

CITY OF RYE

NOTICE

There will be a regular meeting of the City Council of the City of Rye on Monday, August 5, 2012, at 8:00 p.m. in Council Chambers at City Hall. *The meeting will be preceded by the Presentation of the 2014-2018 Capital Improvement Plan beginning at 7:00 p.m.*

AGENDA

1. Pledge of Allegiance.
2. Roll Call.
3. General Announcements.
4. Draft unapproved minutes of the Workshop on the Rye Golf Club and the regular meeting of the City Council held July 10, 2013.
5. Mayor's Management Report
 - Update on the City of Rye Mile Markers
 - Sustainability Committee Presentation on The Sustainability Plan
 - Capital Projects Update: Central Avenue Bridge, Road Repairs and Bond Projects
 - Legal Update
6. Public Hearing to amend local law Chapter 191, Vehicles and Traffic, of the Rye City Code, Section 191-21, "Parking, standing or stopping", to prohibit parking on the South side of Platt Lane on School days during the hours of 8:00 a.m. to 9:00 a.m. and 2:30 p.m. to 4:00 p.m.
7. Resolution to amend changes to local law Chapter 191, Vehicles and Traffic, of the Rye City Code, Section 191-19.1, "Parking prohibited certain hours", to temporarily prohibit parking on the south side of Parsons Street from 2:00 p.m. to 4:00 p.m. for the duration of the Rye City School District construction.
8. Consideration of amending the governing procedures of City Enterprise Funds.
9. Discussion on amending the City's management employment agreements.
10. Resolution to amend the City of Rye's FOIL procedures regarding the FOIL Appellate body.
11. Resolution to amend local law Chapter 15, "Code of Ethics", to reflect the addition of the Conflict of Interest form.
12. Consideration to adopt a Conflict of Interest form.
13. Discussion of the Sluice Gate legislation: "Development and Planning Standards" Intermunicipal Agreement Compliance with City of Rye Boards and Committees.

14. Consideration of proposed revision of the Rules and Regulations of the City of Rye Police Department to General Order #120.09 “Workplace Violence Protection”.
15. Residents may be heard on matters for Council consideration that do not appear on the agenda.
16. Adoption of the 2013/2014 tax levy and tax rate for the Rye Neck Union Free School District.
Roll Call.
17. Bid Award for the Cedar Place Sanitary Sewer contract (Contract # 2013-03).
Roll Call.
18. Authorization for City Manager to enter into an Agreement with the Village of Port Chester for the temporary use of the Rye Police Cells by the Port Chester Police Department.
Roll Call.
19. Authorization for City Manager to enter into an Agreement with the County of Westchester for 2013-2014 Prisoner Transportation Services.
Roll Call.
20. Appeal of denial of FOIL requests by Timothy Chittenden.
21. Appeal of denial of FOIL request by Leon Sculti.
22. Consideration of request for permission to close a section of Purchase Street for the 61st annual celebration of the Halloween Window Painting Contest.
23. Miscellaneous communications and reports.
24. Old Business.
 - Council feedback on the Rye Arts Center lease
25. New Business.
26. Adjournment.

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The next regular meeting of the City Council will be held on Wednesday, September 11, 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 under “RyeTV Live”.

* Office Hours of the Mayor by appointment by emailing dfrench@ryeny.gov.



CITY COUNCIL AGENDA

NO. 4

DEPT.: City Clerk

DATE: August 5, 2013

CONTACT: Dawn Nodarse

AGENDA ITEM Draft unapproved minutes of the Workshop on the Rye Golf Club and the regular meeting of the City Council held July 10, 2013, as attached.

FOR THE MEETING OF:

August 5, 2013

**RYE CITY CODE,
CHAPTER
SECTION**

RECOMMENDATION: That the Council approve the draft minutes.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND:

Approve the minutes of the Workshop on the Rye Golf Club and the regular meeting of the City Council held July 10, 2013, as attached.

DRAFT UNAPPROVED MINUTES of the
Workshop of the City Council of the City of Rye, the
Rye Golf Club Commission and Rye Golf Club
Strategic Committee held in City Hall on July 10,
2013 at 7:00 P.M.

PRESENT:

DOUGLAS FRENCH Mayor
LAURA BRETT
RICHARD FILIPPI (Arrived at 7:25 p.m.)
PETER JOVANOVIĆH
JULIE KILLIAN
JOSEPH A. SACK
Councilmembers

ABSENT: CATHERINE PARKER, Councilwoman

Also in attendance were the following members of the Rye Golf Commission and Rye Golf Club Strategic Committee – John Duffy, Frank Adimari, Patrick Dooley, T.J. Hanson, Patricia Geoghegan, Chris O’Brien, Angela Sposato and Peter Marshall.

1. Summary and Further Discussion of Rye Golf Club proposed changes

The Rye Golf Club Commission (“the Commission”) has proposed that the Commission continue to serve in an advisory capacity with the ultimate decision-making capacity residing with the City Council and City Manager. However, the Commission believes that their oversight role in terms of reporting responsibilities and involvement in reviewing personnel and contract issues and expenditures should be increased. In response to Council requests at the last workshop for specificity on how this would work, a discussion was held regarding protocols suggested by the Commission. Corporation Counsel Wilson said the proposal needs to be clearer and more consistent, especially in connection with hiring and firing authority. She said there should be a way to have the Commission involved in the hiring and firing process in an advisory authority but the direct oversight would be with the City Council or City Manager. The Commission wants to make sure the Club Manager listens to suggestions from the Commission and provides them with information so that the actions of the General Manager are in alignment with the Commission. There was also discussion about auditing of the Golf Club going forward and making the pool more of a “public pool”.

2. Additional Recommendations to the Governance of Rye Golf Club

Mayor French suggested that the Commission should become more like the Recreation Commission, whereby they advise the Club Manager on policies they would like implemented, which are ultimately adopted by the City Manager and City Council. City Manager Pickup noted that the Commission has worked hard to reinvigorate their operating committees but that he worries about their ability to sustain this effort going forward. In the past, the Recreation

Superintendent and Assistant Superintendent were also charged with maintaining administrative support to the Golf Club, but this is no longer the case. The Commission suggested that it was important to hire a Club Manager who is responsible for the entire club operation in order to reduce the current burden on the Commission. The implementation of a process where the Commission would have recourse to go to the City Manager and City Council if the Club Manager does not follow their recommendations was also suggested.

3. Comments from the Public

Members of the public commenting included *Leon Sculti, Jim Codispodi, Bob DiMaggio, Maureen Casper and Aurora Giardella*. Their comments included a suggestion to have the members acquire the club from the City and make it a membership based club; suggestions on policies and procedures for how the Commission should run their meetings; a suggestion that differences between the Commission and City Manager should be brought to the City Council; conditions at the pool; and, a suggestion that the Interim Manager remain in his position after his contract runs out in the fall.

4. Discussion on Changes to the Structure of the Rye Golf Club Commission

A suggestion was made to change the makeup of the Commission so that it would include elected members but also three additional members who would be appointed by the Mayor and Council.

5. Discussion and Next Steps on a Potential RFP for the Rye Golf Club

Mayor French said that he felt the consensus from the last workshop was that doing an RFP (Request for Proposal) for the operation of the entire club was not appropriate at this time, but that it would be a good idea to do so for the catering facility to see what the market bears. Angela Sposato said she did not believe that doing an RFP for the entire facility was ever the idea of the Strategic Committee but that it may be beyond the time to go out for an RFP for catering and the castle for the 2014 season. There was a discussion about the pros and cons of doing an RFP now or waiting to see the results from this year or even 2014, and how the RFP should be structured.

6. Summary and Discussion of YTD Financials and Operating Decisions and Next Steps

City Manager Pickup reported that the City has decent numbers through June 30th. Members were given one more billing cycle for payment this year so there should be another \$386,000 in member payments coming in. There is also about \$80,000 for the 2012 minimum that has not been billed. The revenues are about 1% or 2% within what was expected for golf and pool. The expenses are running under at this point. Indications are that the \$75,000 cash positive budgeted for the year is on target. The Castle is showing progression in terms of meals and events and trying to make up some of the loss from prior year's business that was lost. Issues regarding allocations to cost centers are still being worked on and the Commission has

identified issues that must be addressed in the 2014 budget discussions. The goal is to complete the 2014 budget for submission to the Council in November

7. Adjournment.

The workshop ended at 8:30 p.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 July 10, 2013 at 8:00 P.M.

PRESENT:

DOUGLAS FRENCH Mayor
LAURA BRETT
RICHARD FILIPPI
PETER JOVANOVICH
JULIE KILLIAN
CATHERINE F. PARKER (Arrived at 9:10 p.m.)
JOSEPH A. SACK
Councilmembers

ABSENT: None

The meeting was preceded by a Workshop between the City Council and the Rye Golf Club Commission and Rye Golf Club Strategic Commission that ended at 8:30 p.m. The regular meeting began at 8:40 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

There were no announcements made.

4. Draft unapproved minutes of the special meeting of the City Council held June 5, 2013, the Workshop on the Rye Golf Club and the regular meeting of the City Council held June 12, 2013, and the special meeting of the City Council held June 24, 2013

Councilwoman Brett made a motion, seconded by Councilwoman Parker and unanimously carried by the members of the Council who attended the meeting, to approve the minutes of the special meeting of the City Council held on June 5, 2013, as submitted.

Councilman Filippi made a motion, seconded by Councilman Jovanovich and unanimously carried by the members of the Council who were present at the meeting, to approve the minutes of the Workshop on the Rye Golf Club held on June 12, 2013 and the minutes of the regular meeting of the City Council held on June 12, 2013, as submitted.

Councilwoman Brett made a motion, seconded by Councilwoman Parker and unanimously carried by the members of the Council who attended the meeting, to approve the minutes of the special meeting of the City Council held on June 24, 2013, as submitted.

5. Mayor's Management Report
 • Capital Projects Update

City Manager Pickup reported that the Capital Improvement Plan will be presented at the August 5th meeting and will include some items on Rye Golf Club. There are some bids to be awarded and there will be a follow up on dredging.

- Legal Update

Corporation Counsel Wilson reported on the following matters:

- *Beaver Swamp Brook* – A conference call was held with the Administrative Law Judge. Harrison is proceeding with their application for “Project Home Run”. The matter is proceeding to an Adjudication Hearing on certain issues, which will take place in Harrison probably in October or November.
- *City of Rye v. Rye Town Park* – A decision was issued by Judge Tolbert that found that the City did not meet its burden in revoking the tax exemption for Seaside Johnny's.

6. Authorization of a date change for the regular City Council Meeting from August 7, 2013 to August 5, 2013

Councilman Sack made a motion, seconded by Councilman Jovanovich and unanimously carried, to adopt the following Resolution:

RESOLVED, that the date for the regular August City Council meeting is changed from Wednesday, August 7, 2013 to Monday, August 5, 2013.

7. Overview of the School Construction Project and Impact on Traffic and Pedestrian Crossings

Brian Dempsey, Chair of the Traffic and Pedestrian Safety Committee, made a presentation about the current plan for traffic patterns during the school construction project and its impact on traffic around the High School/Middle School, so that plans can be implemented to keep movement in and around the school as safe as possible. There will be changes to the

current drop off and pick up patterns, which will create bottlenecks. A concern is the additional pressure that will be put on the Parsons Street intersections at Milton and Boston Post Road. The City-owned “snow fields” will be used for staff parking and an additional parking area will be added near the old tennis courts. There were two additional parking areas on the plans that the School District is not longer considering, but City Manager Pickup has asked that the School District reconsider utilizing these areas in order to increase onsite parking. A recommendation has been made that a substantial construction fence be erected on the “snow field” in order to funnel people to a designated crossing area that could contain a hazard warning system and a median similar to the one at Old Post Road. Additionally, the City has asked the School District to consider realigning the school driveway and the intersection at Apawamis Avenue and Milton Road. The question of establishing drop off lanes or remote drop off areas was discussed as well as parking areas for buses, school visitors and construction workers. A recommendation to change parking restrictions on Parsons Street will be coming back to the Council for consideration.

8. Resolution to amend changes to local law Chapter 191, Vehicles and Traffic, of the Rye City Code, Section 191-13, Subsections A, to temporarily lift the ban on seasonal parking restrictions on Apawamis Avenue, to allow parking for the duration of the Rye City School District construction

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

RESOLVED that Section 191-13 (A) of Chapter 191, Vehicle and Traffic, of the Rye City Code is hereby amended to temporarily lift the ban on seasonal parking restrictions on Apawamis Avenue from Midland Avenue to Milton Road, to allow parking for the duration of the Rye City School District construction.

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.

9. Consideration to set a Public Hearing for August 5, 2013 to amend local law Chapter 191, Vehicles and Traffic, of the Rye City Code, Section 191-21, “Parking, standing or stopping”, to prohibit parking on the South side of Platt Lane on School days during the hours of 8:00 a.m. to 9:00 a.m. and 2:30 p.m. to 4:00 p.m.

The Traffic and Pedestrian Safety Committee has recommended that parking be prohibited on one side of Platt lane during certain hours on school days in order to help with safety issues. A petition has been presented by all the residents of the street requesting the change.

Councilman Filippi made a motion, seconded by Councilwoman Brett and unanimously carried, to adopt the following Resolution:

WHEREAS, the Council wishes to amend Chapter 191 “Vehicles and Traffic”, §191-21 “Parking, standing or stopping” of the Code of the City of Rye; and

WHEREAS, it is now desired to call a public hearing on such proposed amendments to the law, now, therefore, be it

RESOLVED, by the Council of the City of Rye as follows:

Section 1. Pursuant to Section 20 of the Municipal Home Rule Law and the Charter of the City of Rye, New York, a public hearing will be held by the Council of said City on August 5, 2013 at 8:00 P.M. at City Hall, Boston Post Road, in said City, for the purpose of affording interested persons an opportunity to be heard concerning such proposed local law.

Section 2. Such notice of public hearing shall be in substantially the following form:

**PUBLIC NOTICE
CITY OF RYE**

**Notice of a Public Hearing on a Proposed Local Law to
Amend Chapter 191, “Vehicles and Traffic” of the Code of the City of Rye
by amending §191-21 “Parking, standing or stopping” to prohibit
parking on the South side of Platt Lane on school days during
the hours of 8:00 a.m. to 9:00 a.m. and 2:30 p.m. to 4:00 p.m.**

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 5th day of August 2013 at 8:00 P.M. at City Hall, Boston Post Road, in said City, at which interested persons will be afforded an opportunity to be heard concerning a proposal to amend Chapter 191 “Vehicles and Traffic” of the Code of the City of Rye by amending §191-21 “Parking, standing or stopping” to prohibit parking on the South side of Platt Lane on school days during the hours of 8:00 a.m. to 9:00 a.m. and 2:30 p.m. to 4:00 p.m..

Copies of said local law may be obtained from the office of the City Clerk.

Dawn F. Nodarse
City Clerk
Dated: July 24, 2013

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
Roll Call.

City Manager Pickup said that information has been provided to the Council responsive to questions asked at the last meeting regarding supervision and costs related to the program. There was a discussion of inserting a clause into the agreement that would allow cancelation of the agreement if it did not work as hoped.

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

RESOLVED, that the City Council of the City of Rye hereby authorizes the City Manager to enter into an agreement with All City Management Services (ACMS) for the outsourcing of school crossing guard services with the addition of a clause allowing for a testing period of 60 to 90 days.

ROLL CALL:

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

The Resolution was adopted by a 5-2 vote.

11. Consideration of proposed revision of the Rules and Regulations of the City of Rye Police Department to General Order #120.09 "Workplace Violence Protection"

City Manager Pickup said that this change to the Police Rules and Regulations results from changes in State Law and will ultimately require a Workplace Violence update in all workplaces within the City. A specific program was created in order to comply with the State requirements. The proposed changes relating to this agenda item have been forwarded to the Police Association for their comment. No comments have been received. This item will come back to the Council for a vote in the fall.

12. Resolution to amend the City of Rye's FOIL procedures regarding the FOIL Appellate body

Mayor French summarized the two proposed options: (1) hire an attorney to hear FOIL appeals; or (2) a reduced committee of the City Council will hear FOIL appeals. There was a discussion regarding whether the procedure needed to be changed; the cost of engaging an outside attorney; and the problems/benefits of utilizing a smaller committee of the Council. Councilwoman Parker suggested a third option, which would keep the entire Council as the FOIL Appellate body. The appellant would be given the option of having the appeal heard at the next regularly scheduled City Council meeting by waiving the 10-day requirement to hear an appeal, or, if not, the appeal would be heard by outside counsel. Corporation Counsel Wilson was asked to get proposals from municipal attorneys for handling appeals.

13. Resolution to amend local law Chapter 15, “Code of Ethics”, to reflect the addition of the Conflict of Interest form

The Board of Ethics has proposed some changes to the local law and Conflict of Interest form. Corporation Counsel Wilson will make the changes and circulate them to the Council and the Board of Ethics.

14. Consideration to adopt a Conflict of Interest form

This agenda item was deferred to the August meeting.

15. Discussion of the Sluice Gate legislation: “Development and Planning Standards” Intermunicipal Agreement Compliance with City of Rye Boards and Committees

This agenda item was held over in order to receive comments from the Planning Commission.

This Agenda item was taken out of order.

16. Authorization for the City Manager to execute an Inter-Municipal Agreement (IMA) with the Rye Free Reading Room regarding the receipt and disbursement of bond funds for library projects

Roll Call.

City Manager Pickup said that since the Library is not a building that the City has full control over, there must be a process in place to identify how funds from the bond referendum will be disbursed.

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

RESOLVED, that the City Council of the City of Rye hereby authorizes the City Manager to execute and Inter-Municipal Agreement (IMA) with the Rye Free Reading Room regarding the receipt and disbursement of bond funds for library projects.

ROLL CALL:

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

The Resolution was adopted by a 6-0 vote.

17. Authorization for the City Manager to execute an Inter-Municipal Agreement (IMA) with the Municipal Employee Benefits Consortium (MEBCO) for health insurance coverage for selected employees
Roll Call.

City Manager Pickup said that MEBCO is a consortium under New York State law and proposed changes will update aspects of the arrangement and provide additional changes in the way that large claim losses are dealt with in order to make it a more viable product going forward. The City will be responsible for the first \$75,000 of a large claim and after that amount there will be Stop Loss Insurance.

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

RESOLVED, that the City Council of the City of Rye hereby authorizes the City Manager to execute an Inter-Municipal Agreement with the Municipal Employee Benefits Consortium (MEBCO) for health insurance coverage for selected employees.

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. Resolution of support for a Letter of Interest for projects to qualify for the Hazard Mitigation Grant Support Program

City Manager Pickup said there is grant money available as a result of declared disasters. This is the first round of Hazard Mitigation Grants resulting from Hurricane Sandy. The City is looking to update the Blind Brook monitoring and flood warning capabilities by adding additional stream gauges. By applying for and accepting approval of the application, the City

must commit to a local share of 25% of the cost, which is estimated to be \$56,250 of the total project cost of \$225,000.

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

**RESOLUTION AUTHORIZING THE SUBMISSION TO THE HAZARD
MITIGATION GRANT PROGRAM (HMGP)
TO BE CONSIDERED FOR FEMA FUNDING FOR A BLIND BROOK
STREAM GAUGE MONITORING AND FLOOD WARNING SYSTEM**

WHEREAS, in 2013 Governor Andrew M. Cuomo announced a call for projects to be funded by the Hazard Mitigation Grant Program (HMGP) to assist local governments and non-profit organizations to rebuild stronger, more resilient communities across New York State; and

WHEREAS, these efforts are aimed at increasing the State's resiliency, mitigating the risks of loss and damage associated with future disasters, and reducing hardship with over \$500 million expected to be available for the program; and

WHEREAS, the project must be in a County declared in Hurricane Irene, Tropical Storm Lee or Superstorm Sandy; and

WHEREAS, the project should ensure continuity of critical services by reducing the risk of damage and loss of function from flooding and other hazards; and

WHEREAS, the project should enhance the ability of the State or local government to monitor rain, streams and/or tides, to provide advance flood warnings and evacuation notices, or to provide other situational awareness during a disaster: for example, by installing stream/water level monitoring system to provide evacuation alerts; and

WHEREAS, the State of New York, acting through State Office of Emergency Management, is the applicant for FEMA's HMGP; and

WHEREAS, the City has submitted the project *Blind Brook Stream Gauge Monitoring and Flood Warning System* with an estimated project cost of \$225,000 with FEMA providing 75% funding and a local share of 25% match funding; and

NOW, THEREFORE, BE IT RESOLVED, that the Rye City Council authorizes the submission to the Hazard Mitigation Grant Program (HMGP) to be considered for FEMA funding; and be it further

RESOLVED, that if the project is approved, the City of Rye will commit \$56,250 for local share funding with FEMA funding providing \$168,750 of the total project cost of \$225,000; and be it further

RESOLVED, that the City Council of the City of Rye authorizes the City Manager to continue to seek opportunities to address flooding issues and reduce the risk of damage from storm events for the City of Rye.

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

19. Resolution to approve the designation and appointment of staff to accept notices of claim from the Secretary of State

Corporation Counsel Wilson said that new procedure adopted by the State provides for an alternate method of serving a municipality with a Notice of Claim.

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

WHEREAS, the New York State Senate has passed, and the New York State Governor has signed into effect, the Uniform Notice of Claim Act (hereinafter the “Act”); and

WHEREAS, Section Six (§ 6) of the Act amends the General Municipal Law by adding a new section Fifty-Three (§ 53), effective June 15, 2013; and

WHEREAS, Section 53 requires municipalities to file a certificate that designates an individual to receive a Notice of Claim; and

WHEREAS, the City of Rye must file such Certificate with the Secretary of State no later than thirty (30) days of the date upon which General Municipal Law § 53 took effect;

WHEREAS the Uniform Notice of Claim Act amends New York State General Municipal Law to allow notices of claim against cities and villages to be served upon the New York Secretary of State as an agent for New York’s public corporations; and

WHEREAS pursuant to the Uniform Notice of Claim Act, the New York State Department of State will forward any notice of claim served upon it to the individual city or village designated to receive the notice of claim; and

WHEREAS pursuant to the Uniform Notice of Claim Act, each city and village within New York must designate the New York Secretary of State as the local government’s agent for the service of notices of claim, must provide the name and address of an official designee to

which the Secretary of State will forward any notice of claim, and provide the applicable time limit for filing a notice of claim,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Rye hereby designates the New York Secretary of State as the City of Rye's agent for the service of notices of claim, and

BE IT FURTHER RESOLVED that the City Council of the City of Rye hereby appoints the City Clerk as the designee to which the New York Secretary of State will forward any notice of claim, located at 1051 Boston Post Road, Rye, NY 10580, and

BE IT FURTHER RESOLVED that any notice of claim filed with the City of Rye must be provided within 90 days of the incident to which it refers.

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

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

Carolyn Barotz, Jordan Glass, Kimberly King, Jeffrey O'Neill, Ted Carroll, Ray Tartaglione and Nathan Barotz all spoke about mosquito infestation on Hen Island and requested that the Council take action to deal with the situation.

Jim Amico thanked the Council for allowing him to hold his recent car event. He also spoke about the way the Police Department is handling complaints he has filed against two police officers.

21. Designation of two members to the Boat Basin Nominating Committee

Councilwoman Brett made a motion, seconded by Councilman Filippi and unanimously carried, to appoint Greg Gavlick and Ford Winters to the Boat Basin Nominating Committee for the 2013 Boat Basin Commission elections.

22. One appointment to the Flood Advisory Committee for a three-year term by the Mayor with Council approval

Councilwoman Brett made a motion, seconded by Councilman Filippi and unanimously carried, to appoint Robert van der Wateren to the Flood Advisory Committee for a three-year term expiring on January 1, 2016.

23. One appointment to the Rye Playland Advisory Committee for a three-year term by the Mayor with Council approval

Councilwoman Parker made a motion, seconded by Councilman Sack and unanimously carried, to appoint Stephen Vasko to the Rye Playland Advisory Committee for a three-year term expiring on January 1, 2016.

24. Miscellaneous Communications and Reports

Councilman Jovanovich said that he would be attending a meeting, sponsored by the Westchester Municipal Officials Association, with the Federal Monitor of Fair Housing Compliance at which a study of housing patterns and zoning in Westchester County will be presented.

25. Old Business

Councilman Sack asked for an update on the City's insurance claim in connection with employee thefts at Rye Golf Club. Corporation Counsel Wilson said the claim has been submitted to the insurance carrier but the City has not received a coverage letter from the insurance company yet. The insurance company has been in contact with Bill Breen regarding his report, is analyzing his figures to determine the amount of the City's loss, and waiting on a decision from the District Attorney's Office. Ms. Wilson will follow up with the insurance company regarding the coverage letter. There was a discussion about putting the Breen report on the City website.

Councilwoman Brett reported that the Flood Advisory Committee met with the City Manager and reviewed bids regarding the Watershed Review Project to see what options there might be for additional flood mitigation. The Committee has made recommendations to the City Manager and City Engineer about their preferences.

Councilman Filippi asked for an update on the cost of removing the Lowenstein Bridge.

26. New Business

Mayor French suggested that due to staff reductions over the last few years, there were no succession plans in place for many key management positions. He suggested that the Council should consider options for the management staff in order to have a succession plan in place.

27. Adjournment

There being no further business to discuss Councilman Filippi made a motion, seconded by Councilman Jovanovich and unanimously carried, to adjourn the meeting at 12:35 a.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk



CITY COUNCIL AGENDA

NO. 5

DEPT.: City Council

DATE: August 5, 2013

CONTACT: Mayor Douglas French

AGENDA ITEM: Mayor's Management Report

FOR THE MEETING OF:

August 5, 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 Mile Markers
- Sustainability Committee Presentation on the Sustainability Plan
- Capital Projects Update: Central Avenue Bridge, Road Repairs and Bond Projects
- Legal Update



SINCE 1952

ARCHITECTS

Telephone: 914.967.6060

41 Elm Place, Rye, New York 10580

Facsimile: 914.967.6071

July 1, 2013

Mr. Scott Pickup
City Manager
City of Rye
1051 Boston Post Road
Rye, New York 10580

Re: Historic Milestones

Dear Scott,

The Landmarks Committee has obtained three proposals from conservation specialists for recommendations on preservation of the three milestones owned by the City of Rye. These proposals are attached for your review.

Landmarks Committee's recommendations are consistent with the proposals and are as follows:

Marker #24- Located adjacent to Jay Heritage- to be preserved/protected in place by Jay Heritage.

Marker #25- Located across from Parkway Drive- to be repaired/preserved in place. Bronze plaque to be replaced.

Marker #26- Located currently at City Hall, formerly at Christ Church- repair/preserve and not reinstall in wall. Potential exhibit/display indoors at City Hall.

Since Marker #26 cannot be left outside and replaced in the church wall, we support Suzanne Clary's suggestion that the church place a plaque on the wall with history of Marker #26. We have permission to take back the replica of #26 from Starwood in Port Chester. We suggest that it be placed on Orchard Avenue with history of that stone.

Therefore, the committee recommends that repairs and preservation on Markers #25 and #26 be done by A.M. Art Conservation, LLC who did work for Scarsdale's preservation of their mile marker.

Respectfully submitted,

Rex B. Gedney, A.I.A.



A.M. ART CONSERVATION, LLC

ART CONSERVATION, PRESERVATION
AND COLLECTION MANAGEMENT
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EUGENIE MILROY

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eugenie@amartconservation.com

PROPOSAL FOR CONSERVATION TREATMENT

DATE: April 30, 2013

CLIENT: Rye Landmark Committee, Rye, New York

POINTS OF CONTACT:

- Maurio Sax, msax286135@aol.com, (914) 967-7967
- Jack Zahringer

OBJECT/ARTIFACT(S): Old Post Road Mile Markers 25 and 26

GENERAL BACKGROUND:

The three Rye mile markers were visited on April 1, 2013. Marker 26 was viewed at Rye City Hall where it is currently in storage on the floor of a storage closet. Markers 24 and 25 were examined *in situ* in their outdoor locations.

Marker 24 (pictured at right) is embedded in the stone wall that borders the remaining 23 acres of the Jay Estate at 210 Boston Post Road. This marker is currently overseen by staff at the Jay Heritage Center and is not being considered for treatment at this time. The marker exhibits most of the same condition concerns as Marker 25 and the surface is even more deteriorated. This marker should be monitored to determine if interventive treatment is warranted in the future to preserve the remaining surface carving.

Marker 25 is embedded in a low stone wall running on the new Boston Post Road across the street from Parkway Drive approximately 100 yards east of the intersection of the Old and New Boston Post Roads. (See information and images below.)

Marker 26 was first found by George Putnam and embedded in the wall of his home. Eventually he gave it to John Morehead who had it moved into the wall in front of at Christ's Church.



The history of these postal mile markers is well described in an article "Maps & Milestones" by Richard Gavitt published in the *Westchester Historian* by the Rye Historical Society in the Fall of 1972. In 1927 all three of the Rye milestones had plaques placed on their front with the following description:

This is one of the 230 markers erected on the Boston Post Road in 1763. Their locations were fixed by Benjamin Franklin, then Deputy Postmaster General, who for that purpose drove a chaise with a distance recorder over the route. Restored to this, its original position, June 1st, 1927, by the Village of Rye. Remove not the ancient landmark which thy fathers have set. (Proverbs XXII, verse 28).



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The *raison d'être* of these mile markers was to mark a specific place. However, as historical research has shown each of the markers has been moved from its original location making the decisions as to whether they should remain outside even if that results in their deterioration and ultimately, complete loss, or whether they should be removed from their outdoor context and moved inside and displayed as historical objects. These are questions for which there are no right or wrong answers. Decisions must be made based on the condition of the stones, resources (logistical and financial) and the judgments of its citizen caretakers.

The creation of a reproduction of the markers in either sandstone or a different stone or synthetic reproduction material is outside the scope of this proposal but is briefly discussed in the Wheeler report. If this is desired A.M. Art Conservation can place the Committee in touch with appropriate technicians or craftsmen to create a replica.

MILE MARKER 26

DIMENSIONS:

Approximate height: 64 cm + 7 cm iron pins

Approximate depth: 13 cm

Approximate width: 32 cm

MATERIALS: sedimentary rock, sandstone

BACKGROUND & DISCUSSION:

On July 14, 2012 Marker 26 was removed from the wall of Christ's Church and moved into storage in Town Hall. The Wheeler report details the issues in keeping this highly deteriorated stone marker outdoors. Presumably that report was written while the stone was still in the Christ's Church wall. Now that this marker has been removed from its outdoor context it is proposed to stabilize and conserve the piece for display indoors.

CONDITION:

The following information on the condition of Marker 26 is from the report submitted by George Wheeler Director of Conservation, Historic Preservation Program, Columbia University:

"The Rye mile marker is severely deteriorated in several ways. There are significant losses, advanced delaminations, including scaling, flaking and spalling¹, and moderate to severe granular disintegration. There are also traces of active and dormant biological growth."

There is no legible inscription remaining on the surface and, as described above many areas where the surface is unstable and shows movement under applied pressure.



¹ These terms describe different forms of chipping and flaking of the stone surface.



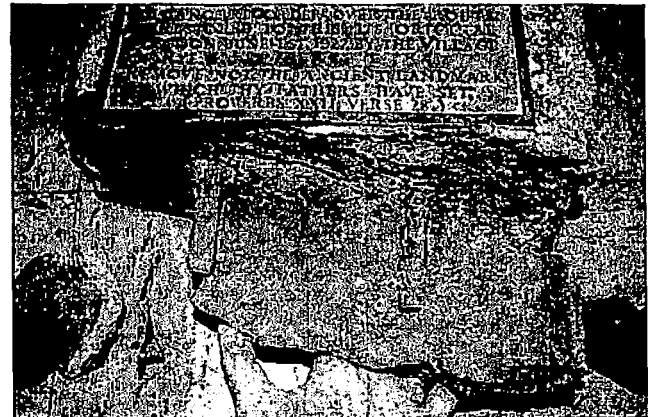
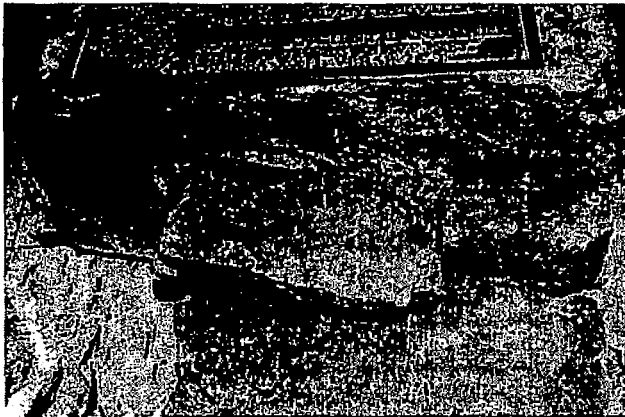
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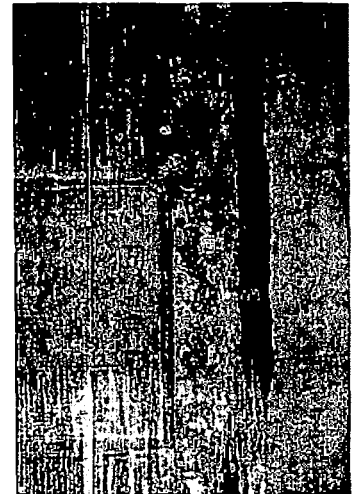
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In addition to the conditions described by Wheeler the stone was extensively damaged during its removal. The lower portion of the stone was broken into three large pieces with numerous small fragments which have been stored in a plastic shoebox next to the stone. The horizontal break occurs underneath the bronze 1927 plaque (see arrow in accompanying image). The three large pieces appear to fit around the iron pins that are now visible extending out of the bottom of the base. One piece fits in between the pins (image on left) a second piece fits underneath (image on right) and a third large piece sits on top (the piece under the arrow as seen in the image above). The iron pins show moderate corrosion which results in some expansion of the metal and may have contributed to the breakage while the marker was being removed from its outdoor location. The remaining fragments may be too small to place.



PROPOSED TREATMENT:

1. Clean: As suggested in the Wheeler report the stone, removal of dormant and biological growth (see image at right) would be removed by washing the stone with water and D/2 Biological solution, a biocide distributed by Cathedral Stone Products. This treatment may not remove all green staining but will reduce the lichen growth and some of the discoloration.
2. Consolidate: The Wheeler report recommends overall treatment with an appropriate alkoxysilane² consolidant such as Conservare OH100 (ethyl silicate). This step may not be necessary if, as currently proposed, the marker will be displayed indoors. Determination on this step would be made after full examination of the stone in the conservator's studio.
3. Stabilize, Fill & Reconstruct: The three large pieces that form the lower part of the stone will be reattached using an appropriate conservation grade adhesive (either an acrylic resin or epoxy depending on the needed strength). Any smaller fragments that can be properly placed would also be attached. However, large areas will remain that will need to be reconstructed. A combination of materials may be used including the appropriate hydraulic repair



² Alkoxysilane -

<http://camco.mfa.org/materials/record.asp?key=2170&subkey=362&Search=Search&MaterialName=Conservare+OH&submit.x=0&submit.y=0>



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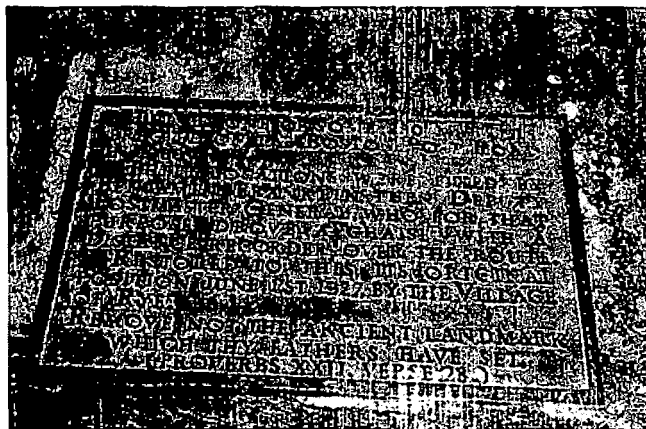
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material such as the Jahn M70 mortars from Cathedral Stoneworks as recommended in the Wheeler report.

4. **Restoration of the metal plaque:** The 1927 plaque would benefit from cleaning and preservation to enhance its aesthetics and legibility. It would be easier to treat the plaque if it could be removed from the marker but it is unclear whether this can be done safely without damage to the stone surface. Final determination on this would be made in the studio. Cleaning and restoration of the metal plaque includes the following steps:

- a. **Cleaning** – Several cleaning steps are taken to ensure that the plaques will be prepared to accept the patination and waxing chemicals.

- i. **Dry surface cleaning** – The plaque will be cleaned using a brass bristle brush to remove dirt and surface accretions as well as loosely adhered corrosion products that would interfere with treatment.



- ii. **Solvent cleaning** – Solvents and/or paint strippers may be tested for use in removing any coatings that may be present on the surface.
- iii. **Wet surface cleaning** – The surface is further cleaned using a gentle non-ionic surfactant (e.g. Orvus WA) in water.
- iv. **Rinsing** – The surface receives a final rinsing with water to remove any residues from the cleaning agent.
- v. **Surface degreasing** – The metal surfaces are swabbed with acetone solvent to remove greasy residues and stains.

- b. **Repatination** – Repatination is required to restore the plaques appearance (i.e. to tone areas of discoloration due to weathering and corrosion and restore the desired surface color).

- i. **Application of patination chemicals** – Patination chemical mixtures are chosen based on the extent of the color change that has already occurred and the desired final surface appearance. It is anticipated that the plaque would receive an ammonium sulfide treatment and the Bicentennial plaque would be treated with potassium permanganate. Most repatination is applied locally to specific areas to reintegrate their appearance (e.g. the areas of graffiti)
- ii. **Rinsing of patination chemicals** – after the patination treatment is applied it is fully rinsed with water.
- iii. **Protective wax treatment** – Anticipating that the marker will be displayed indoors it will not require a hot wax treatment to seal the surface but a Cold paste wax would be applied to protect the surface from the environment.



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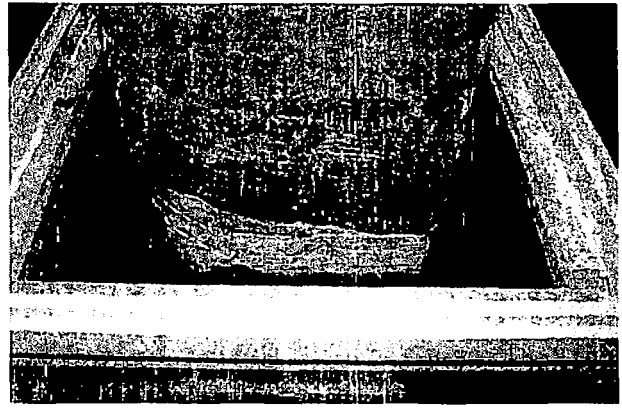
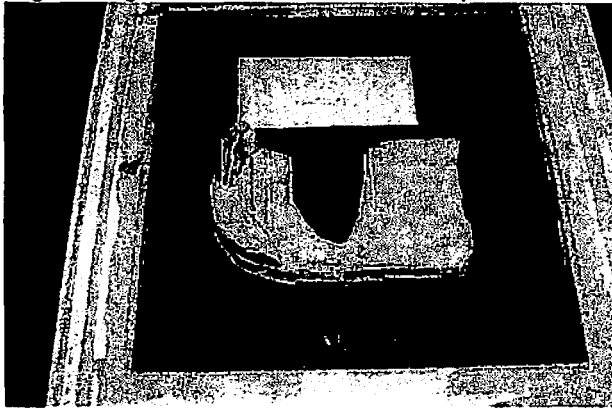
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5. Mounting & Exhibition: Work with mountmaker on mount and vitrine details. After treatment the object will be delivered to our mountmaker for mount fitting. It is expected that the stone will be sunk into a pedestal so that the upper portion (i.e. from the bottom of the plaque) will be visible, allowing the lower reconstructed section to remain hidden and help stabilize the mount. A Plexiglas vitrine is recommended to prevent the accumulation of dust, and to avoid handling. Pictured below are images of the Scarsdale mile marker in its mount on a pedestal with plexiglass vitrine, a similar design to what is recommended for Rye's marker 26.

*Left image shows wood and epoxy putty mount designed to securely hold the milestone
Right image shows the milestone in place on the mount*



The Rye City Hall lobby was given as a proposed location for the mounted marker to be displayed after treatment. The total height of the Scarsdale pedestal and vitrine is 62" with a width and depth of approximately 20.5" (see images below). There is approximately 50" of clearance underneath the John Morehead portrait hanging on the wall where a wooden bench is currently located (see image). The lower pedestal could be made shorter to fit in this location or an alternate location could be found.





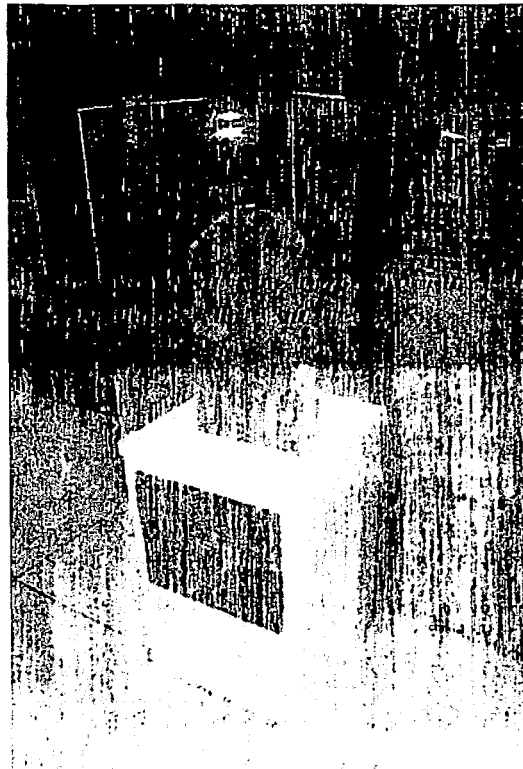
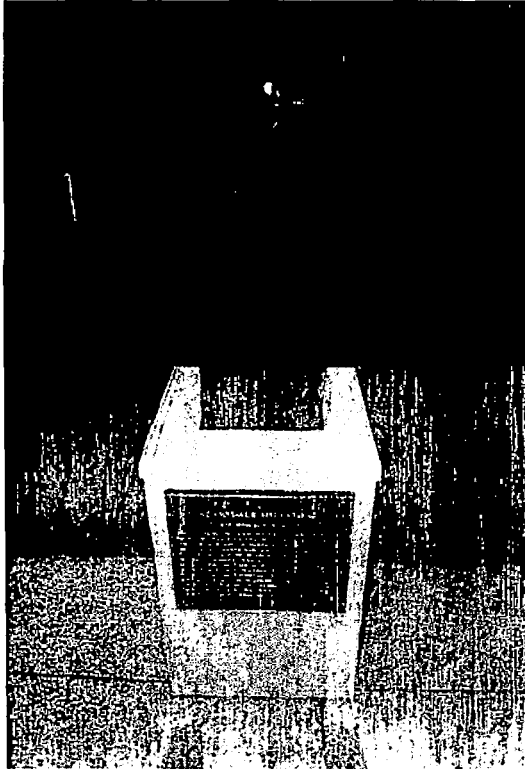
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*Left image shows the panel in place that hides the mount and the lower portion of the stone
Right image shows the final installation with the plexiglass vitrine in place*



COST ESTIMATE:

Professional Services (7 days @ \$600/day)	\$5,100
Treatment materials	\$1,000
Additional labor	\$1,000
Mountmaking (mount, plexiglass vitrine, delivery and installation)	\$1,500
Sales Tax	\$100

TOTAL

\$9,700

**The mount and vitrine costs are estimated costs and will be confirmed upon final measurements and approval of a submitted design. Costs given here are for a mount similar to that made for the Scarsdale mile marker.*



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MILE MARKER 25

DIMENSIONS:

Approximate height: 63 cm

Depth: unknown embedded in wall

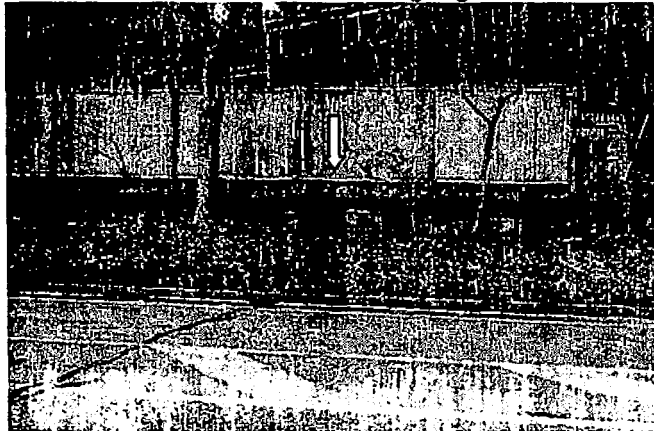
Approximate width: 32 cm

MATERIALS: sedimentary rock, sandstone

BACKGROUND:

As described above, Marker 25 is embedded in a low stone wall running on the new Boston Post Road across the street from Parkway Drive approximately 100 yards east of the intersection of the Old and New Boston Post Roads. *In situ* treatment is complicated by the marker's location on the side of a busy road with no access to electricity or running water.

Overall of Marker #25. Arrow highlights its location in the stone wall



CONDITION:

This marker is in poor structural condition typical of stone of this age in an outdoor setting. As described in the Wheeler report the milestone is similar to gravestones in that it is embedded in soil "which exposes the stone to rising damp (wicking liquid water from the soil into the stone). This wicking action can lead to deterioration by freezing water, swelling of clays in the stone, and salt crystallization."

Unlike with marker #26, part of the surface inscription reading "25 from N" is still present and legible on this stone. The inscription though is weathered and soft. The remaining part of the inscription "ew York" is no longer present as the surface of the stone in this area has sheered off.



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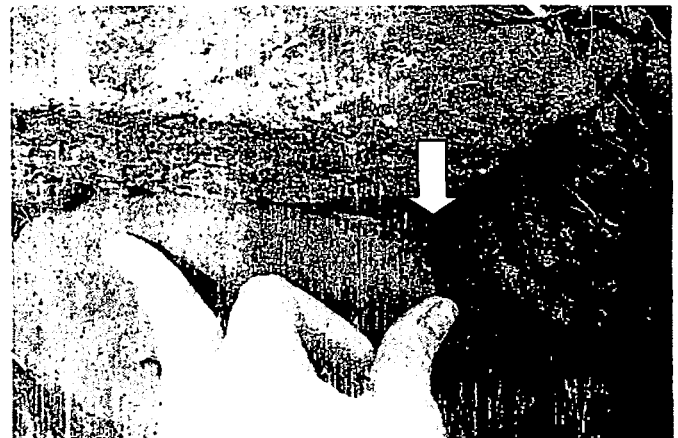
Images showing damage to surface with cracking, flaking and spalling.

Left – upper portion of the stone and Right – lower portion with major surface loss above where the metal plaque was once attached.



The metal 1927 plaque is no longer present although the fasteners remain in place. The main concern on this stone is the large crack that runs from the top of the stone all the way around on the right edge (see images below). If this crack extends further it is possible that the entire face of the stone could shear off. The crack is approx. 2 mm wide and the stone shows movement under applied pressure.

Left showing fasteners for missing 1927 plaque. Right showing crack running across top of stone.



This stone presents a preservation dilemma. If the marker remains outdoors as currently proposed it must be stabilized to prevent major losses of the surface but that will do little to prevent the eventual erosion of the inscription of the surface. It is likely however, given the condition of the stone and the example seen in marker #26 that removal of the stone from its current location for treatment and display indoors, could cause other major damage. The current treatment proposal is based on the plan for keeping the stone in its current outdoor location.



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Left image showing marker overall and right showing crack running around edge of marker



PROPOSED TREATMENT:

This marker requires some of the same treatment elements as listed above for Marker 26 but, because of its outdoor location, requires some additional care as detailed in the Wheeler report. This treatment is complicated by the marker's location on the side of a busy road with no access to electricity or running water that would be necessary for treatment.

1. Clean As is proposed, any weathered, dormant and active biological growth would be removed with water and a 10% Biocide solution (a biocide distributed by Cathartec, Inc. Florida). This treatment may not remove all green staining but will reduce some of the discoloration.
2. Preventive care The Wheeler report recommends applying a physical barrier to the lower portion of the marker that is below ground to isolate it from the soil and to prevent the ingress of water. Possible courses of action include "a physical barrier such as bitumen or bituthene and then surrounding the base of the marker with sand and gravel". Final determination of the appropriate course of action will be made on site when the extent and condition of the stone below ground can be fully determined.



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3. **Consolidate:** The Wheeler report recommends overall treatment with an appropriate alkoxysilane³ consolidant such as Conservare OH100 (ethyl silicate). This step would be appropriate given the stone's condition and the current proposal that it remains outdoors. However, final determination on the appropriateness of this step will need to be made during treatment as the marker's embedded location in the wall may make it impossible to apply the treatment evenly to the entirety of the stone.
4. **Stabilize:** Inject the mobile crack that runs from the top of the stone down the right side as well as other mobile areas with the appropriate conservation grade epoxy adhesive. Remaining gaps and breaks will be filled using a Jahn brand mortar from Cathedral Stoneworks (as recommended in the Wheeler report).

