

## **CITY OF RYE**

### **NOTICE**

There will be a regular meeting of the City Council of the City of Rye on Wednesday, January 28, 2015, at 7:30 p.m. in Council Chambers at City Hall. ~~The Council will convene at 6:30 p.m. and it is expected they will adjourn into Executive Session at 6:31 p.m. to discuss personnel.~~ Withdrawn

### **AMENDED AGENDA**

1. Pledge of Allegiance.
2. Roll Call.
3. General Announcements.
4. Draft unapproved minutes of the regular meeting of the City Council held January 14, 2015.
5. Issues Update/Old Business.
  - Update on the Pilot Study speed reduction/removal of rocks in the City ROW
6. Public Hearing to amend local law Chapter 117, Landmarks Preservation, of the Rye City Code by amending Section §117-5, "Designation of Preservation Districts or Protected Sites and Structures", Subsection E, to add (9) Protected site and structures: 600 Milton Road, the Bird Homestead, and 624 Milton Road, the Rye Meeting House as landmarks.
7. Continuation of Public Hearing to amend local law Chapter 165 , "Signs", of the Rye City Code by adding Section §165-10, "Regulation of banners", to establish regulations for banners on City owned ball field fences and utility poles on City property.
8. Resolution requesting funding from Westchester County for the North Street sewer improvement consistent with the approved rezoning of the County-owned property on Theodore Fremd Avenue and North Street for the construction of affordable senior housing.
9. Residents may be heard on matters for Council consideration that do not appear on the agenda.
- 9A. Consideration to set a Public Hearing for February 11, 2015 to amend local law Chapter 176, "Energy Conservation", by amending Section §176-4, "Procedures for eligibility", to remove Subsection (D) which set a limit on the total of payments collected by the City.
10. Resolution to transfer funds donated to the Mayor Morehead Benefactor Campaign to the City Hall Council Chambers Refurbishment Project.  
Roll Call.
11. Consideration of request from the Ceres Garden Club of Rye to install a Blue Star Memorial By-Way Marker in the City of Rye.
12. Designation of alternate City newspaper.

13. Council designation to the Litigation and Case Management Committee.
14. Designation of the City Council Liaisons by the Mayor.
15. Appointments to Boards and Commissions, by the Mayor with Council approval.
  - A) Three appointments to the Board of Appeals for a three-year term.
  - B) One appointment to the Board of Architectural Review for a three-year term.
  - C) One appointment to the Board of Ethics for a three-year term.
  - D) Three appointments to the Conservation Commission/Advisory Council for a three-year term.
  - E) Three appointments to the Finance Committee for a three-year term.
  - F) Two appointments to the Flood Advisory Committee for a three-year term.
  - G) Four appointments to the Landmarks Advisory Committee for a three-year term.
  - H) Two appointments to the Planning Commission for a three-year term.
  - I) Three appointments to the Recreation Commission for a three-year term.
  - J) Four appointments to the Rye Cable and Communications Committee for a three-year term.
  - K) One appointment to the Rye Playland Advisory Committee for a three-year term.
  - L) Three appointments to the Rye Town Park Advisory Committee for a three-year term.
  - M) Two appointments to the Traffic & Pedestrian Safety Committee for a three-year term.
16. Consideration of a request by the Rye YMCA for the use of City streets for the 27<sup>th</sup> Annual Rye Derby on Sunday, April 26, 2015 from 9:00 a.m. to 2:00 p.m.
17. Appeal of denial of FOIL request by Timothy Chittenden.
18. Miscellaneous communications and reports.
19. Old Business.
20. New Business.
21. Adjournment.

\* \* \* \* \*

The next regular meeting of the City Council will be held on Wednesday, February 11, 2015.

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

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



# CITY COUNCIL AGENDA

NO. 4

DEPT.: City Clerk

DATE: January 28, 2015

CONTACT: Dawn Nodarse

**AGENDA ITEM** Draft unapproved minutes of the Regular Meeting of the City Council held January 14, 2015, as attached.

**FOR THE MEETING OF:**

January 28, 2015

**RYE CITY CODE,**

CHAPTER

SECTION

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

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

**BACKGROUND:** Approve the minutes of the Regular Meeting of the City Council held January 14, 2015, as attached.

***DRAFT UNAPPROVED MINUTES*** of the  
Regular Meeting of the City Council of the City of Rye  
held in City Hall on January 14, 2015 at 7:30 P.M.

PRESENT:

JOSEPH A. SACK Mayor  
LAURA BRETT  
KIRSTIN BUCCI  
JULIE KILLIAN  
RICHARD MECCA  
RICHARD SLACK  
Councilmembers

ABSENT:     TERRENCE McCARTNEY, Councilman

The Council convened at 7:00 p.m. Councilwoman Brett made a motion, seconded by Councilwoman Killian and unanimously carried to immediately move into executive session to discuss collective bargaining. Councilman Mecca made a motion, seconded by Councilwoman Brett and unanimously carried, to adjourn the executive session at 7:26 p.m. The regular meeting began at 7:30 p.m.

