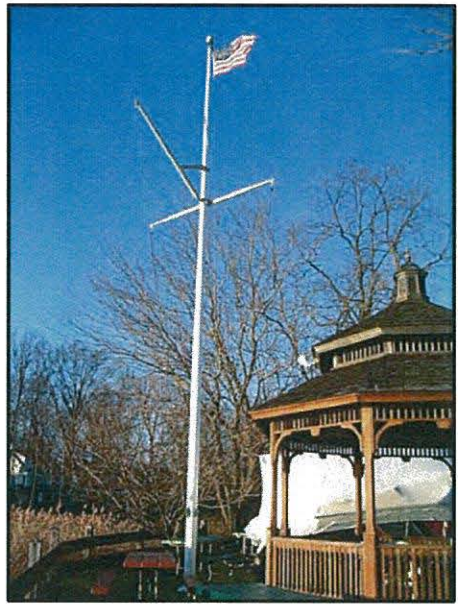
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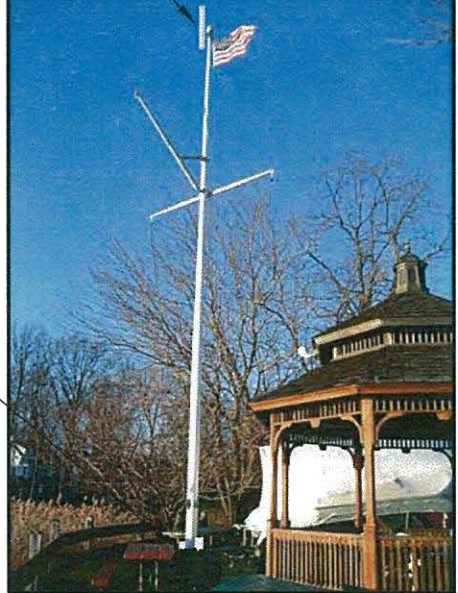
1. UNITED WATER PROPOSES REPLACING THE FLAG POLE WITH A NEW FLAG POLE UP TO 40 FEET HIGH WITH SMALL ANTENNA AT THE TOP.
2. ALL WIRING WILL BE LOCATED INSIDE OF POLE.
3. AMI PANEL WILL BE LOCATED NEAR THE BASE OF THE FLAG POLE AND WILL BE CONCEALED WITH LANDSCAPING OR LOCATED UNDER GAZEBO.