COST ESTIMATE:

Professional Services (6 days @ \$800/day)	\$4,800
Materials	\$ included
Additional labor	\$ N/A
Mountmaking	\$ N/A
Sales Tax	\$ N/A
TOTAL	\$4,800

HIGHLIGHT OF TERMS:

- Treatment of Marker 25 and 26 are each to be considered separate projects and can be contracted separated or together as desired by the committee.
- Removal of Marker 26 from its current storage location and reinstallation in its final display location will be scheduled at the convenience of the Conservators, Mountmakers, and, Rye City representatives and any other relevant parties. The other markers remain in their current locations.
- Mountmaking costs are paid directly to the Mountmaker. Mount and vitrine costs are estimated costs and will be confirmed upon final measurements and approval of a submitted design. Costs given here are for a mount similar to that made for the Scarsdale mile marker.

If this treatment proposal and estimate in its entirety meets with your approval, please sign below and return one copy of the form to the above address. 1/3rd of payment will be due upon signing and returning this contract, the remainder upon completion of treatment(s).

³ Alkoxysilane -

<http://cameo.mfa.org/materials/record.asp?key=2170&subkey=362&Search=Search%3FMaterialName=Conservare+OH&submit.x=0&submit.y=0>



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CONSERVATION TREATMENT CONTRACT

Parties: This Agreement is made on May 1, 2013, by and between A.M. Art Conservation, LLC, a Limited Liability Corporation [hereafter the "Conservator"] with office/studios located at 1 Craigsides Drive, Cold Spring NY 10516 and 1 Rectory Lane, Scarsdale NY 10583 [hereafter the "Premises"], and the individual or organization listed on the accompanying Treatment Proposal document. [hereafter the "Client"], collectively referred to as the "Parties," for the purposes of examining, evaluating, scientific investigation, testing and treating works of art and/or objects, described in detail in the Treatment Proposal document, in consideration of the mutual undertakings set forth herein and on the following terms and conditions:

Client seeks conservation services for the Objects by Conservator, including but not limited to, examination, evaluation, scientific investigation, testing and treatments of, in, on and for the Object(s), and hereby retains Conservator to provide such services for the Object(s) that are the subject of this Agreement.

Title: Client warrants and represents that [s/he or it] has legal title to the objects described above [hereafter collectively referred to as the "Object(s)"], or is the authorized agent for person(s) holding legal title to the Object(s), and the Client further warrants and represents that it has the sole and exclusive binding authority to execute this Agreement;

Professional Qualifications: A.M. Art Conservation warrants and represents that its principals are Professional Associates and members in good standing of the American Institute for Conservation of Historic and Artistic Works [AIC] and that they and their agents provide services, including but not limited to, examination, evaluation, scientific investigation, testing and treatments of, in, on and for object(s), in accordance with AIC Guidelines for Practice and adherence to the AIC *Code of Ethics*.

Services: The Conservator agrees to undertake and to perform the actions described in the Proposed Treatment section in the accompanying Treatment Proposal document on the Object(s) described therein.

The condition of the Objects at the time the Proposed Treatment plan was executed for this Agreement is based upon a visual inspection, unless otherwise specified.

Upon completion of the work performed, A.M. Art Conservation shall provide the Client documentation of the services including: written condition report(s) and digital images in either print or CD format. This documentation shall be the property of the Client.

The Client acknowledges that there are risks attendant to the services performed under this Agreement due to intrinsic characteristics of the Object(s), and prior conditions affecting the Objects, including but not limited to materials, construction, composition, latent defects, inherent vice, age, previous treatments or prior restoration, which may adversely affect the outcome and result. The Client hereby agrees to accept and assume all risks related to the Objects and the work performed by A.M. Art Conservation under this Agreement.

Fees, Expenses, Costs, and Payments: The Client agrees to pay A.M. Art Conservation all fees, expenses and costs for work performed on the Object(s) under this Agreement in accordance with the fee and payment schedule recited in the Proposed Treatment document. The fee for services is based upon a project rate that includes expenses and costs unless otherwise itemized.

Time Period: The estimated completion date for the Object(s) may be specified in the Proposed Treatment document but the Client acknowledges this time period is merely an estimate, and failure of the Conservator to comply with this time period estimate shall not constitute a material breach of this Agreement. A.M. Art Conservation shall maintain the Object(s) at one of its two studio locations, unless otherwise agreed for the period of the time that the work is performed.



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Client Acknowledgement of Work Performed: By signing the Treatment Report or Invoice the Client acknowledges in writing that A.M. Art Conservation has duly completed the work performed on the Object(s) pursuant to this Agreement. No Object(s) shall be released from the Premises to the Client until such acknowledgement is executed and payment is complete.

Insurance: The Client warrants and represents that it maintains at its cost and expense policies of insurance for casualty and loss to the Object(s) on an All Risk basis, including Earthquake and Flood, for each and every Object under this Agreement, and further represents and warrants that said policy shall remain in full force and effect for the Time Period and duration of this Agreement, including but not limited to, any period of time the Object(s) are at the Premises, and in transit, and delivery to and from the Premises, and at other locations or facilities designated by the Conservator, in the amount of the appraised value. The Client shall further provide proof in the form of a Certificate of Insurance to A.M. Art Conservation upon request. Each Certificate of Insurance shall clearly state the following: "The policy(ies) has/have been endorsed to provide for thirty (30) days advance written notice to the Conservator in the event of cancellation or material change in terms or conditions."

Packing, Shipping Freight and Transport: The Client shall be responsible for the fees, costs and charges for packing, crating, shipping, freight and transport of Object(s), and any other reasonable fees incident thereto, to and from the Premises, including all policies of insurance for the Object(s) described above unless otherwise previously agreed in writing by A.M. Art Conservation and the Client.

Premises: A.M. Art Conservation shall maintain and store the Object(s) at the Premises for the Time Period of this Agreement under conditions appropriate for storage of Object(s) of that kind. Client agrees that A.M. Art Conservation, in its sole discretion, and upon reasonable notification, may specify that certain Object(s) may be excluded from its storage obligations at its Premises because of size, volume, bulk, condition, components, inherent materials, chemical structure, or for any other reason the Conservator deems appropriate.

Notification of Work Performed: A.M. Art Conservation shall notify the Client of the date when the Object(s) are ready for retrieval. In the event that arrangements for retrieval are not executed by the Client within Sixty (60) days from notification and required payment made, Client authorizes A.M. Art Conservation the exclusive right to store the Object(s) at an off-site facility. The Client is hereby obligated to pay, any and all fees, costs, charges and penalties for such storage, including but not limited to, packing, shipping, freight, transit and insurance to, from and at such facility or location. The Client further acknowledges that any storage of the Objects under this Paragraph arranged by A.M. Art Conservation shall be only for the minimum period of time required by the storage facility and thereafter the Objects so stored shall be subject to the policies and practices, charges, costs, fees, interest, and penalties of the off-site storage facility, and subject to its rights to sell, destroy or otherwise dispose of objects or goods.

Rights to Publish and Reproduce: A.M. Art Conservation shall have the right to publish research relating to treatments or work performed under this Agreement for academic, pedagogical, promotional or other related purposes and uses, including reproduction in whole or in part, in any media or by any other means now known or later developed. Use of photographs, video, compact disks, digitized images, recordings or other reproductions of the Object(s) prior to/during/after treatment will be at A.M. Art Conservation's own expense. A.M. Art Conservation acknowledges that the Client makes no warranty or representation regarding ownership of the copyright or any other intellectual property rights in, of, or for the Object(s).

Travel: The Client agrees to pay or reimburse the Conservator for reasonable travel expenses and related costs under this Agreement, where such travel is required. The Client further agrees to pay or reimburse the Conservator for reasonable travel expenses and related costs if the Conservator is required to testify or to participate in a deposition or other legal proceeding relating to the Object(s) or the services performed under this Agreement.



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Indemnification: The Client shall indemnify, defend and hold harmless A.M. Art Conservation, its principals, agents, employees, representatives, successors and assigns from and against any and all claims, actions, litigation and liability, arising out of or relating to the Object(s) or this Agreement, including without limitation all losses, liability, damages, penalties, costs, fees and expenses, including those of attorneys, professionals, experts, witnesses and others.

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The parties have read and understood the foregoing terms and conditions and agree to them as evidenced by their signatures below. Client shall receive a fully executed duplicate of this agreement upon request.

Name:

Eugenie M. Milroy

Date: April 30, 2012

Eugenie Milroy

Title: Principal, A.M. Art Conservation, LLC

By: _____

Date: _____

Name [print]:

Title:



City of Rye **Sustainability Plan**



LETTER FROM MAYOR DOUGLAS FRENCH



Dear Rye Residents:

We are extremely fortunate in the City that we have a tradition of committed volunteers and professional staff who always come together to solve today's challenges for our future generations. That spirit has made Rye a leader along the sound shore in creating paths of progress. Today, we are pleased to present a sustainability plan for our community.



Sustainable development “meets the needs of the present without compromising the ability of future generations to meet their own needs”. The Rye Sustainability Plan outlines our shared goals and policies for sustainable development within Rye’s characteristics – and provides a guideline for enhancing and preserving those qualities. Contained within these pages are specific, achievable recommendations, aimed at improving the environmental, economic, and social health of Rye. The Plan’s focus is on five key areas:

Energy: Reduce community-wide greenhouse gas emissions, improve energy efficiency, and promote the adoption of renewable energy sources, where feasible.

Transportation: Pursue and adopt measures that will encourage more pedestrian activity, less dependence on vehicle transportation, and increase the use of energy efficient, clean modes of transport.

Waste Reduction: Encourage and support recycling and waste reduction with policies targeted at reducing waste; increasing recycling rates; increasing composting/decreasing land-filling; and increasing the use of green products.

Water/Land Use: Conserve Rye’s most precious assets –its natural, open spaces through enforcement

and enhancement of existing laws, by adopting sustainable landscaping practices, and by minimizing environmental pollution. Mitigate flooding and encourage conservation of Rye’s waterways and water supply through water saving measures.

Community Awareness/Outreach: Provide open communication between the

City and Rye residents through adoption of the Rye Sustainability Plan. Promote a lifestyle that embraces sustainability principles through educational programs sponsored by the Rye Sustainability Committee, municipal commissions/boards, and/or local civic organizations.

When local governments lead by bringing their services, land use, and infrastructure in line with sustainable principles, the concept of sustainability becomes more fully integrated into our culture. These principles achieve meaningful long-term savings for taxpayers through reduced public and private costs. The sustainability plan will empower citizens, businesses and community groups with the information and tools needed to make the best decisions. Achieving the goals will require an ongoing commitment to sustainability, demonstrated not only through public policy, but also through individual action.

Thank you to the Rye Sustainability Committee, City Departments and supporting organizations for once again, leading the way in an important initiative for our community.

Douglas French
Mayor

LETTER FROM RYE SUSTAINABILITY COMMITTEE



Rye is one of the most desirable communities in Westchester County. It is prized for its excellent school system, vibrant shopping district, and high property values. Yet Rye would not be able to sustain its value without the preservation of its natural environment. Just a few miles from Manhattan, Rye is a refuge from the bustle of New York City. It is situated in one of the most beautiful areas within Westchester, and arguably, the nation. The Rye community is blessed with a host of natural wonders: a spectacular shoreline, abundant beaches, expansive wildlife sanctuaries, and numerous parks and fields.

The real economic value of Rye City is dependent on preserving these natural and open spaces. The encroachment of man-made structures alters the composition of our community, threatening not only the environment, but also Rye's economic vitality.

Faced with a number of complex challenges, including pressures on its natural resources, increasing service demands and limited financial resources, Rye must adapt.

This is our opportunity as a community to decide whether we will tackle the difficult obstacles threatening Rye's preservation for future generations.

We are fortunate to be equipped with a committed and active volunteer base. Indeed, one of Rye's greatest assets is our community spirit and willingness to work together as a team. The Rye Sustainability Plan will act as a guide, mobilizing the community to overcome new challenges, apply new skills and create a different framework.

Sara Goddard

Chair

Rye Sustainability Committee



ACKNOWLEDGEMENTS

Completion of the Rye Sustainability Plan was a collaborative effort among many groups within the Rye community. We would like to thank those individuals for their guidance and support through this process.

Rye Sustainability Committee

- Dan Allen, AIA LEED AP
- Mimi Bateman
- Karen Bresolin
- Melissa Brown-Grieco
- Suzanne Clary
- Julie Engerran
- Sara Goddard, Chair
- Gretchen Kaye-Crowley
- Marci Raab
- Annalise Stack
- Birgit Townley
- Eleanor Militana, Assistant to the City Manager
- Loriel De Caro, Former Chair, CC/AC
- Carolyn Cunningham, Chair, CC/AC
- Tracy Stora, Member, CC/AC
- Nick Hodnett, Member, CC/AC
- Steve Cadenhead, Co-Chair, Rye Shared Roadways Committee
- Maureen Gomez, Co-Chair, Rye Shared Roadways Committee

City of Rye

- Laura Brett, City Council
- Richard Filippi, City Council
- Douglas French, Mayor
- Peter Jovanovich, City Council/Deputy Mayor
- Julie Killian, City Council
- Catherine Parker, City Council
- Joseph Sack, City Council
- Suzanna Keith, former City Council/Deputy Mayor
- Christian Miller, City Planner

Outside Organizations

Civic:

- Chamber of Commerce: Catherine Parker
- Friends of Rye Nature Center: Christine Siller, Executive Director
- Friends of Rye Nature Center: Lisa Sandler, Former President
- Friends of Rye Nature Center: Lauren Donnelly, Education Director
- EAGR: Melissa Brown-Grieco, Co-President
- Rye Garden Club: Kristina Bicher, President

- Rye Garden Club: Sarah Barringer, 2nd Vice President
- Rye Garden Club: Karen Bresolin, former Conservation Chair
- Rye Town Park: Bill Lawyer
- Jay Heritage Center: Suzanne Clary

Education:

- Rye Country Day School: Scott Nelson, Headmaster
- Milton Elementary School: Mimi Bateman, former Environmental Committee Chair
- RCSD: Kathleen Ryan, RCSD Assistant Superintendent for Business
- RCSD: Kendall Egan, Member, RCSD Board

Religious Institutions:

- Rye Presbyterian Church: Cindy Kuster
- Rye Community Synagogue: William DeLynn

Other:

- ICLEI: Eli Yewdall, Program Officer, Membership and Customer Care

THANK YOU

With sincerest gratitude, we would like to thank the following organizations for their generous donations. We also extend our utmost appreciation to Robin Brown-Friedel whose skills and talents transformed a simple text document into an attractive and readable publication.



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Strut Your Stuff!

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EXECUTIVE SUMMARY

BACKGROUND

In 2010, the Rye City Council directed three members of the City's Conservation Commission Advisory Council ("CC/AC") to study the feasibility of establishing a municipal sustainability committee. At a September 27, 2010 City Council workshop, the CC/AC members presented their findings, stressing the need for a sustainability committee and the importance of creating a Rye Sustainability Plan to incorporate the City's sustainability goals and initiatives. On October 10, 2010, the City Council passed a resolution forming the Rye Sustainability Committee ("RSC") with nine volunteer members from the community.

Members of the RSC have worked over the last two years to gather information, study best practices, collect and analyze data, and spearhead various initiatives. They have also worked closely with the Mayor, City Council members and staff to obtain information relevant for inclusion in the Plan. In addition, the RSC has organized public events to educate the community as well as gather feedback.

Rye's Sustainability Plan is the result of a collaborative city-wide effort to define a comprehensive, strategic and flexible framework for sustainability. The Plan will provide a framework for achieving critical sustainability goals while conserving Rye's existing natural beauty and robust economy. Our city's unique position as one of Westchester County's most desirable communities depends on preserving its open spaces and maintaining a beautiful shoreline without stifling economic growth. Rye's future economic prosperity relies on conserving





and sustaining its current natural resources. The City needs a comprehensive plan so that Rye will remain a sought-after community for future generations. The Rye Sustainability Plan will form the basis for achieving this goal. It will require periodic updates as Rye grows, technology changes and we reassess priorities.

In addition to the many environmental benefits of sustainable practices, one must also consider health benefits. Simple steps can be taken, such as minimizing ingestion of harmful plastics, buying organic, and limiting our exposure to chemical additives, pesticides and toxins. Larger changes, such as incorporating sustainable design, will help eliminate flooding and storm water run-off, which can contaminate drinking water. Focusing on better building practices will improve indoor air quality while reducing the health risks that are associated with pollutants and harmful chemicals.

The health benefits of sustainable practices are most relevant to children. Environmental exposures of concern for children include, but are not limited to, pesticides, lead, indoor air pollutants, solvents, formaldehyde and arsenic. These hazards are found in our everyday environments and many studies attest to their impact on the growing epidemics of asthma, developmental disorders, birth defects, leukemia, cancer and obesity.¹

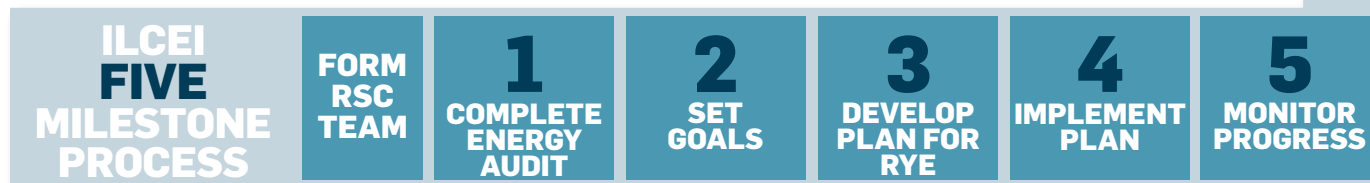
Education and awareness of the health benefits of sustainable practices, can guide us to making better choices and protecting our children from unnecessary harm. These choices can be simple, affordable and immediate.

¹ Columbia Center for Children's Environmental Health, <http://ccceh.org/our-research>
Mt Sinai Children's Environmental Health Center,
<http://www.mountsinai.org/patient-care/service-areas/children/areas-of-care/childrens-environmental-health-center/childrens-disease-and-the-environment>

EXECUTIVE SUMMARY

SUSTAINABILITY PLAN OUTLINE

The RSC relied on ICLEI – Local Governments for Sustainability’s Five Milestones for guidance in completing Rye’s Sustainability Plan. (See “ICLEI and the Five Milestones of Sustainability” Section for further explanation.) With the completion of this Plan, we have fulfilled the requirements of Milestone Three.



1. Rye’s Greenhouse Gas Emissions Inventory *(Pages 21-27)*

The first task required establishing a baseline assessment of our community. With the guidance of ICLEI experts and using ICLEI’s Clean Air and Climate Protection software, the RSC established a baseline measurement of Rye’s greenhouse gas (GHG) emissions by conducting an energy audit of all municipal, commercial and residential operations. This information was critical in helping establish goals, set initiatives and target ways to reduce emissions.

Municipal Emissions Inventory: In the selected year of 2009, Rye’s government operations generated 2,777 tonnes of CO₂ equivalent (CO₂e). The City’s buildings were the greatest contributors, emitting 50% of the total emissions. The vehicle fleet contributed 34%, streetlights and traffic signals contributed 15%, and wastewater facilities contributed 1% of government emissions.

Community Emissions Inventory: In the selected year of 2009, the City of Rye emitted 213,397 tonnes of CO₂e. Transportation use was the greatest contributor to GHG emissions at 37% of the total, followed closely by the Residential sector at 34%. The Commercial sector contributed 27%, and waste and municipal sectors each contributed 1% of the community’s total emissions.

2. Areas of Focus *(Pages 28-29)*

With the completion of Rye’s energy audit, the Rye community is now in a position to set goals and implement a plan for Rye. The Sustainability Plan groups these goals and initiatives into five sectors, each sub-divided into community and municipal sections:



- Energy
- Transportation
- Waste Reduction/Recycling/Green Products
- Water/Land Use
- Community Awareness/Education

It cannot be stressed enough that these initiatives are recommendations. Some actions have been completed, some are in progress and some are long-term goals. Over time, these initiatives may need to be revised and refined given budget constraints or changes in the needs of the community. Summaries of each sector follow.

Energy: Reduce community-wide greenhouse gas emissions, improve energy efficiency, and promote the adoption of renewable energy sources, where feasible.

Transportation: Pursue and adopt measures that will encourage more pedestrian activity, less dependence on vehicle transportation, and increase the availability and use of public transportation as well as use energy efficient, clean modes of transport. All these measures will help decrease overall emissions within Rye.



Waste Reduction: Encourage and support recycling and waste reduction by policies targeted at 1) reducing waste; 2) increasing recycling rates; 3) increasing composting and decreasing landfilling and incineration; and 4) increasing the use of green products.

Water/Land Use: Conserve Rye's most precious assets – its natural, open spaces – through enforcement and enhancement of existing laws, by adopting sustainable landscaping practices, and by minimizing environmental pollution. Mitigate flooding and encourage conservation of Rye's waterways and water supply through water saving measures.

Community Awareness/Outreach: Provide open communication between City Hall and Rye residents through adoption of the Rye Sustainability Plan and with the creation of a dedicated, comprehensive sustainability page on ryeny.gov. Promote a lifestyle that embraces sustainability principles through educational programs sponsored by the RSC, municipal commissions/boards, and/or local civic organizations.

3. Implementation and Tracking (Pages 80-85)

Selection and implementation of the numerous initiatives contained in this Plan will be a function of need, budget, timing and preference. The list of possible action items in each sector is lengthy and designed to provide an outline of feasible projects. The Implementation Tables in the Implementation Section summarize each potential item and estimate a time frame – short, medium or long term – for each initiative. Ideally, selection of action items will take into consideration the importance of each sector so that there will be an even distribution of projects among the sectors.

To ensure effective implementation, progress will be closely monitored with periodic updates. Progress reports will be released to the public about the status of initiatives included in this Plan. In addition, the RSC recommends periodic updates to the GHG emissions inventory. Comparing future GHG emissions audits with the baseline year will allow us to determine the efficacy of chosen initiatives. Based on the data gathered from these updates, the RSC will solicit feedback from City Council and the community in order to adjust goals, if needed.

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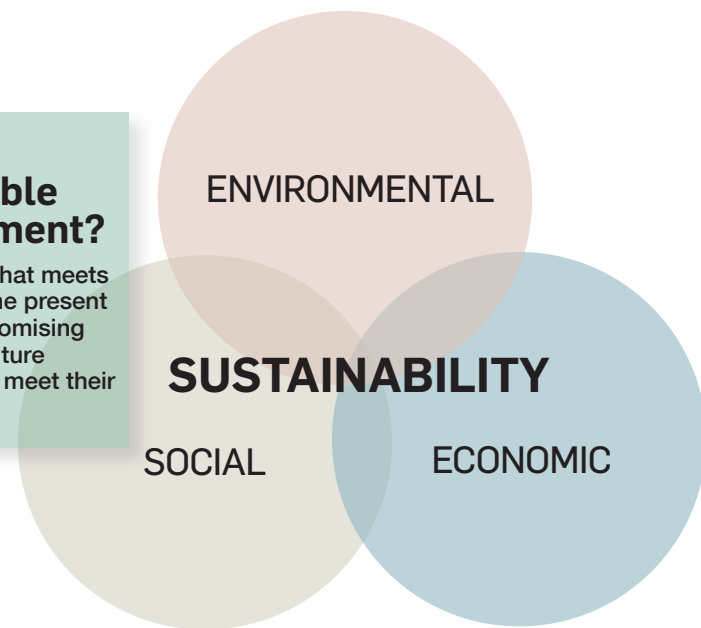
INTRODUCTION

WHAT IS SUSTAINABILITY?

Sustainable development is development that “meets the needs of the present without compromising the ability of future generations to meet their own needs.”² The sustainability plan outlines a community’s shared goals and policies for sustainable development. It embodies the critical elements of a community’s economic, social and environmental characteristics while providing a guideline for enhancing and conserving those qualities. When local governments bring their services, land use, and infrastructure in line with sustainable principles, they can achieve broad benefits for their communities.

What is Sustainable Development?

Development that meets the needs of the present without compromising the ability of future generations to meet their own needs



DEVELOPING A SUSTAINABILITY PLAN FOR RYE

1. Why Does Rye Need a Sustainability Plan?

In 2008, the Westchester County Executive released Westchester’s Action Plan for Climate Change and Sustainable Development. The plan identifies strategies to reduce green house gas emissions. It also outlines prescriptive actions for all sectors to reach emission reduction goals. Following the County’s lead, a number of communities³ within Westchester designed their own plans. By adopting and implementing a plan for this community, Rye will become an integral participant in Westchester County’s conservation efforts.

A recent study⁴ by Pace University assessed Westchester communities based on their progress in the Westchester Action Plan’s sustainability sectors: greenhouse gas emissions, energy, transportation, water resources and solid waste reduction. Rye lags behind many towns in its sustainability initiatives.

Another study⁵ by Grassroots Environmental Education and Pace University ranked towns based on their efforts to address environmental and sustainability issues. Rye’s

ranking was below average, with neighboring towns, such as Port Chester, Larchmont and Mamaroneck, ranking higher.

Rye can and must do better. We need to act now to preserve the health of future generations. By making this commitment to sustainability, Rye will also ensure its economic strength. Indeed, as many countries, regions and communities have learned, sustainable development is the key to economic development. Future prosperity will depend on using less resources and reusing what is already available.

Just as economic prosperity is a critical goal for a community’s continued health, so too are its environmental preservation and social development. These components can coexist without undermining the other, but too often, our social and environmental capital is compromised while focusing on economic progress. True prosperity requires maximizing all three.

A sustainability plan will provide a cohesive structure to house all of Rye’s current and planned initiatives. It will be organized, frequently updated and accessible for viewing via the ryeny.gov

² UN, Brundtland Commission 1987

³ Larchmont, Bedford, New Rochelle

⁴ “Climate Adaptation and Mitigation: Westchester Responds to the Changing Future”

⁵ How Green is My Town, Westchester Rankings

website. It will follow a format similar to other communities in Westchester. Most important, the Rye Sustainability Plan - created through the collaboration of all parts of the Rye community - will embody our sustainability goals.

2. Benefits from a Sustainability Plan

The RSP represents a cohesive and unified plan that reflects the community's environmental goals.

The people of Rye are already committed to preserving and enhancing their environment. A walking/biking program, leaf blower regulation, a retail shopping bag law, and no-idling enforcement, are just some of the more recent environmental initiatives.

All of these initiatives and laws face the challenge of compliance. Too often legislation is passed but a law's desired result is not achieved due to inadequate enforcement measures. Ambitious goals can also slide after the initial excitement over a new initiative wanes. Rye's plan will document all existing and anticipated sustainability goals, initiatives and laws, incorporating them into one official document. It will be a reference for the community's sustainability objectives and will include documentation of these goals.

BENEFITS OF SUSTAINABILITY

▲ QUALITY OF LIFE

Improve quality of life by promoting and enhancing Rye's natural beauty.

▲ COST REDUCTIONS

Reducing costs by implementing energy efficient, waste reduction cost saving measures.

▲ HEALTH IMPROVEMENTS

Improving our health by focusing on air quality, water and land conservation measures. Encouraging walking and biking exercise.

▲ TRAFFIC MITIGATION

Reducing traffic congestion through more walking and biking.

▲ RYE AS A ROLE MODEL

Providing a model for other communities to emulate.

▲ GREEN JOBS

Attracting new "green" businesses, thereby creating jobs and economic vitality.



INTRODUCTION

CONTEXT FOR SUSTAINABILITY

The sustainability movement grew out of worldwide concerns about the unintended social, environmental, and economic consequences of rapid growth in economies, population and consumption of natural resources.

In response to these concerns, the United Nations organized a Conference on the Human Environment in 1972. The ideas and concepts developed during this conference served as the starting point of the U.N.'s new environmental agenda. The ground breaking "Brundtland Report", which was commissioned by the U.N. and issued in 1987, offered the famous definition of Sustainable Development: "development that meets the needs of the present without compromising the ability of future generations to meet their own needs." This report called for a "Global Action Plan" for "Sustainable Development".

Following that call, 172 governments came together for an "Earth Summit in Rio de Janeiro" in 1992. The result of this mega meeting was "Agenda 21", a detailed plan for achieving Sustainable Development in the 21st Century. Sustainable Development takes into account factors relating to the economy, social equity and also the environment. Following this meeting came the first agreement among nations to mandate country-by-country reductions in greenhouse gas emissions ("the Kyoto Protocol"). This agreement was ratified by most nations in the world and went into force in 2005. It should be noted that the United States withheld its support.

In 1990, ICLEI, was formed. Its members were cities, towns and small government organizations from all over the world looking for expertise and training necessary to implement sustainable development initiatives on a local level. ICLEI USA has hundreds of members ranging from big cities, such as New York City, Chicago or Seattle, to small local government organizations, such as the City of Rye, and our neighbors, Mamaroneck and Larchmont.

Many of the key concepts of sustainable development can be found in the U.S. conservation and environmental laws and it is safe to say that these laws have

encouraged sustainability in some areas here in the United States. For instance, in 1990 Congress amended the Clean Air Act to reduce sulfur dioxide emissions from large coal-fired power plants by 50% over 10 years. The reductions were the result of a cap-and-trade program. However, apart from President Clinton's Council on Sustainable Development (PCSD), which was established in 1993 and then terminated only six years later, there has been no federal governmental organization responsible for a coordinated sustainable development policy for the United States. At present, most efforts in the field of Sustainable Development in this country are driven by local governments, business/industry, and the educational sector. Most often threats of climate change or the deterioration of ecosystems are the motivating force behind these initiatives.

Despite rapid technical innovations in the clean energy field, such as solar, biofuels, batteries and efficiencies, per capita carbon dioxide emissions in the U.S remain much



higher than typically found in other industrialized countries.

What about New York City and Westchester County?

In 2007, New York City introduced a comprehensive sustainability plan, “PlaNYC”, that was designed to make the city greener and more livable. The plan garnered praise from all over the country for its broad scope and pragmatic approach. One of its goals was a 30% reduction in greenhouse gas emissions by 2030 (from 2005 levels). In a recent update the city reported that it had already achieved a 13% reduction in greenhouse gas emissions thanks to initiatives such as stricter energy standards and more eco-friendly vehicles.

Westchester County has had a long history of environmental advocacy. Recognizing that climate change will negatively impact the county’s environment and therefore quality of life, Westchester County formed a Global Warming Task Force. This task force drew up the Westchester Action Plan, which calls for greenhouse gas reductions of 20% by 2015 and 80% by 2050 (from its 2005 base year).



ICLEI AND THE FIVE MILESTONES OF SUSTAINABILITY

Since its inception in 1990, ICLEI has grown to include over 1,200 cities in the world, more than 563 of which are in the United States. ICLEI’s mission is to build, serve, and drive a movement of local governments to advance deep reductions in greenhouse gas emissions and achieve tangible improvements in local sustainability.

ICLEI developed its Five Milestones for Sustainability to guide local governments through the process of developing a sustainability plan. The Five Milestones are defined below and illustrated in Figure 1.

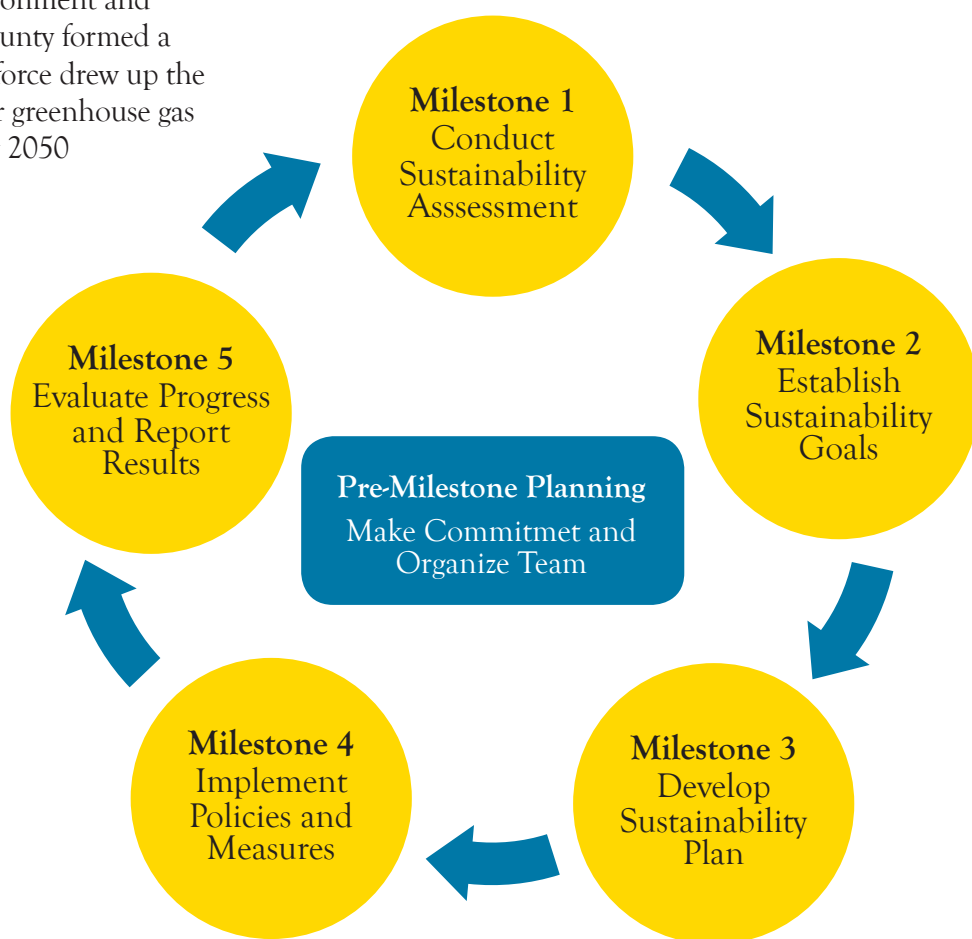


Figure 1: Five Milestones for Sustainability, ICLEI- USA

INTRODUCTION

TIMELINE/HISTORY

2008

City of Rye joins ICLEI

2009

Sustainability task force set up among CC/AC members to study feasibility of a Rye Plan

2010

June –

meetings with area sustainability committees

September –

City Council Workshop presenting findings and recommending implementation of a Rye plan

October –

Resolution passed by City Council for RSC formation



2011

March –

RSC Mayor's Forum on Sustainability

May –

Whitby Castle energy efficiency workshop with Green Home Consulting

October –

First RSC/RCDS Green Screen, featuring “Bag It”

December –

Passage of retail shopping bag ordinance

2012

March -

Completion of GHG Emissions Inventory and presentation of findings to City Council

April –

First Rye Sustainability Celebrates Earth Day

First Joint Sound Shore No Idling Day

RSC receives 2012 EPA Environmental Quality Award

May –

Retail shopping bag ordinance goes in to effect

December –

RSC Receives 2012 RNC Environmental Stewardship Award

2013

January -

First draft of RSP presented to City Council

February –

Second RSC/RCDS Green Screen, featuring “No Impact Man”

April –

Second Rye Sustainability Celebrates Earth Day in conjunction with CC/AC and the Rye Arts Center



Rye
Retail Shopping Bag Law at a Glance

**Don't wait...
Bring Your Own Bag Today!**
Effective May 7th, 2012

Law Applies to All Retail, Including: Farmers' Markets Sidewalk Sales Flea Markets Restaurants	Plastic Bags NO	Paper Bags Recycled Content All Sizes OK 40% post-consumer recycled content
Exempt: Non-Profits, residential	Product Bags* OK	Reusable Bags YES

* Product bags, made from both paper or plastic, for the sale of produce, deli meats, fish and cheese, are exempt from the ban for public health and safety reasons.

Shop Rye
Please visit ryeny.gov/rsbo.cfm to view details of the new law



GREENHOUSE GAS EMISSIONS INVENTORY



GHG EMISSIONS INVENTORY

INTRODUCTION



When the City Council established the Rye Sustainability Committee in 2010, it made a commitment to taking action on sustainability issues. The RSC's primary mission is to draft a Sustainability Plan for the City of Rye incorporating Rye's unique natural, social and economic characteristics. In consideration of ICLEI's Five Milestones process, the first step requires an analysis of the amount of greenhouse gases emitted by human activity in the City of Rye. With the assistance of ICLEI's proprietary software, the RSC was able to quantify Rye's GHG emissions and thus,

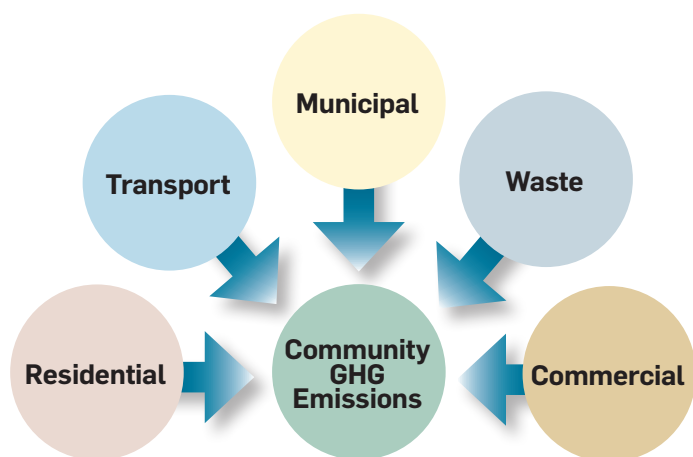
establish a baseline. The ultimate goal will be to reduce GHG emissions through government operations, provide tangible targets for reducing emissions, and inspire change throughout the community.

Presented here are estimates of GHG emissions generated by the entire Rye community, including those resulting from the City's municipal operations. This data will provide a baseline to compare future performance, enabling us to track progress in reducing emissions.

METHODOLOGY

ICLEI's Communities for Climate Protection methodology assists local governments with calculating the relative quantities of greenhouse gases produced by energy and waste-related activities. The GHG Inventory involves performing two assessments: a community assessment and a separate government assessment. The government analysis is a sub-set within the overall community analysis.

1. Sources of Information:



The year 2009 was chosen as the baseline year for the City of Rye's GHG Inventory. For the purposes of conducting the community inventory, the following data was collected from various sources:

■ Municipal:

- Electricity usage figures obtained from Con Edison and NYPA bills.
- Natural gas usage figures obtained from Con Edison bills.
- Actual figures for electricity, natural gas, fuel oil, gasoline and diesel usage were provided by the City of Rye.

■ Residential:

- Includes all residences within the 10580 zip code, excluding those residences in Harrison with 10580 zip codes.
- Electricity and gas usage figures obtained from Con Edison.
- Fuel oil and kerosene usage were estimated by calculating the ratio of the number of homes heating with fuel oil or kerosene in Rye to the total number of homes heating with fuel oil or kerosene in New York State (both figures derived from the U.S. Census American Community Survey) and applying that fraction to total New York State 2009 fuel oil or kerosene usage (as per DOE).
- Wood burning usage was estimated from the number of cords of wood burned per New York State household for households heating with wood (New York State DEC) multiplied by the actual number of Rye households heated by wood (U.S. Census American Community Survey).

GHG EMISSIONS INVENTORY

■ Commercial:

- Includes all commercial and business buildings within the 10580 zip code, not including Playland (owned and operated by Westchester County).
- Electricity and gas usage figures obtained from Con Edison.
- Fuel oil usage was estimated by calculating the ratio of Rye's population to New York State population and applying that fraction to total commercial fuel oil consumed in New York State (U.S. Energy Information Administration).

■ Waste:

- Waste emissions are based on solid waste generated by the City of Rye. Data obtained from Westchester County.

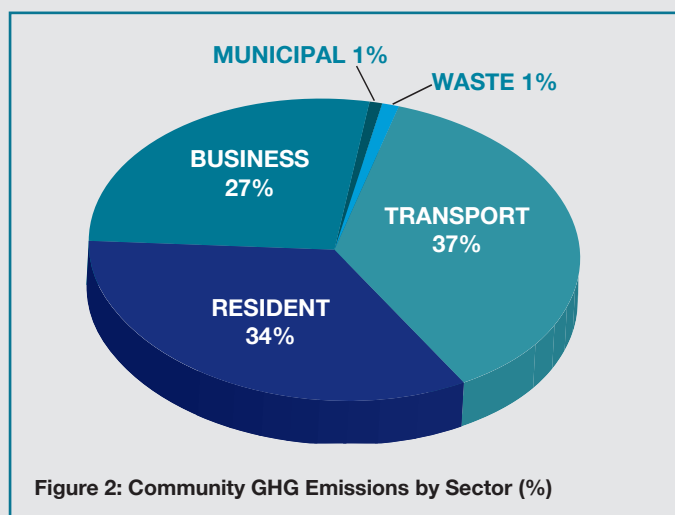
■ Transport:

- Emissions based on the total vehicular miles travelled ("VMT") in Rye. VMT was calculated by multiplying Rye's population by the national average VMT per capita. Data was obtained from the New York Metropolitan Transportation Council, in consultation with ICLEI.

COMMUNITY INVENTORY RESULTS

1. Emissions by Sector

The City of Rye emitted 213,397 tonnes of CO₂e in 2009. Transportation was the greatest contributor of greenhouse gas emissions at 37%, followed closely by the residential sector at 34%. The commercial sector contributed 27% of total emissions and the waste and municipal sectors each contributed 1%. Table 1 shows the breakdown of emissions by sector. Figure 2 shows the percentage of emissions by sector.



SECTOR	GHG EMISSIONS		ENERGY EQUIVALENT	
	TONNES CO ₂ e	%	MMBTUs	%
TRANSPORTATION	78,041	37%	975,861	35%
RESIDENTIAL	72,315	34%	1,026,361	37%
COMMERCIAL/BUSINESS	58,295	27%	688,642	25%
MUNICIPAL	2,777	1%	33,896	1%
WASTE	1,969	1%	56,255	2%
TOTAL	213,397	100%	2,781,015	100%

Table 1: 2009 Total Rye GHG Emissions by Sector

The Clean Air and Climate Protection (CACP) software developed by ICLEI was used to convert total energy use into GHG emissions using coefficients according to the type of fuel used. Emissions are thus reported in terms of carbon dioxide equivalents, or CO₂e. For example, methane traps heat 21 times more effectively than CO₂. Therefore, a ton of methane emissions is quantified as 21 tons of CO₂e. This allows for the comparison of different greenhouse gases in equivalent terms. The emissions coefficients and methodology employed by the CACP software are consistent with international inventory standards established by the Intergovernmental Panel on Climate Change and the U.S. Voluntary Greenhouse Gas Reporting Guidelines.



Tons vs Tonnes

A ton ("short ton") is the unit of weight used almost exclusively in the US. It is 2,000 lbs.

A tonne is the related unit of weight, also called a "metric ton". It is 1,000 kg.

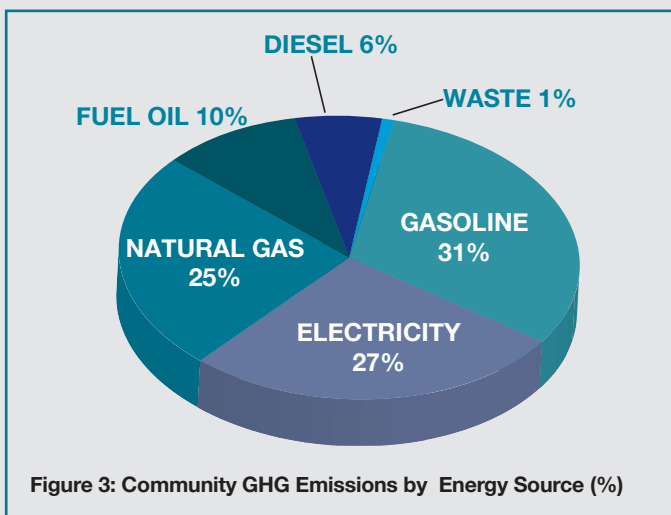
Source: Answers.com

The CACP software is used by over 500 U.S. cities, towns and counties as a starting point for reducing their GHG emissions. However, we should stress that while the CACP software is a sophisticated and useful tool, calculating emissions from energy use with precision

is very difficult. The model depends upon numerous assumptions and it is limited by the quantity and quality of available data. The quantity of emissions generated by the model is an approximation of reality, rather than an exact value. While understanding that the model cannot deliver a precise accounting of a community's emissions, it nevertheless is an important tool for establishing a baseline. From this baseline, it will be possible to track progress by conducting future inventories.

2. Community Emissions by Energy Source

Table 2 shows the breakdown of community emissions by energy source. Gasoline accounts for the largest emissions source, at 31%, followed by electricity (27%), natural gas (25%), and fuel oil (10%). Diesel, waste, kerosene and wood energy sources represented less than 10% of the total. Figure 3 shows the percentage of community emissions by energy source.



SOURCE	GHG EMISSIONS		ENERGY EQUIVALENT	
	TONNES CO ₂ e	%	MMBTUs	%
GASOLINE	65,826	31%	824,575	30%
ELECTRICITY	57,606	27%	556,655	20%
NATURAL GAS	53,763	25%	916,853	33%
FUEL OIL	20,727	10%	255,601	9%
DIESEL	13,143	6%	162,832	6%
WASTE	1,969	1%	56,255	2%
KEROSENE	328	0%	4,091	0%
WOOD	35	0%	4,153	0%
TOTAL	213,397	100%	2,781,015	100%

Table 2: 2009 Total Rye GHG Emissions by Energy Source

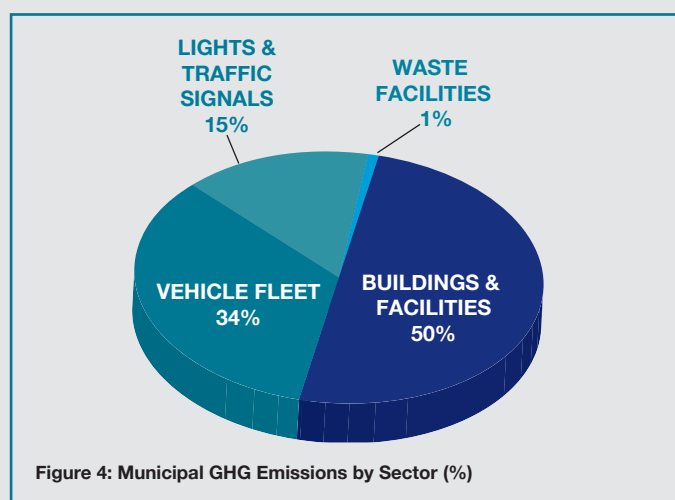
GHG EMISSIONS INVENTORY

MUNICIPAL INVENTORY RESULTS

Government operations emissions in Rye constitute about 1.3 % of the City's total emissions. Local government emissions typically fall between 2 to 5 percent of overall community emissions. As a minor contributor to total emissions, actions to reduce municipal energy use may have a limited impact on Rye's overall community emissions levels. However, municipal action has symbolic value and demonstrates leadership that extends beyond the magnitude of emissions actually reduced.

1. Municipal GHG Emissions by Sector

In 2009, the government of the City of Rye emitted 2,777 metric tons of CO₂e. Buildings and facilities contributed the greatest portion of emissions at 50% of the total. The vehicle fleet accounted for the second largest amount at 34%. Streetlights and traffic signals contributed 15% of total emissions, followed by wastewater facilities at 1%. Table 3 shows the breakdown of municipal emissions by sector. Figure 4 shows the percentage of municipal emissions by sector.



SECTOR	GHG EMISSIONS		ENERGY EQUIVALENT	
	TONNES CO2e	%	MMBTUs	%
BUILDINGS & FACILITIES	1,388	50%	17,845	53%
VEHICLE FLEET	926	34%	11,546	34%
STREETLIGHTS & TRAFFIC SIGNALS	423	15%	4,086	12%
WASTEWATER FACILITIES	40	1%	419	1%
TOTAL	2,777	100%	33,896	100%

Table 3: 2009 Municipal GHG Emissions by Sector

GREENHOUSE GAS EMISSIONS FORECAST

Based on the community and government operations emissions inventories developed for Rye for the base year 2009, our next step was to forecast future emissions generated in our community. The emissions forecast represents a business-as-usual prediction of how GHG emissions may change in our community over time.

Assuming a projected 2% growth rate (based on forecasted GDP annual growth rates),⁶ Figure 6 shows the increase in community GHG emissions over 20 years under a business-as-usual forecast.

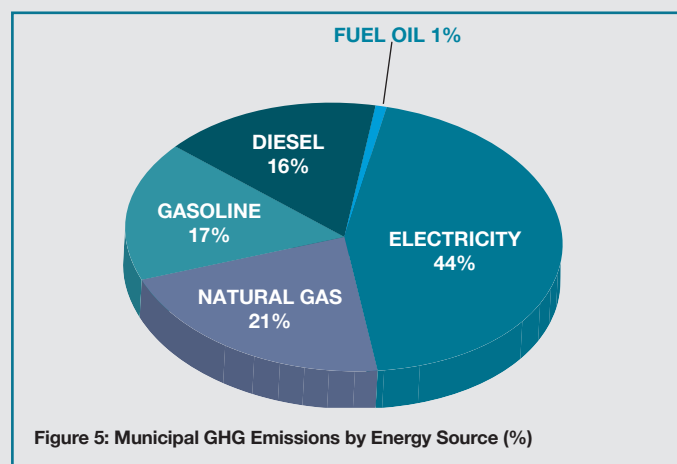
The City of Rye's GHG Emissions Inventory was undertaken to establish a baseline, but also to identify challenges and areas for improvement. We now have data that can be used to prioritize programs, pinpoint opportunities and track progress. Streamlining programs reduces costs, while improving efficiency.