1.     Pledge of Allegiance

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

2.     Roll Call

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

3.     Appointment of two City Council Members for terms expiring January 1, 2016

Councilman Slack was sworn in by Judge Robert Cypher and Councilman Mecca was sworn in by Judge Joseph Latwin.

4.             The State of the City Address by the Mayor

“In one respect, 2015 is beginning just like 2014. For the second year in a row, this traditional State of the City address by the Mayor has been upstaged – and rightly so – by the swearing-in of Councilmembers Richard Mecca and Richard Slack.

“But in another way, the start of this year is actually much different than the start of last year.

“This time, we, the members of this Rye City Council, are not just offering the promise of restoring trust and confidence in our City government. After a solid

year of hard work, perseverance and a healthy dose of humility, it can be fairly noted that we have delivered on that promise.

“Consequently, the state of our City is stronger now than it has been in recent memory. As we remain united, and as we continue to advance the interests of Rye in a straightforward and business-like manner, the state of our City will only get even stronger.

“The members of this Council – which also include Laura Brett, Julie Killian, Terry McCartney and Kirstin Bucci – have worked together and with others to get the City back on track. And we have done that by respecting all points of view, working through differences, and building consensus. This fresh approach has contributed to better solutions and stronger outcomes.

“So in the span of just 12 months, Rye has racked up a string of notable accomplishments.

“First and foremost, we ended our relationship with a City manager who by his actions and inactions had unfortunately contributed to the public’s waning faith in the way our City was run.

“We replaced that person with an upstanding and solid City manager, an old friend who helped steady the ship and navigate us through turbulent waters.

“And regardless of who happens to be serving as City manager, we strengthened our oversight tools, giving all Council members for the first time the right to request, receive and inspect the books and records of the City.

“We enhanced our checks and balances with respect to the appointment of one of the most important and high-profile City employees, by obliging the City manager to offer his or her choice for Police commissioner to the Council for our advice and consent.

“We brought back the process of requiring Council approval of the City’s outside auditor, and we took that opportunity to shake things up and retain a new, experienced and well-regarded auditing firm. Thank you to City Comptroller Joe Fazzino and the Finance Department team for their hard work in making that happen.

“We opened a brand new chapter at Rye Golf Club, by hiring a new caterer and a new club manager, both with essential input from golf club stakeholders. Thank you to GM Jim Buonaiuto, Mack Cunningham and all the club commissioners and volunteers for keeping the bottom line in the black, and drastically improving the overall member experience.

“Regarding Rye Playland, we took proactive steps to ensure that Rye had a role in the decision- making in connection with the County’s proposed development plans. Thank you to Steve Vasko, and all the advisory committee members and local citizens, who helped keep this issue in the forefront.

“We crafted creative legislation to address a long-simmering conflict at Rye Town Park, and officially allowed dogs off leash in a designated area before 9 a.m., while providing for stricter enforcement at other times of the day. Thank you to Supervisor Joe Carvin, Bishop Nowotnik, and all of our friends in the Town of Rye for being such good partners. And thanks to City Clerk Dawn Nodarse for helping to implement the registration component to this new law.

“We set a new tone in our labor negotiations, and settled long-standing talks with our police and public works unions by entering into agreements which were not only fair and equitable to City workers, but which also contained unprecedented provisions to protect the long-term interests of Rye taxpayers. Our greatest City asset is our City staff, and we are grateful for their fine service.

“We applied vigorous due diligence to the senior affordable housing proposal at the intersection of Theo. Fremd and North Street, which resulted in a thorough review of environmental and other impacts, and which – after over two decades of talk – finally brought the tangible result of a new zoning district to the site. Thank you to City Planner Christian Miller and the Planning Commission for helping us to see that through.

“We instituted pilot projects on the Milton Point “Loop” with regard to a reduced speed limit of 25 miles per hour, and the removal of dangerous rocks in the City right-of-way. We will learn from these pilots and we will expand them if they prove successful. Thank you to Brian Dempsey and all the members of the Traffic and

Pedestrian Safety committee, as well as interested citizens, for supplying us with very useful information on this.

“We passed a new law which was geared towards preserving the essential character of our City by trying to save the Smoke Shop. With its iconic green façade and with its welcoming atmosphere as a central meeting place, Peggy and Tony’s quintessential retail store is as much connected to our identity as any other place in Rye. I sincerely hope that the landlord becomes our partner in this effort and takes advantage of this unique opportunity.