**EXISTING SITE  
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**PROPOSED SITE  
PHOTOGRAPH**

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SEE  
NOTES

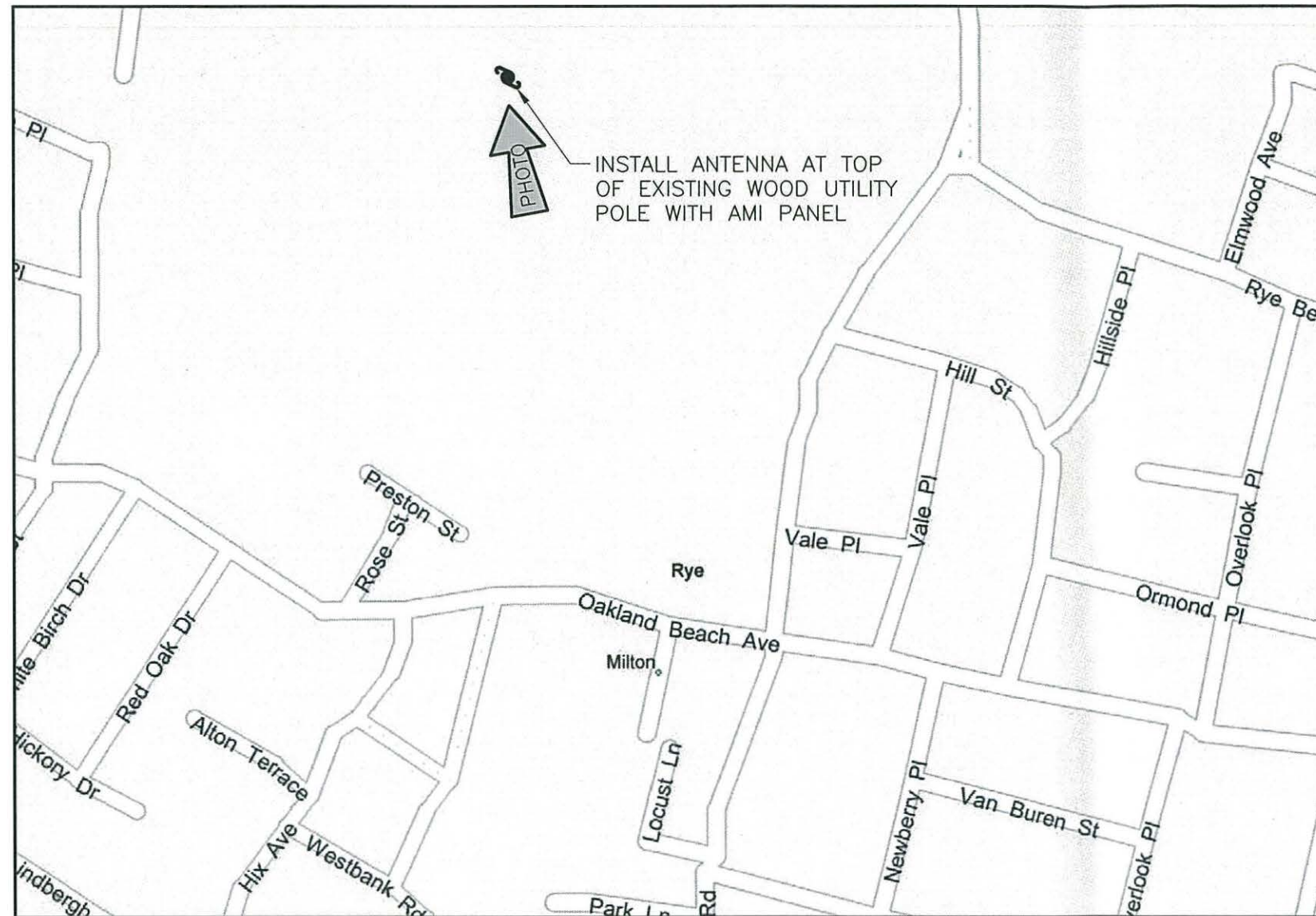


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United Water Westchester  
New Rochelle, New York  
AMI Westchester Project  
Rye City Marina Plan (City of Rye)



SOURCE: MICROSOFT MAPPOINT 2010



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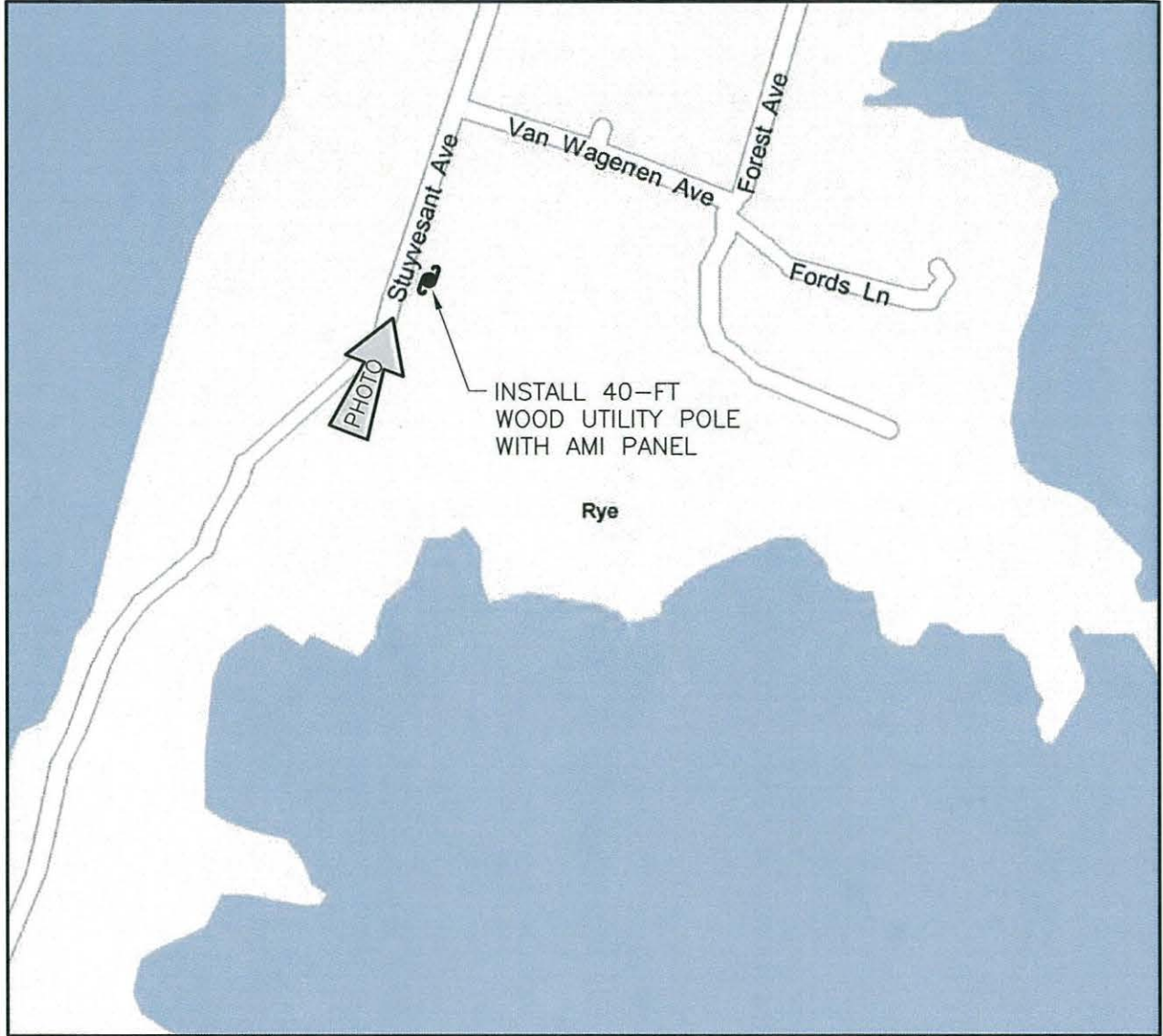
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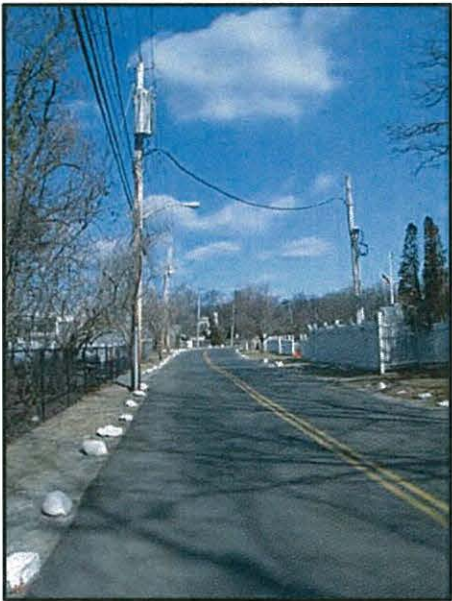
United Water Westchester  
New Rochelle, New York  
AMI Westchester Project  
Rye DPW (City of Rye)