In accordance with ICLEI methodology, we recommend that the City of Rye conduct periodic GHG emissions audits to assess the efficacy of established reduction measures. The 2009 inventory will provide a starting

⁶ Conference Board Outlook for U.S. GDP, 2013 - 2025, <http://www.conference-board.org/data/globaloutlook.cfm>

2. Municipal GHG Emissions by Energy Source

Table 4 shows the breakdown of municipal emissions by energy source. Electricity accounts for the largest emissions source, at 44%, followed by natural gas (22%), gasoline (17%), and diesel (16%). Fuel oil as an energy source represented about 1% of the total. Figure 5 shows the percentage of municipal emissions by energy source.

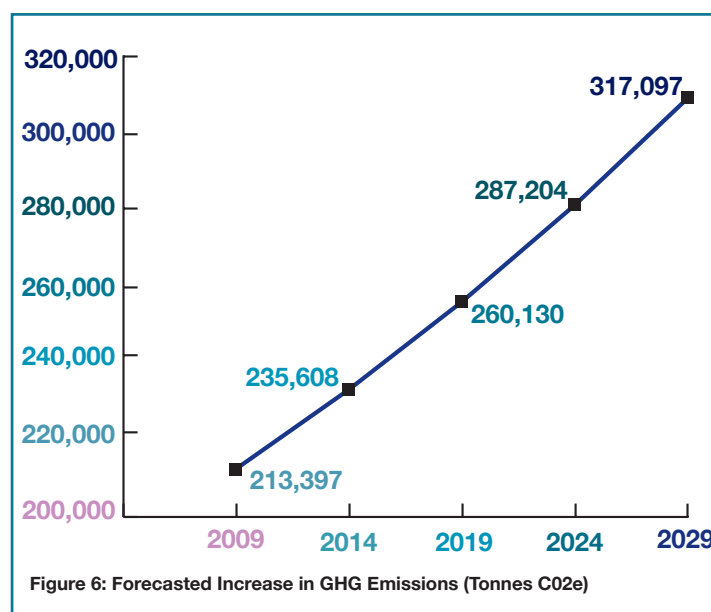


SOURCE	GHG EMISSIONS		ENERGY EQUIVALENT	
	TONNES CO ₂ e	%	MMBTUs	%
ELECTRICITY	1,229	44%	11,880	35%
NATURAL GAS	594	22%	10,123	30%
GASOLINE	483	17%	6,048	18%
DIESEL	444	16%	5,498	16%
FUEL OIL	27	1%	347	1%
TOTAL	2,777	100%	33,896	100%

Table 4: 2009 Municipal GHG Emissions by Energy Source

point for comparing the success of these measures, highlighting those programs that demonstrate a quantifiable reduction, while revealing those that may not be as effective. Tracking progress in this way will allow us, over time, to customize and target specific reduction measures based on quantifiable results.

The Areas of Focus section will outline programs – new and existing – in key sectors. The goal is to create a set of initiatives that will improve efficiency by reducing emissions, waste and costs for the community.





AREAS OF FOCUS

OUTLINE

The action plan contained in this section is based on a number of factors, including:

- the results of Rye's GHG Emissions Inventory;
- the Draft Sustainability Plan Outline prepared by the RSC for City Council;
- an assessment of current community activity;
- guidance from ICLEI's on-line resources, including their sustainability plan template; and
- a reliance on best practices through the review of numerous municipal sustainability and climate action plans.

There are numerous action items in each category, intended to provide a menu of options. Some are short-term initiatives, requiring minimal effort and cost,

while others will require more financial involvement and a longer timeframe for completion. The Implementation and Tracking Section contains a table for tracking progress, and outlines the various initiatives, detailing anticipated timeframes.

Each of the following five sectors includes an explanation of the goal to provide background information, a description of current accomplishments, and details of the various initiatives. Although a number of these measures have been completed or are in process, the initiatives contained herein are meant to be fluid. They will be modified as priorities, budget, and preferences change. Periodic updates to Rye's GHG Emissions Inventory will also have an impact on which action item takes precedence over others.



ENERGY



Reduce community-wide greenhouse gas emissions, improve energy efficiency, and promote the adoption of renewable energy sources, where feasible.

SUMMARY

The debate over “global warming” has been tossed back and forth for decades with warnings and dismissals. In the aftermath of Hurricane Sandy, the stakes may be even higher. Following the devastation wrought by Sandy in 2012, New York City’s mayor at the time, Michael Bloomberg, stated simply:

“Our climate is changing. And while the increase in extreme weather we have experienced in New York City and around the world may or may not be the result of it, the risk that it may be – given the devastation it is wreaking – should be enough to compel all elected leaders to take immediate action.”

Between 1906 and 2005, temperatures have risen by 0.74 Celsius worldwide according to data collected by the International Panel of Climate Change (IPCC). While such a change appears modest, eleven of the twelve years from 1995 to 2006 ranked among the warmest years since temperature measurements began in 1850. The greatest temperature changes are being recorded in or around the Arctic Circle. The consequences of this rise in temperature may well have massive consequences for sea levels, the atmosphere and our lives.

There is overwhelming evidence to suggest that climate change is largely due to human activities.⁷ The increasing consumption of fossil fuels on one hand, and massive global deforestation on the other hand, have led to a rapid increase of greenhouse gases over the last 200 years. For example, according to the EPA (U.S. Greenhouse Gas Inventory Report) in 2010, U.S. greenhouse gas emissions totaled 6,821.8 million metric tons CO₂ equivalent. This represents a 10.5% increase over 1990 levels.

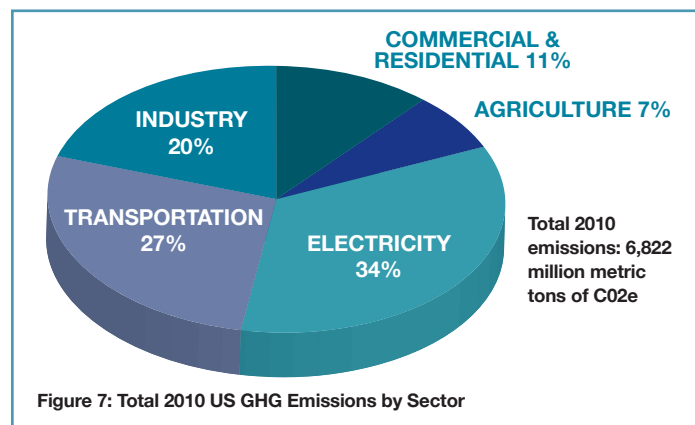
Global warming has been evidenced by significant reductions in glaciers and polar ice levels and accompanying rising sea levels. It also may be linked to increasingly erratic weather that has produced major storms and changing rain patterns, causing record



droughts in some areas and floods in others. In 2011, FEMA declared a record 99 weather related disasters around the United States; evidence that climate change has become a new reality – costly both in economic and public health terms.⁸

Some greenhouse gases in our atmosphere occur naturally and help control the Earth’s temperature. Solar energy arrives in the form of sunlight. While land and water absorb most of this energy, the rest is reflected back into space. As the earth’s surface cools, it gives up energy in the form of infrared radiation. Some of this energy and radiation is absorbed by greenhouse gases in the atmosphere, making the atmosphere warmer. As the atmosphere warms, the Earth’s surface (biosphere) also becomes warmer. The more GHG concentrations in the atmosphere rise, the more heat is trapped and the warmer the Earth becomes.

⁷ IPCC (2007). Summary for Policymakers. In: Climate Change 2007: The Physical Science Basis . Contribution of Working Group I to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change [Solomon, S., D. Qin, M. Manning, Z. Chen, M. Marquis, K.B. Averyt, M. Tignor and H.L. Miller (eds.)]. Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA.
⁸ Source of data: Boden, T.A., G. Marland, and R.J. Andres (2010). Global, Regional, and National Fossil-Fuel CO₂ Emissions. CO₂ Information Analysis Center, Oak Ridge National Laboratory, U.S. Department of Energy, Oak Ridge, Tenn., U.S.A. doi 10.3334/CDIAC/00001_V2010.



last forty years. Another country that has emerged as a leader in green technology is Germany. Renewable energy, such as wind and solar energy, now represents about 25% of Germany's total energy production. Germany is pushing to develop its renewable energy sector so that it can cover 35% of its total energy needs from renewable sources by 2020. And this share is projected to reach a staggering 80% by 2050! ¹⁰

In order to reverse the recent trend of global warming, the City of Rye needs to find ways to reduce the amount of greenhouse gases released into the atmosphere. This can be done through developing and relying more on clean energy sources, making homes and businesses more energy efficient, and improving industrial practices.

Here in the U.S., California has been an environmental trendsetter, spearheading numerous initiatives, including the introduction in 2012 of its instate cap-and-trade program. According to environmental writer, David Biello, by setting limits on carbon dioxide emissions generated by power and industrial sectors, the state is hoping to reach its goal of reducing GHG emissions to 1990 levels by 2020 and to cut them 80% by 2050. ¹¹ Emissions allowances are allotted to polluters, and companies whose emissions exceed their allocations must either obtain extra allowances or buy credits from projects that cut GHG emissions.

GHG emissions increase significantly when we burn coal and natural gas to produce the electricity needed to cover our daily energy needs. The burning of fossil fuels is the largest single source of GHG emissions. We need energy to operate our factories to turn raw material into goods and we need energy to heat our residential and municipal buildings and light our streets. Due to economic expansion, global energy use has almost doubled during the last 40 years. ⁹ Changes in the level of economic output and fuel prices are all factors that affect the consumption of fossil fuels.

Two startling examples of countries that have worked hard to reduce their reliance on fossil fuels are Denmark and Germany. In 1973, Denmark was almost entirely dependent on foreign oil sources. Through a combination of taxation and incentives, Denmark has managed to become energy independent over the

⁹ International Energy Agency, 2012 Key World Energy Statistics.

¹⁰ German Federal Ministry for the Environment, Nature Conservation and Nuclear Safety, General Information Renewable Energy, August 2012.

¹¹ Yale Environment 360: Building Retrofits: Tapping the Energy-Saving Potential, by David Biello

ENERGY

According to an IPCC Special Energy report on renewable energy, approximately 80% of the world's energy supply could be met through renewable energy by 2050. Renewable energy includes bio-energy, direct solar energy, geothermal energy, hydropower, ocean energy and wind energy. This assumes local government support of the development of renewable energy sources through public policy measures. This in turn could amount to a global GHG savings equivalent to 220 - 560 Gigatonnes of carbon dioxide between 2010 and 2050. All this could be a step towards the goal of stemming the increase in global temperature to below two degrees Celsius.

In the United States, we consume 40% of the world's

ENERGY STAR: The EPA introduced ENERGY STAR as a voluntary labeling program to identify and promote energy-efficient products, new homes, commercial and industrial buildings, and design projects for commercial buildings. The program provides businesses and organizations with easy-to-use online tools and resources to help establish energy benchmarks in commercial and industrial buildings.

energy by operating residential and commercial buildings. Retrofitting existing buildings is a cost-efficient way to decrease this energy use. Biello predicts that retrofitting efforts will increase thanks to mounting concerns about GHG emissions and their

impact on the global climate. Innovations in solar thermal and geothermal technologies will further contribute to increased energy efficiencies of buildings.

Scientists are developing technologies that allow for ways to capture carbon dioxide from power plants and factories and store the carbon dioxide in underground caverns. The Energy Star program was developed by the EPA to promote the production and use of energy efficient appliances.



COMMUNITY ACCOMPLISHMENTS

★ The City of Rye **joined ICLEI – Local Governments for Sustainability**, in 2008, demonstrating its commitment to sustainability.

★ The RSC has performed a comprehensive **greenhouse gas audit** of all municipal, residential and commercial facilities based on 2009 data.

★ All replacement traffic signals now include more **energy efficient LED lights**. Where possible, unnecessary and unwarranted traffic signals are being removed. In addition to using electricity and adding to annual operating and maintenance expenses, unwarranted signals

cause unnecessary traffic delays and queuing, which contribute to CO₂ emissions.

★ Following a successful education campaign by Environmental Advocates of Rye (EAGR), the City Council passed a **leaf-blower law** in 2008 to help lessen the spread of airborne particulates that can aggravate respiratory diseases, and reduce potential emissions such as

GEOHERMAL ENERGY:

Thermal energy contained in the earth; can be used directly to supply heat or can be converted to mechanical or electrical energy.

ozone, carbon monoxide, nitrogen oxides and hydrocarbons.

★ In May of 2010, **Rye's Church of the Resurrection School** installed a 24.6 kilowatt **solar energy system**. The school is the first non-residential institution in the City of Rye to install a solar energy system. Mercury Solar Systems designed and installed the system and helped the school secure a grant from NYSEDA, which financed the majority of the project cost.

★ **Jay Heritage** installed an energy-efficient **geothermal heating**, ventilation, and air conditioning system partially financed by federal funds.



ACTION STEPS

1. Reduction in Greenhouse Gas Emissions

Consider committing to the reduction of municipal greenhouse gases by a targeted amount by a specified date. Publicize the City's commitment to GHG reductions to encourage similar commitments from our residential and commercial sectors.

2. Energy Efficiency Retrofits of Municipal Facilities

There are numerous retrofits that can be performed, some more costly and time consuming than others. Selection will depend on budget considerations and prioritization of action items.

- 2.1.** When upgrading or renovating buildings, consider energy efficient practices, such as the installation of: "low flow" plumbing fixtures; automatic sensors on hand basins; upgraded heating and cooling systems; insulation; and windows with newer, more energy efficient models.
- 2.2.** Whenever an incandescent "Exit" sign is replaced, consider replacing with the LED version.
- 2.3.** Evaluate and update heating controls, where necessary. Evaluate changes in building operations and house keeping practices that would conserve energy, such as setting workday thermostats to 68° in winter and 74° in summer (adjusting 8 – 15° when facilities are closed).
- 2.4.** Implement an energy tracking and management system for municipal buildings. For example, new, inexpensive sensors can be placed on air ducts, boilers, chillers, computer rooms, lights, thermostats, water pipes, and other critical infrastructure, providing essential data and allowing optimization of energy efficiency.
- 2.5.** Develop "cool roofs" on municipal properties, and encourage them on commercial and residential properties. Consider a green roof for future parking garage projects.
- 2.6.** Implement and promote a "green purchasing" policy where, when possible, the City will purchase new equipment and appliances that are Energy Star compliant.
- 2.7.** Install computer shut-down (optimization) software on computers.
- 2.8.** The City can encourage the retrofit of green building technologies for commercial and residential buildings by sharing its expertise through the publication of information pamphlets/guides.

CFLs vs LEDs

CFLs: burn relatively cool, producing about 70 percent less heat than standard bulbs. Concern over the fact that these bulbs contain mercury, causing an environmental and health hazard if broken.

LEDs: Operational life of current white LED lamps is 100,000 hours (vs 5,000 for incandescent bulbs). This is 11 years of continuous operation. Using LEDs would virtually eliminate the need for routine bulb replacement. The real strength of LED lighting is its reduced power consumption. A LED circuit can approach 80% efficiency, meaning that 80% of the electrical energy is converted to light energy. An incandescent bulb operates at about 20% efficiency. This alone generates a significant cost savings since LEDs can be used for a decade without burning out.

3. Energy Efficient Upgrades and Retrofits of Lighting

While the upfront costs can be significant, upgrading and retrofitting municipal lighting can reduce costs in the long term by increasing energy efficiency and decreasing the City's carbon footprint.

- 3.1.** When upgrading street, sidewalk and traffic lighting, consider replacing them with state-of-the-art energy efficient lighting.
- 3.2.** Retrofit municipal lighting fixtures and/or replace lamps with CFLs or LED technology (or better, as technology advances).



ENERGY



- 3.3.** Where necessary, install lighting occupancy sensors in all municipal buildings.
- 3.4.** Decrease average daily time for street lighting operation.
- 3.5.** Institute a “lights out at night when not in use” policy in municipal buildings.
- 3.6.** Replace municipal holiday/decorative lighting with energy efficient lighting, such as LEDs.

4. Green Building Practices

Adopting green building practices through new legislation, education programs, and incentives can have a significant impact on the environment while increasing energy efficiency and decreasing long-term costs.

- 4.1.** Conduct a study of municipal and county green building codes. Consider the applicability of adopting measures for the City, such as: revising building/energy codes to support green building targets; providing incentives for LEED certified construction/renovation projects; and/or encouraging all new residential dwellings to comply with the current NY ENERGY STAR labeled home requirements.
- 4.2.** Consider drafting legislation requiring that every new residence sold or transferred must obtain a Home Energy Rating (HER). A HER is a measurement of a home’s energy efficiency and can be used to determine the relative efficiency of a specific residence.
- 4.3.** Provide a system of recognition for new construction that exceeds minimum standards for energy conservation.
- 4.4.** Make training programs on green building/energy code procedures and financing available to City staff.
- 4.5.** Include exceptions in the building codes for experimental architectural and energy innovations (beyond current codes and established practices) made by architects and engineers seeking to advance building performance.
- 4.6.** Institute an accelerated processing service for projects that demonstrate a higher energy efficiency and/or LEED standard than required by the City code.
- 4.7.** Consider the requirement of owner contracted third party inspections to certify all construction meets local and statewide energy codes.

LEED (Leadership in Energy and Environmental Design): an ecology-oriented building certification program run under the auspices of the U.S. Green Building Council (USGBC). LEED concentrates its efforts on improving performance across five key areas of environmental and human health: energy efficiency, indoor environmental quality, materials selection, sustainable site development and water savings.

5. Renewable Energy

- 5.1.** Investigate the feasibility of installing solar photovoltaics (panels, shingles, siding, glass) on municipal facilities.
- 5.2.** Investigate the feasibility of installing solar hot water systems in municipal facilities. Solar thermal collectors installed on building roofs can help reduce the cost of making hot water by approximately 50-75%.
- 5.3.** Promote community commitment to renewable energy, green building and energy efficiency through various education programs. Provide information to the community about how to access existing energy efficiency and renewable energy funding.

TRANSPORTATION

all part of Westchester County's Clean Air Program

Runnin' on Vegetable Oil™



Pursue and adopt measures that will encourage more pedestrian activity, less dependence on vehicle transportation, and increase the use of energy efficient, clean modes of transport. All these measures will help decrease overall emissions within Rye.

TRANSPORTATION

SUMMARY

A primary obstacle to achieving sustainability is reliance on cars and single occupancy vehicles. According to the EPA, greenhouse gas emissions from transportation accounted for about 27% of total U.S. emissions in 2010, making it the second largest contributor of U.S. greenhouse gas emissions after electricity (See, Figure 7: Total U.S. GHG Emissions by Economic Sector on page 33).¹² GHG emissions from transportation have been on the rise due to increased consumer travel and lack of fuel efficiency improvements. As shown in Figure 8,¹³ GHG emissions from transportation have increased by approximately 19% since 1990. Our country's reliance on personal automobile transport has broader implications beyond GHG emissions. It is a contributing factor to our nation's health problems and it has made us a nation beholden to the fluctuating supply of foreign oil.

In 2012, recognizing the need to halt the increase in GHG emissions from transportation, the Obama Administration announced new standards that would increase fuel economy to the equivalent of 54.5 mpg for cars and light-duty trucks by 2025. It is anticipated that, when combined with previous standards set by the Administration, this policy will nearly double vehicles' fuel efficiency. The Obama Administration estimates total cost savings to consumers from these new standards of more than \$1.7 trillion at the gas pump and could reduce U.S. oil consumption by 12 billion barrels. Commenting on the new agreement, President Obama remarked,

"These fuel standards represent the single most important step we've ever taken to reduce our dependence on foreign oil ... They build on the progress we've already made to save families money at the pump and cut our oil consumption. By the middle of the next decade our cars will get nearly 55 miles per gallon, almost double what they get today. It'll strengthen our nation's energy security, it's good for middle class families and it will help create an economy built to last."

In addition to improving fuel efficiency standards, we must reduce our dependency on cars as the dominant mode of transportation. While personal automobile travel will remain the preferred choice, travel efficiency measures such as commuter, biking, and pedestrian programs will help curtail the increase in GHG emissions. There are a variety of federal and state programs designed to encourage communities to expand transportation choices beyond the personal car. Bike paths, multi-use trails, and improved pedestrian connections are being developed across the country with the assistance of federal and state funding.

According to the GHG Emissions Inventory for 2009, the transportation sector in Rye was the greatest contributor of GHG emissions, estimated at 37% of total Rye emissions. Cars, trucks and SUVs emit



¹² EPA, <http://www.epa.gov/climatechange/ghgemissions/sources/transportation.html>

¹³ EPA, <http://www.epa.gov/climatechange/ghgemissions/sources/transportation.html>

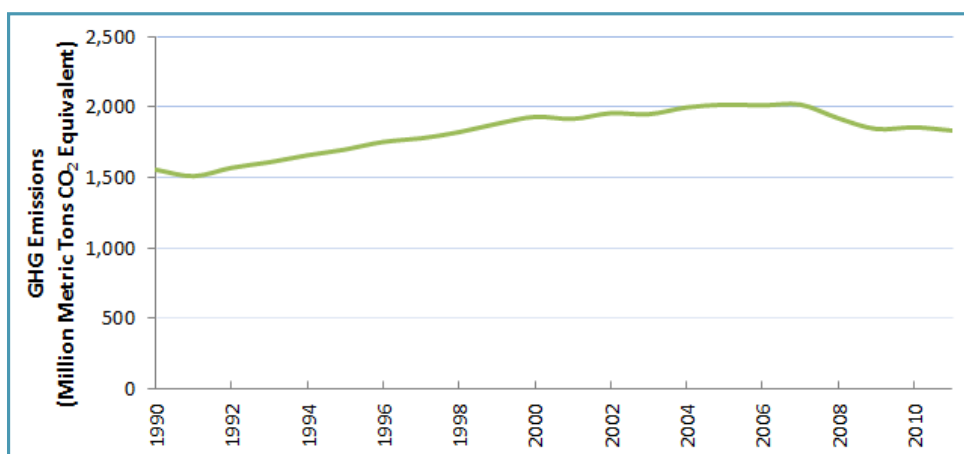


Figure 8: GHG Emissions from Transportation

AQI (Air Quality Index):

EPA calculates the AQI for five major air pollutants regulated by the Clean Air Act:

1. ground-level ozone
2. particulate matter
3. carbon monoxide
4. sulfur dioxide
5. nitrogen dioxide

For each of these pollutants, the EPA has established national air quality standards to protect public health. Ground-level ozone and airborne particles are the two pollutants that pose the greatest threat to human health in this country.



harmful pollutants, compromising the quality of the air we breathe while contributing to a variety of respiratory health problems. Although Westchester County's AQI has declined in recent years, it has had one of the higher readings for New York State, ranking ninth out of 61 N.Y. counties with the highest AQI.¹⁴

There are a number of ways to reduce emissions from transportation vehicles in Rye. One of the easiest solutions is to simply leave the car at home and walk or bike. Unlike many suburbs, Rye is a pedestrian friendly city where access to schools, shopping and residences is all within a short distance. A safe environment with sidewalks and bicycle lanes makes Rye a community where residents could easily reduce driving time in favor of pedestrian activity. Other options are to reinstitute modes of public transportation (buses to train stations, schools), choose smaller, more fuel-efficient models when purchasing a new vehicle, and car pooling.

While personal automobile travel will remain a popular and preferred method of travel, reducing the amount of time in a vehicle can have a significant impact on reducing GHG emissions. It is also the single largest contribution that every individual can make to decrease harmful air pollutants. It is a simple choice that can yield positive benefits for the community and beyond.

¹⁴ USA.com Ranking, <http://www.usa.com/rank/new-york-state--air-quality-index--county-rank.htm?hl=Westchester&hlst=NY>

TRANSPORTATION

COMMUNITY ACCOMPLISHMENTS

★ Established in 2010, the **Pedestrian Safety and Biking Master Planning Committee** reviews and assesses Rye's current transportation system.

★ The city implemented a **bicycle and pedestrian infrastructure plan**, which included the introduction of sharrows lanes on Forest Avenue. The project was funded by a \$20,000 national YMCA grant. In addition, the Traffic and Pedestrian Safety Commission has incorporated visual improvements at the intersection of Forest Avenue and Manursing Way.

★ The City has joined with the YMCA and Safe Routes to School to participate in a series of **initiatives to raise awareness of pedestrian safety**. These include, the installation of Stop signs at strategic locations to allow pedestrian traffic, and the widening of the Old Post Road Bridge.



★ To **promote biking and walking**, the City has increased the number of bicycle racks in Rye's main shopping district.

★ All three Elementary Schools have established a **Walking School Bus Program** to support children walking to school.

★ The first **Joint Sound Shore No-Idling Day** on April 23, 2012 among Rye, Larchmont and Mamaroneck helped raise awareness about the harmful environmental effects of unnecessary idling with a number of activities/events:

- A declaration of Sound Shore No-Idling Day by City Council;
- Police news release about enforcement of the existing no-idling law and the rationale for the law;
- Educational activities for the participating schools;
- Vests purchased for the school traffic guards displaying the



message, "No Idling";

- A new "No Idling" sign erected at the Rye Free Reading Room parking lot; and
- Media coverage of the day and its message.

★ The City uses three **hybrid vehicles** and five police **bicycles** for parking enforcement.

SUSTAINABILITY *in our* GOVERNMENT



Rye Shared Roadways Committee (RSRC)

The RSRC was formed in 2010 for the purpose of evaluating, recommending and prioritizing ways for Rye City to become a safer and more enjoyable walking and biking community. RSRC accomplishments include:

- A comprehensive report providing a prioritized list of projects to implement when funding opportunities became available;
- Approval for the East Coast Greenway route through Rye; and
- Completion of the Forest Avenue sharrows pilot project.



TRANSPORTATION



Tips for Improving Air Quality

What can I do to reduce air pollution and thereby improve air quality? You, as an individual, can do a number of things, such as:

- Conserve energy
- Drive less, ride your bike or walk
- Carpool
- Make sure your car is well-tuned
- Take care not to spill gasoline when filling the tank of your car, lawn mower or recreation equipment

Source: WestchesterGov.com



ACTION STEPS

1. Municipal

While the City of Rye has demonstrated a commitment to traffic and pedestrian safety and has recognized the importance of reducing vehicle pollution, additional measures will establish the City as a leader in promoting climate-healthy practices. The following suggested action items could help reduce emissions by 1) encouraging less reliance on individual vehicle transportation; 2) shifting to more fuel-efficient vehicles; and 3) switching to fuels that emit less pollution.

- 1.1.** Purchase low sulfur biodiesel for use in Rye's municipal fleet. Using biodiesel reduces pollution, is more energy efficient, and can be purchased at a discount. No conversion of Rye's existing diesel fleet is necessary.
- 1.2.** Encourage car-pooling, van-pooling, and mass transit use by municipal employees.
- 1.3.** Provide municipal employees with public transport travel passes. Provide cycle facilities (showers, lockers, bike racks) for municipal employees.
- 1.4.** When purchasing new municipal vehicles, consider purchasing fuel efficient, smaller, or hybrid vehicles.
- 1.5.** Offer incentives to municipal employees for driving fuel-efficient vehicles, such as preferred parking spaces or reduced parking fees at municipal parking lots.
- 1.6.** Enforce Westchester County's anti-idling laws for City owned vehicles (excluding emergency vehicles).
- 1.7.** Consider the inclusion of a small shuttle bus or trolley route from the Rye train station to Harrison train station, which would provide additional public transportation and provide easy access to the Jay Estate, Rye Nature Center and Marshlands Conservancy as well as other Rye sites of natural and historic value.

2. Community-Focused Initiatives

The community has instituted a number of initiatives, referenced in the Accomplishments Section above, that are designed to encourage walking and biking. The City, assisted by the RSC, and/or other relevant municipal committees, could institute any or all of the following community based initiatives designed to increase pedestrian activity and decrease pollution.

- 2.1.** Infrastructure improvements targeted at enhancing pedestrian activity. Improvements could include:
 - 2.1.1.** repairing sidewalks;
 - 2.1.2.** increasing the miles of sidewalks;
 - 2.1.3.** constructing curb extensions and other safety enhancements at intersections;
 - 2.1.4.** constructing ramps for strollers, wheelchairs; and/or
 - 2.1.5.** creating pedestrian-friendly outdoor areas, which include, landscaping and benches.
- 2.2.** Infrastructure improvements targeted at enhancing biking activity. Improvements could include:
 - 2.2.1.** increasing miles of bicycle lanes, paths;
 - 2.2.2.** adding bike route signing; and/or
 - 2.2.3.** adding more bike racks in central Rye and at the train station.

TRANSPORTATION

ACTION STEPS

- 2.3.** Provide electric plug-in stations with dedicated parking at the train station.
- 2.4.** Offer incentives for driving fuel-efficient vehicles, such as preferred parking spaces or reduced parking fees at municipal parking lots.
- 2.5.** Encourage more reliance on walking and biking, by raising parking prices and/or extending the hours of operation in public parking lots.
- 2.6.** Step up enforcement of existing no-idling laws, including enforcement of residential vehicles, local transit buses and school buses.
- 2.7.** Create an education program or programs, in conjunction with the RSC, Safe Routes to School Committee, and other relevant civic organizations, to encourage more pedestrian activity for school children and their caregivers by promoting the health benefits of walking or biking to school.
- 2.8.** Encourage car-pooling to school by creating an awareness program in the schools.
- 2.9.** Continue partnerships with neighboring communities to advocate for greater enforcement of no-idling laws and promote walk to school programs.



SUSTAINABILITY *in our* COMMUNITY



Jay Heritage Center (JHC)

Successful JHC initiatives include:

- Westchester Cycling Club's Independence Day Ride, hosted by JHC every July for the past ten years with over 100 cyclists of every ability and age in participation. It is part of the JHC mission to encourage use of green transportation and healthy recreation.
- Assisting EAGR with including language on invasive trees in the Rye Tree ordinance based on best practices research.
- Becoming a member of NYDEC's Lower Hudson Partnership for Regional Invasive Species Management (PRISM) documenting the location of invasive species in Rye. JHC has hosted the first IMapInvasives program of its kind in Westchester, training volunteers to map invasive plants, including multiflora rose, honeysuckle, wineberry, garlic mustard and mugwort as well as invasive Ailanthus and Norway maple trees using GPS technology and their smart phones.
- "Our Footprints Matter" program, a component of every JHC school group tour. The program focuses on introducing students and teachers to sustainable habits in daily routines based on the model of the Jay House. Middle school classes of 150 students per session from Rye, Port Chester, Rye Neck and New Rochelle have participated in this program each year through a grant funded by Con Edison.
- Annual Sustainable Landscape Symposium at JHC in concert with The Cultural Landscape Foundation. Past events have featured nationally known conservation and native tree experts, including Tom Wessels, and landscape architect, Thomas Woltz.
- Annual JHC Horticulture Lunch, which features a different sustainable topic and speaker each year.
- Being designated a National Public Lands Day site with volunteers removing invasive plants at the Jay Estate.
- Deer Management Study and Plan - Habitat and landscape conservation is a sound component of any municipal sustainability plan. Administrators from the City of Rye in conjunction with NYDEC, Westchester County Parks and Conservation and the Jay Heritage Center recognized in 2013 that a strategy for studying and managing Rye's growing deer population was a priority but must be tailored to fit the size and specific needs of our community. Using New York State's Deer Management Plan as a reference resource and with input from neighboring towns and other programs like the Deer Alliance of Fairfield County, the City of Rye hopes to first gather extensive data about deer densities in Rye and their range of movement before taking any action to manage herd sizes.



WASTE REDUCTION & RECYCLING



Encourage and support recycling and waste reduction by implementing policies targeted at 1) reducing waste; 2) increasing recycling rates; 3) increasing composting and decreasing landfilling and incineration; and 4) increasing the use of green products.

WASTE REDUCTION & RECYCLING

SUMMARY

The waste sector contributes a small amount (approximately 1%) of GHG emissions in Rye. Although a small percentage in Rye, the proliferation of waste in our region, state and nation is still accumulating at alarming levels. Americans lead the industrialized world in waste generation, producing on average 4.5 pounds per person per day of waste. New York has approximately 30 landfills accepting around six million tons per year of waste from across the state.¹⁵ Although there has been a slight reduction in the rate of growth in recent years, the amount of Municipal Solid Waste (MSW) has increased steadily nationwide since 1960.¹⁶ Of that, only 30% of MSW generated is recycled annually.¹⁷

The build-up of excess waste causes a multitude of environmental problems, most notably the pollution of soil and groundwater from contaminated landfills. Chemicals, hazardous materials, and numerous toxic products – medicines, paints, insecticides, batteries – are frequently included in the waste stream, threatening the safety of our air, water and possibly, the food we eat. In

addition, decomposing landfill waste produces methane gas, a significant contributor to GHG emissions. Aside from the environmental implications, disposing of solid waste is a costly business, with increased costs to municipalities in trucking and disposal fees.

The solution – to reduce waste at the source – is tremendously effective and simply a matter of changing ingrained habits. Recycling, including composting, is also effective in diverting waste away from landfills and helping reduce GHG emissions. In 2000, for example, recycling resulted in an annual energy savings of at least 660 trillion BTUs, which equals the amount of energy used in six million households annually.¹⁸

The good news is that there are numerous simple, low cost, but effective ways to stem the build-up of waste. Following the principles of reduce, reuse and recycle, it is possible to make significant improvements in waste reduction with minimal disruption to daily life. The challenge is to mobilize community support through education and awareness initiatives, while setting an example for change within City Hall.

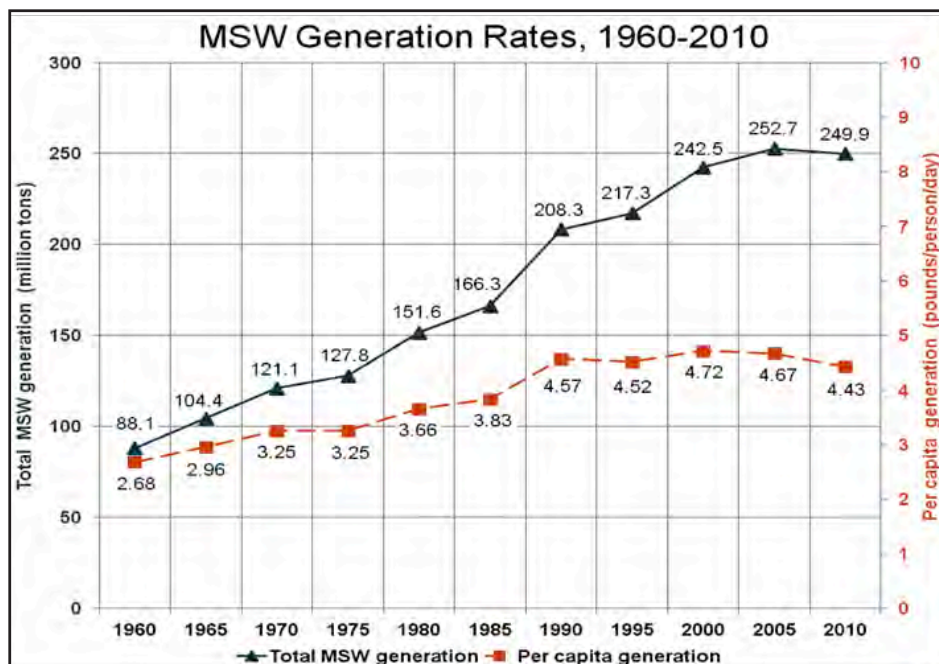


Figure 9: MSN Generation Rates

Source: EPS.gov

Benefits of Reducing Waste

The benefits from waste reduction, reuse, recycling and composting efforts include:

- energy savings
- pollution reduction
- reducing the ultimate volume of waste requiring disposal in landfills and Waste-to-Energy facilities
- fostering an environmental ethic among citizens
- increased carbon sequestration
- conservation of natural resources

Source: NYDEC

¹⁵ NYDEC Recycling and Composting Page, <http://www.dec.ny.gov/chemical/294.html>

¹⁶ EPA Region 7 Solid Waste Page, http://www.epa.gov/region7/waste/solidwaste/reduce_waste.htm

¹⁷ EPA Clean Energy Page, <http://www.epa.gov/cleanenergy/energy-and-you/affect/municipal-sw.html>

¹⁸ EPA Region 4: Resource Conservation Challenge Page: <http://epa.gov/region4/recycle/faqs.htm>

COMMUNITY ACCOMPLISHMENTS

★ In 2011, the City of Rye was the first municipality in Westchester County to pass a **retail shopping bag law**, banning all plastic shopping bags distributed at the point of sale. It has since become a model for other Westchester communities.

★ The City of Rye was Westchester County's 2011 **top municipal recycler** with a 32% curbside recycling rate.

★ The City actively advertises **County-wide material collection days** for residents' hazardous waste.

★ The DPW has purchased two **solar powered public trash compactors** ("Big Bellies"), which are in use on Purchase Street.

★ The City and/or its contractors **recycle asphalt millings** from municipal paving and roadway projects.



WASTE REDUCTION & RECYCLING

ACTION STEPS

1. Municipal

As a leader in recycling and waste reduction, the City can set an example for the community by promoting best practices and continuing its waste reduction efforts. Any or all of the following action steps could be implemented to further reduce waste while cutting costs.

- 1.1.** Promote Rye's recycling record, using its reputation to encourage continued recycling programs and to set more aggressive goals/targets.
- 1.2.** Increase the number of recycling bins throughout Rye. Consider purchasing more solar powered public trash compactors ("Big Bellies").
- 1.3.** Institute a municipal office waste management system targeted at reducing excess waste of paper, supplies and bottled water, while cutting costs.
- 1.4.** Evaluate municipal purchasing policies of cleaning products to identify areas where green products can be used. Use products that release only low volatile organic compounds (VOCs) to reduce air pollution.
- 1.5.** When undertaking a painting project, use low VOC paint.
- 1.6.** Institute an educational program to encourage restaurants and residences to recycle grease waste. The program would demonstrate the financial benefits of this type of recycling and explain how collected grease can be refined into biodiesel fuel.
- 1.7.** Consider implementing an awareness campaign about the harmful environmental effects of specified harmful chemicals. Examples could include aerosols, floor polish, VOC paint, chemical paint strippers, toxic chemical products or pesticides. Identify one hazardous chemical product currently used in municipal facilities, identify the dangers posed by using this product, and make a commitment to reducing or eliminating use of the chemical. Offer environmentally preferable alternatives to the chemical version. Publicize the City's decision, encouraging Rye residents to follow City Hall's lead.
- 1.8.** Provide information on the ryeny.gov site regarding County/State recycling laws, composting education programs, green products, environmentally preferred local vendors, and other relevant information pertaining to waste reduction.

2. Community-Focused Initiatives

The following community-based initiatives are targeted at educating the public about the environmental consequences of excessive waste, while highlighting the cost benefits of reducing waste. The RSC would take an active role in initiating a number of the educational campaigns listed below.

- 2.1.** In conjunction with the RSC and local civic organizations, organize periodic Zero Waste Days, similar to those organized by neighboring communities, including the Town of North Castle. On the specified day, residents would drop off their unwanted items – household furniture, clothing, e-waste, used bikes, scrap metals - at a designated location for donation or recycling.
- 2.2.** In conjunction with the RSC and relevant civic organizations, implement an awareness program to encourage deconstruction of buildings and homes for donation to green deconstruction organizations.
- 2.3.** In conjunction with the local schools and civic organizations, such as the Rye Garden Club, Rye Nature Center, and Little Garden Club, establish/continue volunteer programs to pick up litter in public places.
- 2.4.** Consider adopting some or all of the recommendations contained in the 2012 Rye City



Finance Committee report on the Sanitation Department. Consider a Pay as you Throw Program to encourage recycling, home composting and to reduce costs.

- 2.5.** Consider developing an annual community award program for recycling and reduction of waste.
- 2.6.** Promote community composting through education and awareness programs. Emphasize the benefits of composting as a method for decreasing waste while reducing waste collection costs.
- 2.7.** Expanding on the RSC's reusable bag campaign, initiate an education campaign to encourage the community to reduce its consumption of single-use disposables – bottled water, plastic bags, styrofoam containers - and offer solutions for using more durable products.

WASTE REDUCTION & RECYCLING

SUSTAINABILITY *in our* COMMUNITY

Rye Chamber of Commerce



The Rye Chamber of Commerce has supported many initiatives over the years that have focused on environmental sustainability. In 2008, we advocated for recycling bins to be purchased for our downtown shopping district. With that purchase of twenty bins, and the addition in 2012 of a solar-powered Big Belly trash compacter, Rye has a recycling rate of 70% of all trash, which is among the top rates within Westchester County.

At the start of 2011, the Chamber of Commerce, in partnership with the Rye Sustainability Committee, began the process of opening dialogue within the business community to discuss the pros and cons of a ban on plastic shopping bags. By November, the business community was firmly endorsing the move, and in June 2012, the law prohibiting most plastic shopping bags went into effect, making Rye's law the first of its kind in Westchester County.



SUSTAINABILITY *in our* COMMUNITY

The Rye Chamber of Commerce also sponsored a "Ride or Walk to Work Day" in 2011 and 2012 to encourage the business community to leave their gas guzzlers at home. Given that spring has been a little late in arriving for 2013, we expect this program to be continued later in the year. Additionally, the Chamber has organized several clean up days over the years to be good environmentalists and neighbors.

For the last six years, The Farmers' Market has been sponsored by the Rye Chamber of Commerce. A Farmers' Market encourages reducing the carbon footprint by bringing locally farmed produce to the community and is enjoyed by many in and around Rye.

Lastly, our Rye business community has many individual businesses which have taken steps to be more environmentally sensitive. Many have replaced old fluorescent lighting with new LED lights. We even have one business whose mission is resale of previously owned clothing and items. Talk about reduce, reuse, recycle - it hits the mark!



WATER/ LAND USE



Conserve Rye's most precious asset – its natural, open spaces – through enforcement and enhancement of existing laws, by adopting sustainable landscaping practices, and by minimizing environmental pollution. Mitigate flooding and encourage conservation of Rye's waterways and water supply through water saving measures.

WATER/LAND USE

SUMMARY



Preserving Rye's open spaces is of critical importance. Land is the source of natural and renewable resources but we - as residents, business owners, and public officials - depend on its sustained value as a real asset. The natural beauty of Rye is a source of economic strength, attracting new homeowners and businesses, while increasing property values for all.

Maintaining a clean supply of water is self-evident, but the Rye community has a special responsibility to protect its waterways, wetlands and water bodies. The City is situated within one of Westchester County's six watershed areas and is located on one of the County's two estuaries, Long Island Sound. In addition to its designation as an Estuary of

Non-Point Source Pollution

Non-point source pollution is polluted stormwater runoff containing sediment, fertilizers and pesticides, petroleum, heavy metals, and wastewater from failing septic systems. These pollutants are often carried by runoff to streams, rivers, and Long Island Sound. They are a serious problem that can only be kept under control by changes in the way we use the land and how we maintain our homes and automobiles.

Source: WestchesterGov.com

National Significance, the County has deemed Long Island Sound a critical environmental area. Containing stormwater run-off from non-point source pollution is of utmost importance to the preservation of the surrounding area's wildlife, aquatic life and human health. Stormwater has been

identified by the EPA as a major contributor of pollution to water sources and flooding.

While Rye remains an attractive community for its residents, it is also a popular destination for visitors, who enjoy the parks, beaches and wildlife preserves. As such, Rye's economy is dependent on preserving the health of Long Island Sound, shoreline and open spaces.

COMMUNITY ACCOMPLISHMENTS

★ Rye City's municipal committee, the **Conservation Commission Advisory Council CC/AC**, advises City Council on the regulation, use, improvement, and maintenance of conservation facilities and programs. It also advises the City Planning Commission on the impact of proposed construction on any existing wetlands.

★ The City established a **Flood Committee** to advise City Council and assist the City in the implementation of the City's flood mitigation plan.

★ The first phase of the City's flood mitigation plan, the **Bowman Avenue Spillway Sluice** gate, was installed in 2013. The sluice gate will

regulate upstream water flow to help flood mitigation efforts.

★ The Rye Golf Club applies **green lawn practices** for the property by making its own compost tea fertilizer for the golf course.

★ The City hosts a **weekly farmers' market** every Sunday from November through May.

★ The Green Team of the Rye Community Synagogue has established a **Community Sponsored Agriculture (CSA) program in Rye**, offering organic produce from a local farm.

★ Local civic organizations help **educate the community about land and water** use through a variety of programs:

- The Rye Nature Center has produced an educational video on storm water management.
- The Rye Garden Club's conservation committee has implemented a number of educational programs for Rye students; provides conservation tips and information with its Green Space column in the Rye Record; and educates its members on conservation by organizing conservation - related trips/meetings.
- EAGR has promoted green landscaping practices and advocated for an update to the City's tree ordinance.
- ★ In April 2013, the RSC participated in the **Rye Arts Center, Rye Rocks Earth Day** event, promoting healthy landscaping practices, composting, and Leave Leaves Alone initiatives.



WATER/LAND USE

ACTION STEPS

1. Municipal

Given the devastating flooding caused by the increasing trend in powerful storms in our area, a substantive and comprehensive flood/storm water management program is essential. The City has taken first steps but more can be done to mitigate future risk. In addition, the City can set an example for the community by undertaking conservation efforts to reduce excessive water use and promote healthy landscaping practices.

- 1.1.** Implement a storm water management program and update the storm water laws, where necessary. Work with neighboring communities to achieve an integrated plan.
- 1.2.** Expand on the City's use of sustainable landscaping practices by committing to pesticide-free or pesticide-reduced, organic landscaping of public property. Investigate ways to create an integrated pest control management (IPM) plan for all City open spaces which would rely on pesticide-free practices for controlling pests. Promote the City's commitment to sustainable grounds maintenance by providing relevant information about the City's green practices on the City's website.
- 1.3.** When replacing toilets in municipal buildings, consider installing high efficiency models and/or waterless urinals, which will result in saving thousands of gallons of water per year.
- 1.4.** To restrict water flow, consider replacing the aerators on faucets, an inexpensive retrofit that conserves water and reduces costs. When replacing faucets in municipal buildings, consider installing water efficient models with sensors.
- 1.5.** Conduct a study of land preservation zoning laws in neighboring communities to assess whether Rye's current laws are at the forefront and designed to preserve Rye's open spaces. Enforce the current zoning laws to discourage excessive paving of non-permeable surfaces and encourage tree planting.
- 1.6.** Review current City landscaping practices to reduce the need for excessive irrigation, pesticides and/or gas powered maintenance equipment. Low maintenance landscaping, including weather-controlled irrigation systems, will reduce labor and material costs while benefiting the environment.
- 1.7.** Review the current tree permitting/conservation codes to determine whether they need to be updated.
- 1.8.** In conjunction with encouraging tree planting and preservation on private property, launch a campaign for soliciting private donations to a City tree fund.
- 1.9.** Plant shade trees in and around parking lots and government buildings to reduce energy required to heat and cool buildings.
- 1.10.** Consider the use of green roofs, rain barrels, underground cisterns for City properties to reduce run-off.

Green vs Gray Infrastructure

Gray Infrastructure: the system of pipes and ditches that channel storm water.

Green Infrastructure: harnessing the natural processes of trees and other vegetation to carry out the functions of built systems. Examples include:

- Bio-swales
- Rain gardens/cisterns
- Phytoremediation
- Green roofs
- Permeable pavements

Green infrastructure has been shown to be cheaper than Gray.

Source: e360.Yale.edu

Hurricane Sandy- 2012



WATER/LAND USE



2. Community-Focused Initiatives

- 2.1.** In conjunction with the RSC and local environmental organizations, including garden clubs, EAGR, and the Rye Nature Center, initiate an awareness campaign to educate homeowners about the harmful effects of pesticide/fertilizer use on lawns, while offering natural, safe alternatives.
- 2.2.** In conjunction with the RSC and local civic organizations, initiate an education campaign to promote tree planting on private property, emphasizing the benefits of trees for reducing flooding and absorbing carbon emissions, while increasing home property values. Some of the elements of the campaign could include:
 - 2.2.1.** Conducting a City tree inventory;
 - 2.2.2.** Developing an awards program for owners of significant trees;
 - 2.2.3.** Compiling a list of City-certified or approved arborists; or
 - 2.2.4.** Providing tree maintenance tips for private tree owners.
- 2.3.** Encourage businesses and residents to use sustainable drainage techniques, such as rain barrels, rain gardens, bioswales and green roofs to reduce storm water runoff.
- 2.4.** In conjunction with the RSC and local civic organizations, initiate an education campaign on composting, highlighting the benefits of composting for healthy lawn maintenance, while identifying the cost reductions that arise from decreases in lawn/household waste.
- 2.5.** In conjunction with the RSC, local civic organizations and neighboring municipal environmental committees, launch a Leave Leaves Alone Initiative to educate the community about the financial and environmental benefits of leaf mulching-in-place programs. Provide information via the Rye City website, and/or informational pamphlets, workshops, on how residents can save time and money by shredding and leaving leaves on their lawns, and how the municipality can reduce trucking costs.

SUSTAINABILITY *in our* GOVERNMENT



Conservation Commission/Advisory Council

The CC/AC manages the City's conservation facilities and programs. It undertakes the following activities:

- Assists in the administration of environmental regulatory activities;
- Provides educational materials related to environmental issues;
- Inventories its natural resources;
- Retains professional consultants, when necessary;
- Provides public services by fostering citizen involvement in local and regional environmental issues.

The CC/AC fosters and encourages public participation in recycling, administration of the municipality's tree ordinance, keeps residents informed about environmental issues and assists the Friends of the Rye Nature Center in fulfilling its mission.