“These are just the highlights. There are many other accomplishments, both large and small, which have made a positive impact – from reversing the gravelling-over of the Central Avenue parkette, to approving new retail-friendly 15-minute parking spots at various places around town.

“Perhaps the achievement for which I personally received the most positive feedback was the re- surfacing of the train station roadway which runs through the MTA-owned parking plaza.

“What a difference a year makes.

“But we are not content to rest on our laurels. Working together, this Council aims to keep the momentum, to resolve unfinished business, and to take on newer and bigger challenges.

“In 2015, we will for sure recruit our next City manager, the person who will finally succeed Mr. Culross in the true Rye tradition of honest and effective leadership. We are glad to have assistant manager Eleanor Militana to provide continuity during the transition.

“Regardless of whom the Council hires as City manager, we should also continue to strengthen our ability to perform our oversight role, by allowing all Council members to speak directly with City department heads. Currently, this basic interaction is remarkably not allowed to take place, based on the way the Charter appears to be written.

“However, we ought to be able to consult with them, not for the reason of directing them in the performance of their duties, which should remain solely the function of the City manager, but simply for the purposes of gaining information. Ironically, any ordinary citizen can speak with a department head, and this happens on a regular basis.

“Let’s not forget that our inability to do this prevented those of us who were suspicious earlier on about the Rye Golf Club situation from conducting an inquiry at the source, once our initial requests for information were ignored. If we had been able to do this, the City potentially could have avoided hundreds of thousands of dollars in investigative fees, not to mention immeasurable grief.

“We have seen the peril which may befall our City when the Council does not fully embrace its necessary and proper oversight responsibilities. We should heed the lessons of the recent past and make this sensible change.

“We are thankful to Commissioner Bill Pease for his steady hand, but we ought to start thinking about our need to permanently fill the top leadership position at the Police department. However, this will have to wait until a new City manager is in place, so that he or she can initiate and guide that process.

“We ought to review the organization and staffing needs at the Fire department, which we began to address in this year’s budget, but which we must consider in much greater detail. As part of this effort, we should apply additional effort and resources towards recruiting, training and retaining volunteer firefighters. This public service has a rich tradition dating back many generations in Rye, and I hope and believe that it will continue to be a tremendous source of community pride.

“Importantly, we will need all parties involved – professionals and volunteers alike – to put aside historic differences for the greater good of the entire City. I am confident that everyone will rise to the occasion.

“If possible, we ought to apply the model of success we developed in negotiating other collective bargaining agreements, to our talks with the unions representing our firefighters and clerical workers.

“We ought to continue to press our insurance claim with regard to the fraud at Rye Golf Club, to get the best recovery possible for the City, and we should also closely monitor the litigation regarding the Whitby wait staff gratuities.

“Unfortunately, there’s a raft of other litigation matters which we need to stay on top of, including the Beaver Swamp Brook and the Tiki Bar matters. We will continue to rely on the good advice of City attorney Kristen Wilson as we move forward. Thanks also to City Assessor Noreen Whitty for her important role in our tax cert litigation.

“We ought to be prepared to reaffirm our rights if and when the County of Westchester comes forward with a new plan, or a variation on an old plan, for the revitalization of Rye Playland. We want to be partners with the County whenever possible, and we invite the County to work with us.

“We ought to continue to pursue flood mitigation strategies, including the re-calibration of the Bowman Avenue sluice gate, and the options developed by the Governor’s “New York Rising” task force, among which is the possibility of up-stream retention on the State University of New York campus in Purchase. Thanks to Holly Kennedy and Bernie Althoff and all the citizen volunteers for applying themselves to this ever present issue.

“We ought to continue the conversation which we started about rock chipping and other building issues, and institute better regulations, while always striving to strike the right



balance between the desires of those who want to limit new construction, with those who wish to preserve property rights. We appreciate the input of our concerned citizens, and we will continue to turn to Building Inspector Maureen Eckman for her expert technical advice.

“We ought to consider taking steps to revise our City of Rye Development Plan – the so-called “Master Plan” – which has not been updated in three decades. I have here an original edition from 1985. Our good friend John Carolin served as the capable Chairman of the Planning Commission at that time. Today, we need the same type of equanimity, nobility and foresight exemplified by Mr. Carolin thirty years ago. Let’s make the needed investment and get the ball rolling to plan for our future.

“We should begin to implement the infrastructure projects which were approved in 2012, but which were delayed because we came to realize that the projects were not sufficiently planned out at the time when they were submitted to referendum. As always, we could not embark on these projects without the solid leadership of City Engineer Ryan Coyne and the DPW staff.

“We also have no shortage of new projects to undertake, including potential reconfiguration at Disbrow Park involving the Little League field to provide for safer routing of traffic. Recreation Superintendant Sally Rogol, together with Bart Dinardo and the entire Rec commission, will as always play an important part in getting this done right.