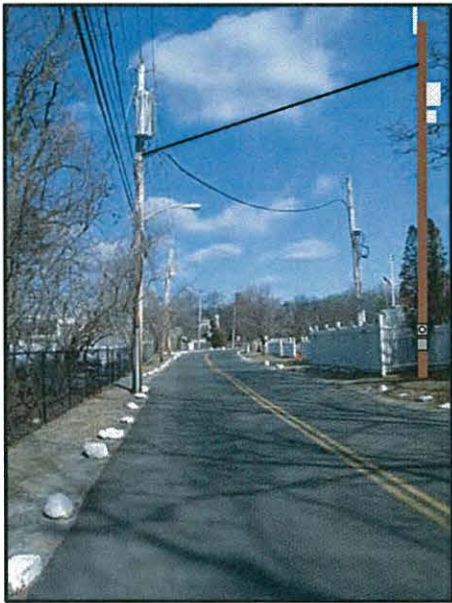
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# CITY COUNCIL AGENDA

NO. 10

DEPT.: City Council

DATE: May 8, 2013

CONTACT: Mayor Douglas French

**ACTION:** Resolution to establish a temporary Technology Committee.

**FOR THE MEETING OF:**

May 8, 2013

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:**

**IMPACT:** ☐ Environmental ☐ Fiscal ☐ Neighborhood Other:

**BACKGROUND:** A recommendation has been put forward to establish a five member temporary Committee to explore how technology can enhance services to residents.

See attached Resolution and Mission Statement.

**RESOLUTION OF THE CITY OF RYE ESTABLISHING  
A TEMPORARY TECHNOLOGY COMMITTEE**

WHEREAS, the Rye City Council has decided to appoint an independent, five-member temporary Technology Committee to explore how technology can enhance services to residents; and

WHEREAS, it is proposed that the Committee will expand the use of the existing City listserv to broadcast important notifications to Rye residents; and

WHEREAS, the Committee will explore how social media can be used to provide information and services; and

WHEREAS, the Committee will investigate the establishment of a City WiFi network providing open access to the Internet at select areas within Rye; and

WHEREAS, the Committee will make recommendations on user experience with the City website; and

WHEREAS, the Committee will identify technology trends that are happening with other local governments; and

WHEREAS, the Committee shall work in partnership with City staff in moving new technologies and services forward; and

NOW, THEREFORE, BE IT RESOLVED, that the City of Rye Technology Committee is hereby established; and be it further

RESOLVED, that the Committee is temporary in nature and shall function and report to the Council independently; and be it further

RESOLVED, that the members of the Technology Committee shall be appointed by the Mayor with approval of the City Council.

# City of Rye Technology Committee

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## Purpose:

The Information Technology Committee serves as an advisory committee on matters of Information Technology and is responsible for providing long term guidance on setting the information technology strategic direction of the City.