WATER/LAND USE

SUSTAINABILITY *in our* COMMUNITY



Environmental Advocacy Group of Rye (EAGR)



Since its formation in 2007, EAGR has become a grassroots force. Its mission is to identify areas of environmental concern that impact the citizens of Rye. It advocates through education and awareness campaigns, utilizing the services and full force of government and ordinances, the people of Rye, as well as other involved partner organizations.

EAGR believes that the protection of our local natural resources and environmental landscape ensures a healthier and safer community. This improves quality of life, and preserves the intrinsic character of our town for all residents.

Successful EAGR campaigns to date include:

- Conducting a community-based environmental forum showcasing a myriad of local speakers and stakeholders in January 2008.
- Passage of a seasonal leaf-blower ban ordinance.
- Aiding in the installation of recycling units in downtown Rye.
- Conducting an awareness campaign on the dangers of lawn pesticides.
- Holding a 'Candidate's Forum' in 2009 to discuss local candidates' positions on environmental and other issues.
- Publishing "*Six Easy & Inexpensive Steps the Homeowner Can Take to Help Reduce Flooding*".
- Mitigating invasive vine proliferation along Playland Parkway.
- Encouraging the observation of Earth Hour 2010.
- Producing and distributing a '*Green Homes Tips*' tri-fold brochure.
- Advocating for an improved and strengthened City-wide tree ordinance.

SUSTAINABILITY *in our* COMMUNITY

Friends of Rye Nature Center (FRNC)

The FRNC is a non-profit organization devoted to environmental education, conservation, and advocacy in Rye and its surrounding communities. In addition to managing and operating the RNC, the City of Rye's 47-acre forest and wildlife sanctuary, the FRNC provides environmental programs and nature interpretation to over 12,000 visitors annually. The FRNC has direct partnerships with both Rye City and other local school districts to provide yearly nature and science study tours for elementary and middle school students.



Additional initiatives include:

- **Forest Conservation.** In 2006, the FRNC worked with the DEC to create a Forestry Stewardship Plan to serve as a blueprint for managing the City's 47 acres. In 2011, the FRNC began Project Regeneration, a long-term conservation endeavor made possible through a grant from Con Edison. The first phase of this project included enclosing four acres of woodland at the RNC with a fence system to protect and preserve it from over browsing deer. In the spring of 2013, new natives were planted in this area and a model forest walk was created with interpretative signage to educate visitors about forest regeneration.
- **Storm Water Management.** The FRNC has taken several steps to educate Rye residents about best practices for storm water management. Through a grant from the Westchester Community Foundation, the FRNC created an educational video, *Flood Control: What You Can Do*. In addition, the FRNC is in the process of finishing a rain garden and green roof demonstration on site to show visitors what they can do to control storm water.
- **Decreasing Nature Deficit in Children.** In 2009, the first phase of *Nature's Playground* was begun on site with plans to complete the final phase in spring 2013. In addition, the FRNC has collaborated with the Inner-City Scholarship Fund to bring kids from underprivileged, urban areas to summer camp each year for the last five years. The FRNC also provides numerous local children with scholarships to attend camps, workshops, and programs.
- **Supporting Sustainable Consumer Practices.** In 2004, the FRNC launched an initiative, *Keep the Green in Rye*, to educate residents about using reusable bags for shopping. Bags were made available at various retail locations in the City and were available for purchase at the Nature Center. This year, after the RSC successfully worked to have the City pass the Retail Shopping Bag Ordinance, the FRNC created another reusable bag for consumers.



COMMUNITY AWARENESS/ OUTREACH



Provide open communication between Rye City Hall and Rye residents through adoption of the Rye Sustainability Plan and with the creation of a dedicated, comprehensive sustainability page on ryeny.gov. Foster and encourage a lifestyle that embraces sustainability principles through educational programs sponsored by the Rye Sustainability Committee and/or local civic organizations.

COMMUNITY AWARENESS/OUTREACH

SUMMARY



In order for Rye to become a more sustainable community, outreach and education are essential. A main focus of the RSC is to foster an open dialogue between the community and City Hall. The RSP will be the foundation for sparking this dialogue and engaging residents and employees to communicate goals, suggestions and solicit feedback. One of the most important components of the RSP is the contribution to the Plan from numerous civic organizations, municipal committees, and educational and religious institutions. These contributions underscore the collaborative nature of this document, ensuring participation on sustainability issues among every community group.

One of the first initiatives organized by the RSC was to host a Mayor's Forum in March 2011. In this setting, the community gathered to learn about sustainability and how it relates to the Rye community. Participants included members of the business community, residents and public officials. All joined in a discussion about appropriate initiatives. From this starting point, the RSC has reached out to Rye residents and local organizations to support numerous activities, such as the reusable bag initiative and launch of the "Green Screen" film series.

Moving forward, the RSC intends to continue with community outreach initiatives, including workshops on energy efficiency, pesticide use, trees, green building practices and many other areas of interest to our community. The RSC site, located on Ryenyny.gov will provide the community with resources, links and information about local events.



COMMUNITY ACCOMPLISHMENTS

★ The City has completed the **Rye Sustainability Plan** to provide its citizens with a framework for achieving critical environmental goals.

★ The City has a dedicated page for **sustainability issues on the ryeny.gov site.**

★ Residents and City Council are kept informed through periodic updates from the RSC.

★ The **RSC has promoted awareness through a number of initiatives and events:**

- Hosted a Mayor's Forum to introduce the concept of sustainability and highlight sustainability efforts within Westchester County.
- Created an informational pamphlet about the committee and its mission.
- Members have participated in a variety of "Eye on Rye" productions to inform the public about sustainability and environmental issues.

- Committee members have participated in a number of community events to provide information about sustainability issues.

- Committee members have met with a number of organizations to provide information and solicit feedback.

- The RSC has collaborated with other community sustainability committees to learn best practices and educate residents on common issues.

★ In partnership with Rye Country Day School, the RSC launched the first **Rye Green Screen**, with its screening of "Bag It". The 2013 Green Screen featured "No Impact Man".

★ In 2012, the RSC launched the first **RSC Celebrates Earth Day**, with a number of activities, including a Sound Shore Communities' Joint No Idling Day, a declaration by City

Council to enforce the existing no-idling laws, and the launch of Rye's retail shopping bag law.

★ In 2013, the RSC marked Earth Day by participating with the Rye Arts Center for its **RAC Rocks Earth Day**. The RSC joined with the CC/AC to promote healthy green landscaping practices, focusing on healthy lawns, composting, LLA, and wetlands preservation.

★ In 2013, the Rye Country Day School was one of 64 schools nationwide that received recognition as a **U.S. Department of Education Green Ribbon School**. The award recognizes schools where staff, students, officials and communities have worked together to produce energy efficient, sustainable and healthy school environments and to ensure the environmental literacy of graduates.



COMMUNITY AWARENESS/OUTREACH

ACTION STEPS

1. Municipal

With the assistance of the RSC, the City can promote its accomplishments on sustainability issues while providing important information. There are a number of ways the RSC can promote awareness and educate the community.

- 1.1.** Expand the existing RSC page on the Ryeny.gov site to include:
 - 1.1.1.** an outline of the Rye Sustainability Plan that includes periodic progress reports;
 - 1.1.2.** news related to sustainability and environmental issues;
 - 1.1.3.** helpful tips;
 - 1.1.4.** an events calendar;
 - 1.1.5.** links to green businesses and contractors; and/or
 - 1.1.6.** a questionnaire for the public to solicit feedback.
- 1.2.** With assistance from the RSC, create “Go Green” checklist(s) for residents and business owners to help make their environment more sustainable. The lists would include simple tasks for individuals and organizations to improve overall efficiency while reducing their environmental impact. Target areas could include basic tips, such as improving energy efficiency, reducing waste, increasing recycling and reducing the amount of chemicals used in the home or business. The checklists would be available to download on the RSC page of Ryeny.gov.
- 1.3.** Create an electronic Rye Sustainability newsletter to inform the public about relevant news and events.
- 1.4.** Enhance and improve online payments for City services.
- 1.5.** Institute “Go Green” events periodically to promote a specific sustainability topic. Possible topics could include: composting, how to make homes more energy efficient, grease recycling, options for heating using solar energy, insulating private homes.
- 1.6.** Create strategic partnerships with businesses to educate owners on the benefits of energy efficiency and conservation.
- 1.7.** Form partnerships with neighboring communities, similar to the Northern Westchester Energy Action Consortium (NWEAC) and the Southern Westchester Energy Action Consortium (SWEAC).
- 1.8.** Use current community events to promote specific sustainability topics.
- 1.9.** Recognize significant environmental achievements made by citizens, organizations or the business community through an annual sustainability award.

2. Community-Focused Initiatives

Our schools, local organizations, businesses and residents are well equipped to share best practices and collaborate on important sustainability topics. The RSP will act as a resource from which groups can select issues to tackle. City Council and the RSC will provide guidance and can participate in various initiatives. The goal is to increase and strengthen public/private partnerships on sustainability issues so that future generations can enjoy the benefits of this community.

The boxes below highlight past community accomplishments and should provide inspiration for future initiatives.



COMMUNITY AWARENESS/OUTREACH

SUSTAINABILITY *in our* SCHOOLS

Rye City School District

- Mandated use of green cleaning solutions to replace harsh chemicals
- Mandated avoidance of non-organic lawn care products and herbicides
- Mandated avoidance of pesticides in favor of preventative maintenance programs
- Mandatory recycling of newspapers, cardboard, aluminum, glass and plastic
- Increased use of paperless communications to home and community, use of Google app documents, as well as web-based shared databases and applications to avoid use and transfer of paper
- Arrangements for regular safe removal of unneeded chemicals and recycling of used light bulbs
- Auto light turnoffs in some school classrooms
- Converted to automated shut-off water faucets in most student lavatory sinks
- Added recycling containers and student-lead water bottle recycling program at MS
- School lunch program elimination of styrofoam cups/trays
- Added water bottle fill-up fountains at the Middle and High Schools
- Added retention basins at Milton Elementary School to reduce storm drain runoff and improve drainage of water prior to reaching L.I. Sound
- Added gas service at the Middle and High Schools to reduce use of oil and switch to gas heating



SUSTAINABILITY *in our* SCHOOLS

Milton Elementary School

Milton School has long had an active Environmental Committee, supplementing the general curriculum with environmental education. The goal is for children to feel empowered so they understand their individual roles in taking collective action on environmental issues. Parent volunteers create lesson plans, assemblies, field trips and recess programs about climate change, recycling, pollution and other environmental issues. It is truly a collaborative effort in that we organize different programs and take on projects with the principal, teachers, students and the Milton Student Council.

Initiatives have included the following:

- Ecological Footprinting Assemblies for 4th & 5th grades
- Planning & executing the Milton Sustainable Garden
- Reduce & Reuse Book Swaps for America Recycles Week and Earth Week
- 3rd grade field trips to the Westchester Recycling Facility
- Walk to School for Earth Week
- Holiday Card Recycling to benefit St. Jude's Ranch, a charity for abused and abandoned children
- Printer Cartridge and Electronic Recycling Fundraisers
- Anti-vehicle idling rallies
- Daffodil planting in front of the school
- Sales of reusable stainless steel water bottles
- Grades 3, 4 & 5 lesson plans on how damaging bottled water is to the environment
- Rye Garden Club lesson plans for grades K and 2
- "Bash The Trash" Recycling Assembly
- K-5 visits to the Veggie Van, a mobile classroom that educates on pollution, recycling and climate change
- "Plastic Beach" trash collection for Earth Week followed by assembly on the pervasiveness of plastic in our lives by Grassroots Environmental
- Crayon recycling
- Implementing paper and plastic recycling at Milton
- Working with food services to find alternatives to polystyrene lunch trays



SUSTAINABILITY *in our* SCHOOLS

Rye Country Day School (RCDS)

Starting in 2005 with the Headmaster's decision shift to organic lawn, shrub, and tree care, RCDS has pursued an expanding sustainability initiative on its campus. Over the past seven years, the initiative has steadily garnered support from faculty and staff, students, parents, trustees, and the maintenance department, resulting in a comprehensive approach to implementing sustainable practices while connecting the sustainability to the curriculum and student activities. Highlights of the RCDS sustainability program have focused on the following areas:

- **Campus Gardening** started with organic lawn care in response to a change in New York State's Education laws that eliminated pesticide use on school grounds. Since that change, RCDS has installed two school garden sites, certified its campus housing as wildlife habitats, shifted to use of native plants for landscaping, and started a composting program.
- **Energy:** Several facilities projects, including two supported by grants, have significantly reduced energy use on the RCDS campus. NYSERDA rebates have partially supported the campus-wide conversion to low energy light fixtures and the installation of a 23kW solar energy system (2011). Since 2009, the school has contracted with Ecova to conduct annual energy audits that include practical recommendations for energy savings. In 2012, the School installed two dual fuel, energy efficient boilers that use either oil or natural gas. For the past four years RCDS has involved students, faculty, and staff in a month-long energy reduction competition, the National Green Cup Challenge, which has produced substantial energy reductions and savings. Finally, RCDS is participating in a grant proposal that would bring two electric car charging stations to its campus.
- **Waste Reduction:** In an effort to reduce the use of other resources, RCDS has moved from paper mailings to digital communications of report cards, weekly E-notes and campus news, and most recently, its admissions application. Students and faculty have encouraged more double-sided copying to save paper, and printed publications use paper from sustainable sources. Also the facilities department has installed automated faucet and toilet controls and irrigation system rain gauge shutoffs to reduce water use at school.
- **Food Service:** RCDS' food service provider, Flik Independent Schools, has supported the School's sustainability initiative by seeking more locally-sourced food suppliers, significantly reducing the use of plastic products including bottled water, recycling vegetable oil, and using produce from the school garden. As a result of these efforts, RCDS food services was presented with the Green Restaurant Award with 2 Stars in 2010.
- **Recycling,** an integral part of the sustainability initiative from the start, includes paper, cardboard, glass/cans, and plastic. Since 2009, student groups have led catalog cancellation drives, as well as used cell phone and battery collections. RCDS regularly recycles all of its used light bulbs, printer cartridges, and electronic waste through Wecycle. The Upper School continues to collect used textbooks for re-use or donations, while a task force explores the growing availability and use of digital textbooks.
- **Awareness/Education:** Throughout this initiative efforts have successfully incorporated sustainability in the educational programs for students, faculty, and parents. Faculty in all three divisions and across disciplines have developed curricular units focusing on sustainability, including writing persuasive letters to encourage

SUSTAINABILITY *in our* SCHOOLS

recycling, collecting and counting 100 recyclable items, raising trout in the classroom for release, visiting local water treatment plants, exploring Long Island Sound and Blind Brook, and studying the latest electric and hydrogen fuel cell cars. Student clubs produce a green newsletter, help with campus recycling, and participate in coastal cleanup days. Faculty members have participated in various professional development

activities focused on sustainability through NYSERDA, the Westchester Green Schools Alliance, and various on-campus workshops. The RCDS Parent Environmental Committee has sponsored an “Eco-Conversations” speakers series, “Eco-Excursions” for parents, weekly Eco Tips in Enotes, screening of the movie “Bag It”, and the creation of “No Idling” safety vests worn by staff directing arrival and dismissal traffic.



With a strategic Sustainability Plan in place, RCDS continues to explore exciting, innovative ways to advance this important initiative on its campus and in the classrooms – all in an effort to ensure that RCDS students are responsible stewards of our planet.

SUSTAINABILITY *in our* COMMUNITY

Rye Garden Club (RGC)

The RGC, a nearly 100-year old organization, is made up of 60 active club members and 37 sustaining and affiliate members. They share a love of gardening and the natural world and are dedicated to the Garden Club of America's mission.

Ongoing work in town in accordance with this mission includes:

- *Funding and organizing a program for the public each year on conservation or gardening topics.* 2012's presentation was a tree identification and care program led by two arborists at the Rye Nature Center. In 2010, the RGC sponsored a program at the Rye Free Reading Room led by Gray Russell, an environmental coordinator in New Jersey. He led a program for the public about recycling, composting, grass-cycling, water conservation and eco-friendly yard care. In 2009, the Club funded a talk by Douglas Tallamy, author of *Bringing Nature Home* on the importance of planting native species to support wildlife and a healthy eco-system. In 2008, a lecture by Brian Hallowell on the locavore movement was sponsored.
- *A comprehensive conservation education program that is offered to Rye nursery and elementary schools.* For nursery and kindergarten, RGC presents *Drip and Drop*, an interactive lesson of stories and songs about the water cycle that helps teach why water is a precious resource. Second grade classrooms work with RGC's *Enviroscape* in an interactive lesson about water pollution. The *Enviroscape* is a model of a watershed area much like Rye to which students add pollutants and then add "rain" and watch the effects of pollution on water bodies and ground water. In the 2011–2012 school year, *Drip and Drop* was presented to 300 children. The *Enviroscape* lesson was presented to 200 children. Additionally, the *Polly Paper* exhibit travels to schools each year. The program guides children ages K-5 through a colorful and lively exhibit illustrating the process of paper recycling, from its collection at curbside to its remanufacture as new paper products. Over 300 children have met Polly in area schools.
- *Sponsoring elementary school field trips to the Materials Recovery Facility in Yonkers, to see and learn about the recycling processes in our area.*
- *Writing an environmental stewardship column in each edition of the local paper entitled, "Green Space", since 2008.* Topics have included, gardening with native plants, recycling tips, alternatives to chemical fertilizers, the importance of trees, how to be a locavore, the effects of pesticides, ways to reduce energy use.
- *Display at the Jay Heritage Center's carriage house for free touring, the "Home Green Home" Dollhouse.* This award-winning dollhouse was handmade by RGC members. Its landscape demonstrates green building and decorating techniques, water run-off mitigation and practices that can be incorporated into the home, property and daily life to conserve resources and promote sustainability.
- *Planting and maintaining planted pots along Purchase Street, Purdy Street and Rye Train Station.*
- *Maintaining the gardens at the Rye Free Reading Room, the Square House and the Knapp House traffic island.*



SUSTAINABILITY *in our* COMMUNITY

Rye Presbyterian Church (RPC)

Reduce – reuse – recycle: the three sides of sustainability. The RPC Thrift Shop is a wonderful example of all three. Donations come from community members every week. Purchases are bagged in donated bags or shoppers bring their own bags. Numerous donations have cycled through the Thrift Shop two or three times; when someone is finished using an item they purchased at the Thrift Shop, they often re-donate it. The Thrift Shop does not accept clothes or very large items, but takes almost any other thing that is found in the home.



Another wonderful aspect of the Thrift Shop is that our volunteers are truly intergenerational, ranging in age from their 30's to their 90's. It is a way for older people to perform a valuable service, and for many it is a valued social experience, one that keeps them involved in the community. The shoppers come from all

socioeconomic backgrounds. Shopping here is fun for both volunteers and shoppers. This adds a truly positive spin to the idea of reusing.

The last, crucial part of the Thrift Shop's mission is that all proceeds are donated in the form of grants to area non-profits each year, with an occasional international or emergency donation as well. The grants are given out at a luncheon in June, which gives representatives from local organizations a wonderful opportunity to meet each other and network. Thus, the money we make at the shop is recycled into the community. For the last two years the Thrift Shop has given out over \$50,000, and we are on track to do the same in 2013.

The RPC leadership has been very supportive of the Thrift Shop, which has more than doubled its revenues over the past eight years. Other sustainability efforts have been discussed and implemented at the church, though the Thrift Shop is the most visible. The best part about the Thrift Shop is that it makes 'being green' attractive and enjoyable for those in our community and beyond.



Community Synagogue of Rye

As Jews and as God's partners we are obligated to repair our world. Through observing and illuminating this basic tenet of our faith, and through education and action, we will lead and motivate our community to protect and heal our waters, air, and lands.

A – We will cultivate environmental awareness through discussion, seminars, writings, projects, and action.

S – We will encourage the sharing of ideas and best practices within our community and with other environmental organizations.

P – We will promote participation at every age, from the simple act of changing a light bulb, stopping to pick up a piece of trash, or carpooling, to changing corporate policies and engaging in local, state, or global initiatives.

I – We espouse immediacy and will commit to presenting actionable and practical strategies – now.

R – We strongly believe that the three R's apply now more than ever and will motivate people to Reduce, Reuse, and Recycle.

E – We know that education is the catalyst for change. As we create programs, encourage participation, and promote action, we will educate our community not just on "what" to do, but on "why" we need do it, both as Jews and as citizens of the world.

IMPLEMENTATION & TRACKING

SUMMARY

The Implementation and Tracking Section provides a summary of all suggested action steps, with responsible parties and estimated timeframes for each item. The tables below are grouped by the sectors covered in the Sustainability Plan: Energy, Transportation, Waste Reduction & Recycling, Water/Land Use, and Community Awareness/Outreach. Projects are

estimated based on their length – on-going, short, medium or long term, with estimates for each noted in the section below. The time period for a specific project can include time needed to assemble working groups, obtain funding and draft any necessary reports. In addition, they may be revised depending on changes in priorities or circumstances.



PROGRESS TABLES

Notes:

- M: Municipal
- C: Community
- Timeframes:
 - ▶ Short Term: 1 – 3 years
 - ▶ Medium Term: 3 – 5 years
 - ▶ Long Term: 5 + years

ENERGY

INITIATIVES	RESPONSIBLE PARTIES	TIMEFRAME			
		ON - GOING	SHORT TERM	MEDIUM TERM	LONG TERM
1. Reduction in GHG gas emissions by specified target	M/C		X		
2. Energy Efficiency Retrofits of Municipal Facilities					
2.1. Energy efficient upgrades of municipal facilities	M		X		
2.2. Replace "Exit" signs with LED version	M		X		
2.3. Evaluate and update heating controls, where necessary	M	X			
2.4. Implement an energy tracking and management system	M			X	
2.5. Develop cool roofs; consider green roofs for parking garage projects	M				X
2.6. Implement and promote a green purchasing policy for new equipment and appliances	M			X	
2.7. Install computer shut-down software.	M			X	
2.8. Encourage the retrofit of green building technologies	M		X		
3. Energy Efficient Upgrades/Retrofits of Lighting					
3.1. When upgrading street, sidewalk, traffic lighting consider replacing with state-of-the-art energy efficient lighting.	M		X		
3.2. Retrofit municipal lighting fixtures and/or replace lamps with CFLs or LED technology (or better, as technology advances).	M	X			
3.3. Where necessary, install lighting occupancy sensors in all municipal buildings.	M	X			
3.4. Decrease average daily time for street lighting operation.	M		X		
3.5. Institute a "lights out at night when not in use" policy in municipal buildings.	M		X		
3.6. Replace municipal holiday/decorative lighting with energy efficient lighting, such as LEDs.	M		X		
4. Green Building Practices					
4.1. Conduct a study of municipal and county green building codes.	M			X	
4.2. Consider drafting legislation requiring that every new residence sold or transferred must obtain a HER	M			X	
4.3. Provide a system of recognition for new construction that exceeds minimum standards for energy conservation.	M			X	
4.4. Make training programs on green building/energy code procedures and financing available to City staff.	M			X	
4.5. Include exceptions in the building codes for experimental architectural and energy innovations	M			X	
4.6. Institute an accelerated processing service for projects that demonstrate a higher energy efficiency and/or LEED standard than required by the City code.	M			X	
4.7. Consider the requirement of owner contracted third party inspections to certify all construction meets local and statewide energy codes.	M			X	
5. Renewable Energy					
5.1. Investigate the feasibility of installing solar photovoltaics on municipal facilities.	M			X	
5.2. Investigate the feasibility of installing solar hot water systems in municipal facilities.	M			X	
5.3. Promote community commitment to renewable energy, green building and energy efficiency through various education programs.	M/C		X		

IMPLEMENTATION & TRACKING

TRANSPORTATION

INITIATIVES	RESPONSIBLE PARTIES	TIMEFRAME			
		ON - GOING	SHORT TERM	MEDIUM TERM	LONG TERM
1. Municipal					
1.1 Purchase low sulfur biodiesel for use in Rye's municipal fleet.	M		X		
1.2 Encourage car-pooling, van-pooling, and mass transit use by municipal employees.	M		X		
1.3 Provide municipal employees with public transport travel passes. Provide cycle facilities.	M		X		
1.4 When purchasing new municipal vehicles, consider purchasing fuel efficient, smaller, or hybrid vehicles.	M	X			
1.5 Offer incentives to municipal employees for driving fuel-efficient vehicles, such as preferred parking spaces or reduced parking fees at municipal parking lots.	M		X		
1.6 Enforce anti-idling laws for City owned vehicles	M	X			
1.7 Consider the inclusion of a small shuttle bus or trolley route from the Rye train station to Harrison train station.	M		X		
2. Community-Focused Initiatives					
2.1 Infrastructure improvements targeted at enhancing pedestrian activity.	C/M		X		
2.2 Infrastructure improvements targeted at enhancing biking activity	C/M		X		
2.3 Provide electric plug-in stations with dedicated parking at the train station.	M			X	
2.4 Offer incentives for driving fuel-efficient vehicles	M		X		
2.5 Encourage more reliance on walking and biking by raising parking prices and/or extending the hours of operation in public parking lots.	M		X		
2.6 Step up enforcement of existing no-idling laws	M	X			
2.7 Create an education program or programs to encourage more pedestrian activity for school children and their caregivers by promoting the health benefits of walking or biking to school.	C		X		
2.8 Encourage car-pooling to school by creating an awareness program in the schools.	C		X		
2.9 Continue partnerships with neighboring communities to advocate for greater enforcement of no-idling laws and promote walk to school programs.	C		X		

WASTE REDUCTION/RECYCLING

INITIATIVES	RESPONSIBLE PARTIES	TIMEFRAME			
		ON - GOING	SHORT TERM	MEDIUM TERM	LONG TERM
1. Municipal					
1.1 Promote Rye's recycling record, using its reputation to encourage continued recycling programs and to set more aggressive goals/targets.	M	X			
1.2 Increase the number of recycling bins/Big Bellies throughout Rye.	M		X		
1.3 Institute a municipal office waste management system targeted at reducing excess waste of paper, supplies and bottled water, while cutting costs.	M		X		
1.4 Evaluate municipal purchasing policies of cleaning products to identify areas where green products can be used. Use low VOC products.	M		X		
1.5 When undertaking a painting project, use low VOC paint.	M		X		
1.6 Institute an educational program to encourage restaurants and residences to recycle grease waste.	M		X		
1.7 Consider implementing an awareness campaign about the harmful environmental effects of specified harmful chemicals. Publicize the City's decision, encouraging Rye residents to follow City Hall's lead.	M		X		
1.8 Provide information on the ryeny.gov site regarding County/State recycling laws, composting education programs, green products, environmentally preferred local vendors, and other relevant information pertaining to waste reduction.	M		X		
2. Community-Focused Initiatives					
2.1 Organize periodic Zero Waste Days.	C		X		
2.2 Implement an awareness program to encourage deconstruction of buildings and homes for donation to green deconstruction organizations.	C		X		
2.3 Establish/continue volunteer programs to pick up litter in public places.	C		X		
2.4 Consider adopting some or all of the recommendations contained in the 2012 Rye City Finance Committee report on the Sanitation Department. Consider a Pay as you Throw Program to encourage recycling, home composting and to reduce costs.	M		X		
2.5 Consider developing an annual community award program for recycling and reduction of waste.	C/M		X		
2.6 Promote community composting through education and awareness programs.	C/M		X		
2.7 Initiate an education campaign to encourage the community to reduce its consumption of single-use disposables and offer solutions for using more durable products.	C/M		X		

IMPLEMENTATION & TRACKING

WATER/LAND USE

INITIATIVES	RESPONSIBLE PARTIES	TIMEFRAME			
		ON GOING	SHORT TERM	MEDIUM TERM	LONG TERM
1. Municipal					
1.1 Implement a storm water management program and update the storm water laws, where necessary.	M		X		
1.2 Expand on the City's use of sustainable landscaping practices by committing to pesticide-free or pesticide-reduced, organic landscaping of public property.	M		X		
1.3 When replacing toilets in municipal buildings, consider installing high efficiency models and/or waterless urinals.	M		X		
1.4 To restrict water flow, consider replacing the aerators on faucets, and when replacing faucets in municipal buildings, consider installing water efficient models with sensors.	M		X		
1.5 Conduct a study of land preservation zoning laws in neighboring communities to assess whether Rye's current laws are at the forefront and designed to preserve Rye's open spaces. Enforce the current zoning laws to discourage excessive paving of permeable surfaces and encourage tree planting.	M		X		
1.6 Review current City landscaping practices.	M		X		
1.7 Review the current tree permitting/conservation codes to determine whether they need to be updated.	M			X	
1.8 Launch a campaign for soliciting private donations to a City tree fund.	M		X		
1.9 Plant shade trees in and around parking lots and government buildings to reduce energy required to heat and cool buildings.	M		X		
1.10 Consider the use of green roofs, rain barrels, underground cisterns for City properties to reduce run-off.	M		X		
2. Community-Focused Initiatives					
2.1 Initiate an awareness campaign to educate homeowners about the harmful effects of pesticide/fertilizer use on lawns, while offering natural, safe alternatives.	C		X		
2.2 Initiate an education campaign to promote tree planting on private property, emphasizing the benefits of trees for reducing flooding and absorbing carbon emissions, while increasing home property values.	C		X		
2.3 Encourage businesses and residents to use sustainable drainage techniques to reduce storm water runoff.	C		X		
2.4 Initiate an education campaign on composting, highlighting the benefits of composting for healthy lawn maintenance, while identifying the cost reductions that arise from decreases in lawn/household waste.	C		X		
2.5 Launch a LELE initiative. Provide information via the Rye City website, and/or informational pamphlets, workshops.	C/M		X		

COMMUNITY AWARENESS/OUTREACH

INITIATIVES	RESPONSIBLE PARTIES	TIMEFRAME			
		ON GOING	SHORT TERM	MEDIUM TERM	LONG TERM
1. Municipal					
1.1 Expand the existing RSC page on the ryeny.gov site.	M		X		
1.2 With assistance from the RSC, create "Go Green" checklist(s) for residents and business owners to help make their environment more sustainable. The checklists would be available to download on the RSC page of Ryeny.gov.	M		X		
1.3 Create an electronic Rye Sustainability newsletter to inform the public about relevant news and events.	M		X		
1.4 Enhance and improve online payments for City services.	M		X		
1.5 Institute "Go Green" events periodically to promote a specific sustainability topic. Possible topics could include: composting, how to make homes more energy efficient, grease recycling, options for heating using solar energy, insulating private homes.	M		X		
1.6 Create strategic partnerships with businesses to educate owners on the benefits of energy efficiency and conservation.	M		X		
1.7 Form partnerships with neighboring communities, similar to the Northern Westchester Energy Action Consortium (NWEAC) and the Southern Westchester Energy Action Consortium (SWEAC).	M			X	
1.8 Use current community events to promote specific sustainability topics.	M		X		
1.9 Recognize significant environmental achievements made by citizens, organizations or the business community through an annual sustainability award.	M		X		

APPENDICES

RESOURCES/END NOTES

General

1. Government Sites

Federal

Environmental Protection Agency (EPA): <http://www.epa.gov/>

- **Guide for Local Governments:** <http://www.epa.gov/region2/sustainability/greencommunities/>
- **Green Communities page, providing information on the Five Steps to Community Sustainability, sustainability programs (green business and building green):** <http://www.epa.gov/greenkit/index.htm>
- **Green Living page:** <http://www.epa.gov/gateway/learn/greenliving.html>

Department of Environmental Protection (DOE): <http://energy.gov>

Energy Star: <http://www.energystar.gov/>

- **EPA/DOE program designed to help residents and businesses save money while protecting the environment through energy efficient products and practices.**
- **List of ENERGY Star products:** http://www.energystar.gov/index.cfm?fuseaction=find_a_product.
- **Comprehensive FAQ page, searchable by topic:**
<http://energystar.supportportal.com/ics/support/default.asp?deptID=23018>

White House, Climate Change: <http://www.whitehouse.gov/energy/climate-change>

State

NY State Energy Research and Development Authority (NYSERDA):

- **Main page:** <http://www.nyserda.ny.gov>
- **Funding opportunities:** <http://www.nyserda.ny.gov/Funding-Opportunities.aspx>

NY State Department of Environmental Conservation (NYDEC):

- **Main page:** <http://www.dec.ny.gov/>
- **Information on energy conservation, climate change, sustainability planning and renewable energy:**
<http://www.dec.ny.gov/60.html>

Westchester County Government:

- **Environment page:** <http://environment.westchestergov.com/>

2. Organizations

U.S. Green Building Council (USGBC): <https://new.usgbc.org/>

A nonprofit organization committed to a prosperous and sustainable future for our nation through cost-efficient and energy-saving green buildings. USGBC works toward its mission of market transformation through its LEED green building program, robust educational offerings, a nationwide network of chapters and affiliates, the annual Greenbuild International Conference & Expo, and advocacy in support of public policy that encourages and enables green buildings and communities.

Low Impact Development Center: <http://www.lowimpactdevelopment.org/>

A non-profit organization dedicated to the advancement of Low Impact Development technology. Low Impact Development is a comprehensive land planning and engineering design approach with an emphasis on storm-water management. Information on tools for creating a low-impact environment, including green roofs, permeable pavers, rain barrels, cisterns, and more.

Star Community Index: <http://www.starcommunities.org/>

Developed by ICLEI, the USGBC and the Center for American Progress, STAR provides a new, standardized framework for local governments to plan, track and promote their environmental and sustainability work. STAR is intended to serve as a rating system, not a ranking system. It will provide local governments with a system to evaluate their own progress and recognize their achievements through a continuous improvement process.

The Natural Step: <http://www.thenaturalstep.org/en>

Not-for-profit dedicated to education, advisory work and research in sustainable development. The Natural Step has worked with thousands of corporations, municipalities, academic institutions and not-for-profits to reduce costs as well as ecological and social impacts. Engages with business to integrate sustainability principles into their core strategies, decisions, and operations. Contains information on services, research, and education activities.

Sustainable Hudson Valley: <http://www.sustainhv.org/>

Includes a very comprehensive list of case studies and resources page with links to local sustainability organizations.

How Green is My Town: <http://www.howgreenismytown.org/index.html>

HGIMT is an EPA-award winning environmental assessment program designed to help local governments in their efforts to address issues of climate change, sustainability and environmental health. It provides educational material, a useful checklist, and helpful tools for building sustainable local governments, schools and businesses.

Sustainable Communities Online: <http://www.sustainable.org/>

Sustainable Communities Online is the newly revised, updated, and redesigned website formerly known as the Sustainable Communities Network (SCN) website which was developed by a broad coalition of organizations around the United States in the mid-1990s. The intent of the SCN was to pool information on sustainability to make it more readily accessible to the public. CONCERN, Inc. and the Community Sustainability Resource Institute managed the SCN from 1993-2001 and CONCERN has managed it since then.

3. Local Organizations

Rye Nature Center: <http://www.ryenaturecenter.org/>

Rye Garden Club: <http://ryegardenclub.org>

Jay Heritage Center: <http://www.jaycenter.org>

Marshlands Conservancy: <http://marshlandsconservancy.com/>

Rye Chamber of Commerce: <http://www.ryechamberofcommerce.com/>

Christ's Church: <http://ccrye.org/>

Rye Presbyterian: <http://ryepc.com/>

Community Synagogue: <http://comsynrye.org/>

Church of the Resurrection: <http://www.resurrectionrye.com/>

APPENDICES

RESOURCES/END NOTES

Rye YMCA: www.ryeymca.org/

Rye Free Reading Room: <http://www.ryelibrary.org/>

Rye Arts Center: <http://ryeartscenter.org/>

Little Garden Club of Rye: <http://lgcofrye.org/>

Friends of Read Sanctuary: <http://friendsofreadwildlifesanctuary.org/>

Rye City School District: <http://www.ryeschools.org/>

Wainwright House: <http://www.wainwright.org/>

Meeting House & Bird Homestead: <https://www.facebook.com/pages/Meeting-House-and-Bird-Homestead/117270311693348>

Sector Specific Sites:

1. Energy Efficiency

- DOE information on making your home energy efficient: <http://energy.gov/public-services/homes>
- EPA GHG Equivalences Calculator: <http://www.epa.gov/cleanenergy/energy-resources/calculator.html>
- NYSERDA information on energy efficiency and renewable programs: <http://www.nysenda.ny.gov/en/Energy-Efficiency-and-Renewable-Programs.aspx>
- NYSERDA energy saving tips: <http://www.nysenda.ny.gov/Residential/Energy-Saving-Tips.aspx>
- Environmental and Energy Study Institute: <http://www.eesi.org/>

The Environmental and Energy Study Institute (EESI) is a not-for-profit organization established in 1984 by a bipartisan Congressional caucus to provide timely climate change information and develop innovative policy solutions that set us on a cleaner, more secure and sustainable energy path.

2. Transportation

- EPA information on how to improve on air quality: <http://www.epa.gov/climatechange/ghgemissions/sources/transportation.html>
- DOE information on alternative fuels, vehicles, idling reduction: <http://energy.gov/public-services/vehicles>
- NYDEC Page on AQI: http://www.dec.ny.gov/cfm/x/xtapps/aqi/aqi_forecast.cfm?CFID=1532969&CFTOKEN=44238298&jsessionid=HDfZnBel9-KKRKq06BOQY2Y
- WestchesterGov.com AQI page: <http://health.westchestergov.com/air-quality>
- Biofuel Cities: *Running your fleet of vehicles on biofuels: An overview of the latest options.* http://www.biofuel-cities.eu/fileadmin/template/projects/biofuels/files/Publications/bcleaflet_english.pdf

Although geared towards the European Union, an informative reference about biofuels and city fleets.

3. Waste Reduction and Recycling

- EPA information on waste reduction, composting: <http://www.epa.gov/gateway/learn/wastes.html>

- NYDEC on recycling and composting: <http://www.dec.ny.gov/chemical/294.html>
- WestchesterGov.com recycling page: <http://environment.westchestergov.com/recycling>

4. Water/Land Use

- EPA information on Water: <http://www2.epa.gov/learn-issues/learn-about-water>
- EPA information on Land Use: <http://www2.epa.gov/learn-issues/learn-about-land-and-cleanup>
- Westchester County's LELE Program: <http://www.leleny.org/>
- WestchesterGov.com page on Soil/Water Conservation: <http://planning.westchestergov.com/environment/soil-and-water-conservation>
- WestchesterGov.com page on watershed protection: <http://planning.westchestergov.com/watershed-protection>
- WestchesterGov.com page on flooding: <http://planning.westchestergov.com/flood>

5. Community Awareness/Outreach

- EPA information on Green Living: <http://www2.epa.gov/learn-issues/learn-about-green-living>
- Columbia Center for Children's Environmental Health: <http://ccceh.org/our-research>
- Mount Sinai Children's Environmental Health Center: <http://www.mountsinai.org/patient-care/service-areas/children/areas-of-care/childrens-environmental-health-center/childrens-disease-and-the-environment>

Sustainability Plans

By no means comprehensive, the following list includes plans that we referred to in preparing the Rye Sustainability Plan and recommend as good references.

- Town of Bedford Climate Action Plan (2009)
- Village of Larchmont Climate Action Plan (2012)
- GreeNR – The New Rochelle Sustainability Plan (2010)
- Westchester Action Plan for Climate Change and Sustainable Development (2008)
- PlaNCY (2007)
- City of El Paso Livable City Sustainability Plan
- Irondequoit Comprehensive Environmental and Energy Policy (2009)
- City of Claremont Sustainable City Plan (2008)
- Pasadena Green City Action Plan (2006)
- Village of Fairport Sustainability Plan (2010)
- Sustainable Northampton Comprehensive Plan (2008)
- Plan-It Newburgh Sustainable Master Plan (2008)
- Boulder County, CO Environmental Sustainability Plan (2012)
- Town of Collingwood Sustainable Community Plan (2008), Canada
- ICLEI Templates for Sustainability Plans

APPENDICES

GLOSSARY/ACRONYMS

AGENDA 21	A global plan for achieving Sustainable Development in the 21st century.
ANTHROPOGENIC	Made by people or resulting from human activities. Usually used in the context of emissions that are produced as a result of human activities.
AQI	Air Quality Index, an index for reporting daily air quality.
ATMOSPHERE	The gaseous envelope surrounding the Earth.
BIO ENERGY	Renewable energy made available from materials derived from biological sources such as wood, straw, manure, sugarcane, etc.
BIOSPHERE	The part of the Earth system comprising all ecosystems and living organisms, in the atmosphere, on land (terrestrial biosphere) or in the oceans (marine biosphere), including derived dead organic matter, such as litter, soil organic matter and oceanic detritus.
BTU	A unit used to describe heat units or energy values. It is typically used to specify the heating or cooling power of appliances such as furnaces, air-conditioners, stoves, grills, etc.
CAP-AND-TRADE PROGRAM	Also known as Emissions Trading , the government caps the amount of CO ₂ emissions that may be emitted, by selling emissions permits, i.e. the right to emit a specific volume of the specific pollutant. Firms are required to hold a number of permits equivalent to their emissions. Since the total number of permits cannot exceed the cap, firms must buy emissions permits from those who require fewer permits. This transfer is called a trade.
CARBON CYCLE	All parts (reservoirs) and fluxes of carbon. The cycle is usually thought of as four main reservoirs of carbon interconnected by pathways of exchange. The reservoirs are the atmosphere, terrestrial biosphere (usually includes freshwater systems), oceans, and sediments (includes fossil fuels). The annual movements of carbon, the carbon exchanges between reservoirs, occur because of various chemical, physical, geological, and biological processes. The ocean contains the largest pool of carbon near the surface of the Earth, but most of that pool is not involved with rapid exchange with the atmosphere.
CARBON DIOXIDE (CO₂)	A naturally occurring gas, and also a by-product of burning fossil fuels and biomass, as well as land-use changes and other industrial processes. It is the principal human-caused greenhouse gas.
CARBON DIOXIDE EQUIVALENT	A metric measure used to compare the emissions from various greenhouse gases based upon their global warming potential (GWP). Carbon dioxide equivalents are commonly expressed as "million metric tons of carbon dioxide equivalents (MMT _{CO2Eq}).\" The carbon dioxide equivalent for a gas is derived by multiplying the tons of the gas by the associated GWP.
CARBON FOOTPRINT	The total amount of greenhouse gases that are emitted into the atmosphere each year by a person, family, building, organization, or company. A person's carbon footprint includes greenhouse gas emissions from fuel that an individual burns directly, such as by heating a home or riding in a car. It also includes greenhouse gases that come from producing the goods or services that the individual uses, including emissions from power plants that make electricity, factories that make products, and landfills where trash gets sent.
CARBON MONOXIDE	A colorless, odorless, highly poisonous gas, CO, formed by the incomplete combustion of carbon or a carbonaceous material, such as gasoline.
CC/AC	Conservation Commission Advisory Council of the City of Rye
CFL	Compact fluorescent light
CLEAN AIR ACT	Federal legislation to reduce harmful emissions from industry and power plants.

CLEAN AIR AND CLIMATE PROTECTION SOFTWARE (CACP)

Software tool that was developed by ICLEI to help convert energy use into GHG emissions.

CLIMATE

Climate in a narrow sense is usually defined as the "average weather," or more rigorously, as the statistical description in terms of the mean and variability of relevant quantities over a period of time ranging from months to thousands of years. The classical period is 3 decades, as defined by the World Meteorological Organization (WMO). These quantities are most often surface variables such as temperature, precipitation, and wind. Climate in a wider sense is the state, including a statistical description, of the climate system.

CLIMATE CHANGE

Climate change refers to any significant change in the measures of climate lasting for an extended period of time. In other words, climate change includes major changes in temperature, precipitation, or wind patterns, among others, that occur over several decades or longer.

CO₂e

CO₂ equivalent

COOL ROOFS

A cool roof reflects and emits the sun's heat back to the sky instead of transferring it to the building below. "Coolness" is measured by two properties, solar reflectance and thermal emissions.

CSA

Community Supported Agriculture

DEFORESTATION

Those practices or processes that result in the conversion of forested lands for non-forest uses. Deforestation contributes to increasing carbon dioxide concentrations for two reasons: 1) the burning or decomposition of the wood releases carbon dioxide; and 2) trees that once removed carbon dioxide from the atmosphere in the process of photosynthesis are no longer present.

EAGR

Environmental Advocacy Group of Rye (see box on p. 48)

EAST COAST

A developing trail system, spanning nearly 3,000 miles as it winds its way between Canada and Key West, linking all the major cities of the eastern seaboard. Over 25% of the route is already on safe, traffic-free paths.

ENERGY AUDIT

An energy audit is an analysis of a single building or campus, which indicates how and where that building or campus can reduce energy consumption and costs.

EARTH SUMMIT IN RIO DE JANEIRO

Meeting of 172 governments to develop a global action plan for Sustainable Development.

EMISSIONS TRADING

See "Cap-and-Trade Program"

EPA

Environmental Protection Agency

ESTUARY

A partly enclosed coastal body of brackish (salt/fresh) water with one or more rivers or streams flowing into it, and with a free connection to the open sea.

FEMA

Federal Emergency Management Agency

FOSSIL FUEL

A general term for organic materials formed from decayed plants and animals that have been converted to crude oil, coal, natural gas, or heavy oils by exposure to heat and pressure in the earth's crust over hundreds of millions of years.

GDP

Gross Domestic Product, the total market value of all the goods and services produced within the borders of a nation during a specified period.

APPENDICES

GLOSSARY/ACRONYMS

GEOHERMAL ENERGY	Thermal energy and heat that is stored in the earth.
GREENHOUSE EFFECT	Trapping and build-up of heat in the atmosphere (troposphere) near the Earth's surface. Some of the heat flowing back toward space from the Earth's surface is absorbed by water vapor, carbon dioxide, ozone, and several other gases in the atmosphere and then reradiated back toward the Earth's surface. If the atmospheric concentrations of these Greenhouse Gases rise, the average temperature of the lower atmosphere will gradually increase. See Greenhouse Gas, Anthropogenic, Climate, Global Warming .
GREENHOUSE GAS (GHG)	Greenhouse gases are heat-trapping gases that occur when we burn fossil fuels, such as coal and oil.
GHG INVENTORY	Account of energy consumed and associated GHG emissions within a defined entity.
HER	Home Energy Rating: a measurement of a home's energy efficiency
HYDROCARBON	Any of numerous organic compounds, such as benzene and methane, that contain only carbon and hydrogen.
HYDROPOWER	Power derived from the energy of falling water.
ICLEI	ICLEI – Local Governments for Sustainability, is an international association, founded in 1990, of local and metropolitan governments dedicated to sustainable development. ICLEI originally stood for the “International Council for Local Environmental Initiatives,” but in 2003 the organization dropped the full phrase and became “ICLEI-Local Governments for Sustainability” to reflect a broader focus on sustainability, not just environmental initiatives.
INFRARED RADIATION	Infrared radiation consists of light whose wavelength is longer than the red color in the visible part of the spectrum, but shorter than microwave radiation. Infrared radiation can be perceived as heat. The Earth's surface, the atmosphere, and clouds all emit infrared radiation, which is also known as terrestrial or long-wave radiation. In contrast, solar radiation is mainly short-wave radiation because of the temperature of the Sun. See Greenhouse Effect, Global Warming .
IPCC	The Intergovernmental Panel on Climate Change (IPCC) is the leading international body for the assessment of climate change. It was established by the United Nations Environment Program (UNEP) and the World Meteorological Organization (WMO) in 1988 to provide the world with a clear scientific view on the current state of knowledge in climate change and its potential environmental and socio-economic impacts. In the same year, the UN General Assembly endorsed the action by WMO and UNEP in jointly establishing the IPCC.
KEROSENE	A thin, clear liquid formed from hydrocarbons, and burned as a fuel.
KYOTO PROTOCOL	Agreement among nations to mandate country-by-country reductions in greenhouse-gas emissions.
LED	LED stands for light emitting diode. LED lights use at least 75% less energy than incandescent lighting, last 35 to 50 times longer than incandescent lighting and about two to five times longer than fluorescent lighting, and produce very little heat.
LELE	Love ‘Em and Leave ‘Em, Westchester County’s leaf mulching-in-place program. See End Notes/Resources Section for link to the website.

LOW FLOW PLUMBING FIXTURES	Help save water. In 1995, the National Energy Policy Act mandated the use of toilets that use no more than 1.6 gallons of water per flush. Since then, low-flow plumbing fixtures including toilets, faucet aerators and showerheads have been developed that save substantial amounts of water compared to conventional fixtures, while providing the same utility.
METHANE	An odorless, colorless, flammable gas, CH ₄ , the major constituent of natural gas, that is used as a fuel and is an important source of hydrogen and a wide variety of organic compounds; a greenhouse gas.
MMBTU	One million BTU
MSW	Municipal Solid Waste. MSW refers to the stream of garbage collected through community sanitation services. Medical wastes from hospitals and items that can be recycled are generally excluded from MSW used to generate electricity.
NWEAC	Northern Westchester Energy Action Consortium
NYSERDA	The New York State Energy Research and Development Authority, established in 1975.
NITROGEN OXIDE (NOX)	A group of different gases made up of different levels of oxygen and nitrogen. Two of the most common nitrogen oxides are: Nitrogen Dioxide and Nitric Oxide. NO _x is given off in many forms, such as smog or particles. Is formed when certain fuels (oil, gas and coal) are burned at a high temperature, such as combustion. Helps form acid rain and contributes to global warming.
OCEAN ENERGY	The ocean can produce two types of energy: thermal energy from the sun's heat, and mechanical energy from the tides and waves. Oceans cover more than 70% of Earth's surface, making them the world's largest solar collectors. The sun's heat warms the surface water a lot more than the deep ocean water, and this temperature difference creates thermal energy.
OZONE	A gas that occurs both in the Earth's upper atmosphere and at ground level. Ozone can be "good" or "bad" for people's health and for the environment, depending on its location in the atmosphere.
PCSD	Council on Sustainable Development under President Clinton, formed in 1993 and terminated six years later.
PHYTOREMEDIATION	The use of green plants to remove pollutants from the environment or render them harmless.
PLANYC	New York City's Sustainability Plan introduced in 2007.
RCDS	Rye Country Day School
RCSD	Rye City School District
RNC	Rye Nature Center
RSC	Rye Sustainability Committee, established in October 2010.
RSP	Rye Sustainability Plan
RYE OR CITY	The City of Rye
SOLAR ENERGY	Radiant heat and light from the sun.
SRREN	Report on Renewable Energy Sources and Climate Change Mitigation issued by IPCC.