“We ought to address the complaints about the deer population by our neighbors in the Greenhaven and Manursing Island areas especially. To that end, we will enlist the advice and input of the State and County, as well as our neighboring communities, and Rye will convene and host a deer management summit in the first quarter of the year.

“Having hit the re-set button on the long-standing Hen Island controversy, and having invited all interested parties to submit material and join a constructive dialogue, and having even travelled by boat out into Milton Harbor for a tour, we need to digest this disparate and complex information and ultimately weigh in with our perspective.

“With regard to the Rye City Schools, we ought to continue the improved communication which we have tried to cultivate. Although we are separate organizations with discrete roles, there is often much overlap in our missions, especially since we predominantly serve the same constituents. These intentions would also hold true for the Rye Neck schools, although on a much smaller scale. But thank you to Rye School Board President Laura Slack and her colleagues for stepping up and being our close partners.

“In particular, we ought to continue the direction of our recent discussion over the location of our public access cable TV studio. There are distinct synergies that exist in our respective efforts to inspire young minds, as they pursue careers and other

adventures. Let's work together on a joint venture for the benefit of our shared love – our children.

“And all of these initiatives, of course, must be considered in the context of providing the high level of services which the residents of Rye have come to desire and expect, while also keeping taxes as manageable as possible.

“This is not an exhaustive list; there are many more existing issues which require our attention, with many more sprouting up every day. We certainly have enough on our plate. The truth is that we relish these challenges. But we cannot take them on without your help, for which we humbly ask.

“A couple years ago, I clipped an article from The Wall Street Journal which reported on the Berkshire Hathaway annual shareholders' meeting. This article struck a chord with me, and has remained on a corner of my desk. It indicated that Berkshire's legendary chairman Warren Buffet had invited a prominent short-seller – that is, someone who had placed a bet against Berkshire stock – to participate in a panel posing questions to him.

“The Journal concluded that: “Perhaps the most important thing you can do when everything seems to be going right in your portfolio is to listen to somebody who insists you are wrong.”

“So we need and want your support. But we also accept and learn from and are shaped by your criticism. We seek out public engagement no matter its source or motives as an essential part of the good government to which we all, I believe, aspire.

“More recently, a couple weeks ago, another article in the Journal caught my eye. This one asked successful people about the best and worst investments they ever made. Former Federal Reserve chairman Paul Volcker put it succinctly: “The worst financial investment I ever made was spending so much time in government. The most satisfying personal investment I ever made was spending so much time in government, frustrating as it could be.”

“Another year older, and another year wiser, I think I know what he means. But I don't think that I would have it any other way.

“We ended 2014 on a high note with the celebration of the 50<sup>th</sup> anniversary of the dedication of City Hall. And as we start the next half-century in this building, we can have optimism that our best days are still ahead of us.

“Thank you, God Bless you and God Bless the City of Rye.”

5. General Announcements by the Council

Mayor Sack noted the deaths of Warren Keegan, Orley D'Angelo and Irv Hermann and asked for a moment of silence. Reports were also made regarding other events and activities in the community.

5A. Approval of the election of one new member to the Rye Fire Department

Mayor Sack made a motion, unanimously approved by the Council, to adopt the following Resolution:

**RESOLVED**, that the City Council of the City of Rye hereby approves the election of Rex Gedney to the Fire Police Patrol Company as approved by the Board of Fire Wardens at their January meeting.

6. Draft unapproved minutes of the Regular Meeting of the City Council held December 17, 2014

Councilwoman Brett made a motion, seconded by Councilwoman Killian and unanimously carried, to approve the minutes of the regular meeting of the City Council held on December 17, 2014.

7. Issues Update/Old Business

Rock Chipping Group – Councilman Slack reported that the group has met several times and is well into the process. They have received feedback from residents; spoken with a sound expert; reviewed Code provisions from other municipalities and spoken with City Staff.

New York Rising Committee – Councilwoman Brett reported that the group had held its final public engagement session to identify projects for the \$3 million grant. The four top tier projects are: Modification of the Sluice Gate; Building a Retention Pond at SUNY Purchase; Expanding the Upper Pond at the Bowman Avenue Dam; and Resizing the Lower Pond at the Bowman Avenue Dam. The decision on what project will be funded will be made by the Governor's Office.

Blue Star Memorial – Councilwoman Brett reported that the Ceres Garden Club has spoken with the American Legion regarding where to locate the proposed memorial. They have come up with four proposed locations and would like guidance from the City as to the best location.

Off-Leash Dog Law – Councilwoman Brett reported that the law allowing owners to have their dogs off-leash in Rye Town Park between the hours of 6:00 a.m. and 9:00 a.m. is in effect. The City is working on implementing the registration process.