## We see it as our role to:

- ❖ Set standards; focusing on defining IT general direction, to ensure that IT guidelines and plans are followed by all departments.
- ❖ Set IT priorities for the allocation of resources.
- ❖ Act as gatekeepers, setting decision criteria and ensuring the integrity of the annual IT work-plan.
- ❖ Set policy regarding network behavior.
- ❖ Set basic technology training needs for the City staff.
- ❖ Develop a three to five year technology vision.
- ❖ Act as an Advisory Committee to the City Council.

Committee Sponsor: City Council and City Manager.

- ❖ Goals:
  - ☐ To assist in establishing the annual IT budget.
  - ☐ To annually review specifications for IT hardware and software.
  - ☐ To annually review network utilization.
  - ☐ To annually review IT's long range plan.
- ❖ To annually review City training programs offered through staff development.
  - ☐ To make a least one presentation each year to the City Council.
  - ☐ To ensure that all technology initiatives within the City system are reviewed and approved by the technology committee.

## Priority:

To strategically determine the direction of City IT infrastructure expenditures, to make timely decisions on key initiatives. These decisions will be aligned with the City strategic plan if possible.

Parameters: (What the Team Will or Will Not Do)

The City of Rye Technology Committee's members are expected to:

- ☐ Attend Technology Committee meetings and participate in topic discussions.
- ☐ Develop, update and utilize decision making, priority setting and budget process criteria.

## City of Rye Technology Committee

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- ☐ Provide project updates.
- ☐ Work with IT staff to develop and submit IT annual budgets and Capital Improvement Plans.
- ☐ Be alert to new technical developments in both specific and general business environments.
- ☐ Present IT projects, plans and ideas to the Counsel.
- ☐ Encourage and support open discussion related to IT initiatives.

It is the intent of the Technology Committee to avoid being involved in the detailed operational aspects of IT activities within City Departments.

### Authority/Empowerment:

The technology committee is authorized to set IT priorities and each department will have one vote in this process. The power of this committee is granted through City Council authorization.

### Key Dependencies:

- ☐ Resources - Staff, Technical Expertise of Staff, Space, Budget,

### Time and Equipment

- ☐ Department Head and City Council support

### 1. We observe the ground rules of meetings.

- ☐ Start and end on time
- ☐ No agenda – no meeting
- ☐ Meeting must be facilitated and notes taken

### 2. We respect each others time:

- ☐ ..... we arrive on time.
- ☐ ..... we avoid leaving early
- ☐ ..... we limit our interruptions
- ☐ .....we limit our discussions about our private lives



## City of Rye Technology Committee

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3. We will each participate in discussions, fully and openly; we will not use silence as a weapon nor as a defense, nor will we sanction side conversations that are not professional or respectful. As necessary the chair of the committee will moderate the discussion so that all voices will have an opportunity to be heard.

4. We will not criticize nor second-guess an idea after a meeting, if we did not do so in the meeting, and we will not criticize an idea without offering a suggestion for a solution.

DRAFT



# CITY COUNCIL AGENDA

NO. 11

DEPT.: City Council

DATE: May 8, 2013

CONTACT: Mayor French

**AGENDA ITEM:** Three appointments to the Technology Committee for a three-year term, by the Mayor with Council approval.

**FOR THE MEETING OF:**

May 8, 2013

**RYE CITY CODE,  
CHAPTER  
SECTION**

**RECOMMENDATION:** That the Council approve the appointment of Peter Esler, John Mayo-Smith and Edmund Szamborski.

**IMPACT:** ☐ Environmental ☐ Fiscal ☐ Neighborhood ☐ Other:

## BACKGROUND

Current Committee Members

Expiration Date

Peter Esler	1-1-16
John Mayo-Smith	1-1-16
Edmund Szamborski	1-1-16



# CITY COUNCIL AGENDA

NO. 12

DEPT.: City Council

DATE: May 8, 2013

CONTACT: Mayor French

**AGENDA ITEM:** Two appointments to the Landmarks Advisory Committee to fill a term expiring January 1, 2014 and a term expiring January 1, 2015, by the Mayor with Council approval.

**FOR THE MEETING OF:**

May 8, 2013

**RYE CITY CODE,**

CHAPTER  
SECTION

**RECOMMENDATION:** That the Council approve the appointment of Jerome Coleman for a term expiring January 1, 2015 and Joan Steere for a term expiring January 1, 2014.

**IMPACT:** ☐ Environmental ☐ Fiscal ☐ Neighborhood ☐ Other:

## BACKGROUND

### Current Committee Members

### Expiration Date

George Zahringer, Chair	1-1-16
Rex Gedney	1-1-16
Sean Jancski	1-1-14
Daniel Kelly	1-1-14
Maurio Sax	1-1-15
Karen Yannett	1-1-15
VACANCY	1-1-14
VACANCY	1-1-15