APPENDICES

GLOSSARY/ACRONYMS

STORMWATER RUNOFF

Stormwater runoff is the excess rain or melted snow that cannot be absorbed by the soil and flows off our roofs, and over our yards, parking lots, and streets.

SULFUR DIOXIDE EMISSIONS

A toxic gas that is released by volcanoes and in various industrial processes. Since coal and petroleum often contain sulfur compounds, their combustion generates sulfur dioxide unless the sulfur compounds are removed before burning the fuel. Sulfur dioxide emissions are also a precursor to particulates in the atmosphere. Both of these impacts are cause for concern over the environmental impact of these fuels.

SWEAC

Southern Westchester Energy Action Consortium

SUSTAINABLE DEVELOPMENT

As defined by the Brundtland Commission (1987): development that meets the needs of the present without compromising the ability of future generations to meet their own needs.

VOCS

Volatile Organic Compounds are organic compounds that can be isolated from the water phase of a sample by purging the water sample with inert gas. Many VOCs are human-made chemicals that are used and produced in the manufacture of paints, adhesives, petroleum products, pharmaceuticals, and refrigerants. They often are compounds of fuels, solvents, hydraulic fluids, paint thinners, and dry-cleaning agents commonly used in urban settings. VOC contamination of drinking water supplies is a human-health concern because many are toxic and are known or suspected human carcinogens.

WATERSHED

A region or area bounded peripherally by a divide and draining ultimately to a particular watercourse or body of water.

WETLANDS

A land area that is saturated with water, either permanently or seasonally, such that it takes on the characteristics of a distinct ecosystem. Primarily, the factor that distinguishes wetlands from other land forms or water bodies is the characteristic vegetation that is adapted to its unique soil conditions: Wetlands consist primarily of hydric soil which supports aquatic plants.

WIND ENERGY

Kinetic energy from the wind is converted into mechanical energy.



SUSTAINABILITY SPOTLIGHT:

TREES FOR OUR CHANGING ENVIRONMENT

The City of Rye is a truly beautiful municipality to reside in. The city is endowed with many natural assets including a waterfront position on the Long Island Sound, the Edith Read Sanctuary, the Marshlands Conservancy, Rye Town Park, the Rye Nature Center, and other unique resources. However, the one defining feature that sets us apart from many surrounding Westchester municipalities is the number of trees that line our streets and grace our yards. Many residents would agree that it is the amount and variety of trees that imbue the City of Rye with its fundamental beauty and leafy allure.

Despite their natural appeal, our City's trees are constantly threatened by many direct and indirect forces. New development and clear-cutting are a continual threat, as are invasive species, but in the past several years there have been a growing number of extreme weather events that have destroyed and damaged hundreds of trees in Rye. Just in the past year and a half alone, Hurricane Irene, the snowstorm

of October 2011 and Hurricane Sandy have wreaked havoc on our trees.

This trend is reflected on a larger scale throughout the U.S. The results of a U.S. Forest Service Study National results that were released in February 2012 indicate that "tree cover in urban areas of the United States is declining at a rate of about 4 million trees per year ...Tree cover in 17 of the 20 cities analyzed in the study declined while 16 cities saw increases in impervious cover, which includes pavement and rooftops." The study included a cost/benefit analysis that showed that "The benefits derived from urban trees provide a return three times greater than tree care costs, (including) as much as \$2,500 in environmental services such as reduced heating and cooling costs during a tree's lifetime."

Despite their many long-term economic and environmental benefits, the potential dangers posed by falling trees and branches during these storms have made



trees a public relations challenge. Residents are rightly worried about protecting their families and properties from downed trees and limbs. Given the proliferation in the number of extreme weather events that Rye is experiencing, many residents might choose to proactively remove healthy trees from their yards rather than run the risk that the next storm will cause them to topple.

In summary, several dynamics here in the City of Rye are causing the removal of trees at an accelerated pace: 1) new development and construction are stripping trees, 2) extreme weather events are destroying and damaging trees more frequently, 3) residents may intentionally be removing trees to avoid the risk that they may fall during the next extreme weather event. Given these converging factors, it is an exigent time to review and highlight the importance of trees and the many advantages they confer; how to minimize the dangers posed by trees by planting the right tree in the right place; and how best to protect and care for our trees.

Why Trees Matter

In an April 11th, 2012 Op-Ed piece in The New York Times, Jim Robbins writes that “We have underestimated the importance of trees. They are not merely pleasant sources of shade but a potentially major answer to some of our most pressing environmental problems. We take them for granted, but they are a near miracle.” Below is a list of some of the reasons why trees are a natural environmental ally here in Rye.

1. Flood Mitigation

The City of Rye has experienced a number of severe floods in the past decade – two back-to-back episodes in the spring of 2007 and another major flood in the wake of 2011’s Hurricane Irene. Trees are important flood mitigators as they absorb storm-water runoff. According to the USDA Forest Service, a single tree in the Northeast can absorb over 1,900 gallons of water per year. Their introduction to the guidelines for reducing storm-water runoff reads as follows “Trees are mini-reservoirs, controlling runoff volumes and erosion of watercourses, as well as delaying the onset of

peak flows... Studies that have simulated urban forest effects on storm-water runoff have reported reductions of 2 to 7 percent.” Benefits associated with rainfall interception and reducing storm-water runoff are substantial for all tree types.”

In addition, trees have been shown to influence the flow of water. Trees reduce topsoil erosion by catching precipitation with their leaf canopies. This lessens the force of storms and slows down water runoff, which in turn ensures that our groundwater supplies are continually being replenished. Along with breaking the fall of rainwater, tree roots remove nutrients that are harmful to water ecology and quality. Leaves that have fallen from the trees and begun to decay form an organic layer that allows water to percolate into the soil which also aids in the reduction of runoff and soil erosion. All of this also helps reduce street flooding and sedimentation in streams.



SUSTAINABILITY SPOTLIGHT:

TREES FOR OUR CHANGING ENVIRONMENT

2. Climate Change Reduction

Trees act as natural greenhouse gas sinks. Suburban forests reduce atmospheric CO₂ by directly sequestering CO₂ in their stems and leaves while they grow. According to the USDA's Northeast Community Tree Guide, "a study of New York City's urban forest found that trees stored 1.35 million tons of atmospheric CO₂...The 5.2 million trees sequestered approximately 42,329 tons of atmospheric CO₂ annually." Planting trees remains one of the most cost-effective means of drawing excess CO₂ from the atmosphere. If every American family planted one tree, the amount of CO₂ in the atmosphere would be reduced by one billion pounds annually. This equates to almost 5 percent of the amount that human activity pumps into the atmosphere each year.

3. Air Quality Enhancement

Trees also remove other gaseous pollutants through the stomata in the leaf surface by absorbing them with normal air components. Some of the other major air pollutants and their primary sources are:

- **Sulfur Dioxide (SO₂)** – Sixty percent of sulfur dioxide comes from coal burning for electricity and home heating while 21 percent comes from refining and the combustion of petroleum products.
- **Ozone (O₃)** – Ozone is a naturally occurring oxidant that exists in the upper atmosphere. O₃ may be brought to Earth by turbulence during severe storms. Also, small amounts are formed by lightning. Automobile emissions and industrial emissions mix in the air and undergo photochemical reactions in sunlight releasing ozone and another oxidant, peroxyacetylnitrate (PAN). Naturally, high concentrations of these two oxidants build up where there are many automobiles.
- **Nitrogen Oxides (NO_x)** – Probably the largest producer of nitrogen oxide is automotive exhaust. These are also formed by high temperature combustion when two natural air components are present; nitrogen and oxygen.
- **Particulates** – These are small particles emitted in smoke from burning fuel, particularly diesel, which enters our lungs and causes respiratory problems. With trees present, there is up to a 60 percent reduction in street-level particulates.



Studies have shown that in one urban park, tree cover removed 48 pounds of particulates, 9 pounds of nitrogen dioxide, 6 pounds of sulfur dioxide, 0.5 pounds of carbon monoxide and 100 pounds of carbon – daily. It has also been noted that one sugar maple along a roadway removes 60mg cadmium, 140mg chromium, 820mg nickel and 5,200mg lead from the environment in one growing season.

4. Energy Conservation

Trees help to modify local climate by lowering air temperature, increasing humidity, influencing wind



speeds and reducing glare. In the warmer months of the year, urban areas realize lower air temperatures when trees are strategically planted along streets and near buildings. These trees provide shade and evaporation of water through the transpiration process. The evaporation from a single large tree can produce the cooling effect of 10 room-sized air conditioners operating 24 hours a day. Communities in which homeowners utilize trees in their landscaping also benefit. When homeowners properly place trees in landscaping they benefit from savings on daytime air conditioning. For example, three or more large trees strategically placed on the sunny sides of a house will provide enough shade to reduce air-conditioning costs by as much as 30 percent. Trees (mostly evergreen trees, as deciduous trees lose their leaves in the winter) also help with energy costs in the winter by blocking cold winds thereby reducing the strain on heating units.

These energy savings, when spread over many houses, neighborhoods and urban areas, can reduce the demand for power production by utility plants, which also reduce the amount of air pollutants produced by these power plants.

5. Wildlife Habitat

It is only natural that wherever trees are planted, wildlife and other plants are sure to follow. Trees provide shelter and food for a variety of birds and small animals, such as squirrels and beavers. Enhancing growth diversity, trees create an environment that allows the growth of plants that otherwise would not be there.

Flowers, fruits, leaves, buds and woody parts of trees are used by many different species. Bacteria and fungi contained in tree parts cause decay which makes nesting easier for some birds and increases soil fertility and structure for furrowing by other land animals.

Trees also provide shade, reduce water and air temperatures and contribute to the overall health of aquatic ecosystems by providing habitat, shelter and food for aquatic species such as turtles, otters, beavers and fish.

6. Aesthetic and Real-Estate Value

Trees add beauty to their surroundings by adding color to an area, softening harsh lines of buildings, screening unsightly views and contributing to the character of their environment. Trees have also proven to contribute to a community's economy and way of life. Depending on species, maturity, quantity and location, property values increase 5 to 15 percent when compared to properties without trees.

Trees enhance their surroundings in many ways. Trees planted along and around buildings provide a distraction for the eye, softening the background and screening unsightly views. Trees also contribute eye-catching colors to their surroundings, from the different shades of green found in the leaves, the colors found in flowering trees and sometimes even the bark of the tree.

Trees also lend to the preservation of streets paved with asphalt. Asphalt paving contains stone aggregate in

SUSTAINABILITY SPOTLIGHT:

TREES FOR OUR CHANGING ENVIRONMENT

an oil binder. Without shade provided by trees, the oil heats up and volatilizes, leaving the aggregate unprotected. Vehicles then drive over the aggregate causing it to loosen which grinds down the pavement. Therefore, not only do trees help to maintain the integrity of community roads, they also lower costs expended on re-paving roadways.

The condition of a community's trees and collectively, its urban forests, is usually the first impression a community projects to its visitors. A community's urban forest is an extension of its pride and community spirit. Studies show that trees also enhance community economic stability by attracting businesses and tourists as people tend to linger and shop longer along tree-lined streets. Studies have also shown that apartments and offices in wooded areas rent more quickly and businesses leasing office spaces in developments with trees reported higher productivity and fewer absences.

Invasive Trees

Planting invasive tree species is detrimental to our environment and economy. Invasive species have specific traits or specific combinations of traits that allow them to out-compete native species. Invasive species grow and reproduce quickly, and spread aggressively, with potential to cause harm. The DEC website defines invasive species as "a species that is: (a) non-native to the ecosystem under consideration; and (b) whose introduction causes or is likely to cause economic or environmental harm or harm to human health.". Currently, the City of Rye tree code (Chapter 187) prohibits "property owners and other persons from planting silver maples and allied species, ailanthus and poplars of any variety within a distance of 20 feet from any public street, right-of-way, sidewalk or other public place."

A list of invasive species in the New England area can be found in the Invasive Plant Atlas of New England (IPANE). The

following are the species identified to be invasive in this geographic region.

The Right Tree in the Right Place

In order to avoid some of the dangers and inconveniences posed by mature trees that the City of Rye has witnessed during recent weather events, it is essential to consider exactly what tree type is best for the space before it is to be planted. A proper landscape plan takes each tree into consideration. Below is a list of important factors to consider before planting a tree.

1. **Height.** Will the tree bump into anything when it is fully grown or will it pose a potential hazard to a building or residence once it is mature?
2. **Canopy spread.** How wide will the tree grow? Again, will its mature canopy eventual cause undesirable proximity to a building or residence.
3. **Is the tree deciduous or coniferous?** (Will it lose its leaves in the winter?)
4. **Form or shape.** A columnar tree will grow in less space. Round and V-Shaped species provide the most shade.
5. **Growth rate.** How long will it take for your tree to reach its full height? Slow growing species typically live longer than fast growing species.
6. **Invasives.** Is the tree species native to this region? Invasive trees tend to grow quickly with a shallow root system causing them to be more prone to blow-downs.

In addition, native species are the optimum choice for wildlife habitat restoration or enhancement.

7. **Soil, sun, and moisture** requirements.
8. **Fruit.** No one wants messy droppings on busy sidewalks.
9. **Hardiness zone** indicates the temperature extremes in which a tree can be expected to grow.

Scientific Name	Common Name
<i>Acer ginnala</i> Maxim.	Amur maple
<i>Acer platanoides</i> L.	Norway maple
<i>Acer pseudoplatanus</i> L.	Sycamore maple
<i>Ailanthus altissima</i> (Mill.)	Tree of heaven
<i>Alnus glutinosa</i> (L.)	European black alder
<i>Paulownia tomentosa</i>	Princess tree
<i>Populus alba</i> L.	White poplar
<i>Robinia pseudoacacia</i> L.	Black locust



Pruning Standards

Caring for and pruning our trees properly is vital to maintaining tree health and promoting their safe growth which helps minimize the dangers they can pose. For more information on proper tree care, residents can refer to the pruning standards set forth by ANSI (American National Standards Institute) and ISA (International Society of Arboriculture).

1. Why Prune a Tree?

Health

- Remove dead, damaged and diseased branches to help prevent insect & decay organisms from entering the tree.
- Thin a dense canopy on a tree to increase air and sunlight, resulting in fewer disease problems.
- Remove suckers & water sprouts to eliminate weak wood and provide more food and water for the tree.
- Eliminate crossing branches to prevent damage caused by their rubbing against each other.
- Weak or narrow crotches split apart as the tree grows older. Remove these crotches to eliminate breaking and tearing of wood.
- Remove co-dominant leaders. Co-dominant leaders are two branches growing near the top of a tree that grow straight up and become equally dominant. Cutting off one allows the other branch to grow &

become the dominant branch. This prevents the branches from splitting and tearing wood that is often a problem in heavy winds.

Safety

Correct pruning procedures create and maintain a strong tree structure, preventing safety hazards such as low growing branches and growth forms subject to storm damage near a house, driveway or sidewalk.

Maintain natural tree form

Often erratic or vigorous branches grow that change the growth habit of other branches and results in a misshaped tree. Early removal of these vigorous branches maintains a natural tree form.

Stimulate or restrict growth

Pruning can stimulate growth in sparse areas of the tree. Pruning can also restrict growth where too much growth is undesirable.

2. When Do You Prune a Tree?

Dead, damaged, and diseased branches should be removed as soon as possible. Otherwise, the best time to prune is in late winter, early spring, just before the tree begins to open its buds. While pruning can be done anytime, it is always good to avoid hot dry periods and extreme winter cold. If you do prune trees after the leaves have opened, be sure to allow them to fully develop their leaves plus some additional time to recoup the energy they used.

SUSTAINABILITY SPOTLIGHT:

WASTE DISPOSAL OPTIONS FOR REDUCTION OF OVERALL CARBON FOOTPRINT

Waste disposal is an extremely important environmental issue for cities everywhere. Not only must we generate less waste but we can also reuse/recycle the waste we do create in an energy efficient manner. The City of Rye Sustainability Committee is looking for ways to reduce costs of waste removal and decrease our waste footprint. With this in mind, there are two waste recycling initiatives, which can help mitigate the proliferation of our waste.

1. Greasecycling

Greasecycling is the conversion of used cooking oil into a clean burning fuel called biodiesel. Oil is collected from restaurants, clubs and other establishments. It is then refined and used as feedstock for biodiesel.

“Biodiesel contains no petroleum, but it can be blended at any level with petroleum diesel to create a biodiesel blend. It can be used in compression ignition (diesel) engines with no major modifications. Biodiesel is simple to use, biodegradable, nontoxic, and essentially free of sulfur and aromatics.” This renewable energy meets strict industry standards and is extremely energy efficient. “A U.S. Department of Energy study showed that the production and use of biodiesel, compared to petroleum diesel, resulted in a 78.5% reduction in carbon dioxide emissions. Moreover, biodiesel has a positive energy balance. For every unit of energy needed to produce a gallon of biodiesel, at least 4.5 units of energy are gained.”¹⁹

The Rye Department of Public Works' (DPW) fleet is partially run on diesel fuel and capable of utilizing biodiesel without further modifications. Since 2005, Rye's DPW diesel consumption has increased 26.8%, while the use of gasoline has decreased 14.8%. One company, Hudson Bio Fuel, has estimated that 3,760 gallons of waste oil is produced by Rye City restaurants and clubs.

Pasadena, Ca; Portland, Ore; Denver, Co; Lake Forest, Ill; are among a multitude of cities across the United States that are using biodiesel in their DPW fleets.

For those living on Long Island Sound, there are heightened environmental concerns regarding waste management. Hudson Biofuels points to “the proper disposal of used cooking oil. Oil is lighter than water and tends to spread into thin and broad membranes that hinder the oxygenation of water. Because of this, a single gallon of oil can contaminate as much as one million gallons of water.”²⁰

2. Organic Waste Disposal

“States have begun to ban food waste from going to landfills or other mixed municipal waste disposal facilities. The bans will prohibit hospitals, correctional facilities, schools, hotels, restaurants, and all other businesses that generate more than one ton of food waste per week from sending food waste for disposal at landfills. Long distance hauling to composting facilities will prove to be a nuisance to store and costly to haul.”²¹

Although it is not yet mandatory in Westchester - a densely populated, highly developed county - it is only a matter of time before this will become an issue. So how to reduce food waste?

One company, BioHi Tech, has developed a HiVolume Organic Waste Decomposition system: The Eco-Safe Digester. The Eco-Safe Digester will safely and quickly decompose virtually all organic food waste including: meat, poultry, fish, fruit, vegetables, rice, pasta, bread, coffee grinds, eggshells, and dairy products. A highly refined formula of microorganisms is used to breakdown organic waste into a liquid, which can be safely disposed down the drain, completely eliminating the waste, and ultimately allowing the effluent to return to our ecosystem. In a restaurant, the dishwasher simply wipes leftovers off the plate into

¹⁹ National Biodiesel Board

²⁰ Hudson Biofuel

²¹ Bio HiTech



the Digester rather than into a garbage bag. There are a multitude of economical and environmental benefits:

- Reduces Waste Transportation Costs by Reducing Number of Pick Ups
- Lowers Emissions from Less Truck Traffic and Land-filling
- Diverts Organic Waste from Landfills
- Extends the Lifespan of the County's Disposal Facilities
- Recycles Food Waste into a Reusable Resource (water, energy and fertilizer)

- Reduces Janitorial Supply Costs
- Measures Environmental Performance
- Shrinks Environmental Footprint
- Improves Efficiency and Workflow
- Eliminates Compactor Odors
- Creates a Safer Environment for Employee

Area clubs and schools that are intent on being ahead of the curve, are implementing or considering this system.



CITY COUNCIL AGENDA

NO. 6

DEPT.: City Manager's Office

DATE: August 5, 2013

CONTACT: Scott Pickup, City Manager

AGENDA ITEM: Public Hearing to amend local law Chapter 191, Vehicles and Traffic, of the Rye City Code, Section 191-21, "Parking, standing or stopping", to prohibit parking on the South side of Platt Lane on School Days during the hours of 8:00 a.m. to 9:00 a.m. and 2:30 p.m. to 4:00 p.m.

FOR THE MEETING OF:

August 5, 2013

RYE CITY CODE,

CHAPTER	191
SECTION	21

RECOMMENDATION: That the City Council approve the changes on Platt Lane as outlined by the Traffic and Pedestrian Safety Committee.

IMPACT: ☐ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

BACKGROUND: Residents of Platt Lane met with the Traffic and Pedestrian Safety Committee and requested restricted parking on Platt Lane during standard drop-off and pick-up times on school days to provide a safer environment for students of the Midland Elementary School. Currently, parking is allowed on both sides of Platt Lane, which limits drivers site visibility, causes children and parents to walk down the middle of the street, and makes it difficult for residents to enter and exit their street. Concerns have also been raised about the ability of emergency vehicles to get through the street. The Traffic and Pedestrian Safety Committee is making the recommendation to prohibit parking on the South side of Platt Lane on School Days during the hours of 8:00 a.m. to 9:00 a.m. and 2:30 p.m. to 4:00 p.m. Nicole Regan, the Midland school representative, attended the Traffic and Pedestrian Safety Committee meeting and was made aware of the recommendation. These restrictions are currently in effect for Billington Court, another street located near Midland Elementary School

See attached.

§ 191-21. Parking, standing or stopping.

The parking, standing or stopping of vehicles is hereby prohibited in the following locations:

Name of Street	Side	Location
Billington Court [Added 8-16-1995]	North	
Central Avenue [Added 10-20-1982]	North	30 feet west from Boston Post Road
Central Avenue [Added 10-20-1982]	South	From Loewen Court to the Boston Post Road
Cornell Place [Amended 1-7-1976 by Ord. No. 3-1976]	Both	
Dearborn Avenue [Added 1-7-1976 by Ord. No. 3-1976]	Both	East of Forest Avenue, including the turnaround at the easterly end thereof*
Forest Avenue [Added 12-2-1981]	East	From Redfield Street to Playland Parkway
Franklin Avenue [Added 11-19-2008]	North- east	From a point approximately 30 feet north of Sonn Drive
Hewlett Avenue [Added 2-28-2001]	East	Between the crosswalks extending from Robert Crisfield Place to the fire lane driveway exit, when school is in session, from 8:00 a.m. to 9:00 a.m. and 2:30 p.m. to 3:30 p.m.
Kirby Lane [Added 5-2-1990]	Both	From its western most inter-section with Mill Pond to Van Rensselaer Road, from 8:00 p.m. to 6:00 a.m.
Locust Avenue	Both	From Purchase Street to the east end of Mead Place
Locust Avenue [Added 12-2-1981]	South	From main firehouse to Purchase Street
Midland Avenue [Added 12-2-1981]	Front of No. 382	
Midland Avenue [Added 8-16-1995;		

Name of Street	Side	Location
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repealed 9-20-1995]

Midland Avenue
**[Added 9-20-1995;
repealed 3-19-1997]**

Midland Avenue [Added 9-20-1995]	West	From Apawamis Avenue to Goldwin Street from 8:00 a.m. to 9:00 a.m. and 2:30 p.m. to 3:30 p.m., Monday through Friday
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Milton Road [Added 12-2-1981]	West	From Fairlawn Street to driveway of marina
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Platt Lane	South	On School Days from 8:00 a.m. to 9:00 a.m. and 2:30 p.m. to 4:00 p.m.
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Purchase Street [Added 12-2-1981]	West	From Elizabeth Street to driveway of 231 Purchase Street
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Purdy Avenue [Added 12-2-1981]	Both	Purchase Street to First Street
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Purdy Avenue [Added 12-2-1981]	South	From School Street to Post Road
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NOTE:

*Except that the parking, standing or stopping of vehicles on the northerly side of the turnaround for discharging or loading of passengers only is permitted.



CITY COUNCIL AGENDA

NO. 7

DEPT.: City Manager's Office

DATE: August 5, 2013

CONTACT: Scott Pickup, City Manager

AGENDA ITEM: Resolution to amend changes to local law Chapter 191, Vehicles and Traffic, of the Rye City Code, Section 191-19.1, "Parking prohibited certain hours", to temporarily prohibit parking on the south side of Parsons Street from 2:00 p.m. to 4:00 p.m. for the duration of the Rye City School District construction.

FOR THE MEETING OF:

August 5, 2013

RYE CITY CODE,

CHAPTER	191
SECTION	13

RECOMMENDATION: That the City Council temporarily amend changes to the parking restrictions on Parsons Street.

IMPACT: ☐ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

BACKGROUND: The City Code specifies that no person shall park a vehicle on the South side of Parsons Street between the Middle School and High School driveways from 7:30 a.m. to 8:30 a.m. The School District has requested that the City also prohibit parking on Parsons from 2:00 p.m. to 4:00 p.m. for the duration of the construction project to allow for buses transporting students for athletic and other events.

See attached.

§ 191-19.1. Parking prohibited certain hours.

No person shall park a vehicle between the hours listed upon any of the following described streets or parts of streets:

Name of Street	Side	Hours	Location
Parsons Street	South	7:30 a.m. to 8:30 a.m.	Between the Middle School and High School driveways
Parsons Street	South	2:00 p.m. to 4:00 p.m.	Between the Middle School and High School driveways



CITY COUNCIL AGENDA

NO. 8

DEPT.: City Council

DATE: August 5, 2013

CONTACT: Mayor Douglas French

AGENDA ITEM: Consideration of amending the governing procedures of City Enterprise Funds.

FOR THE MEETING OF:

August 5, 2013

**RYE CITY CODE,
CHAPTER
SECTION**

RECOMMENDATION: That the City Council review the governing procedures of the City Enterprise Funds.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: The City of Rye established two Enterprise Funds by City Council Resolution: the Rye Golf Club and the Rye Boat Basin. The Enterprise Funds are responsible for all costs associated with the operation and maintenance of their respective facilities, including debt service, capital improvements, and administrative fees charged to it by the General Fund. The Boat Basin Commission and the Rye Golf Club Commission serve in an advisory capacity; their responsibilities are outlined in the governing procedures including:

- Role
- Advisory Recommendation
- Responsibilities

DRAFT 8/4/13

Governance Rules and Procedures

of the City of Rye Enterprise Fund Entities

(Rye Golf Club and Boat Basin)

In order to restore the public confidence in the City's enterprise fund entities, the following governance rules, practices and procedures will be implemented for how these entities will be directed and controlled. Enterprise Funds are proprietary funds used to report on activity for which a fee is charged to external users for goods or services, and are operated separately and apart from the City's General Fund. The governance framework will balance the interests of the many stakeholders to include membership, residents and taxpayers, commission members, City Council, City Management and staff. It will encompass every aspect of oversight – budgets, capital plans, policies, internal controls, performance measurement and public disclosure – each reflected below.

1. The Commission.

- (a) *Role.* The Commission shall serve in an advisory capacity reporting to the Rye City Council on behalf of the members of the Rye Golf Club and Boat Basin (the "Clubs") and shall have the responsibilities set forth in Section 1(e) below. Neither the Commissions, any Committee of the Commissions nor any member of the Commissions or member of any Committee thereof, shall have any final authority or responsibility for execution, implementation or management of any activity, program, employment matter, or contract involving the Clubs.

However, it is intended that the Commissions will have day-to-day advisory oversight responsibilities for the Clubs in conjunction with the City Manager and designate staff, including as set forth in Section 1(e) below. The Commission, in consultation with the City Manager and other City employees, shall oversee and direct the Golf Club Manager and Boat Basin Supervisor and the respective department heads (e.g., Golf Professional, Superintendents, and Restaurant Manager) for the execution, implementation and management of the authorized operations of the Clubs consistent with approved plans, budgets and policies.

- (b) *Advisory Recommendation.* The Commissions shall make such recommendations as it deems proper in respect of the current and proposed activities, programs, policies and other matters, including those that have financial impact, related to the Clubs. The Commission shall also make recommendations concerning the duties and responsibilities of independent contractors (e.g. Golf Professional, Restaurant Manager), including recommendations concerning employment of prospective individuals to fill those positions, and any other areas the Commission deems appropriate. Such recommendations shall be made directly to the Rye City Manager and City Council.

- (c) *Monthly Updates and Authorizations for the Council.* A standing monthly agenda item for the Clubs will be added to the regular meetings of the City Council for updates, approvals and discussion on Club operations.
- (d) *Annual Audit.* An annual, independent audit shall be conducted by the City on behalf of the Clubs by an auditor with experience in said operations submitted to the Commission along with an annual public presentation at a regular scheduled meeting of the City Council.
- (d) *Responsibilities.* The Commissions shall:
 - (i) Review, advise on and approve an annual budget and capital plans for the Clubs provided and prepared by staff and any other committees established by the Commissions. Annual budgets shall include proposed annual membership categories and fees and proposed charges for other services provided by the Clubs as well as significant policy changes, prior to timely submission of such annual budget to the City Manager.
 - (ii) Have the authority to recommend changes to the approved budgets to the City Council for review and approval. Any expenditure set forth in the approved budget shall be reviewed in accordance with the procedures set forth in Annex A.
 - (iii) Work with the City Manager in reviewing and negotiating all contracts which will bind the Clubs (other than omnibus municipal contracts) subject to final approval by the City Manager (with input as needed from the City Council).
 - (iii) Have responsibility for interviewing and recommending to the City Manager and City Council, the terms of employment for managers and similar personnel to be employed by or consultant to the Clubs.
 - (iv) Inform the City Manager of any concerns regarding a particular employee's performance and work with the City Manager, as needed, in any disciplinary or termination actions. Commission members *must* escalate to City Manager and City Council any issues related to conflict of interest with respect to the Clubs and its operations.
 - (v) Be provided with monthly operational and financial reports and updates as requested. Updates are to include financials as per specific requests made by the Commissions and/or Council (e.g., golf, pool, mooring fees, boat storage).
 - (vi) Adopt, interpret, apply and enforce such rules and regulations relating to the use of the Clubs as they deem appropriate, which rules and regulations shall not be inconsistent or conflict with any agreement of the City of Rye

or any published policy of the Rye City Council. Any changes in policies of a substantial nature must be presented to the City Council for approval and authorization.

- (viii) Select a Commission Chairperson.
 - (ix) Upon request, have managers, City employees or other department head designated to the Club provide an update to the Commission and/or Council on operations regarding the Club as requested.
 - (xi) Recommend in conjunction with the City Comptroller, to recommend changes necessary to ensure accurate accounting practices and procedures at the Clubs, and for the Clubs to invest as needed in the proper resources to ensure compliance with financial controls and reporting.
 - (xiii) Have input on what employment positions should be filled as a City employee or as an independent contractor.
 - (xiv) Decide such matters as may be properly brought before the Commission for a decision.
- (d) Commission membership
- (i) The Rye Golf Club Commission shall consist of twelve (12) members. Nine (3) of the members shall be elected by the membership and the Mayor shall appoint with Council confirmation one (1) Council liaison, one (1) member from the City's finance advisory committee, and (1) additional appointment. All members shall be voting members. The two mayoral appointments shall serve two-year terms. All other members shall serve for three (3) years. No member may serve for more than (2) consecutive terms.

The Boat Basin shall consist of seven (7) members. Five (5) of the members shall be elected by the membership and the Mayor shall appoint with Council confirmation one (1) Council liaison and one (1) member from the City's finance advisory committee. All members shall be voting members. The two mayoral appointments shall serve two-year terms. All other members shall serve for three (3) years. No member may serve for more than (2) consecutive terms.

As with all City commission and board members, members must read and confirm upon taking oath that they have read the City's conflict of interest policies. Members are expected to attend most meetings to remain in good standing.
 - (ii) All Commission meetings shall comply with the Public Officers Law and be posted with agenda materials on the City of Rye website.

- (iii) The Commission can act only if a quorum of members are present and all votes must be approved by a majority of the members in order for any action to be passed.
- (iv) Minutes shall be kept for all meetings.

The Commission may delegate such responsibilities to Committees or others as it shall deem appropriate.

Below are a number of protocols intended to be used in connection with commission responsibilities.

Annex A

Protocols for Certain Oversight Responsibilities

1. Expenditures exceeding \$2,500

Any expenditure exceeding \$2,500 that is outside the approved budget and normal operations shall be reviewed by the Commission for their recommendation in advance of executing the expense. If there is a disagreement with such purchase, the City Manager will make the final determination. All expenses will be reviewed on a monthly basis by the full Commission.

The above procedures may be overridden as deemed by the City Manager in the event of an emergency or a time-sensitive expenditure, but information regarding such expenditure will be provided as part of the monthly report.

2. Contracts where cost to the Clubs will exceed \$2,500

Prior to entering into any contract which will require expenditures by the Clubs of more than \$2,500 annually (other than contracts affecting the City and its agencies generally), a copy of the contract will be provided to the Commissions with sufficient time for review, comment, and recommendation.

The Commissions, in consultation with the City Manager, shall participate in reviewing and negotiating such contracts.

The Commissions will provide comments and approval (or disapproval) as soon as practicable given the circumstances and timing regarding the contract. If there is a disagreement, the matter will come to the Council for approval.

3. Hiring/termination of employees and consultants

Prior to retaining employees, contract personnel or consultants, the managers of the Clubs or authorized persons in the City will consult with the Commissions as to the planned retention.

The Commissions will provide comments and approval (or disapproval) as soon as practicable given the circumstances and timing regarding the contract. If there is a disagreement, the matter will come to the Council for approval.

A similar procedure will be followed with respect to termination of employees, contract personnel and consultants.

While retention or termination of an employee, contract personnel or consultants is within the authority of the authorized person (or General Manager of the Golf Club), the authorized person/body shall consult with the Commissions regarding the potential retention or termination.

4. Reporting Lines/Information

The General Manager/Supervisor (if any) will report to the City Manager with a dotted line to the Commission regarding the operation of the Clubs.

Other managers of the Clubs will report to the General Manager/Supervisor (if any). If there is no General Manager, managers or department heads will report to the City Manager or designated City staff with dotted-line reporting to the Commission.

In the event of any disagreement between the managers/supervisors at the Clubs and the Commissions, such disagreement shall be brought to the attention of the City Manager and the City Council for a final determination.



CITY COUNCIL AGENDA

NO. 9

DEPT.: City Council

DATE: August 5, 2013

CONTACT: Mayor Douglas French

AGENDA ITEM: Discussion on amending the City's management employment agreements.

FOR THE MEETING OF:

August 5, 2013

**RYE CITY CODE,
CHAPTER
SECTION**

RECOMMENDATION: That the City Council consider amending the City's management employment agreements.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND:

Due to staff reductions at the City over the last few years, no succession plan is in place for many key management positions. The Council should consider options for the management staff to establish a succession plan should changes arise. It is expected that Council will adjourn to Executive Session to discuss personnel.



CITY COUNCIL AGENDA

NO. 10

DEPT.: City Manager

DATE: August 5, 2013

CONTACT: Scott Pickup, City Manager

AGENDA ITEM: Resolution to amend the City of Rye's FOIL procedures regarding the FOIL Appellate body.

FOR THE MEETING OF:

August 5, 2013

RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION: That the City Council amend the current FOIL procedures per the proposed changes.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND: Currently the City Council is designated as the Appellate Board for all appeals of denied FOIL requests. The law requires that a determination be made within 10 business days; appeals are heard at a regularly scheduled Council meeting if possible, or a special meeting is scheduled. Proposals to simplify this process have been suggested including:

Option A: the City Council is the Appellate Board and hears appeals at a regularly scheduled Council meeting. The requestor would be asked to consent to a waiver of the 10-business day appeal period if a meeting is not scheduled within that timeframe. If the requestor does not consent to a waiver then the Corporation Counsel will hear the appeal.

Option B: the Corporation Counsel would be the "Records Appeals Officer" in the first instance and would hear all appeals.

Option C: a FOIL Appeal Committee would hear all Appeals submitted to the Council. The Committee would be comprised of three Council members: the Mayor or Deputy Mayor as Chair with two additional Council members to serve as Appeals officers. The two Council members will rotate on an assigned monthly basis (or serve for designated terms).

Option A: City Council hears the Appeals

Section 8. Denial of access to records.

- (a) Denial of access to records shall be in writing stating the reason(s) therefore and advising the requestor of the right to appeal to the City Council within thirty (30) days of the denial. Appeals heard by the City Council are final determinations. However, if the City Council does not meet within the statutory ten (10) business days following receipt of the appeal, the individual filing the appeal will be asked to waive the ten (10) day statutory period for hearing the appeal. If the individual agrees to waive, the appeal will be heard at the next regularly scheduled City Council meeting. If the individual does not waive the ten (10) day statutory period then the Corporation Counsel will hear the appeal. Appeals heard by either the City Council or Corporation Counsel are final determinations. (i.e. a City Council's determination on an appeal cannot be reheard by the Corporation Counsel and vice versa).
- (b) If requested records are not provided promptly, as required in Section 6 (c) of these regulations, such failure shall also be deemed a denial of access. In such cases, appeals must be filed within thirty (30) days of the date by which the records were to be made available.
- (c) The time for deciding an appeal by the City Council shall commence upon receipt of a written appeal identifying:
 - 1. The date of the appeal.
 - 2. The date and location of the original record request.
 - 3. The records to which the requestor was denied access.
 - 4. Whether the denial of access was in writing or by failing to provide records in accordance with the applicable time periods.
 - 5. A copy of the written denial, if any.
 - 6. The name and return address (or email address) of the requestor.
- (d) The appeal shall be determined by the City Council or the Corporation Counsel within ten (10) business days of the receipt of the appeal. If the appeal is submitted via email, any emails received after 5:00 P.M. will be considered received on the next business day. Written notice of the determination shall be served upon the person requesting the record and the Committee on Open Government.
- (e) A person requesting an exception from disclosure, or an agency denying access to record, shall in all appeal proceedings have the burden of proving entitlement to the exception.
- (f) A proceeding to review an adverse determination upon appeal may be commenced pursuant to Article 78 of the Civil Practice Law and Rules in accordance with all applicable provisions of the law.

Option B: the Corporation Counsel hears the Appeals

Section 8. Denial of access to records.

- (a) Denial of access to records shall be in writing stating the reason(s) therefore and advising the requestor of the right to appeal to the Corporation Counsel within thirty (30) days of the denial. Appeals heard by the Corporation Counsel are final determinations.
- (b) If requested records are not provided promptly, as required in Section 6 (c) of these regulations, such failure shall also be deemed a denial of access. In such cases, appeals must be filed within thirty (30) days of the date by which the records were to be made available.
- (c) The time for deciding an appeal by the Corporation Counsel shall commence upon receipt of a written appeal identifying:
 - 1. The date of the appeal.
 - 2. The date and location of the original record request.
 - 3. The records to which the requestor was denied access.
 - 4. Whether the denial of access was in writing or by failing to provide records in accordance with the applicable time periods.
 - 5. A copy of the written denial, if any.
 - 6. The name and return address (or email address) of the requestor.
- (d) The appeal shall be determined by Corporation Counsel within ten (10) business days of the receipt of the appeal. If the appeal is submitted via email, any emails received after 5:00 P.M. will be considered received on the next business day. Written notice of the determination shall be served upon the person requesting the record and the Committee on Open Government.
- (e) A person requesting an exception from disclosure, or an agency denying access to record, shall in all appeal proceedings have the burden of proving entitlement to the exception.
- (f) A proceeding to review an adverse determination upon appeal may be commenced pursuant to Article 78 of the Civil Practice Law and Rules in accordance with all applicable provisions of the law.

Option C: a FOIL Appeal Committee hears the Appeals

Section 8. Denial of access to records.

- (a) Denial of access to records shall be in writing stating the reason(s) therefore and advising the requestor of the right to appeal to the FOIL Appeal Committee within thirty (30) days of the denial. Appeals heard by the FOIL Appeal Committee are final determinations. The Committee would be comprised of three Council members: the Mayor or Deputy Mayor as Chair with two additional Council members to serve as Appeals officers. The two Council members will rotate on an assigned monthly basis (or serve for designated terms).
- (b) If requested records are not provided promptly, as required in Section 6 (c) of these regulations, such failure shall also be deemed a denial of access. In such cases, appeals must be filed within thirty (30) days of the date by which the records were to be made available.
- (c) The time for deciding an appeal by the FOIL Appeal Committee shall commence upon receipt of a written appeal identifying:
 - 1. The date of the appeal.
 - 2. The date and location of the original record request.
 - 3. The records to which the requestor was denied access.
 - 4. Whether the denial of access was in writing or by failing to provide records in accordance with the applicable time periods.
 - 5. A copy of the written denial, if any.
 - 6. The name and return address (or email address) of the requestor.
- (d) The appeal shall be determined by the FOIL Appeal Committee within ten (10) business days of the receipt of the appeal. If the appeal is submitted via email, any emails received after 5:00 P.M. will be considered received on the next business day. Written notice of the determination shall be served upon the person requesting the record and the Committee on Open Government.
- (e) A person requesting an exception from disclosure, or an agency denying access to record, shall in all appeal proceedings have the burden of proving entitlement to the exception.
- (f) A proceeding to review an adverse determination upon appeal may be commenced pursuant to Article 78 of the Civil Practice Law and Rules in accordance with all applicable provisions of the law.



CITY COUNCIL AGENDA

NO. 11

DEPT.: Corporation Counsel

DATE: August 5, 2013

CONTACT: Kristen K. Wilson, Corporation Counsel

ACTION: Resolution to amend local law Chapter 15, "Code of Ethics", to reflect the addition of the Conflict of Interest form.

FOR THE MEETING OF:

August 5, 2013

RYE CITY CODE,

CHAPTER 15
SECTION

RECOMMENDATION:

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND: The City has proposed instituting a Conflict of Interest form which would be filed yearly by public officials and select employees within the City. Rye City Code, local law Chapter 15, "Code of Ethics" must be updated to reflect the addition of the Conflict of Interest form.

See attached draft Local Law.

CITY OF RYE
LOCAL LAW NO. ____ 2013

**A Local Law to amend Chapter 15 “Ethics, Code of” §§ 15-2
“Conflicts of Interest”, 15-4 “Disclosure of interest” and to
add § 15-16 “Waiver procedure” of the Rye City Code**

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

Section 1: Chapter 15 Ethics, Code of

§ 15-2. Conflicts of interest.

- A.** No officer or employee of the city shall have any interest, financial or otherwise, direct or indirect or engage in any business or transaction or professional activity or incur any obligation of any nature which is in conflict with or might reasonably tend to conflict with the proper discharge of his duties in the public interest.
- B.** **No member of the Rye Golf Commission or Boat Basin Commission shall be permitted to engage in any business or transaction with the city for pay.**
- C.** **No officer, employee, department head or assistant department head (or any spouse of any person holding one of the aforementioned positions) shall be an employee, subcontractor, agent, servant, representative, or hold any other position with a vendor of the city.**

§ 15-4. Disclosure of interest.

A member of the Council who has a direct or indirect financial or other private interest in any matter before the Council, or any officer, ~~or~~ employee, **department head, or board or commission member** who has a direct or indirect financial or other private interest in any matter before the Council and who participates in the discussion before or makes a recommendation to or gives an opinion to the Council on that matter, shall publicly disclose on the official record of the Council the nature and extent of such interest **and recuse him/herself from the discussion and taking any action on the matter.**

§ 15-5. Solicitation or acceptance of gifts and favors.

No officer or employee shall, directly or indirectly, solicit any gift, or accept or receive any gift having a value of **fifty (\$50) dollars** or more, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise or in any other form, under circumstances in which it could reasonable be inferred that the gift was intended to influence him or could reasonably be expected to influence him in the performance of his official duties or was

intended as a reward for any official action on his part, or grant in the discharge of his duties any improper favor, service or thing of value.

§ 15-16. Waiver procedure.

Any officer, employee, department head, or board or commission member may apply for a waiver of the prohibitions set forth in this Chapter by following the procedures outlined in A and B below.

- A. An employee or department head shall apply for a waiver to the City Manager. Any applications shall be in writing. The City Manager has the authority to condition any waiver on reasonable terms. The City Manager may seek an advisory opinion from the Board of Ethics if he/she needs clarification on an issue.**
- B. An elected or appointed official shall apply for a waiver to the Board of Ethics. All applications shall be in writing. The Board of Ethics has the authority to condition any waiver on reasonable terms.**

Section 2: Severability.

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

Section 3: Effective date.

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



CITY COUNCIL AGENDA

NO. 12

DEPT.: City Council

DATE: August 5, 2013

CONTACT: Mayor Douglas French

AGENDA ITEM: Consideration to adopt a Conflict of Interest Form.

FOR THE MEETING OF:

August 5, 2013

**RYE CITY CODE,
CHAPTER
SECTION**

RECOMMENDATION: That the Council adopt the proposed Conflict of Interest Form.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: A Conflict of Interest policy has been proposed with respect to public officials and select City employees. The Conflict of Interest Form would be filed yearly by the Mayor, City Council, Department Heads and Assistant Department Heads. Members of the City Boards, Committees and Commissions would not be required to sign the Conflict of Interest form but the Oath of Office card has been updated to note their responsibilities under the City Code of Ethics. (**Note:** The Board of Ethics has suggested that the Board of Fire Wardens and the governing body of the Auxiliary Police should be included) Additionally, a new Conflict of Interest form will be added to the City bid packet to be included by all vendors submitting bids for City work as well as a Non-Collusion Statement for any Bid Specification prepared by the City or provided by an outside Vendor.

See attached:

- Draft Conflict of Interest form for Public Officials and select City employees
- Updated Oath of Office card
- Draft Bid Packet Conflict of Interest form for vendors
- Draft Non-Collusion Statement for Bid Packet
- Draft Non-Collusion Statement for Purchase Orders/Claim Forms

Proposed Conflict of Interest Form
required by the following:

- Mayor and Council
- Board of Fire Wardens and the governing body of the Auxiliary Police
- City Staff positions:
 - City Manager
 - Corporation Counsel
 - Assessor
 - Deputy Assessor
 - Building Inspector
 - City Clerk
 - Deputy City Clerk
 - Comptroller
 - Deputy City Comptroller
 - Fire Lieutenant
 - Boat Basin Supervisor
 - Rye Golf Club Manager
 - Coordinator of Computer Services
 - City Planner
 - Police Commissioner
 - City Engineer
 - DPW General Foreman
 - DPW Assistant General Foreman
 - Recreation Superintendent
 - Rye TV Access Coordinator

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;
- (3) All department heads and assistant department heads.
- (4) Board of Fire Wardens and the governing body of the Auxiliary Police

****** 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.

Household Member – any person residing with you in your primary residence.

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 a member of the board of directors or is a corporate officer.

Interest – A financial 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.

I. GENERAL INFORMATION

Name: (Last Name, First Name, M.I.): _____

Spouse: (Last Name, First Name, M.I.): _____

Title of Position: _____ Salaried: Yes _____ No _____

Council, Department, Board, or Commission: _____: Term Ending: _____

II. REAL ESTATE OWNERSHIP

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

ADDRESS

INTEREST

_____	_____
_____	_____

III. FINANCIAL BENEFITS

To the best of your knowledge, have you or 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).

IV. GIFTS

While in your position with the City of Rye, have you received a gift from anyone with whom you have official dealings valued in excess of twenty five dollars (**\$50.00**) within the last year?

Yes _____ No _____

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

V. OUTSIDE EMPLOYER/CONSULTING/OTHER BUSINESS

Do you have an **Outside Employer** or business that conducts transactions/business or is affiliated with the City of Rye? Yes _____ No _____

If yes, state the name, address, and telephone number of your **Outside Employer** or business and nature of the 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.

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 (attached)

Yes _____ No _____

I _____ (print name) HEREBY CONFIRM THAT THIS DISCLOSURE AND FOREGOING INFORMATION IS COMPLETE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Signature of Reporting Individual

Name of Reporting Individual

FRONT OF CARD

**STATE OF NEW YORK
COUNTY OF WESTCHESTER
CITY OF RYE**



I, _____ do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of New York, and that I will faithfully discharge the duties of the office of _____ or any other office of the City of Rye according to the best of my ability.

Sworn to before me this ____ day of _____ 20 _____

City Clerk

OVER

• **BACK OF CARD**

You have been given a copy of the City of Rye Code to provide guidance to you in your service to the community. Please focus special attention on Chapter 15, Code of Ethics. The administration of our public service obligations requires that we do our best to prevent potential for conflicts or the appearance of a conflict. If at any time you have any questions, the Board of Ethics can render an advisory opinion on whether a conflict of interest exists or whether an appearance of one exists. Requests can be forwarded through the City Manager's office.