8. Appointment of the 2015 Deputy Mayor by the Mayor

Mayor Sack appointed Councilwoman Brett as Deputy Mayor for a one-year term commencing on January 1, 2015, to serve as Acting Mayor in the Mayor's absence.

9. Appointment of a Council Member as Trustee of the Police Pension Fund, by the Mayor with Council approval, for a one-year term

Mayor Sack appointed Councilman McCartney as Trustee of the Police Pension Fund for a one-year term commencing January 1, 2015.

10. Designation of the City Council's Audit Committee by the Mayor

Mayor Sack appointed Councilwoman Killian and Councilwoman Bucci, to the City Council's Audit Committee, which also includes himself, for a one-year term commencing January 1, 2015.

11. Designation of the City Council Liaisons by the Mayor

This agenda item was deferred.

12. Designation of official City newspaper

Mayor Sack made a motion, and unanimously approved by the Council, to adopt the following Resolution:

**RESOLVED**, that the Journal News is hereby designated as the official City newspaper for purposes of publishing legal notices.

13. Continuation of Public Hearing to amend local law Chapter 165, "Signs", of the Rye City Code by adding Section §165-10, "Regulation of banners", to establish regulations for banners on City owned ball field fences and utility poles on City property

Councilwoman Brett made a motion, seconded by Councilman Mecca and unanimously carried, to adjourn the public hearing until the January 28, 2015 meeting.

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

There were no residents wishing to speak.

15. Authorization for City Manager to enter into an Intermunicipal Agreement with the County of Westchester for an Employee Assistance Program

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

**RESOLVED**, that the City Council of the City of Rye hereby authorizes the City Manager to enter into an Intermunicipal Agreement with the County of Westchester for an Employee Assistance Program.

**ROLL CALL:**

AYES: Mayor Sack, Councilmembers Brett, Bucci, Killian, Mecca and Slack  
NAYS: None  
ABSENT: Councilman McCartney

The Resolution was adopted by a 6-0 vote.

16. Designation of the amounts of faithful performance bonds:

Councilwoman Brett made a motion, seconded by Councilman Mecca to recommend the following amounts of faithful performance bonds:

A.	City Comptroller	\$ 1,000,000
B.	City Clerk	\$ 500,000
C.	City Marshall	\$ 100,000

**ROLL CALL:**

AYES: Mayor Sack, Councilmembers Brett, Bucci, Killian, Mecca and Slack  
NAYS: None  
ABSENT: Councilman McCartney

The Resolution was adopted by a 6-0 vote.

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

- A) Three appointments to the Board of Appeals for a three-year term.
- B) One appointment to the Board of Architectural Review for a three-year term.
- C) One appointment to the Board of Ethics for a three-year term.
- D) Three appointments to the Conservation Commission/Advisory Council for a three-year term.
- E) Three appointments to the Finance Committee for a three-year term.
- F) Two appointments to the Flood Advisory Committee for a three-year term.

- G) Four appointments to the Landmarks Advisory Committee for a three-year term.
- H) Two appointments to the Planning Commission for a three-year term.
- I) Three appointments to the Recreation Commission for a three-year term.
- J) Four appointments to the Rye Cable and Communications Committee for a three-year term.
- K) One appointment to the Rye Playland Advisory Committee for a three-year term.
- L) Three appointments to the Rye Town Park Advisory Committee for a three-year term.
- M) Two appointments to the Traffic & Pedestrian Safety Committee for a three-year term.

This agenda item was deferred.

18. Appeal of denial of FOIL request by Leon Sculti

Councilwoman Brett noted that at the last Council Meeting there was extensive discussion regarding producing the Breen Report requested by Mr. Sculti. Since then they have received information and legal analysis over the issues. Ms. Brett said she believes the documents are privileged or subject to exemptions under F.O.I.L. including the inter-agency exemption. They are also subject to the attorney/client privilege and attorney work product privilege. They have been shared with the City's insurer under a common interest privilege. She said she believes the documents must be protected in order to protect the City's interest in pursuing potential litigation. Ms. Brett said it should be explored if there was a way to share the documents with the Golf Club Commission without waiving the privilege.

Leon Sculti said he believed that privilege was waived when the City posted the preliminary report on the website. There was a discussion between Mayor Sack and Mr. Sculti regarding whether privilege was waived. Mr. Sack noted that Breen & Associates had been retained by attorneys Brune & Richard in order to preserve the attorney/client privilege.

Councilman Slack said he did not entirely agree with other Council members. He explained the difference between attorney/client privilege and attorney work product privilege. He said that providing the City's insurer with the report was likely a waiver of the attorney/client privilege but was not a waiver of the attorney work product privilege. He added that he did not agree that the document qualified for the inter-agency exemption under F.O.I.L.

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

**RESOLVED**, that the City Council of the City of Rye hereby denies the appeal of the response to a F.O.I.L. request submitted by Leon Sculti seeking "The forensic accounting report prepared by Breen & Associates for Rye Golf Club, in relation to the massive amount of fraud committed by city employee Scott Yandrasevich."

ROLL CALL:

AYES: Mayor Sack, Councilmembers Brett, Bucci, Killian, Mecca and Slack  
NAYS: None  
ABSENT: Councilman McCartney

The Resolution was adopted by a 6-0 vote.

18A. Appeal of denial of FOIL request by Timothy Chittenden

Corporation Counsel Wilson said that the original FOIL request was for all information on a pedestrian and vehicle accident at Sonn Drive. Mr. Chittenden originally appealed that the documents provided did not contain the County accident reconstruction report. He was subsequently provided the County report and is currently appealing asking for any photographs and a mechanical inspection report. The City is not in possession of the mechanical inspection report. It appears there are photographs which are being downloaded from a City camera and they will be provided to Mr. Chittenden.

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

**RESOLVED**, that the City Council of the City of Rye hereby grants the appeal to the response to the FOIL request submitted by Timothy Chittenden for “All records of the Motor Vehicle Accident that occurred on the night of May 2, 2014, on Boston Post Road at or near the intersection with Sonn Drive including but not limited to all incident reports, all accident reports, photos and diagrams from all agencies, all cad dispatch reports, all reports and cad dispatch reports for all other involved agencies dispatched and all supplementary reports” and will provide photographs in the possession of the City.

ROLL CALL:

AYES: Mayor Sack, Councilmembers Brett, Bucci, Killian, Mecca and Slack  
NAYS: None  
ABSENT: Councilman McCartney

The Resolution was adopted by a 6-0 vote.

19. New Business

There was nothing discussed under this agenda item.

20. Adjournment

There being no further business to discuss Councilwoman Brett made a motion, seconded by Councilman Mecca and unanimously carried, to adjourn the meeting at 9:25 p.m.

Respectfully submitted,

Dawn F. Nodarse  
City Clerk





# CITY COUNCIL AGENDA

NO. 5

DEPT.: City Council

DATE: January 28, 2015

CONTACT: Mayor Joseph A. Sack

**AGENDA ITEM:** Issues Update/Old Business

**FOR THE MEETING OF:**

January 28, 2015

**RYE CITY CODE,**

**CHAPTER**

**SECTION**

**RECOMMENDATION:** That an update be provided on outstanding issues or Old Business.

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

**BACKGROUND:**

- Update on the Pilot Study speed reduction/removal of rocks in the City ROW



# CITY COUNCIL AGENDA

NO. 6

DEPT.: City Manager's Office

DATE: January 28, 2015

CONTACT: Frank J. Culross, City Manager

**AGENDA ITEM:** Public Hearing to amend local law Chapter 117, Landmarks Preservation, of the Rye City Code by amending Section §117-5, "Designation of Preservation Districts or Protected Sites and Structures", Subsection E, to add (9) Protected site and structures: 600 Milton Road, the Bird Homestead, and 624 Milton Road, the Rye Meeting House as landmarks.

**FOR THE MEETING OF:**

January 28, 2015

**RYE CITY CODE,**

CHAPTER	197
SECTION	15

**RECOMMENDATION:** That the City Council hold a Public Hearing to landmark the Bird Homestead and the Rye Meeting House.

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

**BACKGROUND:** The Landmarks Advisory Committee is seeking approval to landmark the City-owned properties: the Rye Meeting House and the Bird Homestead. Both properties have already been listed on the State and National Registers of Historic Places. At the June 11, 2014 City Council meeting, the request was referred to the Board of Architectural Review (BAR) and the Planning Commission. Both Committees support the approval to landmark the properties.

See attached Draft Local Law and Board opinions.