Signature



CITY OF RYE

VENDOR CONFLICT OF INTEREST QUESTIONNAIRE instructions:

Question 1: Enter your name and the name of your business.

Question 2: If you are updating an existing form for a bid or proposal check box 2.

Question 3: Enter the name of the government official or City employee you know where a conflict of interest might exist on the line. If there's none, leave the name of officer blank.

Check "Yes" or "No" in Box A, B, and C

- ☐ **Box A: does the government official or City employee named receive income or money from the company filing the form?**
- ☐ **Box B: does the company (person filing) receive income or money from the government official or City employee, not from the government?**
- ☐ **Box C: is the filer employed by a company or corporation in which the government official or City employee is an officer, or director, or part owner?**
- ☐ **Box D: Describe your employment or business relationship with the government official or City employee. If there's none, write "none" in space D.**

Question 4: Sign and date the Conflict of Interest form



CONFLICT OF INTEREST QUESTIONNAIRE

For vendor or other person doing business with the City of Rye

This questionnaire is being filed in accordance with New York State General Municipal Law § 103 by a person who has a business relationship with the City of Rye.

By request of the City of Rye this questionnaire must be filed by a vendor that wishes to conduct business or be considered for business with the City. They must declare any business affiliation with a government official or City employee.

The form is a mandatory requirement of a submission of any bid, proposal or contract to the City of Rye. Any bid, proposal, or contract submitted without a signed copy of the Conflict of Interest form shall be considered incomplete and will be rejected by the City.

OFFICE USE ONLY

Date Received

1 Name of person who has a business relationship with local governmental entity.

2 ☐ Check this box if you are filing an update to a previously filed questionnaire.

3 Name of local government officer/City employee with whom filer has employment or business relationship.

Name of Officer

This section (item 3 including subparts A, B, C & D) must be completed for each officer/City employee with whom the filer has an employment or other business relationship. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer/City employee named in this section receiving or likely to receive taxable income, other than investment income, from the filer of the questionnaire?

☐ Yes ☐ No

B. Is the filer of the questionnaire receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer/City employee named in this section AND the taxable income is not received from the local governmental entity?

☐ Yes ☐ No

C. Is the filer of this questionnaire employed by a corporation or other business entity with respect to which the local government officer/City employee serves as an officer or director, or holds an ownership of 10 percent or more?

☐ Yes ☐ No

D. Describe each employment or business relationship with the local government officer/City employee named in this section.

4

Signature of person doing business with the City of Rye

Date



**NON-COLLUSIVE AFFADAVIT
COMPLIANCE WITH SECTION 103D GENERAL MUNICIPAL LAW
(TO BE SUBMITTED WITH BID PROPOSAL)**

PART 1 STATE OF _____)

PART 1 COUNTY OF _____) ss:

_____,
(Here insert full name of owner, partner, officer, representative, or agent of Contractor)

Being first duly sworn, deposes and says that:

1. He is (Owner, partner, officer, representative or agent) of

(Here insert full name and address or legal title of Contractor)
the Bidder that has submitted the attached Bid;

2. He further states and affirms:

(a) By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of knowledge and belief:

- (1) The prices in this bid have been arrived at independently without collusion, consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any bidder or with any competitor;
- (2) Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to opening, directly or indirectly, to any other bidder or to any competitor; and
- (3) No attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.

(b) A bid shall not be considered for award nor shall any award be made where (a) (1), (2), and (3) above have not been complied with; provided, however, that if in any case the bidder cannot make the foregoing certification, the bidder shall so state and shall furnish with the bid a signed statement which sets forth in detail the reasons therefore. Where (a) (1), (2), and (3) above have not been complied with, the bid shall not be considered for award nor shall any award be made unless the City Council, for its designee, determines that such disclosure was not made for the purpose of restricting competition.

The fact that a bidder has published price lists, rates or tariffs covering items being procured, has informed prospective customers of proposed or pending publication of new or revised prices lists for such items, or has sold the same items to other customers at the same prices being bid, does not constitute, without more, a disclosure within the meaning of subparagraph 2(a) hereof.

3. Any bid hereafter made hereunder by a corporate bidder for work or services performed or to be performed by, goods sold or to be sold, where competitive bidding is required by statute, rule, regulation, or local law, and where such bid contains the certification referred to in subparagraph (a) hereof, shall be deemed to have been authorized by the board of directors of the bidder, and such authorization shall be deemed to include the signing and submission of the bid and the inclusion therein of the certificate as to non-collusion as the act and deed of the corporation.

PART 1 _____
(Signed)

PART 1 _____
(Title)

Subscribed and sworn to before me this

_____ Day of _____, 20____

_____ Title
(Notary)



NON-COLLUSIVE AFFADAVIT
(TO BE SUBMITTED WITH PURCHASE ORDERS/CLAIM FORMS)

Name: (Last Name, First Name, M.I.): _____

Department: _____

Title: _____

Signing in lieu of (Department Head): _____

I hereby state and affirm that I have no affiliation with the Vendor detailed on the attached
Purchase Order/Claim Form.

Signature of Reporting Individual

Name of Reporting Individual



CITY COUNCIL AGENDA

NO. 13

DEPT.: City Manager's Office

DATE: August 5, 2013

CONTACT: Scott Pickup, City Manager

ACTION: Discussion of the "Development and Planning Standards" Intermunicipal Agreement Compliance for the Flood Mitigation Project at the Blind Brook Dam.

FOR THE MEETING OF:

August 5, 2013

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION:

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND: The City of Rye and the County of Westchester entered into a Intermunicipal Agreement for a flood mitigation project at the Blind Brook dam at Bowman Avenue: the installation of a sluice gate. A condition of the agreement is that the City must adopt the *Development and Planning Standards* of the Westchester County Flood Action Task Force. The payment of County funds under this agreement for the Sluice Gate project is contingent upon the adoption of these policies. The Conservation Commission/Advisory Council and the Planning Commission have both reviewed the County Standards and issued their advisements.

Attachments:

- Development and Planning Standards of the Westchester County Flood Action Task Force
- Planning Commission Advisement
- Conservation Commission/Advisory Council Advisement



Robert P. Astorino
County Executive

Department of Planning
Edward Burroughs, AICP
Acting Commissioner

July 1, 2010

Frank Culross, Manager
City of Rye
1051 Boston Post Road
Rye, NY 10580

**Subject: "Development and Planning Standards" IMA Compliance -
Blind Brook Dam at Bowman Avenue Flood Mitigation Project**

Dear Mr. Culross:

I am writing to remind you of a condition of the intermunicipal agreement (IMA) between the County of Westchester and City of Rye, dated February 16, 2010, concerning the flood mitigation project at the Blind Brook dam at Bowman Avenue. Section 2.3 of the IMA states:


The Municipality represents that within one year of the date hereof that the "Development and Planning Standards" of the Flood Action Task Force will have been adopted in the Municipality's land use regulations, guidelines and policies or in stand-alone form, and documentation of the adoption of such policies must be provided and approved by the Westchester County Planning Department (Planning Commissioner). It is understood and agreed to by the Municipality that the payment of County funds under this Agreement for the Project is contingent upon the Municipality's adoption of the aforesaid policies.

We encourage the City to begin work to document item by item compliance with the development and planning standards as the dispersal of County funds is dependent on submission of such documentation by the City to the County. We recognize that some of these best practices may have been adopted by the City prior to this IMA. To ensure that full compliance is documented, we suggest that the City include evidence of such prior adoption in its report.

Frank Culross
Rye City Manager
Development & Planning Standards IMA Compliance
Blind Brook Dam at Bowman Avenue Flood Mitigation Project
Page 2.

A copy of the "Development and Planning Standards" is enclosed. If you have any questions or need additional information, please contact Robert Doscher at rrd1@westchestergov.com or 914.995.4423.

Sincerely,



Edward Burroughs, AICP
Acting Commissioner

EEB/RRD

Enclosure: Development and Planning Standards of the Westchester County Flood Action Force

cc: Hon. Douglas French, Mayor, City of Rye
Christine Sculti, Assistant to the County Executive
John Hsu, Acting Commissioner of Public Works
Robert Doscher, Principal Environmental Planner

DEVELOPMENT AND PLANNING STANDARDS OF THE WESTCHESTER COUNTY FLOOD ACTION TASK FORCE

Flooding frequency and, in some cases, intensity, in Westchester County has increased over time, in part due to the conversion of permeable and water-absorbing land surfaces, like woodlands, meadows and wetlands, to impermeable surfaces, like parking lots, roads and buildings, and surfaces that shed water more readily than others, like lawns and agricultural fields. This conversion has often occurred without commensurate stormwater runoff management facilities. Similarly, the water quality and ecological health of the county's streams, lakes, reservoirs and estuaries has diminished as a result of polluted stormwater runoff (a.k.a., nonpoint source pollution).

Strengthening existing and implementing new municipal ordinances related to stormwater runoff and management, with similar efforts made to the policies, guidelines and orders of the County of Westchester, has the potential to lessen the damage and risk caused by flooding and to minimize the deterioration of water quality and the ecological integrity of the county's water resources. These changes would be applicable to existing and proposed land management, use and development practices throughout Westchester County.

The New York State Department of Environmental Conservation (NYSDEC) issued a revised "SPDES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s) (GP-0-08-002)" in April 2008. This permit became effective on May 1, 2008. These revised stormwater management regulations, commonly called the Stormwater Phase II Program, requires that municipalities in Westchester County and the County of Westchester (County), all of which are classified as an MS4, develop and implement a plan for managing stormwater runoff.

However, the Flood Action Task Force (Task Force) notes that although water quality protection is emphasized in these state regulations, municipalities and the County should do more to address water quantity (i.e., flooding) considerations in their applicable ordinances, regulations, orders, policies and guidelines. Therefore, the Task Force recommends the following "Development and Planning Standards."

Note that while these standards are recommended for all Westchester County municipalities, the incorporation of the following standards will be required of every municipality prior to its receipt of funds from the County's capital program to mitigate flooding and flood damage. An informational sheet describing this program is available on the County website at www.westchestergov.com/flood.

1. All municipal and County ordinances, regulations, orders, policies and guidelines associated with land management, use and development should reference and require compliance with the:
 - New York State Stormwater Management Design Manual (2004) or any subsequent version(s) of this manual and addendums thereto, including those

concerning Alternative Stormwater Management Practices, Redevelopment Strategy and Proprietary Practices.

- New York State Standards and Specifications for Erosion and Sediment Control (2005) or any subsequent version(s) of this manual.
2. All municipalities should formally adopt, with modifications noted below, the NYSDEC's "Sample Local Law for Stormwater Management and Erosion and Sediment Control (2006)" or closely similar ordinance acceptable to the NYSDEC. A copy of this sample ordinance is available at: www.dec.ny.gov/docs/water_pdf/localaw06.pdf or at www.dec.ny.gov/chemical/9007.html, then click on "Sample Local Law for Stormwater Management and Erosion and Sediment Control."

The aforementioned sample ordinance, however, should be modified by the municipality as follows:

Article 2, Section 1, Definitions:

REVISED:

Land Development Activity – any construction activity including clearing, grading, excavating, soil disturbance or placement of fill that results in land disturbance of equal to or greater than 5,000 square feet, or activities disturbing less than 5,000 square feet of total land area that is part of a larger common plan of development or sale, even though multiple separate and distinct land development activities may take place at different times on different schedules, or activities that result in the creation of impervious (non-permeable) cover equal to or greater than 1,000 square feet, whether those activities occur in association with new development, a modification or expansion of existing development, or redevelopment of a previously developed site.

Article 2, Section 2

REVISED:

Section 2.2.2

Land development activities as defined in Section 1 of this Article and meeting Condition "A" or "B" below shall include *water quantity* and *water quality* controls (post-construction stormwater runoff controls), as set forth in Section 2.2.3 and described in the New York State Stormwater Management Design Manual, including those capable of mitigating the water quantity impacts resulting from the twenty-five (25)-year storm event in Westchester County, New York, as applicable:

Condition A - Stormwater runoff from land development and redevelopment activities discharging a pollutant of concern to either an impaired water identified on the Department's 303(d) list of impaired waters or a Total Maximum Daily Load (TMDL) designated watershed for which pollutants in stormwater have been identified as a source of the impairment.

Condition B - Stormwater runoff from land development activities disturbing five thousand (5,000) square feet or more of land or creating impervious (non-permeable) cover equal to or greater than one thousand (1,000) square feet during the course of the project.

Section 2.2.3

SWPPP Requirements for Condition A, B and C:

1. All information in Section 2.2 .1 of this local law;
 2. Description of each post-construction stormwater management practice;
 3. Site map/construction drawing(s) showing the specific location(s) and size(s) of each post-construction stormwater management practice;
 4. Hydrologic and hydraulic analysis for all structural components of the stormwater management system for the applicable design storms;
 5. Comparison of post-development stormwater runoff conditions with pre-development conditions;
 6. Dimensions, material specifications and installation details for each post-construction stormwater management practice;
 7. Maintenance schedule to ensure continuous and effective operation of each postconstruction stormwater management practice;
 8. Maintenance easements, if applicable, to ensure access to all stormwater management practices at the site for the purpose of inspection and repair. Easements shall be recorded on the plan and shall remain in effect with transfer of title to the property;
 9. Inspection and maintenance agreement binding on all subsequent landowners served by the on-site stormwater management practices in accordance with Article 2, Section 4 of this local law.
 10. The SWPPP shall be prepared by a licensed landscape architect or professional engineer or other appropriately certified professional and must be signed by the professional preparing the plan, who shall certify that the design of all stormwater management practices meet the requirements in this local law.
3. All municipalities should develop a Local Hazard Mitigation Plan with approval of the plan by the Federal Emergency Management Agency (FEMA). Grant funding is available from FEMA to assist municipalities with the development of Local Hazard Mitigation Plans. Guidance on Local Hazard Mitigation Plans is available at: www.fema.gov/library/viewRecord.do?id=3336.
4. All municipalities and the County should reference and, where applicable, require compliance with the design principles and practices of sustainable development (a.k.a., low impact development, better site design, smart growth and green development, among other titles). This reference should be made in municipal and County ordinances, regulations, orders, policies and guidelines associated with land management, use and development. Guidance on sustainable development is available through several sources, including:
- “Low Impact Development Design Strategies: An Integrated Design Approach” (1999), by the Prince George’s County (Maryland) Department of Environmental Resources, at: www.epa.gov/owow/nps/lid/lidnatl.pdf;
 - “Low Impact Development: Urban Design Tools” Website, by the Low Impact Development Center, at: www.lid-stormwater.net;
 - “Polluted Runoff (Nonpoint Source Pollution): Low Impact Development (LID)” Website, by U.S. Environmental Protection Agency, at: www.epa.gov/nps/lid.

5. The Task Force also recommends compliance with the following general principles in regard to flood mitigation projects (these principles are further defined in the manuals and other publications noted above):

- Increased in impervious surfaces from development and redevelopment should be discouraged, including through reduced parking areas, small building footprints, preservation of vegetation, and permeable surfaces.
- The protection and preservation of naturally vegetated land next to streams, lakes and other watercourses and water bodies should be mandated, where appropriate and applicable, to prohibit any construction or other development activities within one hundred (100) feet of these water resources. This should include the clearing of vegetation within these aquatic buffers. Communities should, through local rules, permitting and enforcement practices, follow the principle that aquatic buffer, flood plain and wetland impacts and losses shall be avoided to the maximum extent practicable or, if these impacts cannot be avoided, that they shall be minimized to the maximum extent practicable; any unavoidable impacts that have been fully minimized should be mitigated through restoration and/or creation of aquatic buffer, flood plain or wetland.
- Greater consideration should be given to projects that utilize a higher degree of infiltration, extended detention, and retention to manage stream flows and lessen the severity of flooding.
- Projects that rely simply on channel “improvements” to speed the downstream flow of surface waters are discouraged, unless it can be clearly shown that (1) other preferred methods are not practical; (2) channel capacity and flood mitigation potential downstream of the project will not be adversely affected; (3) channel improvements are a more cost-efficient or -effective method of reducing flood damage in the project area; and (4) aquatic habitats and organisms would not be substantially impacted by the “improvements.”
- Absent other counterbalancing elements, proposed projects should not result in a net decrease in the volume of stormwater storage in an existing flood plain.
- Greater consideration should be given to projects that include water quality and fish and wildlife habitat improvement elements in stormwater management plans and details.

WCDP 02/14/09

Nick Everett, Chairman
Martha Monserrate, Vice Chair
Laura Brett
Barbara Cummings
Hugh Greechan
Peter Olsen
Peter Larr



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

CITY OF RYE Planning Commission

Memorandum

To: Rye City Council

From: Rye City Planning Commission
Christian K. Miller, AICP, City Planner

cc: Scott Pickup, City Manager
Ryan X. Coyne, City Engineer
Kristen K. Wilson, Esq, Corporation Counsel

Date: July 23, 2013

Subject: **Draft Local Law Amending the City's Storm Water Management Regulations**

At its April 3, 2013, meeting the Rye City Council requested input from the Planning Commission regarding the adoption of Westchester County Development Standards and Planning Guidelines (attached hereto). Adoption of these standards and guidelines was required as a condition of receiving Flood Action Program funding for the implementation of the Sluice Gate Flood Mitigation Project at the Bowman Spillway.

Attached hereto is a draft local law prepared by the City Planner incorporating the required amendments to the City's current stormwater management law. The Planning Commission supports these changes and notes the following:

- The draft local law would eliminate existing Chapter 173, *Surface Water, Erosion and Sediment Control*, from the City Code. This chapter would no longer be necessary given the requirements and thresholds established under amended Chapter 174, *Stormwater Management*.
- Chapter 174 would be amended to require that activities involving more than 300 square feet of disturbance to file a Storm Water Pollution Prevention Plan (SWPPP) with the City Engineer. This would codify a current practice, which requires filing of surface water control permit for any activity involving more than 300 square feet of impervious area or any land disturbing activity. This threshold

Draft Local Law Amending the City's Storm Water Management Regulations

July 23, 2013

Page 2 of 2

is lower than the 5,000 square feet of land disturbing activity or 1,000 square feet of increase in impervious area required by the County planning and development guidelines. The submission requirements and stormwater quality and quantity controls would be similar to those required by existing Chapter 173.

- The proposed amendments under Chapter 174 would follow the current requirements for activities involving more than one acre of land disturbing activities. Consistent with the County guidelines, the amended law would not require some of the more onerous requirements for establishing of easements for the perpetual access and maintenance of storm water drainage measures or the construction and inspection requirements. These standards make sense only for larger projects (i.e. those involving one or more acres of disturbance) rather than many of the smaller projects typically reviewed by the City. Most projects in Rye involve land disturbing activities associated with single-family home construction on properties less than one acre. These projects do not have the large common storm water management facilities (i.e. stormwater basins, ponds, etc) associated with larger residential subdivisions or commercial development that make such easements and inspection requirements more practical.

D R A F T

**LOCAL LAW
CITY OF RYE NO. _____ 2013**

**A Local law to Repeal Chapter 173 “Surface Water, Erosion and Sediment Control” and
Amend Chapter 174 “Stormwater Management” of the
Code of the City of Rye, New York**

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

Section 1. Chapter 173, *Surface Water, Erosion and Sediment Control*, is hereby be repealed in its entirety.

Section 2. The title of Article I, *Erosion and Sediment Control for Development of One Acre or More*, is hereby amended as follows¹:

ARTICLE I

Erosion and Sediment Control for ~~Development of One Acre or More~~

Section 3. Article I, *Erosion and Sediment Control*, Section 197-5, *Exemptions*, of the Code of the City of Rye is hereby amended as follows:

- C. Routine maintenance activities that disturb less than ~~one-acre~~ three-hundred (300) square feet and are performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility unless the Storm Water Management Officer determines that the disturbance is subject to the requirements of §174-7(F).

Section 4. Article I, *Erosion and Sediment Control*, Section 197-6, *Definitions*, of the Code of the City of Rye is hereby amended to modify the definition of “LAND DEVELOPMENT/REDEVELOPMENT ACTIVITIES” and “STORM WATER POLLUTION PREVENTION PLAN (SWPPP)” as follows:

LAND DEVELOPMENT/REDEVELOPMENT ACTIVITY - construction activity including clearing, grading, excavating, soil disturbance or placement of fill that results in land disturbance of equal to or greater than ~~one-acre~~ three-hundred (300) square feet, or activities disturbing less than ~~one-acre~~ three-hundred (300) square feet of total land area that is part of a larger common plan of development or sale, even though multiple separate and distinct land development or redevelopment activities may take place at different times on different

¹ All changes to the existing code are shown with underline for additions and ~~strike through~~ for deletions.

schedules.

STORM WATER POLLUTION PREVENTION PLAN (SWPPP) - a plan for controlling storm water runoff and pollutants from a site involving a disturbance equal to or greater than ~~one acre~~ three-hundred (300) square feet during and after construction activities.

Section 5. ***Article I, Erosion and Sediment Control, Section 197-7.A, Storm Water Pollution Prevention Plan Requirement, of the Code of the City of Rye is hereby amended as follows:***

A. Storm Water Pollution Prevention Plan Requirement

No application for approval of a land development or redevelopment activity shall be reviewed until the Planning Board or City Engineer has received a Storm Water Pollution Prevention Plan (SWPPP) prepared in accordance with the specifications in this Chapter. Where possible SWPPP shall include the sustainable development practices as identified in the following sources:

“Low Impact Development Design Strategies: An Integrated Design Approach” (1999), by the Prince George’s County (Maryland) Department of Environmental Resources.

“Low Impact Development: Urban Design Tools” Website, by the Low Impact Development Center.

“Polluted Runoff (Nonpoint Source Pollution): Low Impact Development (LID)” Website, by U.S. Environmental Protection Agency.

Section 6. ***Article I, Erosion and Sediment Control, Section 197-7.B(2) of the Code of the City of Rye is hereby amended as follows:***

- (2) Land development or redevelopment activities as defined in Section 6 of this Chapter and meeting Condition “A”, “B” or “C” below shall also include water quantity and water quality controls (post-construction storm water runoff controls) as set forth in Section 174-7.B(3) below as applicable. Land development or redevelopment activities as defined in Section 6 of this Chapter and falling below the thresholds established in Conditions “A”, “B” or “C”, but meeting Condition “D” shall also include water quantity and water quality controls (post-construction storm water runoff controls) as set forth in Section 174-7.B(4) below as applicable

Condition A - Storm water runoff from land development or

redevelopment activities including clearing, grading, excavating, soil disturbance or placement of fill that results in land disturbance of equal to or greater than one acre discharging a pollutant of concern to either an impaired water identified on the Department's 303(d) list of impaired waters or a Total Maximum Daily Load (TMDL) designated watershed for which pollutants in storm water have been identified as a source of the impairment.

Condition B - Storm water runoff from land development or redevelopment activities disturbing five (5) or more acres.

Condition C - Storm water runoff from land development or redevelopment activity disturbing between one (1) and five (5) acres of land during the course of the project, exclusive of the construction of single family residences and construction activities at agricultural properties.

Condition D – All other land development or redevelopment activities not meeting Conditions “A”, “B” or “C” above.

Section 7. ***Article I, Erosion and Sediment Control, Section 197-7.B, Contents of Storm Water Pollution Prevention Plans, of the Code of the City of Rye is hereby amended to add the following sub-section:***

(4) SWPPP Requirements for Condition D:

- (a) All information in Section §174-7.B(1) of this Chapter;**
- (b) Description of each post-construction storm water management practice;**
- (c) Site map/construction drawing(s) showing the specific location(s) and size(s) of each post-construction storm water management practice;**
- (d) Hydrologic and hydraulic analysis for all structural components of the storm water management system for the applicable design storms;**
- (e) Comparison of post-development storm water runoff conditions with pre-development conditions;**
- (f) Dimensions, material specifications and installation details for each post-construction storm water management practice;**
- (g) Maintenance schedule to ensure continuous and effective operation of each post-construction storm water management practice;**
- (h) Maintenance easements, if applicable, to ensure access to all stormwater management practices at the site for the purpose of inspection and repair. Easements shall be recorded on the plan and shall remain in effect with transfer of title to the property;**

- (i) Inspection and maintenance agreement, if applicable, binding on all subsequent landowners served by the on-site storm water management measures in accordance with Section 9 of this Chapter; and (J) For Condition A, the SWPPP shall be prepared by a landscape architect, certified professional or professional engineer and must be signed by the professional preparing the plan, who shall certify that the design of all storm water management practices meet the requirements in this Chapter.

Section 8. Chapter 173, *Surface Water, Erosion and Sediment Control*, Section 197-7.F, *Requirements for Land Development/Redevelopment Activity for Less than One Acre*, is hereby be repealed in its entirety.

Section 9. Chapter 173, *Surface Water, Erosion and Sediment Control*, Section 197-8, is hereby amended as follows:

§174-8 Performance and Design Criteria for Storm Water Management Plans

All land development or redevelopment activities equal to or greater than ~~one acre~~ three-hundred (300) square feet shall be subject to the following performance and design criteria:

Section 10. Severability

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this Local Law shall not affect the validity of any other part of this Local Law that can be given effect without such invalid part or parts.

Section 11. Effective Date

This Local Law shall take effect immediately upon its adoption and filing with the Secretary of State.

DEVELOPMENT AND PLANNING STANDARDS OF THE WESTCHESTER COUNTY FLOOD ACTION TASK FORCE

Flooding frequency and, in some cases, intensity, in Westchester County has increased over time, in part due to the conversion of permeable and water-absorbing land surfaces, like woodlands, meadows and wetlands, to impermeable surfaces, like parking lots, roads and buildings, and surfaces that shed water more readily than others, like lawns and agricultural fields. This conversion has often occurred without commensurate stormwater runoff management facilities. Similarly, the water quality and ecological health of the county's streams, lakes, reservoirs and estuaries has diminished as a result of polluted stormwater runoff (a.k.a., nonpoint source pollution).

Strengthening existing and implementing new municipal ordinances related to stormwater runoff and management, with similar efforts made to the policies, guidelines and orders of the County of Westchester, has the potential to lessen the damage and risk caused by flooding and to minimize the deterioration of water quality and the ecological integrity of the county's water resources. These changes would be applicable to existing and proposed land management, use and development practices throughout Westchester County.

The New York State Department of Environmental Conservation (NYSDEC) issued a revised "SPDES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s) (GP-0-08-002)" in April 2008. This permit became effective on May 1, 2008. These revised stormwater management regulations, commonly called the Stormwater Phase II Program, requires that municipalities in Westchester County and the County of Westchester (County), all of which are classified as an MS4, develop and implement a plan for managing stormwater runoff.

However, the Flood Action Task Force (Task Force) notes that although water quality protection is emphasized in these state regulations, municipalities and the County should do more to address water quantity (i.e., flooding) considerations in their applicable ordinances, regulations, orders, policies and guidelines. Therefore, the Task Force recommends the following "Development and Planning Standards."

Note that while these standards are recommended for all Westchester County municipalities, the incorporation of the following standards will be required of every municipality prior to its receipt of funds from the County's capital program to mitigate flooding and flood damage. An informational sheet describing this program is available on the County website at www.westchestergov.com/flood.

1. All municipal and County ordinances, regulations, orders, policies and guidelines associated with land management, use and development should reference and require compliance with the:
 - New York State Stormwater Management Design Manual (2004) or any subsequent version(s) of this manual and addendums thereto, including those

concerning Alternative Stormwater Management Practices, Redevelopment Strategy and Proprietary Practices.

- New York State Standards and Specifications for Erosion and Sediment Control (2005) or any subsequent version(s) of this manual.
2. All municipalities should formally adopt, with modifications noted below, the NYSDEC's "Sample Local Law for Stormwater Management and Erosion and Sediment Control (2006)" or closely similar ordinance acceptable to the NYSDEC. A copy of this sample ordinance is available at: www.dec.ny.gov/docs/water_pdf/localaw06.pdf or at www.dec.ny.gov/chemical/9007.html, then click on "Sample Local Law for Stormwater Management and Erosion and Sediment Control."

The aforementioned sample ordinance, however, should be modified by the municipality as follows:

Article 2, Section 1, Definitions:

REVISED:

Land Development Activity – any construction activity including clearing, grading, excavating, soil disturbance or placement of fill that results in land disturbance of equal to or greater than 5,000 square feet, or activities disturbing less than 5,000 square feet of total land area that is part of a larger common plan of development or sale, even though multiple separate and distinct land development activities may take place at different times on different schedules, or activities that result in the creation of impervious (non-permeable) cover equal to or greater than 1,000 square feet, whether those activities occur in association with new development, a modification or expansion of existing development, or redevelopment of a previously developed site.

Article 2, Section 2

REVISED:

Section 2.2.2

Land development activities as defined in Section 1 of this Article and meeting Condition "A" or "B" below shall include **water quantity** and **water quality** controls (post-construction stormwater runoff controls), as set forth in Section 2.2.3 and described in the New York State Stormwater Management Design Manual, including those capable of mitigating the water quantity impacts resulting from the twenty-five (25)-year storm event in Westchester County, New York, as applicable:

Condition A - Stormwater runoff from land development and redevelopment activities discharging a pollutant of concern to either an impaired water identified on the Department's 303(d) list of impaired waters or a Total Maximum Daily Load (TMDL) designated watershed for which pollutants in stormwater have been identified as a source of the impairment.

Condition B - Stormwater runoff from land development activities disturbing five thousand (5,000) square feet or more of land or creating impervious (non-permeable) cover equal to or greater than one thousand (1,000) square feet during the course of the project.

Section 2.2.3

SWPPP Requirements for Condition A, B and C:

1. All information in Section 2.2 .1 of this local law;
 2. Description of each post-construction stormwater management practice;
 3. Site map/construction drawing(s) showing the specific location(s) and size(s) of each post-construction stormwater management practice;
 4. Hydrologic and hydraulic analysis for all structural components of the stormwater management system for the applicable design storms;
 5. Comparison of post-development stormwater runoff conditions with pre-development conditions;
 6. Dimensions, material specifications and installation details for each post-construction stormwater management practice;
 7. Maintenance schedule to ensure continuous and effective operation of each postconstruction stormwater management practice;
 8. Maintenance easements, if applicable, to ensure access to all stormwater management practices at the site for the purpose of inspection and repair. Easements shall be recorded on the plan and shall remain in effect with transfer of title to the property;
 9. Inspection and maintenance agreement binding on all subsequent landowners served by the on-site stormwater management practices in accordance with Article 2, Section 4 of this local law.
 10. The SWPPP shall be prepared by a licensed landscape architect or professional engineer or other appropriately certified professional and must be signed by the professional preparing the plan, who shall certify that the design of all stormwater management practices meet the requirements in this local law.
3. All municipalities should develop a Local Hazard Mitigation Plan with approval of the plan by the Federal Emergency Management Agency (FEMA). Grant funding is available from FEMA to assist municipalities with the development of Local Hazard Mitigation Plans. Guidance on Local Hazard Mitigation Plans is available at: www.fema.gov/library/viewRecord.do?id=3336.
 4. All municipalities and the County should reference and, where applicable, require compliance with the design principles and practices of sustainable development (a.k.a., low impact development, better site design, smart growth and green development, among other titles). This reference should be made in municipal and County ordinances, regulations, orders, policies and guidelines associated with land management, use and development. Guidance on sustainable development is available through several sources, including:
 - “Low Impact Development Design Strategies: An Integrated Design Approach” (1999), by the Prince George’s County (Maryland) Department of Environmental Resources, at: www.epa.gov/owow/nps/lid/lidnatl.pdf;
 - “Low Impact Development: Urban Design Tools” Website, by the Low Impact Development Center, at: www.lid-stormwater.net;
 - “Polluted Runoff (Nonpoint Source Pollution): Low Impact Development (LID)” Website, by U.S. Environmental Protection Agency, at: www.epa.gov/nps/lid.

5. The Task Force also recommends compliance with the following general principles in regard to flood mitigation projects (these principles are further defined in the manuals and other publications noted above):
- Increased in impervious surfaces from development and redevelopment should be discouraged, including through reduced parking areas, small building footprints, preservation of vegetation, and permeable surfaces.
 - The protection and preservation of naturally vegetated land next to streams, lakes and other watercourses and water bodies should be mandated, where appropriate and applicable, to prohibit any construction or other development activities within one hundred (100) feet of these water resources. This should include the clearing of vegetation within these aquatic buffers. Communities should, through local rules, permitting and enforcement practices, follow the principle that aquatic buffer, flood plain and wetland impacts and losses shall be avoided to the maximum extent practicable or, if these impacts cannot be avoided, that they shall be minimized to the maximum extent practicable; any unavoidable impacts that have been fully minimized should be mitigated through restoration and/or creation of aquatic buffer, flood plain or wetland.
 - Greater consideration should be given to projects that utilize a higher degree of infiltration, extended detention, and retention to manage stream flows and lessen the severity of flooding.
 - Projects that rely simply on channel “improvements” to speed the downstream flow of surface waters are discouraged, unless it can be clearly shown that (1) other preferred methods are not practical; (2) channel capacity and flood mitigation potential downstream of the project will not be adversely affected; (3) channel improvements are a more cost-efficient or -effective method of reducing flood damage in the project area; and (4) aquatic habitats and organisms would not be substantially impacted by the “improvements.”
 - Absent other counterbalancing elements, proposed projects should not result in a net decrease in the volume of stormwater storage in an existing flood plain.
 - Greater consideration should be given to projects that include water quality and fish and wildlife habitat improvement elements in stormwater management plans and details.

To: Rye City Planning Commission and City Council

From: Conservation Commission/Advisory Council

CC/AC comments re County Standards and Practices

The CC/AC strongly supports the goals and purposes of the County Standards and urges the Rye City Council to adopt the model local law - or a substantially similar law. However, it is also clear that the model local law involves additional bureaucracy, additional forms, etc. which may create a strain on current city staff. We believe City Staff has been reviewing the local law, and we urge the Council to adopt a substantially similar law that will enable the City to receive the County funding for the sluice gate and meet the goals of the law without overly burdening City staff.

We note that in practice, if not in our current code, the City already uses a small threshold of disturbance and requires detention treatment in controlling stormwater.



CITY COUNCIL AGENDA

NO. 14

DEPT.: Police

DATE: August 5, 2013

CONTACT: William R. Connors, Police Commissioner

AGENDA ITEM: Consideration of proposed revision of the Rules and Regulations of the City of Rye Police Department: General Order #120.09 "Workplace Violence Protection".

FOR THE MEETING OF:

August 5, 2013

RYE CITY CODE,

CHAPTER
SECTION

RECOMMENDATION: Approval of a new General Order #120.09, "Workplace Violence Protection."

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

Enhancement of the operational effectiveness of the Department.

BACKGROUND: The proposed new General Order #120.09 establishes a Department policy on workplace violence and sets forth procedures to be followed when such violence has occurred. It implements the City's newly published "Workplace Violence Prevention Program and Procedures Manual. The proposed General Order establishes guidelines for incidents, complaints, and/or reports of violence, threats of violence, harassment, intimidation, and other disruptive behavior.

Violence in the workplace is a leading cause of fatal and non-fatal occupational injury throughout the U.S. that may affect an organization at any time. The purpose of this program is to address the issue of potential workplace violence, prevent workplace violence from occurring to the fullest extent possible, and set forth procedures to be followed when such violence has occurred. The City of Rye published the *Workplace Violence Prevention Program and Procedures Manual* to provide guidelines to supervisors and employees about preventing and responding to incidents of workplace violence or threats of violence and the New York State Public Employer Workplace Violence Prevention Law.

A copy of the proposed order is attached. It has been provided to the Rye Police Association for review pursuant to the provisions of the collective bargaining agreement.

CITY OF RYE POLICE DEPARTMENT

General Order #120.9	New [<input checked="" type="checkbox"/>] Supersedes:
Subject: Workplace Violence Prevention	
Date Issued	Date Effective
Page 1 of 2	
Issuing Authority: William R. Connors, Police Commissioner	

Purpose: The City of Rye will not tolerate violence in the workplace. All incidents, complaints, and/or reports of violence, threats of violence, harassment, intimidation, and other disruptive behavior will be taken seriously because the City of Rye is committed to providing its employees with a reasonably safe and secure work environment.

Background: Violence in the workplace is a leading cause of fatal and non-fatal occupational injury throughout the U.S. that may affect an organization at any time. The purpose of this program is to address the issue of potential workplace violence, prevent workplace violence from occurring to the fullest extent possible, and set forth procedures to be followed when such violence has occurred.

Policy: The City of Rye has published the "Workplace Violence Prevention Program and Procedures Manual," which is appended to this General Order as "Appendix A," to provide guidelines to supervisors and employees about preventing and responding to incidents of workplace violence or threats of violence and the New York State Public Employer Workplace Violence Prevention Law.

Procedure: All members of the Department will be familiar with the City of Rye "Workplace Violence Prevention Program and Procedures Manual."

1. Members of the Department who become aware of incidents of workplace violence or the potential for violence will comply with the procedures contained therein.
2. City employees or Department Heads who become aware of workplace violence or the potential for violence involving departments other than the Police Department will notify the Police Department. Members will respond to such incidents in accordance with relevant patrol and/or investigative procedures. The Tour Supervisor will be notified and oversee the response and/or investigation.
3. Incidents of serious misconduct or criminal activity involving City employees of other Departments will be referred to the Police Department for investigation. Incidents that have occurred or are ongoing will be handled in accordance with relevant department procedures. When appropriate in the case of an allegation of

criminal activity or serious misconduct that requires further investigation, the reporting officer will notify the Tour Supervisor, who will record the incident as a confidential investigation, ensure that an Incident Report is prepared, and promptly notify the Patrol Division Commander and the Detective Division Commander. The case will be investigated in accordance with General Order #113.3, "Criminal Investigation Functions," and/or other relevant department procedures.



Workplace Violence Prevention Program and Procedures Manual

April 2013

Overview

Workplace Violence Prevention Manual

Introduction

Workplace violence presents a serious occupational safety hazard for workers. On June 7, 2006, New York State enacted legislation that requires public employers (other than schools covered under the school safety plan requirements of the education law) to perform a risk evaluation of its workplaces and develop and implement programs to prevent and minimize workplace assaults and homicides. In 2009, the State expounded upon the requirements of the program, as outlined in Section 800.6 of Title 12 of the New York Code, Rules and Regulations.

Purpose

The purpose of this *Workplace Violence Prevention Program and Procedures Manual* is to provide information to managers, supervisors, and employees about preventing and responding to incidents of workplace violence or threats of violence and the "New York State Public Employer Workplace Violence Prevention Law."

The goals of the program and manual are:

1. To reduce the probability of threats or acts of violence in the workplace, and
2. To ensure that any incident, complaint, or report of violence is taken seriously and dealt with appropriately.

This manual outlines the major components of the effort to meet these goals: program, procedures, workplace security risk evaluation, prevention, training, and other support services.

Access to this manual

The *Workplace Violence Prevention Program and Procedures Manual* can be downloaded from the City of Rye Intranet.

City of Rye

Workplace Violence Prevention Program

The City of Rye will not tolerate violence in the workplace. All incidents, complaints, and/or reports of violence, threats of violence, harassment, intimidation, and other disruptive behavior will be taken seriously because the City of Rye is committed to providing its employees with a reasonably safe and secure work environment.

Purpose of Program

Violence in the workplace is a leading cause of fatal and non-fatal occupational injury throughout the U.S. that may affect an organization at any time. The purpose of this program is to address the issue of potential workplace violence, prevent workplace violence from occurring to the fullest extent possible, and set forth procedures to be followed when such violence has occurred.

Statement of Program

Violence, threats of violence, harassment, intimidation, and other disruptive behavior in the workplace will not be tolerated by the City of Rye. Examples of disruptive behavior can include oral or written statements, gestures, or expressions that communicate a direct or indirect threat of harm. Such behavior will be taken seriously and will be dealt with appropriately.

Scope of Program

All City of Rye employees are required to comply with this Program. In addition, since visitors of City-owned property and facilities are required to conduct themselves in a non-violent manner in conformity with existing law, employees who observe or experience visitors of City-owned property engaging in violent behavior should follow the procedures in this manual for reporting such behavior .

Application of Program

Violence and other disruptive behavior by or against any employee of the City of Rye or member of the public in a City-designated workplace are unacceptable. A City-designated workplace includes offices, work sites, vehicles, field locations, and any other location where City business is conducted. Individuals who commit such acts may be removed from the premises and may be subject to appropriate disciplinary action, including, where legally appropriate, termination of employment and/or criminal penalties.

Training

All Department Heads shall ensure that employees of their particular Department are informed of the requirements of the law, the risk factors in their workplace, and the location of the written workplace violence prevention program. Training is also required for employees on the measures employees can take to protect themselves from risks and the details of the written workplace violence prevention program. Employee workplace violence training is to be provided at the time of job assignment and annually thereafter.

In addition to the training required by law, the Police Department shall provide additional training on a per request basis to City departments and offices to address the potential for violence in the workplace.

Reporting of Violence

At the core of this Workplace Violence Prevention Program is the City of Rye's commitment to work with its employees to maintain a work environment free from violence and other disruptive behavior to the greatest degree possible. Each department shall assign a primary and alternate Designated Workplace Violence Contact for every worksite. The attached notice (Appendix A) with the contacts' names shall be completed and posted at each worksite. A key part of the program is the prompt reporting of any incident of violence. As such, the following guidelines shall be followed:

- Any City employee, upon becoming aware of an instance of physical assault, threatening behavior or verbal abuse occurring in the work setting, must

immediately report the facts and circumstances of said incident to their Designated Workplace Violence Contact or supervisor. In the event that employees observe or experience violent behavior from City employees or visitors of City-owned property in which there is an immediate threat to their safety or the safety of others or where an injury has occurred, the employee should immediately obtain police and medical assistance and in addition notify their Designated Workplace Violence Contact or supervisor.

- The Designated Workplace Violence Contact will immediately conduct a preliminary inquiry into the facts and circumstances of the incident and make a prompt report to the Department Head (or designee), using the City's Workplace Violence Incident Report Form (Appendix B).
- The Department Head (or designee) will determine if there is:
 - a) an immediate threat of violence. If so, the Department Head will ensure that the Police Department and emergency medical personnel have been notified and thereafter follow the procedures outlined in subparagraph (b) or (c) below.
 - b) serious misconduct or criminal behavior by City employee. If so, the Department Head shall immediately notify the Police Department at (914) 967-1234 and take no further action.
 - c) no immediate threat of violence and no serious misconduct or criminal behavior by a City employee. In that event, the Department Head will:
 - continue the investigation;
 - resolve/mediate matter;
 - initiate disciplinary action, if appropriate;
 - and make referrals to the EAP and/or Department of Human Resources, as appropriate.
 - d) a privacy concern case, where the injury or illness is:
 - to an intimate body part or reproductive system;
 - arising from sexual assault;
 - mental illness;
 - HIV infection;
 - needle stick injuries and cuts from sharp objects that may be contaminated;
 - any other illness or injury the employee requests to be treated as a privacy concern case.

If a case is a privacy concern case, the employee's name and identifying information will be removed before the City shares information about the incident with any party other than the Commissioner of the New York State Department of Labor.

NOTE: In all instances, a written summary report of the incident and all actions taken will be prepared and submitted within three business days to the City Manager. The report will contain, at a minimum, the location, time of day and/or shift, description of the incident, including events preceding the incident and the resolution of the incident, names and job titles of the employees involved, names of any other persons involved, extent of injuries and any witness information, and shall be in the form of a designated "Incident Report Form".

Employees shall not be discriminated or retaliated against for bringing forth a safety and health concern, for filing a complaint or for participating in or causing any proceeding or inspection relating to this program. Furthermore, retaliation against an employee who makes a good faith report of violence or other disruptive behavior is strictly prohibited and shall be subject to appropriate corrective or disciplinary measures. An employee who, in bad faith makes a false report, is also subject to disciplinary action.

New York State Workplace Violence Prevention Law

Introduction

The “New York State Public Employer Workplace Violence Prevention Law” was enacted on June 7, 2006 to ensure that public employers evaluate their workplaces and develop and implement effective response and prevention strategies to prevent and minimize workplace violence.

Requirements of the law

Employers must evaluate their workplace or workplaces for factors or situations that may increase the risk of occupational violence. Examples of such factors include working in public settings, working alone or in small numbers, and working late night or early morning hours. The next section of this manual, “Workplace Risk Evaluation,” identifies the general risk factors for various City worksites.

In addition, employers with at least 20 full time permanent employees must develop and implement a written workplace violence prevention program. The written program must identify the risk factors identified in the workplace risk evaluation and the methods the employer will use to prevent incidents of violence in the workplace.

Finally, the law requires employers to inform employees of the requirements of the law, the risk factors in their workplace, and the location of the written workplace violence prevention program. Training is also required for employees on the measures employees can take to protect themselves from risks and the details of the written workplace violence prevention program. Employee workplace violence training must be provided at the time of job assignment and annually thereafter. All Department Heads shall ensure that this required training is provided in accordance with the law.

Application of the law

“Any employee or representative of employees who believes that a serious violation of a workplace violence protection program exists or that an imminent danger exists shall bring such matter to the attention of a supervisor in the form of a written notice and shall afford the employer a

reasonable opportunity to correct such activity, policy, or practice. This referral shall not apply where imminent danger or threat exists to the safety of a specific employee or to the general health of a specific patient and the employee reasonably believes in good faith that reporting to a supervisor would not result in corrective action.” (NYS Labor Law Section 27-b(6)(a))

“If following a referral of such matter to the employee's supervisor's attention and after a reasonable opportunity to correct such activity, policy or practice the matter has not been resolved and the employee or representative of employees still believes that a violation of a workplace violence prevention program remains, or that an imminent danger exists, such employee or representative of employees may request an inspection by giving notice to the commissioner [of labor of the state of New York] of such violation or danger. Such notice and request shall be in writing, shall set forth with reasonable particularity the grounds for the notice, shall be signed by such employee or representative of employees, and a copy shall be provided by the commissioner to the employer or the person in charge no later than the time of inspection, except that on the request of the person giving such notice, such person's name and the names of individual employees or representatives of employees shall be withheld. Such inspection shall be made forthwith.” (NYS Labor Law Section 27-b(6)(b))

Further information

See Appendix C for the full text of the “NYS Public Employer Workplace Violence Prevention Law”, NYS Labor Law Section 27-b. See also Appendix D for the full text of the New York State Workplace Violence Prevention Regulations, Section 800.6 of Title 12 of the New York Code, Rules and Regulations.

Workplace Risk Evaluation

Introduction

Certain factors or situations may place employees at a greater risk of workplace violence. This workplace risk evaluation is based on evaluation of City-owned facilities and reviews of incident reports for violence-related injuries. The City Manager and/or his or her designee reviews such material to identify trends and issues that require additional attention.

Risk evaluation

Workplace violence can occur in any workplace setting. However, some settings or factors may pose a greater degree of workplace violence risk. Employment situations or factors that may pose higher risks for City employees include, but are not limited to:

- Working in public settings
- Working late night or early morning hours
- Exchanging money with the public
- Working alone or in small numbers
- Working in a setting with uncontrolled access to the workplace
- Working in a setting where previous security problems have occurred
- Having a mobile workplace assignment
- Working with a population which might expose one to potentially violent persons (e.g. in health care, social service, or criminal justice settings)
- Having duties that include the delivery of passengers, goods, or services

Prevention

Introduction

Prevention is the responsibility of every employee. This section focuses on some measures to reduce the risk of violent behavior. Supervisors and managers, as well as employees, should be familiar with and knowledgeable of the issues below before violence occurs.

Definitions and prevalence of violence

The New York State Department of Labor defines workplace violence as any physical assault or acts of aggressive behavior occurring where a public employee performs any work-related duty in the course of his or her employment. Workplace violence includes violence, threats of violence, harassment, intimidation, and other disruptive behavior.

Two million American workers are victims of workplace violence annually.¹ Homicide is currently the fourth-leading cause of fatal occupational injuries in the United States. According to the Bureau of Labor Statistics Census of Fatal Occupational Injuries, of the 4,547 fatal workplace injuries that occurred in the United States in 2010, 506 were workplace homicides.²

In reviewing this data, it appears clear that violence is a potential problem in the workplace, and one that requires a multifaceted approach by the employer, employees, and employee assistance programs or other agencies providing support to mitigate the occurrences and effects of violence in the workplace.

Early warning signs of potential violence

Past behavior has generally been the best predictor of future behavior. There is no specific “profile” of a potentially dangerous individual. Acts of violence may also occur in the workplace due to issues of domestic violence. Sometimes victims and witnesses recount acts of violence that occurred

¹ Occupational Safety and Health Administration (2002) “OSHA Fact Sheet: Workplace Violence.”

² Bureau of Labor Statistics. (2010) “Census of Fatal Occupational Injuries” and “Survey of Workplace Violence Prevention.”

without warning. However, certain patterns of behavior and events frequently precede episodes of violence.