## Chapter 117. LANDMARKS PRESERVATION

### § 117-5. Designation of Preservation Districts or Protected Sites and Structures.

- E. The designated Preservation District and Protected Sites and Structures shall be set forth in this subsection by block and lot number, street designation and, if appropriate, by local designation.
- (1) Preservation District: Village Green, the Square House, the Rye Free Reading Room and City Hall, Boston Post Road, Rye, New York, also known as Block 2, Lot Nos. 29 and 31, on the current tax assessment map of the City of Rye, and formerly known as Block 42, Lot Nos. 14A, 14B, 20, 21, 22, 23 and 24. Specifically designated as protected within the district are: [Added 9-15-1982 by L.L. No. 8-1982]
- (a) The Square House: the exterior and the grounds surrounding, a total of 1.88 acres. On the interior: the council room; tavern room; warming kitchen; small exhibit room; ballroom; nineteenth-century bedroom; the main entrance hall and staircase; adjoining hallways between the specified rooms and the Civil War period room in the attic, all exclusive of displays, furnishings or exhibits. All areas not specifically proposed for preservation as listed above should be deemed to be excluded.
- (b) The Rye Free Reading Room:
- [1] The exterior and grounds surrounding, a total of 0.26 acre. On the interior, only that portion of the 1913 building described as: in the first floor entrance vestibule: woodwork, excluding doors; in the first and second floor foyer: staircase, stairwell and landing space, including three arches; woodwork, excluding doors to north and south second floor rooms; in the first floor circulation area: woodwork, including square and circular columns and connecting beams only; in the first floor reading rooms, north and south: woodwork, including fireplace surrounds and mantels, trim above seven feet one inch (level of mantels), window trim, including sills, and fireplaces as working fireplaces.
  - [2] The following portions of the interior and exterior of the 1913 building shall be specifically excluded: second floor, north and south rooms; toilet rooms and adjacent hallway: furniture, including circulation desk and bookshelves: furnishings, including carpet, vases, artwork, signage and paint colors. Interior and exterior exclusions: lighting, heating ventilation and electric; alarm systems, including fire and security; wiring and devices for telecommunications, including cable television, computer, phone and similar installations.
  - [3] The following future possible changes are also excluded: installation of ceiling and attic fans, railing in foyer, exterior sign identifying the building, storm windows, security lights and glass doors or stoves (e.g., Stovalator) in fireplaces; waterproofing terrace.

- (c) The Rye City Hall be deemed protected as to exterior.
  - (d) The Village Green be deemed protected as to walks, walls, millstones and landscaping.
- (2) Protected site and structures: Alansten, the Jay Mansion, and the Carriage House, 210 Boston Post Road, Rye, New York, also known as Sheet 153.09, Block 1, Lot 24.1, on the current Tax Assessment Map of the City of Rye. Specifically designated as protected sites and structures are: [Added 7-18-1984 by L.L. No. 10-1984]
- (a) Alansten: The entire site consisting of 22.46 acres and including a viewway, a trapezoidal area located between the Jay Mansion and the southerly property line in which there shall be no construction, except for the installation of utility services, which shall have a width of 90 feet at the rear of the building and a width of 300 feet along the southerly property line, the centers of which shall be the center of the rear facade of the building and the point at which a line extending from the rear facade and perpendicular to the rear facade intersects the southerly property line, respectively. The foregoing described orientation of the viewway to the mansion may be adjusted by the Planning Commission during site plan review if it finds that said adjustment will improve the public's view of the mansion.
  - (b) The Jay Mansion: The entire exterior.
  - (c) The Carriage House: The entire exterior.
- (3) Protected site and structure: the Hains-Robinson House, 556 Milton Road, also known as Sheet 153.06, Block 1, Lot 70, on the current Tax Map of the City of Rye. Specifically designated as protected is: [Added 1-16-1985 by L.L. No. 1-1985]
- (a) The Hains-Robinson House: the entire exterior and the entire site, including the stone walls; the interior; the entire ground floor, which includes the original kitchen and tap room containing the ship's doors and paneling from the frigate Brandywine. Also deemed protected are the stair railings and newel posts and other Brandywine doors throughout the house.
- (4) Protected site: the Jay Family Cemetery, Boston Post Road, Rye, New York, also known as Sheet 153.09, Block 1, Lot 33, on the current Tax Map of the City of Rye. Specifically designated as protected is: [Added 9-17-1986 by L.L. No. 14-1986]
- (a) The Jay Family Cemetery: the entire site comprising 2.85 acres shall be deemed protected, including walls, fences, stones, monuments, paths and the access road. This designation shall not interfere with or prevent additional burials or placement of headstones.
- (5) Protected Site and Structure: the Timothy Knapp House, 265 Rye Beach Avenue, Rye, New York, also known as Sheet 146.19, Block 5, Lot 8, on the current Tax Map of the City of Rye. Specifically designated as protected is: [Added 8-19-1987 by L.L. No. 9-1987]

(a) The Timothy Knapp House: the entire site and entire building including interior and exterior.

(6) Protected site and structure: the Parsons Estate, 260 Boston Post Road, Rye, New York, also known as Sheet 153.09, Block 1, Lot 34, on the current Tax Map of the City of Rye. Specifically designated as protected is: [Added 6-15-1988 by L.L. No. 11-1988]

(a) The Parsons Estate: the entire site; the exterior and interior of the main residence, the exterior of the gardener's cottage and the exterior of the carriage house and stables.

(7) Protected site and structure: 235 Boston Post Road, Rye, New York, also known as Sheet 153.05, Block 1, Lot 74.1, on the Tax Map of the City of Rye. Specifically designated as protected is: [Added 10-6-2005 by L.L. No. 3-2005]

(a) The Stillman Residence: the entire site and the exterior of the main residence.