A list of indicators of increased risk of violent behavior may include:

- Direct or veiled threats of harm
- Intimidation, belligerence, bullying or other inappropriate behavior directed at others
- Numerous conflicts with supervisors and employees; verbal comments indicating expressions of hostility directed at coworkers, supervisors, or others
- Bringing an unauthorized weapon to work, brandishing a weapon in the workplace, making inappropriate reference to guns or fascination with weapons
- Fascination with incidents of workplace violence, statements indicating approval of the use of violence to resolve a problem, or statements indicating identification with perpetrators of workplace homicides
- Statements indicating an increased tone of desperation from the person, feeling that normal interventions to solve the problem will not work, feeling hopeless about a situation at work, with family, financial, and other personal problems
- Signs of abuse of drugs/alcohol on or off the job
- Extreme or uncharacteristic changes in behavior or displays of emotion
- Employees with on-going domestic difficulties
- Employees with a temporary order of protection against any respondent

These behaviors should be reported to an employee's supervisor, manager, departmental personnel staff, Workplace Violence Designated Contact Person, or Department Head. The City Manager is available to assist supervisors and managers in dealing with such behavior. Some behaviors may require immediate Police Department or security intervention, others may require disciplinary action, and others may indicate an immediate need for an Employee Assistance Program (EAP) referral.

Sometimes, small behavior problems, which can precede the above behaviors, are dismissed or ignored, allowing problems to fester. In the employee's mind, the situation can become more intense. Early involvement by the EAP may be the appropriate intervention. It is important to remember the

employee must be treated with dignity, mutual respect and fairness in this process. Some of these types of behavior are listed below.

- Withdrawal from friends, coworkers, and/or one's social circle
- Reduced productivity
- Unexplained absence from work area or marked increase in tardiness and/or absenteeism
- Noticeable deterioration of personal hygiene and appearance

Common issues that may trigger workplace violence

Listed below are two categories of common issues that may trigger workplace violence.

1. Employee issues

- Negative performance review
- Unwelcome change in role due to performance or reorganization issue
- Criticism of performance
- Conflict with coworker or supervisor
- Personal stress outside the workplace
- Increased workload or pressure, e.g. deadlines, projects, etc.

2. Workplace issues (any of the following may be an employee's perception of issues)

- No clearly defined rules of conduct
- Lack of training
- Inadequate hiring practices/screening of potential employees
- Insufficient supervision
- Lack of discipline or inconsistent discipline in workplace
- Lack of or inadequate employee support systems
- Failure to address incidents as they occur
- Overly authoritarian management style

Taking this into account, there are three key elements that may help to prevent a violent situation from occurring:

1. Recognizing the early warning signs (such as a change in a person's behavior preceding an episode of violence)
2. Recognizing issues or events that may trigger violence

3. Early intervention to prevent a violent incident from occurring

Please note

It is important to be careful when drawing assumptions or relying solely on any of the above behaviors as indicators of violence.

Violence prevention policies, procedures, and programs

The City of Rye has a number of workplace violence prevention policies, procedures, and programs in place. Among these are:

- **Workplace Violence Prevention Program**
- **Anti-Harassment and Discrimination Policy**
- **Employee Assistance Program (EAP)**
- **Training.** The Employee Assistance Program refers and/or offers training in a variety of areas such as stress management, conflict in the workplace, dealing with difficult customers/clients, grief and loss, and collaboration in the workplace. In order to facilitate employee referrals to EAP, new managers and supervisors are trained to identify signs and symptoms of poor performance, know when and how to refer employees to EAP, and maintain confidentiality.
- **Drug-free Workplace Policy**
- **Police Department.** Investigates instances of serious employee misconduct or criminal conduct.

Note: Information from the *Violence in the Workplace Policy and Procedures Manual for Human Resources Professionals* (State of Connecticut, 2006) was used extensively throughout the "Early warning signs of potential violence" and the "Common issues that may trigger workplace violence" portions of the "Prevention" section of this document.

Response Procedures

Introduction

The following procedures are recommended to be followed whenever an employee files a complaint alleging a violation of the *City of Rye Workplace Violence Prevention Program* has occurred or when a violent incident occurs.

Emergency and non-emergency (threatening) situations

A “threatening situation” is a situation where one person, through intimidating words or gestures has induced fear and apprehension of physical or other harm in another person but there is no immediate danger of such harm being inflicted. The steps listed under the “Non-Emergency (threatening) Response Procedure” are recommended to be followed whenever a threatening situation occurs.

A situation is an “emergency” if an injury has occurred or there is an immediate threat of physical harm. Individuals should always consider their personal safety first in all emergency situations. If possible, the “Emergency Response Procedure” should be followed whenever an emergency occurs.

Response Procedures

<p style="text-align: center;">Non-Emergency (threatening) Response Procedure</p> <p><i>A threatening situation is defined as a situation where:</i></p> <p>One person, through intimidating words or gestures has induced fear and apprehension of physical or other harm in another person but there is no immediate danger of such harm being inflicted.</p>	<p style="text-align: center;">Emergency Response Procedure</p> <p><i>A situation is an emergency if:</i> 1)an injury has occurred OR 2)there is an immediate threat of physical harm.</p> <p><i>You should consider your personal safety first in all emergency situations. If possible, you should use the following response procedure.</i></p>
<p style="text-align: center;">Step 1</p> <p>Employee immediately notifies Workplace Violence Designated Contact Person or supervisor.</p>	<p style="text-align: center;">Step 1</p> <p>First person on the scene quickly assesses the situation and risk.</p>
<p style="text-align: center;">Step 2</p> <p>Workplace Violence Designated Contact Person conducts preliminary inquiry and makes prompt report to Department.</p>	<p style="text-align: center;">Step 2</p> <p>First person on the scene calls for security/medical assistance and ensures needs of injured are met. Employee must also immediately notify Workplace Violence Designated Contact Person or supervisor of the situation.</p>
<p style="text-align: center;">Step 3</p> <p>If there has been serious misconduct or criminal behavior by a City employee, the Department Head will contact the City Manager and take no further action.</p>	<p style="text-align: center;">Step 3</p> <p>Workplace Violence Designated Contact Person will immediately assess whether there is an emergency situation and make prompt report to Department.</p>
<p style="text-align: center;">OR Step 3-a</p> <p>If there is no immediate threat of violence and no serious misconduct or criminal behavior by a City employee, the Department Head will continue investigation, resolve/mediate matter, initiate disciplinary action, if appropriate and make referrals to EAP and/or HR, as appropriate.</p>	<p style="text-align: center;">Step 4</p> <p>The Department Head, in an emergency situation where there is an immediate threat of violence, will ensure that local police and medical personnel have been notified.</p>

(Continued on next page)

<p>Step 4</p> <p>Department Head ensures that an Incident Report Form is prepared and submitted within three business days to the City Manager.</p>	<p>Step 5</p> <p>Proceed with Non-Emergency Response Procedures, Steps 3-5.</p>
--	--

<p>Step 5</p> <p>If an emergency situation develops, follow steps for emergency response procedure.</p>
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APPENDIX A

NOTICE TO EMPLOYEE

CITY OF RYE
WORKPLACE VIOLENCE PREVENTION POLICY &
INCIDENT REPORTING

The City of Rye is committed to the safety and security of our employees. Workplace violence presents a serious occupational safety hazard to our department, staff and all persons who use our services. Threats, threatening behavior, or acts of violence against employees, visitors, guests or other individuals by anyone on City property will be thoroughly investigated and appropriate action will be taken, including summoning public safety personnel when warranted. All employees are responsible for helping to create an environment of mutual respect for each other as well as constituents; for following all policies, procedures and program requirements; and for assisting in maintaining a safe and secure work environment.

This policy meets the requirements of New York State Labor Law Section 27-b. The goal of this policy is to promote the safety and well being of all people in our workplace. All incidents of violence or threatening behavior will be responded to immediately upon notification. This department has identified the persons listed below as the Designated Contact Persons for Workplace Violence reporting. You may also contact your department head and/or department personnel staff. If appropriate, the City will provide counseling services or referrals for employees.

All department personnel are responsible for notifying a contact person listed below of any violent incidents, threatening behavior, including threats they have witnessed, received, or have been told that another person has witnessed or received.

PRIMARY CONTACT PERSON

Name: _____

Title: _____

Phone: _____ E-mail: _____

Location: _____

ALTERNATE CONTACT PERSON

Name: _____

Title: _____

Phone: _____ E-mail: _____

Location: _____

APPENDIX B

INCIDENT REPORT FORM

**City of Rye Workplace Violence Policy
Incident Report Form**

Instructions: This form is to be completed by a Designated Contact Person, assigned by the department to document incidents of workplace violence or violations of the City of Rye Workplace Violence policy. *Additional documents and comments may be attached.*

Today's Date:_____ **Reporting Department:** _____ **Division:**_____

Date of Incident:_____ **Time of Incident:**_____

Address/Location of Incident:_____

Brief Description of Incident (circumstances):_____

Brief Description of Injuries; Property Damage: _____

Names of Employees Involved:_____

Names or Description of Others Involved:_____

Names or Description of Witness(es):_____

Preventative actions department has taken to maintain safety & security of worksite as result of the incident to prevent further like occurrences. Please include any referrals or contacts made, including EAP and/or EEO/AA Office:

Report made by (print): _____ **Signature:**_____

Title:_____ **Phone:**_____ **Date:**_____

Certification (by reporting employee):

I hereby certify that I have read and reviewed the Incident Report Form, and any attachments thereto, and that the statements contained therein are a true statement of the facts as is involved in this matter.

Name: _____ **Signature:**_____ **Date:**_____

Submit this report and any attachments within three (3) business days to the City Manager. Keep a copy of this report in your department files.

Appendix C:

“New York State Public Employer Workplace Violence Prevention Law”

Labor Law Article 2

*** § 27-b. Duty of public employers to develop and implement programs to prevent workplace violence.** 1. Purpose. The purpose of this section is to ensure that the risk of workplace assaults and homicides is evaluated by affected public employers and their employees and that such employers design and implement workplace violence protection programs to prevent and minimize the hazard of workplace violence to public employees.

2. Definitions. For the purposes of this section:

- a. "Employer" means: (1) the state; (2) a political subdivision of the state, provided, however that this subdivision shall not mean any employer as defined in section twenty-eight hundred one-a of the education law; and (3) a public authority, a public benefit corporation, or any other governmental agency or instrumentality thereof.
- b. "Employee" means a public employee working for an employer.
- c. "Workplace" means any location away from an employee's domicile, permanent or temporary, where an employee performs any work-related duty in the course of his or her employment by an employer.
- d. "Supervisor" means any person within an employer's organization who has the authority to direct and control the work performance of an employee, or who has the authority to take corrective action regarding the violation of a law, rule or regulation to which an employee submits written notice.
- e. "Retaliatory action" means the discharge, suspension, demotion, penalization, or discrimination against any employee, or other adverse employment action taken against an employee in the terms and conditions of employment.

3. Risk evaluation and determination. Every employer shall evaluate its workplace or workplaces to determine the presence of factors or situations in such workplace or workplaces that might place employees at risk of occupational assaults and homicides. Examples of such factors shall include, but not limited to:

- a. working in public settings (e.g., social services or other governmental workers, police officers, firefighters, teachers, public transportation drivers, health care workers, and service workers);
- b. working late night or early morning hours;
- c. exchanging money with the public;
- d. working alone or in small numbers;
- e. uncontrolled access to the workplace; and
- f. areas of previous security problems.

4. Written workplace violence prevention program. Every employer with at least twenty full time permanent employees shall develop and implement a written workplace violence prevention program for its workplace or workplaces that includes the following:

- a. a list of the risk factors identified in subdivision three of this section that are present in such workplace or workplaces;
- b. the methods the employer will use to prevent incidents of occupational assaults and homicides at such workplace or workplaces, including but not limited to the following:

- (1) making high-risk areas more visible to more people;
- (2) installing good external lighting;
- (3) using drop safes or other methods to minimize cash on hand;
- (4) posting signs stating that limited cash is on hand;
- (5) providing training in conflict resolution and nonviolent self-defense responses; and
- (6) establishing and implementing reporting systems for incidents of aggressive behavior.

5. Employee information and training.

- a. Every employer with at least twenty permanent full time employees shall make the written workplace violence prevention program available, upon request, to its employees, their designated representatives and the department.
- b. Every employer shall provide its employees with the following information and training on the risks of occupational assaults and homicides in their workplace or workplaces at the time of their initial assignment and annually thereafter:
 - (1) employees shall be informed of the requirements of this section, the risk factors in their workplace or workplaces, and the location and availability of the written workplace violence prevention program required by this section; and
 - (2) employee training shall include at least: (a) the measures employees can take to protect themselves from such risks, including specific procedures the employer has implemented to protect employees, such as appropriate work practices, emergency procedures, use of security alarms and other devices, and (b) the details of the written workplace violence prevention program developed by the employer.

6. Application.

- a. Any employee or representative of employees who believes that a serious violation of a workplace violence protection program exists or that an imminent danger exists shall bring such matter to the attention of a supervisor in the form of a written notice and shall afford the employer a reasonable opportunity to correct such activity, policy or practice. This referral shall not apply where imminent danger or threat exists to the safety of a specific employee or to the general health of a specific patient and the employee reasonably believes in good faith that reporting to a supervisor would not result in corrective action.
- b. If following a referral of such matter to the employee's supervisor's attention and after a reasonable opportunity to correct such activity, policy or practice the matter has not been resolved and the employee or representative of employees still believes that a violation of a workplace violence prevention program remains, or that an imminent danger exists, such employee or representative of employees may request an inspection by giving notice to the commissioner of such violation or danger. Such notice and request shall be in writing, shall set forth with reasonable particularity the grounds for the notice, shall be signed by such employee or representative of employees, and a copy shall be provided by the commissioner to the employer or the person in charge no later than the time of inspection, except that on the request of the person giving such notice, such person's name and the names of individual employees or representatives of employees shall be withheld. Such inspection shall be made forthwith.
- c. A representative of the employer and an authorized employee representative shall be given the opportunity to accompany the commissioner during an inspection for the purpose of aiding such inspection. Where there is no authorized employee representative, the commissioner shall consult with a reasonable number of employees concerning matters of safety in the workplace.

d. The authority of the commissioner to inspect a premises pursuant to such an employee complaint shall not be limited to the alleged violation contained in such complaint. The commissioner may inspect any other area of the premises in which he or she has reason to believe that a serious violation of this section exists.

e. No employer shall take retaliatory action against any employee because the employee does any of the following:

- (1) makes an application pursuant to paragraph a of this subdivision;
- (2) requests an inspection as authorized in paragraph b of this subdivision;
- (3) accompanies the commissioner as authorized in paragraph c of this subdivision;

f. The commissioner may, upon his or her own initiative, conduct an inspection of any premises occupied by an employer if he or she has reason to believe that a violation of this section has occurred or if he or she has a general administrative plan for the enforcement of this section, including a general schedule of inspections, which provide a rational administrative basis for such inspecting. Within one hundred twenty days of the effective date of this paragraph the commissioner shall adopt rules and regulations implementing the provisions of this section.

g. Any information obtained by the commissioner pursuant to this subdivision shall be obtained with a minimum burden upon the employers.

h. When a request for an inspection has been made in a situation where there is an allegation of an imminent danger such that an employee would be subjecting himself or herself to serious injury or death because of the hazardous condition in the workplace, the inspection shall be given the highest priority by the department and shall be carried out immediately.

* NB Effective March 4, 2007

Appendix D:

New York State Workplace Violence Regulations

12 NYCRR Section 800.6. Public Employer Workplace Violence Prevention Programs

(a) *Title and Citation:* Within and for the purposes of the Department of Labor, this part may be known as Code Rule 800.6, Public Employer Workplace Violence Prevention Programs, relating to requirements of public employers to develop and implement programs to prevent and minimize the hazards of workplace violence to public employees; allowing any employee or authorized employee representative of employees who believes that a serious violation of this safety or health standard exists, or an imminent danger exists, to request an inspection by the department of labor; and providing for the enforcement of such requirement by the Commissioner of Labor. It may be cited as Code Rule 800.6 "Public Employer Workplace Violence Prevention Programs" as an alternative and without prejudice to its designation and citation established by the Secretary of State.

(b) *Purpose and Intent:* It is the purpose of this part to ensure that the risk of workplace assaults and homicides is evaluated by affected public employers and their employees and that such public employers design and implement protection programs to minimize the hazard of workplace violence to employees.

(c) *Application:* This part shall apply throughout the State of New York to the State, any political subdivision of the state, any public authority, public benefit corporation or any other governmental agency or instrumentality thereof.

This part shall not apply to any employer as defined in Section twenty-eight hundred one-a of the Education Law.

(d) *Terms:* As used in or in connection with this part, the following terms mean:

(1) **Authorized Employee Representative.** An employee authorized by the employees or the designated representative of an employee organization recognized or certified to represent the employees pursuant to Article 14 of the Civil Service Law.

(2) **Commissioner.** The Commissioner of Labor of the State of New York or his or her duly authorized representative for the purposes of implementing this Part.

(3) **Employee.** A public employee working for an employer.

(4) **Employer.** The State, any political subdivision of the State, any public authority public benefit corporation, and any other governmental agency or instrumentality thereof, except that an employer shall not include, for purposes of this part, any employer defined as such in Section twenty-eight hundred one-a (2801a) of the Education Law.

(5) **Imminent Danger.** Any conditions or practices in any place of employment which are such that a danger exists which could reasonably be expected to cause death or serious physical harm

immediately or before the imminence of such danger can be eliminated through the enforcement procedures otherwise provided for by this Part.

(6) Retaliatory Action. The discharge, suspension, demotion, penalization or discrimination against any employee, or other adverse employment action taken against an employee in the terms and conditions of employment.

(7) Serious physical harm. Physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ or a sexual offense as defined in Article 130 of the Penal Law.

(8) Serious Violation: A serious violation of the public employer workplace violence prevention program (WVPP) is the failure to:

(a) Develop and implement a program.

(b) Address situations which could result in serious physical harm.

(9) Supervisor. Any person within the employer's organization who has the authority to direct and control the work performance of an employee, or who has the authority to take corrective action regarding the violation of a law, rule or regulation to which an employee submits written notice.

(10) Workplace. Any location away from an employee's domicile, permanent or temporary, where an employee performs any work-related duty in the course of his or her employment by an employer.

(11) Workplace Violence. Any physical assault or acts of aggressive behavior occurring where a public employee performs any work-related duty in the course of his or her employment including but not limited to:

(i) An attempt or threat, whether verbal or physical, to inflict physical injury upon an employee;

(ii) Any intentional display of force which would give an employee reason to fear or expect bodily harm;

(iii) Intentional and wrongful physical contact with a person without his or her consent that entails some injury;

(iv) Stalking an employee with the intent of causing fear of material harm to the physical safety and health of such employee when such stalking has arisen through and in the course of employment.

(12) Workplace Violence Prevention Program. An employer program designed to prevent, minimize and respond to any workplace violence, the development and implementation of which is required by Article 2, Section 27-b of the New York State Labor Law.

(c) Management Commitment and Employee Involvement

(1) Workplace Violence Policy Statement:

The employer shall develop and implement a written policy statement on the employer's workplace violence prevention program goals and objectives and provide for full employee participation through an authorized employee representative.

(i) The workplace violence policy statement shall be posted where notices to employees are normally posted.

(ii) The policy statement shall briefly indicate the employer's workplace violence prevention policy and incident alert and notification policies for employees to follow in the event of a workplace violence incident.

(2) The responsibility and authority for preparing, determining the content of and implementing the requirements of this part remains with the employer. Local governments and all other public employers may elect to share resources in the development and implementation of their workplace violence prevention programs.

(f) Risk Evaluation and Determination

(1) Record Examination:

The employer shall examine any records relevant to the purposes of this Part in its possession, including records compiled in the previous year under Labor Law Section 27a, that concern workplace violence incidents to identify patterns in the type and cause of injuries. The examination shall look to identify patterns of injuries in particular areas of the workplace or incidents which involve specific operations or specific individuals.

(2) Administrative Risk Factors

The employer shall assess relevant policies, work practices, and work procedures that may impact the risk of workplace violence.

(3) Evaluation of Physical Environment

The employer, with the participation of the authorized employee representatives, shall evaluate the workplace to determine the presence of factors which may place employees at risk of workplace violence. The Department of Labor has tools to aid employers in performing this evaluation which will be posted on the Department's web-site.

Factors which might place an employee at risk include but are not limited to:

(i) Working in public settings (e.g. Social Service Workers, Police Officers, Firefighters, Teachers,

Public Transportation Drivers, Health Care Workers, other Governmental Workers or Service Workers);

(ii) Working late night or early morning hours;

(iii) Exchanging money with the public;

(iv) Working alone or in small numbers;

(v) Working in a location with uncontrolled public access to the workplace; or

(vi) Areas of previous security problems.

(g) *The Workplace Violence Prevention Program*

(1) Employers with 20 or more full time permanent employees, with the participation of the authorized employee representative, shall develop a written workplace violence prevention program. Such participation shall include soliciting input from the authorized employee representative as to those situations in the workplace that pose a threat of workplace violence, and on the workplace violence prevention program the employer intends to implement under these regulations.

Safety and health programs developed and implemented to meet other federal, state or local regulations, laws or ordinances are considered acceptable in meeting this requirement if those programs cover or are modified to cover the topics required in this paragraph. An additional or separate safety and health program is not required by this paragraph.

(2) The workplace violence prevention program shall include the following:

(i) A list of the risk factors identified in the workplace examination;

(ii) The methods the employer will use to prevent the incidence of workplace violence incidents;

(iii) A hierarchy of controls to which the program shall adhere as follows: engineering controls, work practice controls, and finally personal protective equipment;

(iv) The methods and means by which the employer shall address each specific hazard identified in the workplace evaluation;

(v) A system designed and implemented by the employer to report any workplace violence incidents that occur in the workplace. The reports must be in writing and maintained for the annual program review;

(vi) A written outline or lesson plan for employee program training;

(vii) A plan for program review and update on at least an annual basis. Such review and update shall set forth any mitigating steps taken in response to any incident of workplace violence.

(viii) Nothing in this part shall require the disclosure of information otherwise kept confidential for security reasons. Such information may include information which, if disclosed:

- (a) Would interfere with law enforcement investigations or judicial proceedings;
- (b) Would deprive a person of a right to a fair trial or impartial adjudication;
- (c) Would identify a confidential source or disclose confidential information relating to a criminal investigation;
- (d) Would reveal criminal investigative techniques or procedures, except routine techniques and procedures; or
- (e) Would endanger the life or safety of any person.

(h) Employee Information and Training

(1) Upon completion of the workplace violence prevention program, every employer shall provide each employee with information and training on the risks of workplace violence in their workplace or workplaces at the time of the employee's initial assignment and at least annually thereafter.

Such information as necessary shall be provided to affected employees whenever significant changes are made to the workplace violence program. At a minimum training shall address the following:

- (i) Employers shall inform employees of the requirements of this Part and the risk factors in their workplace that were identified in the risk evaluation and determination, except that nothing in this part shall require the disclosure of the information otherwise kept confidential for security reasons as identified in paragraph (g)(2)(viii).
- (ii) Employers shall inform employees of the measures that employees can take to protect themselves from the identified risks including specific procedures that the employer has implemented to protect employees such as incident alert and notification procedures, appropriate work practices, emergency procedures, and use of security alarms and other devices;
- (iii) Employers with 20 or more full-time permanent employees shall inform employees of the location of the written workplace violence program and how to obtain a copy, and shall make it available for reference to employees, authorized employee representatives and the Commissioner in the work area during the regularly scheduled shift.

(i) Recordkeeping and Recording Of Workplace Violence Incidents

(1) Employers shall establish and implement reporting systems for incidents of workplace violence.

Reporting systems developed and implemented to meet other federal state or local regulations, laws or ordinances are considered acceptable in meeting this requirement if they cover or are

modified to cover the information required in this paragraph. An additional or separate reporting system is not required by this paragraph.

(2) Employers at sites where there is a developing pattern of workplace violence incidents which may involve criminal conduct or a serious injury shall attempt to develop a protocol with the District

Attorney or Police to insure that violent crimes committed against employees in the workplace are promptly investigated and appropriately prosecuted. The employer shall provide information on such protocols and contact information to employees who wish to file a criminal complaint after a workplace violence incident.

(3) Systems for reporting instances of workplace violence.

(i) The employer shall develop and maintain a Workplace Violence Incident Report that can be in any format but, at a minimum, shall contain the following relating to the incident being reported:

(a) Workplace location where incident occurred;

(b) Time of day/shift when incident occurred;

(c) A detailed description of the incident, including events leading up to the incident and how the incident ended;

(d) Names and job titles of involved employees;

(e) Name or other identifier of other individual(s) involved;

(f) Nature and extent of injuries arising from the incident; and

(g) Names of witnesses.

(ii)

(a) If the case is a "privacy concern case" as defined below, the employer shall still be liable for developing a Workplace Violence Incident Report as set forth above. However, before sharing a copy of such Report with any party other than the Commissioner, the employer shall remove the name of the employee who was the victim of the workplace violence and shall instead enter "PRIVACY CONCERN CASE" in the space normally used for the employee's name.

(b) The employer shall treat incidents involving the following injuries or illnesses as privacy concern cases:

(1) An injury or illness to an intimate body part or the reproductive system;

(2) An injury or illness resulting from a sexual assault;

(3) Mental illness;

(4) HIV infection;

(5) Needle stick injuries and cuts from sharp objects that are or may be contaminated with another person's blood or other potentially infectious material; and

(6) Other injuries or illnesses, if the employee independently and voluntarily requests that his or her name not be entered on the Report.

(4) The Workplace Violence Incident Report must be maintained for use in annual program review and updates. This requirement does not relieve an employer of the recordkeeping requirements of 12NYCRR Part 801.

(5) The employer, with the participation of the authorized employee representative, shall conduct a review of the Workplace Violence Incident Reports at least annually to identify trends in the types of incidents in the workplace and review of the effectiveness of the mitigating actions taken.

(j) Employee Reporting Of Workplace Violence Prevention Concerns or Incidents

(1) Any employee or his or her authorized employee representative who believes that a serious violation of the employer's workplace violence protection program exists, or that a workplace violence imminent danger exists, shall bring such matter to the attention of a supervisor in the form of a written notice and shall afford the employer a reasonable opportunity to correct such activity, policy or practice.

(2) Written notice to an employer shall not be required where workplace violence imminent danger exists to the safety of a specific employee or to the general health of a specific patient and the employee reasonably believes in good faith that reporting to a supervisor would not result in corrective action.

(3) If, following a referral of such matter to the employee's supervisor and after a reasonable opportunity to correct such activity, policy or practice, the matter has not been resolved and the employee or the authorized employee representative still believes that a serious violation of a workplace violence prevention program remains or that an imminent danger exists, such employee may request an inspection by notifying the Commissioner of Labor of the alleged violation. Such notice and request shall be in writing, shall set forth with reasonable particularity the ground(s) for the notice and shall be signed by such employee or their authorized employee representative. A copy of the written notice shall be provided by the Commissioner to the employer or the person in charge no later than the time of inspection, except that at the request of the person giving such notice, such person's name and the names of individual employees or authorized employee representatives of employees shall be withheld. Such inspection shall be made forthwith by the Commissioner.

(4) The authority of the Commissioner to inspect premises pursuant to such employee complaint shall not be limited to the alleged violation contained in such complaint. The Commissioner may inspect any other area of the premises in which he or she has reason to believe that a serious

violation of this section exists.

(5) The Commissioner may, upon his or her own initiative, conduct an inspection of any premises occupied by an employer if he or she has reason to believe that a violation of this section has occurred.

The current PESH administrative plan will be used for the enforcement of this section, including a general schedule of inspections, which provides a rational administrative basis for such inspection.

(6) No employer shall take retaliatory action against any employee because the employee exercises any right accorded him or her by this Part.

(k) Effective Dates

(1) The Employer's Policy Statement required by section (e) of this Part shall be completed within 30 days after the effective date of this Part.

(2) The workplace risk evaluation and determination required by section (f) of this Part shall be completed within 60 days of the effective date of this Part.

(3) The workplace violence prevention program required by section (g) of this Part shall be complete within 75 days of the effective date of this Part.

(4) Employers shall be in compliance with the entire Part within 120 days of the effective date of this Part.



CITY COUNCIL AGENDA

NO. 16

DEPT.: FINANCE

DATE: August 5, 2013

CONTACT: Joseph S. Fazzino, Acting City Comptroller

ACTION: Adoption of the 2013/2014 tax levy and tax rate for the Rye Neck Union Free School District.

FOR THE MEETING OF:

August 5, 2013

RYE CITY CODE,

§C22-9(A)

RECOMMENDATION: That the City Council adopt the following resolution:

WHEREAS, the Rye Neck Union Free School District (District) has certified to the City of Rye Comptroller taxes in the amount of \$11,133,269 to be raised on property within the District located in the City of Rye, with established tax rates of \$795.235079 per \$1,000 of taxable assessed value on homestead property and \$1,029.291786 per \$1,000 taxable assessed value on non-homestead property, for the fiscal year beginning July 1, 2013 and ending June 30, 2014, now, therefore, be it

RESOLVED, that in accordance with the provisions of the City Charter, the City Comptroller is commanded to levy and collect said taxes, subject to any further amendments or approvals required by the Rye Neck Union Free School District.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND:

The Rye Neck Union Free School District has provided the City with the allocation of the tax levy and tax rates for the Town of Rye and City of Rye. A portion of the City's share of the tax levy is attributable to STAR exemptions, which will be paid by the State to the district. The above amounts and rates are subject to adjustments and adoption by the District at their next Board of Education meeting.



CITY COUNCIL AGENDA

NO. 17

DEPT.: Public Works

DATE: August 5, 2013

CONTACT: Ryan X. Coyne, P.E., City Engineer

ACTION: Bid Award for the Cedar Place Sanitary Sewer contract (Contract # 2013-03).

FOR THE MEETING OF:

August 5, 2013

**RYE CITY CODE,
CHAPTER
SECTION**

RECOMMENDATION: That Contract #2013-03 for the rehabilitation of the Cedar Place Sanitary Sewer be awarded to Con-Tech Construction Technology Inc. in the amount of \$92,950.00.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: The City Engineer has reviewed the bids for rehabilitation of the Cedar Place Sanitary Sewer street materials received from three vendors and has recommended the bid be awarded to the low bidder as outlined in the attached memorandum and bid tabulation.


See attached.



CITY OF RYE
Engineering Department

Interoffice Memorandum

To: Scott D. Pickup, City Manager

From: Ryan Coyne, PE, City Engineer 

Date: August 2, 2013

Subject: **Rehabilitation of Cedar Place Sanitary Sewer
Contract 2013-03**

I have checked and tabulated the three bids received on August 1, 2013 for the above contract. A copy of the bid results is attached.

I recommend the bid be awarded to the low bidder, Con-Tech Construction Technology, Inc. in the amount of \$92,950.00. They are the lowest responsive and responsible bidder. Sufficient funds exist within the Capital Budget for this project to be awarded.

I have attached a list of recent projects that they were required to submit with their bid. As can be seen, they have experience with similar street resurfacing projects, as well as with other site construction work.

In the recent past, Con-Tech was the City's contractor on the Locust Avenue/Purchase Street intersection, which included sewer construction work. Con-Tech has also done various concrete and masonry jobs within the City.

Please feel free to contact me should you need additional information.

Rehabilitation of Cedar Place Sanitary Sewer - Contract 2013-03 Bid Tabulation



Item Number	Item	Unit	Quantity	1. Con-Tech Construction		2. Bilotta Construction Corp.		3. ELQ Industries, Inc.	
				Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
SC-502-B	Saw Cutting Pavement > 10"	LF	570	\$7.00	\$3,990.00	\$8.00	\$4,560.00	\$5.00	\$2,850.00
SC-502-T	Saw Cutting Pavement 2-3"	LF	570	\$4.00	\$2,280.00	\$1.00	\$570.00	\$3.00	\$1,710.00
PX-203	Pavement Removal	CY	30	\$95.00	\$2,850.00	\$75.00	\$2,250.00	\$60.00	\$1,800.00
TX-203	Trench Excavation	CY	210	\$52.00	\$10,920.00	\$35.00	\$7,350.00	\$40.00	\$8,400.00
91	Supply and Install 3/4" Stone	CY	30	\$88.00	\$2,640.00	\$45.00	\$1,350.00	\$50.00	\$1,500.00
SS-8PVC	Supply and Install 8" PVC Gravity Sewer	LF	265	\$18.00	\$4,770.00	\$125.00	\$33,125.00	\$155.00	\$41,075.00
SS-8x4 LAT	Supply and Install 8"x8"x4" Lateral Conn.	Each	7	\$310.00	\$2,170.00	\$450.00	\$3,150.00	\$1,100.00	\$7,700.00
SSF-203	Supply and Install Select Structural Fill	CY	100	\$60.00	\$6,000.00	\$42.00	\$4,200.00	\$45.00	\$4,500.00
SSMH-1	Remove & Replace Sewer Manhole	Each	2	\$6,000.00	\$12,000.00	\$5,500.00	\$11,000.00	\$6,500.00	\$13,000.00
K-204	Furnish and Install Controlled Density Fill (K-Crete) Trench Backfill	CY	44	\$120.00	\$5,280.00	\$95.00	\$4,180.00	\$115.00	\$5,060.00
PR-403-B	Pavement Restoration Base	Ton	40	\$240.00	\$9,600.00	\$220.00	\$8,800.00	\$130.00	\$5,200.00
PR-403-T	Pavement Restoration Top	Ton	95	\$230.00	\$21,850.00	\$100.00	\$9,500.00	\$150.00	\$14,250.00
MPT-1	Maintenance and Protection of Traffic	LS	1	\$8,600.00	\$8,600.00	\$3,000.00	\$3,000.00	\$6,000.00	\$6,000.00
Engineer's Total				\$92,950.00		\$93,035.00		\$113,045.00	
Contractor's Total				\$92,950.00		\$93,035.00		\$113,045.00	

Bid Opening:
August 1, 2013

Con-Tech Construction Technology, Inc.

28 Lakeview Drive

Yorktown Heights, NY 10598

Phone: (914) 455-3100

Fax: (914) 962-4500

Project List:

Masonry / Brick / Concrete Projects

1. Greenburgh School District #7, Masonry Repairs for Fuel Oil Tank Replacement. Contact: Vincent deGregorio (914) 714-3158 Value: \$+/-300,000 (Historic Building) Surety: RLI Insurance
2. City of Rye, Various Concrete / Masonry Contracts. Contact: George Mottarella (914) 967-7461 Value: \$+/-400,000 Surety: RLI Insurance
3. Brenner Builders & Assoc., Various Residential Projects. Contact: Kevin Brenner (914) 242-4707 Value: \$+/-1,000,000 Combined
4. NYS Office of Parks, Recreation & Historic Places, Clermont Chimney Restoration. Contact: Richard Gromek (845) 889-4100 Value: \$+/-80,000 (Historic Landmark) Surety: RLI Insurance
5. NYS Office of Parks, Recreation & Historic Places, Staatsburg Estate Wall Reconstruction. Contact: Richard Gromek (845) 889-4100 Value: \$+/-176,000 (Historic Landmark) Surety: RLI Insurance
6. Village of Croton, Sidewalks 08/09. Contact: Joe Sperber (914) 271-4783 Value: \$+/-500,000 Surety: RLI Insurance
7. Eventus Construction, Maple Hill WWTP. Contact: John Alfonzetti (914) 245-2400 Value: \$+/-74,000
8. Dobbs Ferry Union Free School District, GC Contract #1: Masonry Repair/Repointing. Contact: Sylvia Fassler-Wallach (914) 693-1500 xt 3030 Value: \$344,661 Surety: RLI Insurance
9. City of Rye, Square House Chimney Replacement (Historic Building). Contact: George Mottarella (914) 967-7461 Value: \$+/-30,000 Surety: RLI Insurance
10. Historic Hudson Valley, Sunnyside Floodway Improvements. Contact: Ray Armeter (914) 631-8200 Value: \$800,000 (Historic Landmark) Surety: RLI Insurance **CTASLA Design Awards Winner**
11. City of Yonkers, Archway Improvements at Firehouse #4 and #9. Contact: V. Douglas Platt Jr PE (McLaren Engineering) (845) 353-6400 Value: +/--\$129,510 Surety: RLI Insurance
12. Village of Pleasantville, Bedford Road Streetscape Improvements. Contact: Suzette Lopane (914) 995-2443 Value: \$626,136 Surety: RLI Insurance
13. Bedford Central School District, Bedford Hills ES Front Entry Approach Stair / Wall. Contact: Tom Briggs (914) 241-6015 Value: \$194,875 Surety: RLI Insurance
14. Scarsdale Central Schools, Upper Courtyard Renovation. Contact: David Russo (917) 520-4724 Value: \$158,343 Surety: RLI Insurance

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15. Town of Amenia, Downtown Revitalization: Mechanic Street.
Contact: Wayne Euvrard (845) 373-8118. Value: \$174,350 Surety: RLI Insurance
16. Village of Port Chester, Main Street Streetscape Improvements.
Contact: Suzette Lopane (914) 995-2443 Value: \$276,909 Surety: RLI Insurance
17. Pawling Central Schools, Pawling Elementary Sidewalk Repairs.
Contact: Walter Hauser (914) 666-5900. Value: \$71,369.00 Surety: RLI Insurance
18. Dobbs Ferry UFSD, Site Improvements & Related Work 1213-30.
Contact: Sylvia Fassler-Wallach (914) 693-1500 ext 3030. Value: \$335,274.00 Surety: RLI Insurance
19. Town of Rye, South Barry Avenue Bridge Sidewalk Repair. Contact: Thomas Ahneman (203) 869-7707. Value: \$8,711.00
20. New Rochelle Municipal Housing Authority, Site Improvements @ Peter Bracey Apartments NY88-3B. Contact: Arthur Seckler III (914) 741-1115. Value: \$428,950.00 Surety: RLI Insurance
21. Mahopac Public Library, Retaining Wall Reconstruction. Contact: David Keaton (845) 628-2009. Value: \$246,945.00 Surety: RLI Insurance

Site Work Projects

1. ICS Builders, Pelham Bay Golf Course Site Work & Sewage Treatment Plant. Contact: Matthew Wickware (212) 633-1300 Value: \$ 900,000
2. Dobbs Ferry UFSD, Springhurst Outdoor Classroom & Sidewalks. Contact: Sylvia Fassler-Wallach (914) 693-1500 xt 3030 Value: \$+/-50,000 Surety: RLI Insurance
3. Village of Irvington, Barney Brook Restoration. Contact: Edward Ritter (914) 591-7070 Value: \$ 40,000 Surety: RLI Insurance
4. Millbrook Central Schools, Flood Damage Repair. Contact: Tim Moot (845) 220-7145 Value: \$ 45,000 Surety: RLI Insurance
5. NYS Office of Parks, Recreation & Historic Places, Staatsburg Estate Wall Reconstruction. Contact: Richard Gromek (845) 889-4100 Value: \$+/-176,000 (Historic Landmark) Surety: RLI Insurance
6. Historic Hudson Valley, Sunnyside Floodway Improvements. Contact: Ray Armeter (914) 631-8200 Value: \$800,000 (Historic Landmark) Surety: RLI Insurance **CTASLA Design Awards Winner**

Con-Tech Construction Technology, Inc.

28 Lakeview Drive

Yorktown Heights, NY 10598

Phone: (914) 455-3100

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7. Scarsdale Central Schools, Upper Courtyard Renovation. Contact: David Russo (917) 520-4724 Value: \$ 158,343 Surety: RLI Insurance
8. Town of North Salem, Westview Cross Road Water Quality Improvements Project. Contact: F. Annunziata (845) 279-2220 Value: \$ 119,997 Surety: RLI Insurance
9. Town of Clarkstown, Lake Nanuet Drainage Improvements. Contact: Matt Mohlin (631) 756-8000 Value: \$411,728 Surety: RLI Insurance
10. Dobbs Ferry UFSD, Site Improvements Springhurst & Middle/High School. Contact: Sylvia Fassler-Wallach (914) 693-1500 xt 3030 Value: \$ 349,550 Surety: RLI Insurance
11. Dobbs Ferry UFSD, Site Improvements & Related Work 1213-30. Contact: Sylvia Fassler-Wallach (914) 693-1500 ext 3030. Value: \$335,274.00 Surety: RLI Insurance
12. Byram Hills School District, Byram Hills Transportation Center. Contact: Walter Hauser (914) 666-5900. Value: \$119,940.00 Surety: RLI Insurance
13. Town of Clarkstown, Installation of Box Culvert & Related Work Lake Nanuet. Contact: Matt Molin (516) 756-8000. Value: \$409,928.00 Surety: RLI Insurance
14. Town of Ossining, Installation of Twin 48" Diameter Pipes & Drainage. Contact: Paul Fraioli (914) 941-4660. Value: \$39,735.00 Surety: RLI Insurance
15. New Rochelle Municipal Housing Authority, Site Improvements @ Peter Bracey Apartments NY88-3B. Contact: Arthur Seckler III (914) 741-1115. Value: \$428,950.00
16. Mahopac Public Library, Retaining Wall Reconstruction. Contact: David Keaton (845) 628-2009. Value: \$246,945.00 Surety: RLI Insurance
17. NYS Dept Parks, Recreation, Historic Places; Old Croton Aquaduct Cedar Street Access. Contact: Joanne Bielowski (845) 899-4100. Value: \$147,810.00 Surety: RLI Insurance
18. Fortney & Weygandt Inc, Sams Club Elmsford NY (Sitework). Contact: Matt Garra (440) 716-4000

Highway / Road Construction Projects

1. City of Poughkeepsie, Miller Road & Wilbur Road Intersection Improvements. Contact: Jesse Purcell (845) 451-4074 Value: \$ 200,000 Surety: RLI Insurance

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Phone: (914) 455-3100

Fax: (914) 962-4500

2. Yonkers Public Schools, Various Buildings / Various Concrete / Masonry Repair / Replacement. Contact: Tom Annunziata (914) 376-8056 Value: \$ 250,000 Surety: RLI Insurance
3. City of Rye, Various Concrete / Masonry Contracts. Contact: George Mottarella (914) 967-7461 Value: \$+/-400,000 Surety: RLI Insurance
4. Village of Croton-On-Hudson, 2008-09 Sidewalk Replacement. Contact: Joe Sperber (914) 271-4783 Value: \$300,000 Surety: RLI Insurance
5. NYSDOT, D261091 Ramp Improvements Green Lane at SMRP Mount Kisco. Contact: Anthony Scatenato (845) 575-6000 Value: \$300,000 Surety: RLI Insurance
6. Village of Pleasantville, Bedford Road Streetscape Improvements. Contact: Suzette Lopane (914) 995-2443 Value: \$626,136 Surety: RLI Insurance
7. Village of Port Chester, Main Street Landscape Improvements. Contact: Anthony Oliveri (914) 631-8600 Value: \$276,909 Surety: RLI Insurance
8. NYSDOT / McNamee Construction Corp., D259582 Bridges Over I-84. Contact: Dan MacNamee (914) 243-5910 Value: \$265,447

School Construction Projects

1. City of Yonkers, Board of Education, Concrete Stair Rehabilitation PS #5 and #17. Contact: Thomas Annunziata (914) 376-8008 Value: \$ 200,000
2. Greenburgh School District #7, Masonry Repairs for Fuel Oil Tank Replacement. Contact: Vincent deGregorio (914) 714-3158 Value: \$+/-300,000 (Historic Building) Surety: RLI Insurance
3. Dobbs Ferry Union Free School District, GC Contract #1: Masonry Repair/Repainting. Contact: Sylvia Fassler-Wallach (914) 693-1500 xt 3030 Value: \$344,661 Surety: RLI Insurance
4. Millbrook Central Schools, Flood Damage Repair. Contact: Tim Moot (845) 220-7145 Value: \$ 45,000 Surety: RLI Insurance
5. Scarsdale Central Schools, Upper Courtyard Renovation. Contact: David Russo (917) 520-4724 Value: \$158,343 Surety: RLI Insurance
6. Dobbs Ferry UFSD, Site Improvements Springhurst & Middle/High School. Contact: Sylvia Fassler-Wallach (914) 693-1500 xt 3030 Value: \$ 349,550 Surety: RLI Insurance

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28 Lakeview Drive

Yorktown Heights, NY 10598

Phone: (914) 455-3100

Fax: (914) 962-4500

7. Dobbs Ferry UFSD, Site Improvements & Related Work 1213-30.
Contact: Sylvia Fassler-Wallach (914) 693-1500 ext 3030. Value: \$335,274.00 Surety: RLI Insurance
8. Byram Hills School District, Byram Hills Transportation Center.
Contact: Walter Hauser (914) 666-5900. Value: \$119,940.00
Surety: RLI Insurance
9. Pawling Central Schools, Pawling Elementary Sidewalk Repairs.
Contact: Walter Hauser (914) 666-5900. Value: \$71,369.00 Surety: RLI Insurance

Stream Construction Projects

1. Historic Hudson Valley, Sunnyside Floodway Improvements.
Contact: Ray Armeter (914) 631-8200 Value: \$800,000 (Historic Landmark) Surety: RLI Insurance **CTASLA Design Awards Winner**
2. Town of North Salem, Westview Cross Road Water Quality Improvements Project. Contact: F. Annunziata (845) 279-2220
Value: \$ 119,997 Surety: RLI Insurance Completion:
3. Millbrook Central Schools, Flood Damage Repair. Contact: Tim Moot (845) 220-7145 Value: \$ 45,000 Surety: RLI Insurance
4. Village of Irvington, Barney Brook Restoration. Contact: Edward Ritter (914) 591-7070 Value: \$ 40,000 Surety: RLI Insurance
5. Village of Croton-On-Hudson, Silver Lake Dam Rehabilitation.
Contact: Joe Sperber (914) 271-4783 Value: \$210,000 Surety: RLI Insurance
6. Town of Clarkstown, Installation of Box Culvert & Related Work Lake Nanuet. Contact: Matt Molin (516) 756-8000. Value: \$409,928.00 Surety: RLI Insurance



CITY COUNCIL AGENDA

NO. 18

DEPT.: City Manager

DATE: August 5, 2013

CONTACT: Scott Pickup, City Manager

AGENDA ITEM: Authorization for City Manager to enter into an Agreement with the Village of Port Chester for the temporary use of the Rye Police Cells by the Port Chester Police Department.

FOR THE MEETING OF:

August 5, 2013

**RYE CITY CODE,
CHAPTER
SECTION**

RECOMMENDATION: That the Mayor and Council authorize the City Manager to enter into the agreement.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND:

Port Chester is currently making emergency repairs to its jail cells and needs cells to hold prisoners after they are arrested and waiting to be arraigned and transported to the Westchester County jailhouse in Valhalla, New York. The Agreement between the City of Rye and the Village of Port Chester to permit use of Rye Police Cells by the Port Chester Police Department on the terms and conditions outlined in the agreement commencing August 5, 2013 through September 30, 2013.

See attached Agreement.

THIS INTERMUNICIPAL AGREEMENT, made the ____ day of _____, 2013 by and between:

THE CITY OF RYE, a municipal corporation of the State of New York, having an office and place of business at 1051 Boston Post Road, Rye, New York 10580 (hereinafter referred to as “Rye”)

and

THE VILLAGE OF PORT CHESTER, a municipal corporation of the State of New York, having an office and place of business at 222 Grace Church Street, Port Chester, New York 10573 (hereinafter referred to as “Port Chester”)

WHEREAS, Rye maintains a police department headquarters located at 21 McCullough Place, Rye, New York 10580 which currently has 6 (six) male detention jail cells and 1 (one) female detention jail cell (the “Cells”);

WHEREAS, under General Municipal Law § 209(m), municipalities have the ability to call upon each other in times of need for additional police force, equipment and supplies;

WHEREAS, Port Chester is currently making emergency repairs to its jail cells and needs cells to hold prisoners after they are arrested and waiting to be arraigned and transported to the Westchester County jailhouse in Valhalla, New York.

NOW, THEREFORE, Rye agrees to permit use of its Cells by the Port Chester Police Department on the following terms and conditions:

A. Port Chester’s Responsibilities Regarding Use of Cells

- 1) Rye’s use of the Cells takes priority over Port Chester’s need at any given time;
- 2) Rye Police Department’s General Order 110.2 shall be followed at all times (annexed hereto as Exhibit A)
- 3) Rye has the right to limit the number of prisoners at any one time;
- 4) Rye’s policies and procedures for restraint and security shall govern while Port Chester’s prisoners are in Rye;
- 5) At any time, if more restrictive procedures are determined to be appropriate by the Rye Police Department Supervisor or Desk Officer, such procedures shall prevail;
- 6) When transporting prisoners to the Cells, Port Chester shall also bring copies of all the arresting paper work;

B. Port Chester’s Responsibilities Regarding Prisoners

- 1) Port Chester shall provide police officers to provide 24 (twenty-four) hours “eyes on” supervision of any prisoners it transports to Rye;
- 2) The ratio of police officers to prisoners is 1 to 3 (one police officer for every 3 prisoners);
- 3) All property (including any cell phones) of the prisoners shall be taken and inventoried at Port Chester;
- 4) Port Chester is solely responsible for transporting, caring for, supervising and attending to its prisoners at all times when its prisoners are located in Rye;
- 5) Port Chester shall be responsible for any and all medical issues that may arise while the prisoners are in Rye;
- 6) Port Chester shall fill out any necessary paperwork required by Rye, including, but not limited to, the Suicide Screening form.

C. Term

- 1) This Agreement shall be effective on August 5, 2013 through September 30, 2013. Any additional terms shall be agreed to by both parties in writing.
- 2) Rye has the right to terminate this Agreement at any time upon twelve (12) hours notice as provided below.

D. Insurance and Hold Harmless

- 1) Port Chester shall name Rye as an additional insured on its General Liability Policy in an amount of \$2,000,000 (Two Million Dollars) and on its Excess Liability Policy in an amount of \$5,000,000 (Five Million Dollars).
- 2) Port Chester shall indemnify and hold harmless Rye, its elected officials, officers, employees and agents from and against any and all of its own negligent acts or omissions, damage, claims, demands, costs, judgments, fees, attorneys’ fees or loss arising directly or indirectly out of its use of the Cells and any other property of the Rye Police Department;
- 3) Port Chester shall provide defense for and defend, at its sole expense, any and all claims, demands or causes of action directly or indirectly arising out of this Agreement and to bear all other costs and expenses related thereto.

E. Costs

- 1) Any costs incurred by Rye as a result of providing Port Chester use of the Cells will be reimbursed by Port Chester.

F. Notices

- 1) All notices of any nature referred to in this Agreement shall be in writing and either sent by registered or certified mail postage pre-paid, or sent by hand or overnight courier, or sent by facsimile (with acknowledgment received and a copy of the notice sent by overnight courier), to the respective addresses set forth below or to such other addresses as the respective parties hereto may designate in writing. Notice shall be effective on the date of receipt.

To Rye:

Rye City Manager
1051 Boston Post Road
Rye, New York 10580

Rye Police Department
Attn: Police Commissioner
21 McCullough Place
Rye, New York 10580

with copies to:

Corporation Counsel
1051 Boston Post Road
Rye, New York 10580

To Port Chester:

The Village of Port Chester
222 Grace Church Street
Port Chester, New York 10573

G. Miscellaneous

- 1) It is mutually understood and agreed that the terms, covenants, conditions and agreements herein contained shall be binding upon the parties hereto and upon their respective successors, legal representatives and assigns.
- 2) This Agreement shall not be enforceable until signed by both parties.
- 3) In the event that any one or more provisions, sections, subsections, clauses or words of this Agreement are for any reason held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this Agreement, but this Agreement shall be construed and enforced as if such illegal or invalid section, subsection, clause or word has not been contained herein.

- 4) The Municipality agrees to observe and obey any and all Federal, State and local laws, rules and regulations, and to require its officers, agents, employees, contractors, and suppliers to observe and obey the same.
- 5) This Agreement may be executed in two or more counterparts and all counterparts so executed shall for all purposes constitute one agreement binding upon all the parties hereto.
- 6) Failure of any party to insist upon strict performance of any term, condition or covenant of this Agreement shall not be deemed to constitute a waiver or relinquishment of such term, condition or covenant for the future right to insist upon and to enforce by injunction or by other legal or appropriate remedy strict compliance by any other party with such term, condition or covenant.
- 7) This Agreement shall be construed, interpreted and enforced in accordance with the laws of the State of New York applicable to agreements made and to be performed wholly within such State.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.

CITY OF RYE

By: _____
(Name & title)

THE VILLAGE OF PORT CHESTER

By: _____
(Name & title)

UNIFORM CERTIFICATE OF ACKNOWLEDGMENT

STATE OF NEW YORK)
)
) ss.:
COUNTY OF WESTCHESTER)

On this _____ day of _____, 2013 before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is(are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

NOTARY PUBLIC

UNIFORM CERTIFICATE OF ACKNOWLEDGMENT

STATE OF NEW YORK)
)
) ss.:
COUNTY OF WESTCHESTER)

On this _____ day of _____, 2013 before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is(are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

NOTARY PUBLIC



CITY COUNCIL AGENDA

NO. 19

DEPT.: City Manager

DATE: August 5, 2013

CONTACT: Scott Pickup, City Manager

AGENDA ITEM: Authorization for the City Manager to enter into an Agreement with the County of Westchester for 2013-2014 Prisoner Transportation Services.

FOR THE MEETING OF:

August 5, 2013

**RYE CITY CODE,
CHAPTER
SECTION**

RECOMMENDATION: That the Mayor and Council authorize the City Manager to enter into the agreement.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND:

The Agreement between the Westchester County Department of Correction and the City of Rye to provide prisoner transportation between the City of Rye and the Westchester County Jail for a two-year period commencing January 1, 2013 through December 31, 2014.

See attached documentation.



Robert P. Astorino
County Executive

Department of Correction

Kevin M. Cheverko
Commissioner

July 29, 2013

City of Rye
Mr. Scott Pickup
1051 Boston Post Road
Rye, New York 10580

Dear Mr. Pickup,

Please find enclosed an original agreement between the Department of Correction and the City of Rye to provide prisoner transportation between the City of Rye and the Westchester County Jail for the term commencing January 1, 2013 and terminating December 31, 2014. Please remember to include a Certificate of Insurance (general liability and auto liability) naming Westchester County as additional insured. If you are self insured, please provide a Self Insured Employers Workers' Compensation Form (SI12) which certifies that compensation has been secured.

After filling out and signing all pertinent sections and returning the original copy to this office, a fully executed copy will be returned to you.

If you have any questions or comments, please do not hesitate to me at (914) 231-1336.

Sincerely,

William P. Fallon
Assistant Director of Administrative Services

WPF/ms
Encl.

PRISONER TRANSPORTATION--ZONE RATE

THIS AGREEMENT, made this _____ day of _____, 2013

by and between:

THE COUNTY OF WESTCHESTER, a municipal corporation of the State of New York having an office and place of business in the Michaelian Office Building, 148 Martine Avenue, White Plains, New York 10601

(hereinafter referred to as the "County")

and

THE CITY OF RYE a municipality of the State of New York having its office and place of business at 1051 Boston Post Road, Rye, New York 10580

(hereinafter referred to as the "Municipality")

WHEREAS, pursuant to Sections 500-c and 500-d of the Corrections law prisoners are required to be transported from local municipalities to the Westchester County Jail in Valhalla, New York; and

WHEREAS, the County and the Municipality agree to cooperate in providing such prisoner transportation.

NOW, THEREFORE, in consideration of the terms and conditions herein contained, the County and the Municipality agree as follows:

1. **PRISONER TRANSPORTATION**: Except for prisoners arrested by the Westchester County Department of Public Safety, the Municipality shall provide round trip prisoner transportation using its own police department personnel and vehicles between the Municipality and the Westchester County Department of Correction for all prisoners remanded to the Westchester County Jail by court order or required to appear before the local

court within the Municipality. The County will reimburse the Municipality for the actual number of round trips. All municipalities, where possible, shall hold prisoners for one daily trip to the Department of Correction.

2. **REIMBURSEMENT**: The Municipality shall be reimbursed by the County for prisoner transportation services at the rate plus mileage per round trip indicated in the Zone Rate Plan attached hereto as Appendix "A" and made a part hereof. The rate will be paid as follows:

For transportation to County Jail subsequent to arrest - 1 round trip plus mileage;

For Transportation from County Jail to local court; no return - 1 round trip plus mileage;

For Transportation from County Jail to local court; remand to County Jail, where the time expended does not exceed three (3) hours - 2 round trips plus mileage;

Only in the following circumstances will an hourly rate and mileage fee be paid, as an alternative to the zone rate set forth above:

- a. Transportation of female prisoners (1 officer and 1 matron). A minimum of four (4) hours will be reimbursed for a matron; or
- b. Transportation of seven (7) or more prisoners (requiring an additional officer); or
- c. Transportation of prisoners charged with Class A felonies OR classified by Department of Correction as an "A" or "AA" prisoner considered to present danger may warrant (requiring an additional officer); or
- d. Transportation from County Jail to local court and remand to County Jail where time expended exceeds three (3) hours.

In the event that any one of conditions "a" through "d" above are met, then the actual per hour personnel costs incurred by the Municipality will be paid at the hourly wage

and fringe benefit cost as determined in the applicable collective bargaining agreement between the Municipality and the Municipal Police Association for police officers and/or matrons plus a mileage.

Reimbursement for mileage shall be at the rate of fifty-five and one-half cents (\$.565) per mile, or at the then current Internal Revenue Service mileage rate, multiplied by the mileage indicated in Appendix "A".

3. **MEALS**: The County shall reimburse the Municipality for meals provided to post-arraignment prisoners for the actual and reasonable costs incurred and receipts submitted as part of the municipality's monthly voucher submitted to the Department of Correction.

4. **TERM**: This Agreement shall commence on January 1, 2013 and shall terminate on December 31, 2014. The County may, upon thirty (30) days written notice to the Municipality, terminate this Agreement in whole or in part when it deems it to be in its best interest. In such event, the Municipality shall be compensated and the County shall be liable only for payment for services rendered prior to the effective date of termination.

5. **PAYMENT**: Requests for reimbursement shall be submitted by the Municipality on a monthly basis on properly executed County claim forms and paid after approval by the Commissioner of Correction. The number of round trips made, prisoners transported and dates should be listed on the claim forms submitted to the Department of Correction. Reimbursement request shall be subject to audit by the County, and the Municipality shall keep and make available to the County such detailed books and records as are reasonably necessary to substantiate the basis for reimbursement. The Municipality shall not be entitled to reimbursement for any prisoner transportation expense not specifically provided for herein.

The total aggregate cost to the County under this Agreement and the agreements with the other municipalities for zone rate prisoner transportation pursuant to the Resolution approved by the Board of Acquisition and Contract on May 20, 2013, shall not

exceed \$1,176,335. This Agreement shall be deemed executory only to the extent of the monies appropriated and available for the purpose of this Agreement and no liability on account hereof shall be incurred by the County beyond the amount of such monies.

6. **INSURANCE AND INDEMNIFICATION**: All personnel and vehicles engaged in prisoner transportation duties shall at all times remain and be deemed the employees and property of the Municipality. In addition to, and not in limitation of the insurance provisions contained in Schedule "B" of this Agreement, the Municipality agrees to indemnify, defend and hold the County, its officers, employees and agents harmless from and against any and all liability, loss, damage or expense the County may suffer as a result of any and all claims, demands, causes of action or judgments arising directly or indirectly out of the transportation of prisoners for which reimbursement is sought hereunder for losses arising out of the negligent acts or omissions of the Municipality, its agents or employees.

7. **ENTIRE AGREEMENT**: This Agreement constitutes the entire and integrated agreement between and among the parties hereto and supersedes any and all prior negotiations, agreements and conditions, whether written or oral. Any modification or amendment to this Agreement shall be void unless it is in writing and subscribed by the party to be charged.

8. **APPLICABLE LAW**: This Agreement shall be construed and enforced in accordance with the laws of the State of New York.

9. **APPROVALS**: This Agreement is subject to the approval of the Westchester County Board of Legislators, the Westchester County Board of Acquisition and Contract and the governing legislative body of the Municipality.

IN WITNESS WHEREOF, the County and the Municipality have executed this Agreement on the _____ day of _____, 2013.

THE COUNTY OF WESTCHESTER

By: _____
Kevin M. Cheverko
Commissioner of Correction

By: _____
(Name)
(Title)

Approved by the Westchester County Board of Legislators by Act No 78 – 2013 on the 20th day of May, 2013.

Approved by the Board of Acquisition and Contract of the County of Westchester on the 25th day of July, 2013.

Approved by the _____ of the _____
on the _____ day of _____, 20__.

Approved as to form and
manner of execution:

Approved as to form and
manner of execution:

Assistant County Attorney
The County of Westchester
K/I/dcr/Zone Rate Agmt. 13

MUNICIPALITY'S ACKNOWLEDGEMENT

STATE OF NEW YORK)
) ss.:
COUNTY OF WESTCHESTER)

On this _____ day of _____, 2013, before me personally came
_____, to me known, and known to me to be the
_____ of _____,
the municipal corporation described in and which executed the within instrument, who being by me
duly sworn did depose and say that he, the said _____ resides at

and that he is _____ of said municipal corporation.

Notary Public County

CERTIFICATE OF AUTHORITY
(Municipality)

I, _____,
(Officer other than officer signing contract)
certify that I am the _____ of the
(Title)

(Name of Municipality)

(the" Municipality") a corporation duly organized in good standing under the

(Law under which organized, e.g., the New York Village
Law, Town Law, General Municipal Law)

named in the foregoing agreement that _____
(Person executing agreement)

who signed said agreement on behalf of the Municipality was, at the time of execution
_____ of the Municipality,
(Title of such person),

that said agreement was duly signed for on behalf of said Municipality by authority of its

(Town Board, Village Board, City Council)

thereunto duly authorized, and that such authority is in full force and effect at the date hereof.

(Signature)

STATE OF NEW YORK)
ss.:
COUNTY OF WESTCHESTER)

On this _____ day of _____, 2013, before me personally came _____
_____ whose signature appears above, to me known, and know to be the
_____ of _____,
(title)

the municipal corporation described in and which executed the above certificate, who being by
me duly sworn did depose and say that he, the said _____
resides at _____, and that he is
the _____ of said municipal corporation.
(title)

Notary Public County

APPENDIX A

ZONE PLAN REIMBURSEMENT RATES WITH DISTANCE TRAVELED TO AND FROM WESTCHESTER COUNTY DEPARTMENT OF CORRECTION

(Effective Term: January 1, 2013 through December 31, 2014)

POLICE AGENCY

ROUND TRIP DISTANCE

ZONE #1 (1 - 10 Miles)

Reimbursed Rate Per Round Trip: (1/1/13 – 12/31/13) \$182.77
(1/1/14 – 12/31/14) \$188.25

Plus mileage reimbursed at \$.565 (or the then current IRS mileage rate) times distance.

Elmsford, Village	6 Miles
Sleepy Hollow, Village	8 Miles
Pleasantville, Village	8 Miles
Tarrytown, Village	10 Miles

ZONE #2 (11 - 20 Miles)

Reimbursed Rate Per Round Trip: (1/1/13 – 12/31/13) \$191.92
(1/1/14 – 12/31/14) \$197.68

Plus mileage reimbursed at \$.565 (or the then current IRS mileage rate) times distance.

Irvington, Village	12 Miles
Briarcliff Manor, Village	14 Miles
New Castle, Town	16 Miles
North Castle, Town	16 Miles
Dobbs Ferry, Village	17 Miles
Ardsley, Village	18 Miles
Scarsdale, Village	19 Miles
Ossining, Village	20 Miles
Hastings-on-Hudson, Village	20 Miles

ZONE #3 (21 - 30 Miles)

Reimbursed Rate Per Round Trip: (1/1/13 – 12/31/13) \$201.03
(1/1/14 – 12/31/14) \$207.07

Plus mileage reimbursed at \$.565 (or the then current IRS mileage rate) times distance.

Rye Brook, Village	23 Miles
Rye, City	25 Miles
Tuckahoe, Village	25 Miles
Eastchester, Town	25 Miles
Port Chester, Village	28 Miles
Mamaroneck, Village	30 Miles
Pelham, Town	30 Miles

ZONE #4 (31 - 40 Miles)

Reimbursed Rate Per Round Trip: (1/1/13 – 12/31/13) \$210.21
(1/1/14 – 12/31/14) \$216.52

Plus mileage reimbursed at \$.565 (or the then current IRS mileage rate) times distance.

Mamaroneck, Town	31 Miles
Larchmont, Village	32 Miles
Pelham Manor, Village	35 Miles

SCHEDULE "B"

STANDARD INSURANCE PROVISIONS **(MUNICIPALITY)**

1. Prior to commencing work, the Municipality shall obtain at its own cost and expense the required insurance from insurance companies licensed in the State of New York, carrying a Best's financial rating of A or better, and shall provide evidence of such insurance to the County of Westchester, as may be required and approved by the Director of Risk Management of the County. The policies or certificates thereof shall provide that thirty days prior to cancellation or material change in the policy, notices of same shall be given to the Director of Risk Management of the County of Westchester by registered mail, return receipt requested, for all of the following stated insurance policies. All notices shall name the Municipality and identify the Agreement.

If at any time any of the policies required herein shall be or become unsatisfactory to the County, as to form or substance, or if a company issuing any such policy shall be or become unsatisfactory to the County, the Municipality shall upon notice to that effect from the County, promptly obtain a new policy, submit the same to the Department of Risk Management of the County of Westchester for approval and submit a certificate thereof. Upon failure of the Municipality to furnish, deliver and maintain such insurance, the Agreement, at the election of the County, may be declared suspended, discontinued or terminated. Failure of the Municipality to take out, maintain, or the taking out or maintenance of any required insurance, shall not relieve the Municipality from any liability under the Agreement, nor shall the insurance requirements be construed to conflict with or otherwise limit the contractual obligations of the Municipality concerning indemnification. All property losses shall be made payable to and adjusted with the County.

In the event that claims, for which the County may be liable, in excess of the insured amounts provided herein are filed by reason of any operations under the Agreement, the amount of excess of such claims or any portion thereof, may be withheld from payment due or to become due the Municipality until such time as the Municipality shall furnish such additional security covering such claims in form satisfactory to the County of Westchester.

2. The Municipality shall provide proof of the following coverage (if additional coverage is required for a specific agreement, those requirements will be described in the "Special Conditions" of the contract specifications):

(a) Workers' Compensation. Certificate form C-105.2 (9/07) or State Fund Insurance Company form U-26.3 is required for proof of compliance with the New York State Workers' Compensation Law. State Workers' Compensation Board form DB-120.1 is required for proof of compliance with the New York State Disability Benefits Law. Location of operation shall be "All locations in Westchester County, New York."

Where an applicant claims to not be required to carry either a Workers' Compensation Policy or Disability Benefits Policy, or both, the employer must complete NYS form CE-200, available to download at: www.wcb.state.ny.us (click on Employers/Businesses, then Business Permits/Licenses/Contracts to see instruction manual).

If the employer is self-insured for Worker's Compensation, he/she should present a certificate from the New York State Worker's Compensation Board evidencing that fact (Either SI-12, Certificate of Workers' Compensation Self-Insurance, or GSI-105.2, Certificate of Participation in Workers' Compensation Group Self-Insurance).

(b) Employer's Liability with minimum limit of \$100,000.00.

(c) Commercial General Liability Insurance with a minimum limit of liability per occurrence of \$1,000,000.00 for bodily injury and \$100,000.00 for property damage or a combined single limit of \$1,000,000.00 (c.s.l.), naming the County of Westchester as an additional insured. This insurance shall indicate the following coverages:

- (i) Premises - Operations.
- (ii) Broad Form Contractual.

(d) Automobile Liability Insurance with a minimum limit of liability per occurrence of \$1,000,000.00 per occurrence for bodily injury and a minimum limit of \$100,000.00 per occurrence for property damage or a combined single limit of \$1,000,000.00 unless otherwise indicated in the contract specifications. This insurance shall include for bodily injury and property damage the following coverages:

- (i) Owned automobiles.
- (ii) Hired automobiles.
- (iii) Non-owned automobiles.

3. All policies of the Municipality shall be endorsed to contain the following clauses:

(a) Insurers shall have no right to recovery or subrogation against the County of Westchester (including its employees and other agents and agencies), it being the intention of the parties that the insurance policies so effected shall protect both parties and be primary coverage for any and all losses covered by the above-described insurance.

(b) The clause "other insurance provisions" in a policy in which the County of Westchester is named as an insured, shall not apply to the County of Westchester.

(c) The insurance companies issuing the policy or policies shall have no recourse against the County of Westchester (including its agents and agencies as aforesaid) for payment of any premiums or for assessments under any form of policy.

(d) Any and all deductibles in the above described insurance policies shall be assumed by and be for the account of, and at the sole risk of, the Municipality.



CITY COUNCIL AGENDA

NO. 20

DEPT.: City Manager

DATE: August 5, 2013

CONTACT: Scott Pickup, City Manager

AGENDA ITEM: Appeal of denial of FOIL requests by Timothy Chittenden.

FOR THE MEETING OF:

August 5, 2013

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council make a decision on the FOIL appeals.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND:

FOIL Appeal 1: "All Rye Police Department Ring Sheets and Activity Sheets for all tours for June 23, 24, 25, 26, 27, 28 and 29, 2013." The requestor was provided with twenty-one (21) Ring Sheet documents but is appealing since redactions were made to the documents which were not noted on the response. The Activity Sheets were denied under Section 87(2)(f) of the New York State Public Officer's Law. The requestor is appealing this denial.

FOIL Appeal 2: the requestor submitted a series of ten FOILs seeking "All Statements of Final Costs submitted to the City of Rye" for years 2004 through 2013. The FOILs were denied since the Building Department does not maintain one document that contains all Statements of Final Costs for a particular year. The requestor was asked to identify a particular parcel or permit.

See attached documentation.

From: "City of Rye (E-Gov Website)" <noreply@eclink.com>

Date: July 22, 2013 1:35:13 PM EDT

To: timothyhchittenden@mac.com

Subject: Update: FOIL (re: Action Line Request)

This automated message was sent by the City of Rye Action Line. Do not reply to this message. Please follow the instructions below for inquiries regarding this email.

The status of your request has been updated, or new information has been added.

TICKET STATUS: 'RESOLVED'

LATEST ACTIVITY:

Documents related to the Ring Sheets portion of your FOIL request have been located and can be accessed by the following link:

<https://ryeny.sharefile.com/d/sa7aa17b51764e249>

The file will be available for one month and you will be allowed 3 downloads of the information.

The Activity Reports section of your FOIL request is denied in accordance with Section 87(2)(f) of the New York State Public Officer's Law. Please notify the City Clerk if you wish to appeal this determination to the City Council.

DETAILS:

Is this a request for commercial purposes?

No

Describe records being sought - One request per submission.

All Rye Police Department Ring Sheets and Activity Sheets for all tours for June 23, 24, 25, 26, 27, 28 and 29, 2013.

Please indicate your preference:

Electronic Copies

Please note, if more than two hours are spent in preparing records, the requestor will be charged for the additional time at the hourly rate of the lowest paid employee who has the skill level required to accomplish the task. You will be informed of any charges exceeding \$10.00. Any charges due must be paid within five (5) business days of the City notifying you. If you fail to pay fees from prior FOILs, any future FOIL requests will not be processed until all outstanding fees are paid.

By submitting this request, I agree to pay costs related to this FOIL request up to \$10 without further notification.

FORM: FOIL

TRACKING NUMBER: 6346131453

SUBMITTED: 6/29/2013 2:53:22 PM

To review the full ticket history, please follow the link below:

http://www.egovlink.com/rye/action_request_lookup.asp?request_id=6346131453

Make sure that the entire URL appears in your browser's address field.

Thank you for using our Action Line to better serve your needs.

Work Order Form

FOIL

Tracking Number: 6374272036
Date Time Received: 7/05/2013 8:36PM
Created By: Timothy Chittenden (Citizen)

Contact Information

Timothy Chittenden

[REDACTED]

[REDACTED]

[REDACTED]

Rye/NY/10580

Issue Location

Rye/NY/10580

Request Details

Is this a request for commercial purposes?

No

Describe records being sought - One request per submission.

All Statements of Final Costs submitted to the City of Rye in 2013.

Please indicate your preference:

Electronic Copies

Please note, if more than two hours are spent in preparing records, the requestor will be charged for the additional time at the hourly rate of the lowest paid employee who has the skill level required to accomplish the task. You will be informed of any charges exceeding \$10.00. Any charges due must be paid within five (5) business days of the City notifying you. If you fail to pay fees from prior FOILs, any future FOIL requests will not be processed until all outstanding fees are paid. By submitting this request, I agree to pay costs related to this FOIL request up to \$10 without further notification.

Request Activity

7/22/2013 2:01 PM -- Rye Foil - WAITING

-----Note to Citizen: The Building Department does not maintain one document that contains all Statements of Final Costs for 2013. Please identify a particular parcel or permit that you are seeking information on.

-----Internal Note: Requestor notified that one document does not exist that is responsive to request and asked to identify a particular parcel or permit.

7/10/2013 2:46 PM -- Rye Foil - INPROGRESS

-----Internal Note: This item has been re-assigned to Rye Foil.

7/10/2013 11:36 AM -- Building Foil - INPROGRESS

-----Internal Note: Foil request is too broad. Document of all Cost Affidavits does not exist. Must relate request to a particular Permit or Parcel

7/08/2013 4:18 PM -- Rye Foil - INPROGRESS

-----Note to Citizen: Your FOIL request has been forwarded to the pertinent department for response.

-----Internal Note: Please respond to this FOIL request.
 This item has been re-assigned to Building Foil.

7/05/2013 8:36PM -- Timothy Chittenden (Citizen) - SUBMITTED

Work Order Form

FOIL

Tracking Number: 6374262035
Date Time Received: 7/05/2013 8:35PM
Created By: Timothy Chittenden (Citizen)

Contact Information

Timothy Chittenden

Timothy Chittenden

[REDACTED]

[REDACTED]

[REDACTED]

Rye/NY/10580

Issue Location

Rye/NY/10580

Request Details

Is this a request for commercial purposes?

No

Describe records being sought - One request per submission.

All Statements of Final Costs submitted to the City of Rye in 2012.

Please indicate your preference:

Electronic Copies

Please note, if more than two hours are spent in preparing records, the requestor will be charged for the additional time at the hourly rate of the lowest paid employee who has the skill level required to accomplish the task. You will be informed of any charges exceeding \$10.00. Any charges due must be paid within five (5) business days of the City notifying you. If you fail to pay fees from prior FOILs, any future FOIL requests will not be processed until all outstanding fees are paid. By submitting this request, I agree to pay costs related to this FOIL request up to \$10 without further notification.

Request Activity

7/22/2013 1:59 PM -- Rye Foil - WAITING

-----Note to Citizen: The Building Department does not maintain one document that contains all Statements of Final Costs for 2012. Please identify a particular parcel or permit that you are seeking information on.

-----Internal Note: Requestor notified that one document does not exist that is responsive to request and asked to identify a particular parcel or permit.

7/10/2013 2:45 PM -- Rye Foil - INPROGRESS

-----Internal Note: This item has been re-assigned to Rye Foil.

7/10/2013 11:37 AM -- Building Foil - INPROGRESS

-----Internal Note: Foil request is too broad. Document of all Cost Affidavits does not exist. Must relate request to a particular Permit or Parcel

7/08/2013 4:17 PM -- Rye Foil - INPROGRESS

-----Note to Citizen: Your FOIL request has been forwarded to the pertinent department for response.

-----Internal Note: Please respond to this FOIL request.
 This item has been re-assigned to Building Foil.

Work Order Form

FOIL

Tracking Number: 6374252034
Date Time Received: 7/05/2013 8:34PM
Created By: Timothy Chittenden (Citizen)

Contact Information

Timothy Chittenden

Timothy Chittenden

[REDACTED]

[REDACTED]

[REDACTED]

Rye/NY/10580

Issue Location

Rye/NY/10580

Request Details

Is this a request for commercial purposes?

No

Describe records being sought - One request per submission.

All Statements of Final Costs submitted to the City of Rye in 2011.

Please indicate your preference:

Electronic Copies

Please note, if more than two hours are spent in preparing records, the requestor will be charged for the additional time at the hourly rate of the lowest paid employee who has the skill level required to accomplish the task. You will be informed of any charges exceeding \$10.00. Any charges due must be paid within five (5) business days of the City notifying you. If you fail to pay fees from prior FOILs, any future FOIL requests will not be processed until all outstanding fees are paid. By submitting this request, I agree to pay costs related to this FOIL request up to \$10 without further notification.

Request Activity

7/22/2013 1:56 PM -- Rye Foil - WAITING

-----Note to Citizen: The Building Department does not maintain one document that contains all Statements of Final Costs for 2011. Please identify a particular parcel or permit that you are seeking information on.

-----Internal Note: Requestor notified that one document does not exist that is responsive to request and asked to identify a particular parcel or request.

7/10/2013 2:44 PM -- Rye Foil - INPROGRESS

-----Internal Note: This item has been re-assigned to Rye Foil.

7/10/2013 11:37 AM -- Building Foil - INPROGRESS

-----Internal Note: Foil request is too broad. Document of all Cost Affidavits does not exist. Must relate request to a particular Permit or Parcel

7/08/2013 4:15 PM -- Rye Foil - INPROGRESS

-----Note to Citizen: Your FOIL request has been forwarded to the pertinent department for response.

-----Internal Note: Please respond to this FOIL request.
 This item has been re-assigned to Building Foil.

Work Order Form

FOIL

Tracking Number: 6374242033
Date Time Received: 7/05/2013 8:33PM
Created By: Timothy Chittenden (Citizen)

Contact Information

Timothy Chittenden

Timothy Chittenden

[REDACTED]

[REDACTED]

[REDACTED]

Rye/NY/10580

Issue Location

Rye/NY/10580

Request Details

Is this a request for commercial purposes?

No

Describe records being sought - One request per submission.

All Statements of Final Costs submitted to the City of Rye in 2010.

Please indicate your preference:

Electronic Copies

Please note, if more than two hours are spent in preparing records, the requestor will be charged for the additional time at the hourly rate of the lowest paid employee who has the skill level required to accomplish the task. You will be informed of any charges exceeding \$10.00. Any charges due must be paid within five (5) business days of the City notifying you. If you fail to pay fees from prior FOILs, any future FOIL requests will not be processed until all outstanding fees are paid. By submitting this request, I agree to pay costs related to this FOIL request up to \$10 without further notification.

Request Activity

7/22/2013 1:54 PM -- Rye Foil - WAITING

-----Note to Citizen: The Building Department does not maintain one document that contains all Statements of Final Costs for 2010. Please identify a particular parcel or permit that you are seeking information on.

-----Internal Note: Requestor notified that one document does not exist that is responsive to request and asked to identify a particular parcel or permit.

7/10/2013 2:43 PM -- Rye Foil - INPROGRESS

-----Internal Note: This item has been re-assigned to Rye Foil.

7/10/2013 11:38 AM -- Building Foil - INPROGRESS

-----Internal Note: Foil request is too broad. Document of all Cost Affidavits does not exist. Must relate request to a particular Permit or Parcel

7/08/2013 4:14 PM -- Rye Foil - INPROGRESS

-----Note to Citizen: Your FOIL request has been forwarded to the pertinent department for response.

-----Internal Note: Please respond to this FOIL request.
 This item has been re-assigned to Building Foil.

Work Order Form

FOIL

Tracking Number: 6374232032
Date Time Received: 7/05/2013 8:32PM
Created By: Timothy Chittenden (Citizen)

Contact Information

Timothy Chittenden

Timothy Chittenden

[REDACTED]

[REDACTED]

[REDACTED]

Rye/NY/10580

Issue Location

Rye/NY/10580

Request Details

Is this a request for commercial purposes?

No

Describe records being sought - One request per submission.

All Statements of Final Costs submitted to the City of Rye in 2009.

Please indicate your preference:

Electronic Copies

Please note, if more than two hours are spent in preparing records, the requestor will be charged for the additional time at the hourly rate of the lowest paid employee who has the skill level required to accomplish the task. You will be informed of any charges exceeding \$10.00. Any charges due must be paid within five (5) business days of the City notifying you. If you fail to pay fees from prior FOILs, any future FOIL requests will not be processed until all outstanding fees are paid. By submitting this request, I agree to pay costs related to this FOIL request up to \$10 without further notification.

Request Activity

7/22/2013 1:51 PM -- Rye Foil - WAITING

-----Note to Citizen: The Building Department does not maintain one document that contains all Statements of Final Costs for 2009. Please identify a particular parcel or permit that you are seeking information on.

-----Internal Note: Requestor notified that one document does not exist that is responsive to request and asked to identify a particular parcel or permit.

7/10/2013 2:43 PM -- Rye Foil - INPROGRESS

-----Internal Note: This item has been re-assigned to Rye Foil.

7/10/2013 11:38 AM -- Building Foil - INPROGRESS

-----Internal Note: Foil request is too broad. Document of all Cost Affidavits does not exist. Must relate request to a particular Permit or Parcel

7/08/2013 4:13 PM -- Rye Foil - INPROGRESS

-----Note to Citizen: Your FOIL request has been forwarded to the pertinent department for response.

-----Internal Note: Please respond to this FOIL request.
 This item has been re-assigned to Building Foil.

Work Order Form

FOIL

Tracking Number: 6374282039
Date Time Received: 7/05/2013 8:39PM
Created By: Timothy Chittenden (Citizen)

Contact Information

Timothy Chittenden

Timothy Chittenden

[REDACTED]

[REDACTED]

[REDACTED]

Rye/NY/10580

Issue Location

Rye/NY/10580

Request Details

Is this a request for commercial purposes?

No

Describe records being sought - One request per submission.

All Statements of Final Costs submitted to the City of Rye in 2008.

Please indicate your preference:

Electronic Copies

Please note, if more than two hours are spent in preparing records, the requestor will be charged for the additional time at the hourly rate of the lowest paid employee who has the skill level required to accomplish the task. You will be informed of any charges exceeding \$10.00. Any charges due must be paid within five (5) business days of the City notifying you. If you fail to pay fees from prior FOILs, any future FOIL requests will not be processed until all outstanding fees are paid. By submitting this request, I agree to pay costs related to this FOIL request up to \$10 without further notification.

Request Activity

7/22/2013 2:02 PM -- Rye Foil - WAITING

-----Note to Citizen: The Building Department does not maintain one document that contains all Statements of Final Costs for 2008. Please identify a particular parcel or permit that you are seeking information on.

-----Internal Note: Requestor notified that one document does not exist that is responsive to request and asked to identify a particular parcel or permit.

7/10/2013 2:47 PM -- Rye Foil - INPROGRESS

-----Internal Note: This item has been re-assigned to Rye Foil.

7/10/2013 11:36 AM -- Building Foil - INPROGRESS

-----Internal Note: Foil request is too broad. Document of all Cost Affidavits does not exist. Must relate request to a particular Permit or Parcel

7/08/2013 4:19 PM -- Rye Foil - INPROGRESS

-----Note to Citizen: Your FOIL request has been forwarded to the pertinent department for response.

-----Internal Note: Please respond to this FOIL request.
 This item has been re-assigned to Building Foil.

Work Order Form

FOIL

Tracking Number: 6374222031
Date Time Received: 7/05/2013 8:31PM
Created By: Timothy Chittenden (Citizen)

Contact Information

Timothy Chittenden

Timothy Chittenden

[REDACTED]

[REDACTED]

[REDACTED]

Rye/NY/10580

Issue Location

Rye/NY/10580

Request Details

Is this a request for commercial purposes?

No

Describe records being sought - One request per submission.

All Statements of Final Costs submitted to the City of Rye in 2007.

Please indicate your preference:

Electronic Copies

Please note, if more than two hours are spent in preparing records, the requestor will be charged for the additional time at the hourly rate of the lowest paid employee who has the skill level required to accomplish the task. You will be informed of any charges exceeding \$10.00. Any charges due must be paid within five (5) business days of the City notifying you. If you fail to pay fees from prior FOILs, any future FOIL requests will not be processed until all outstanding fees are paid. By submitting this request, I agree to pay costs related to this FOIL request up to \$10 without further notification.

Request Activity

7/22/2013 1:49 PM -- Rye Foil - WAITING

-----Note to Citizen: The Building Department does not maintain one document that contains all Statements of Final Costs for 2007. Please identify a particular parcel or permit that you are seeking information on.

-----Internal Note: Requestor notified that one document does not exist that is responsive to request and asked to identify a particular parcel or permit.

7/10/2013 2:42 PM -- Rye Foil - INPROGRESS

-----Internal Note: This item has been re-assigned to Rye Foil.

7/10/2013 11:39 AM -- Building Foil - INPROGRESS

-----Internal Note: Foil request is too broad. Document of all Cost Affidavits does not exist. Must relate request to a particular Permit or Parcel

7/08/2013 4:11 PM -- Rye Foil - INPROGRESS

-----Note to Citizen: Your FOIL request has been forwarded to the pertinent department for response.

-----Internal Note: Please respond to this FOIL request.
 This item has been re-assigned to Building Foil.

Work Order Form

FOIL

Tracking Number: 6374212030
Date Time Received: 7/05/2013 8:30PM
Created By: Timothy Chittenden (Citizen)

Contact Information

Timothy Chittenden

[REDACTED]

[REDACTED]

[REDACTED]

Rye/NY/10580

Issue Location

Rye/NY/10580

Request Details

Is this a request for commercial purposes?

No

Describe records being sought - One request per submission.

All Statements of Final Costs submitted to the City of Rye in 2006.

Please indicate your preference:

Electronic Copies

Please note, if more than two hours are spent in preparing records, the requestor will be charged for the additional time at the hourly rate of the lowest paid employee who has the skill level required to accomplish the task. You will be informed of any charges exceeding \$10.00. Any charges due must be paid within five (5) business days of the City notifying you. If you fail to pay fees from prior FOILs, any future FOIL requests will not be processed until all outstanding fees are paid. By submitting this request, I agree to pay costs related to this FOIL request up to \$10 without further notification.

Request Activity

7/22/2013 1:46 PM -- Rye Foil - WAITING

-----Note to Citizen: The Building Department does not maintain one document that contains all Statments of Final Costs for 2006. Please identify a particular parcel or permit that you are seeking information on.

-----Internal Note: Requestor notified that one document does not exist that is responsive to request andn asked to identify a particular parcel or permit.

7/10/2013 2:41 PM -- Rye Foil - INPROGRESS

-----Internal Note: This item has been re-assigned to Rye Foil.

7/10/2013 11:40 AM -- Building Foil - INPROGRESS

-----Internal Note: Foil request is too broad. Document of all Cost Affidavits does not exist. Must relate request to a particular Permit or Parcel

7/10/2013 11:39 AM -- Building Foil - INPROGRESS

-----Internal Note: Foil request is too broad. Document of all Cost Affidavits does not exist. Must relate request to a particular Permit or Parcel

7/08/2013 4:09 PM -- Rye Foil - INPROGRESS

Work Order Form

FOIL

Tracking Number: 6374202028
Date Time Received: 7/05/2013 8:28PM
Created By: Timothy Chittenden (Citizen)

Contact Information

Timothy Chittenden

Timothy Chittenden

[REDACTED]

[REDACTED]

[REDACTED]

Rye/NY/10580

Issue Location

Rye/NY/10580

Request Details

Is this a request for commercial purposes?

No

Describe records being sought - One request per submission.

All Statements of Final Costs submitted to the City of Rye in 2005.

Please indicate your preference:

Electronic Copies

Please note, if more than two hours are spent in preparing records, the requestor will be charged for the additional time at the hourly rate of the lowest paid employee who has the skill level required to accomplish the task. You will be informed of any charges exceeding \$10.00. Any charges due must be paid within five (5) business days of the City notifying you. If you fail to pay fees from prior FOILs, any future FOIL requests will not be processed until all outstanding fees are paid. By submitting this request, I agree to pay costs related to this FOIL request up to \$10 without further notification.

Request Activity

7/22/2013 1:44 PM -- Rye Foil - WAITING

-----Note to Citizen: The Building Department does not maintain one document that contains all Statements of Final Costs for 2005. Please identify a particular parcel or permit that you are seeking information on.

-----Internal Note: Requestor notified that one document does not exist that is responsive to request and asked to identify a particular parcel or permit.

7/10/2013 2:39 PM -- Rye Foil - INPROGRESS

-----Internal Note: This item has been re-assigned to Rye Foil.

7/10/2013 11:41 AM -- Building Foil - INPROGRESS

-----Internal Note: Foil request is too broad. Document of all Cost Affidavits does not exist. Must relate request to a particular Permit or Parcel

7/08/2013 4:08 PM -- Rye Foil - INPROGRESS

-----Note to Citizen: Your FOIL request has been forwarded to the pertinent department for response.

-----Internal Note: Please respond to this FOIL request.
 This item has been re-assigned to Building Foil.

Work Order Form

FOIL

Tracking Number: 6374192027
Date Time Received: 7/05/2013 8:27PM
Created By: Timothy Chittenden (Citizen)

Contact Information

Timothy Chittenden

Timothy Chittenden

[REDACTED]

[REDACTED]

[REDACTED]

Rye/NY/10580

Issue Location

Rye/NY/10580

Request Details

Is this a request for commercial purposes?

No

Describe records being sought - One request per submission.

All Statements of Final Costs submitted to the City of Rye in 2004.

Please indicate your preference:

Electronic Copies

Please note, if more than two hours are spent in preparing records, the requestor will be charged for the additional time at the hourly rate of the lowest paid employee who has the skill level required to accomplish the task. You will be informed of any charges exceeding \$10.00. Any charges due must be paid within five (5) business days of the City notifying you. If you fail to pay fees from prior FOILs, any future FOIL requests will not be processed until all outstanding fees are paid. By submitting this request, I agree to pay costs related to this FOIL request up to \$10 without further notification.

Request Activity

7/22/2013 1:40 PM -- Rye Foil - WAITING

-----Note to Citizen: The Building Department does not maintain one document that contains all Statements of Final Costs for 2004. Please identify a particular parcel or permit that you are seeking information on.

-----Internal Note: Requestor notified there is not one document with the information requested. Requestor asked to identify a particular parcel or permit.

7/10/2013 2:38 PM -- Rye Foil - INPROGRESS

-----Internal Note: This item has been re-assigned to Rye Foil.

7/10/2013 11:41 AM -- Building Foil - INPROGRESS

-----Internal Note: Foil request is too broad. Document of all Cost Affidavits does not exist. Must relate request to a particular Permit or Parcel

7/08/2013 4:06 PM -- Rye Foil - INPROGRESS

-----Note to Citizen: Your FOIL request has forwarded to the pertinent department for response.

-----Internal Note: Please respond to this FOIL request.
 This item has been re-assigned to Building Foil.

CHITTENDEN FOIL REQUEST

From: "Nodarse, Dawn"
Date: August 1, 2013 11:33:23 AM EDT
To: Timothy Chittenden
Cc: "Fazzino, Joseph S." "Kristen K. Wilson"
Subject: FW: E-Mail FOIL Request RE: Cameron Legal Fees

Your email was forwarded to me by Joe Fazzino. As of May 1st, FOIL requests are submitted to the City Clerk for processing through the automated FOIL system on the City website. Please resubmit your request and it will be processed.

-----Original Message-----

From: Fazzino, Joseph S.
Sent: Wednesday, July 31, 2013 11:18 AM
To: Nodarse, Dawn
Cc: Kristen K. Wilson
Subject: FW: E-Mail FOIL Request RE: Cameron Legal Fees

Per my conversation with Kristen, I have forwarded this to you to reply to Mr. Chittenden.

Joseph S. Fazzino Jr.
Acting City Comptroller
City of Rye, Finance Department
(p)914-967-7303
(f)914-967-7370

-----Original Message-----

From: Timothy Chittenden
Sent: Thursday, July 25, 2013 5:22 PM
To: Fazzino, Joseph S.
Subject: E-Mail FOIL Request RE: Cameron Legal Fees

Hi Joe.

I don't want to be a pest but I was reading the City of Rye's FOIL Procedure and I didn't see anything in there that said I couldn't submit a FOIL Request via e-mail or by hand. I didn't see anything in the City of Rye FOIL Procedure that said I had to submit a FOIL Request using the City of Rye online FOIL system either.

Also, in reading into the City of Rye's online FOIL system, there are several illegal policies listed within and I don't think it is legal the way the City of Rye has it set up so I am very hesitant to utilize the City of Rye online FOIL system.

I will gladly reconsider using the City of Rye online FOIL System If and when the City of Rye decides to change their FOIL Procedure to reflect the addition of an online FOIL System and to make their online FOIL System compliant with the NYS Public Officers Law.

Therefore, kindly consider my initial e-mail FOIL Request of earlier today as my FOIL Request.

Thanks again Joe.

Tim

On Jul 25, 2013, at 4:01 PM, Fazzino, Joseph S. wrote:

Hi Tim,

All is well with me, hope all is well on your end.
Please use the City's online FOIL system to file this request.

Thank You

Joe

Joseph S. Fazzino Jr.
Acting City Comptroller
City of Rye, Finance Department
(p)914-967-7303
(f)914-967-7370

-----Original Message-----

From: Timothy Chittenden
Sent: Thursday, July 25, 2013 10:49 AM
To: Fazzino, Joseph S.
Subject: E-Mail FOIL Request RE: Cameron Legal Fees

Hi Joe. How are you?

Kindly consider this an e-mail FOIL Request for all legal fees and invoices for all attorneys and law firms who represented the City of Rye in the CAMERON, MARGARET L. vs. RYE, CITY OF, ETAL lawsuit.

Thanks Joe.
Tim



CITY COUNCIL AGENDA

NO. 21

DEPT.: City Manager

DATE: August 5, 2013

CONTACT: Scott Pickup, City Manager

AGENDA ITEM: Appeal of denial of FOIL request by Leon Sculti.

FOR THE MEETING OF:

August 5, 2013

**RYE CITY CODE,
CHAPTER
SECTION**

RECOMMENDATION: That the Council make a decision on the FOIL appeal.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: The FOIL Request was to review (1) all building plans or blueprints; (2) all building permit applications for the following residences : 3 WHITE BIRCH DRIVE, 824 FOREST AVENUE, 51 CENTRE STREET, 41 ROSEMERE STREET, 51 CENTRE STREET, 34-36 HALSTED PLACE, 70 STUYVESANT AVENUE, 47 DEARBORN AVENUE, 35 VALE PLACE, 39 MENDOTA AVENUE, 31 BROOKDALE PLACE, 6 DALPHIN DRIVE, 6 ROCKRIDGE ROAD, 79 WAPPANOCCA AVENUE, 100 MENDOTA AVENUE, 96 MENDOTA AVENUE, 41 CRESCENT AVENUE

The requestor was asked to limit the request to one request per submission in order to facilitate the FOIL response. Since the submission consists of 16 separate requests he was told to resubmit his requests individually.

See attached documentation.

From: City of Rye (E-Gov Website) [noreply@eclink.com]
Sent: Friday, July 19, 2013 9:19 AM
To: Leon Sculti
Subject: Update: FOIL (re: Action Line Request)

This automated message was sent by the City of Rye Action Line. Do not reply to this message. Please follow the instructions below for inquiries regarding this email.

The status of your request has been updated, or new information has been added.

TICKET STATUS: 'SUBMITTED'

LATEST ACTIVITY:

Requestors are asked to limit their requests to one request per submission in order to facilitate response. This submission consists of 16 separate requests. Please resubmit.

DETAILS:

Is this a request for commercial purposes?

No

Describe records being sought - One request per submission.

I would like to REVIEW (1) all building plans or blueprints; (2) all building permit applications for the following residences:

3 WHITE BIRCH DRIVE
824 FOREST AVENUE
51 CENTRE STREET
41 ROSEMERE STREET
51 CENTRE STREET
34-36 HALSTED PLACE
70 STUYVESANT AVENUE
47 DEARBORN AVENUE
35 VALE PLACE
39 MENDOTA AVENUE
31 BROOKDALE PLACE
6 DALPHIN DRIVE
6 ROCKRIDGE ROAD
79 WAPPANOCCA AVENUE
100 MENDOTA AVENUE
96 MENDOTA AVENUE
41 CRESCENT AVENUE

Please indicate your preference:

Personally Inspect Records

Please note, if more than two hours are spent in preparing records, the requestor will be charged for the additional time at the hourly rate of the lowest paid employee who has the skill level required to accomplish the task. You will be informed of any charges exceeding \$10.00. Any charges due must be paid within five (5) business days of the City notifying you. If you fail to

pay fees from prior FOILs, any future FOIL requests will not be processed until all outstanding fees are paid.

By submitting this request, I agree to pay costs related to this FOIL request up to \$10 without further notification.

FORM: FOIL

TRACKING NUMBER: 6430620803

SUBMITTED: 7/18/2013 8:03:49 AM

To review the full ticket history, please follow the link below:

http://www.egovlink.com/rye/action_request_lookup.asp?request_id=6430620803

Make sure that the entire URL appears in your browser's address field.

Thank you for using our Action Line to better serve your needs.



CITY COUNCIL AGENDA

NO. 22

DEPT.: City Manager's Office

DATE: August 5, 2013

CONTACT: Scott D. Pickup, City Manager

AGENDA ITEM: Consideration of request to close a section of Purchase Street on Sunday, October 20, 2013 (rain date October 27), for events to be held in conjunction with the 61st Annual Halloween Window Painting Contest.

FOR THE MEETING OF:

August 5, 2013

**RYE CITY CODE,
CHAPTER
SECTION**

RECOMMENDATION: That the City Council approve the request.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☐ Other:

Closing a section of Purchase Street for activities related to the Halloween Window Painting Contest will have minimal effect on the area.

BACKGROUND: The City Manager's Office received a request from the Recreation Department asking that Purchase Street, from Locust to Chase Manhattan Bank, be closed from 8:00 am to 3:00 pm for the Annual Halloween Window Painting Contest. Special activities, including street entertainment from 10:00 am to 2:30 pm have been planned on Purchase Street during the day.

See attached.

INTEROFFICE MEMORANDUM

TO: SCOTT PICKUP, CITY MANAGER
FROM: JENNIFER GIUSTI
SUBJECT: HALLOWEEN WINDOW PAINTING 2013
DATE: AUGUST 2, 2013
CC: SALLY ROGOL, SUPERINTENDENT

Rye Recreation would like to request closing of Purchase Street for the 61st Annual Celebration of the Halloween Window Painting Event. This year's event will take place on Sunday, October 20, 2013 with a rain date of Sunday, October 27, 2013.

- Closing of Purchase Street from the Square House (Boston Post Road) to Purdy Ave from 8:00 – 3:00 p.m. This will provide a safe place for the more than 1,200 youngsters and their families who participate in this event throughout the day.
- The closing of the street will be coordinated with the Rye Police Department so that all safety issues are taken into account. Rye/Port Chester EMS will be on stand-by during the day as well.
- On street entertainment will be performed between 10:00 – 2:30 p.m.

If you have any questions or concerns, please let me know.

Jennifer Giusti
281 Midland Ave.
Rye, NY 10580
(914)967-2535
Jgiusti@ryeny.gov