(8) Protected structure: 5 Morris Court, Rye, New York, also known as Sheet 153.05, Block 1, Lot 74.3, on the Tax Map of the City of Rye. Specifically designated as protected is: [Added 10-6-2005 by L.L. No. 3-2005]

(a) The exterior of the one-story stone garage, including the chimney. The attached greenhouse-type structure shall be deemed to be excluded.

(9) Protected site and structures: the Bird Homestead, 600 Milton Road, Rye, New York, also known as Sheet 153.6, Block 1, Lot 61, on the Tax Map of the City of Rye; the Rye Meeting House, 624 Milton Road, Rye, New York, also known as Sheet 153.6, Block 1, Lot 60, on the Tax Map of the City of Rye. Specifically designated as protected is:

(a) the Bird Homestead: the entire site and the exterior.

(b) the Rye Meeting House: the entire site and the exterior.

Christian K. Miller, AICP  
City Planner  
1051 Boston Post Road  
Rye, New York 10580



Tel: (914) 967-7167  
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E-mail: [cmiller@ryeny.gov](mailto:cmiller@ryeny.gov)  
<http://www.ryeny.gov>

**CITY OF RYE**  
**Department of Planning**

**Memorandum**

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To: Dawn Nodarse, City Clerk

From: Christian K. Miller, AICP, City Planner

cc: Frank J. Culross, City Manager  
Eleanor Militana, Assistant City Manager  
Kristen K. Wilson, Esq., Corporation Counsel

Date: November 12, 2014

Subject: **Landmarks Committee Recommendation to Landmark the Buildings  
and Property of the Rye Meeting House and the Bird Homestead**

At its September 9, 2014 meeting, the Planning Commission discussed the recommendation of the Landmarks Committee to landmark the buildings and property of the Rye Friends Meeting House and the Bird Homestead. The Commission discussed the significance of the landmark designation and agreed that the buildings and property should be given landmark status.

**From:** Carmen Aguilar  
**Sent:** Monday, December 01, 2014 11:04 AM  
**To:** Eckman, Maureen  
**Subject:** RE:

Maureen,

BAR has no objection to this recommendation.  
It's a great way of preserving Rye's history.

Carmen C. Aguilar, R.A.  
Principal & Studio Leader  
**Rockwell Group**  
5 Union Square West, 8th Floor  
New York, NY 10003



# CITY COUNCIL AGENDA

NO. 7

DEPT.: City Manager's Office

DATE: January 28, 2015

CONTACT: Frank J. Culross, City Manager

**AGENDA ITEM:** Continuation of Public Hearing to amend local law Chapter 165 , "Signs", of the Rye City Code by adding Section §165-10,"Regulation of banners", to establish regulations for banners on City owned ball field fences and utility poles on City property.

**FOR THE MEETING OF:**

January 28, 2015

**RYE CITY CODE,**

CHAPTER	165
SECTION	10

**RECOMMENDATION:** That the City Council hold a Public Hearing to amend Chapter 165, "Signs".

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

**BACKGROUND:** Council is asked to consider amendments to Chapter 165, "Signs" of the Rye City Code to allow for the display of banners at City of Rye ball fields and utility poles on City property.

See attached Draft Local Law.



**CITY OF RYE  
LOCAL LAW NO. 2014**

**A local law to amend Chapter 165 “Signs” of the Code of the City of Rye by adding a new §165-10 to establish regulations for banners on City owned field fences and utility poles located on City property and to renumber the remaining section of the Chapter as follows:**

**Section 1: Chapter 165, Signs.**

**§ 165-10. Banners on City owned field fences and utility poles.**

- A. Banners are permitted on City owned field fences upon approval from the Board of Architectural Review. All permits will be issued by the City Clerk’s office and are seasonal and will be approved for the spring, summer and/or fall season. No banners shall be displayed during the winter season.**
- (1) When reviewing applications for the display of banners on field fences, the Board of Architectural Review shall take into consideration the size of the banner, the design, and the colors to ensure that such are in harmony are appropriate for the placement on the field fences.**
  - (2) In no event shall banners on field fences be larger than 32 square feet.**
  - (3) The Board of Architectural Review will consider applications for banners on a first come/first serve basis and has the authority to limit the number of banners at any given time depending on the availability of fence space.**
  - (4) The Board of Architectural Review may consult with the Recreation Commission to determine whether a particular banner is consistent with the type of activities performed on a given field area.**
  - (5) Applications for the spring season must be received on or before February 1, for the summer season by May 1, and the fall season by August 1.**
  - (6) The City reserves discretion as to the exact placement of the banners on the field fences.**
  - (7) All banners shall be hung with the advertisement facing inside the playing field area.**
- B. Banners are permitted on City utility poles in the Central Business District upon receipt of a permit from the Board of Architectural Review.**
- (1) All banners to be placed on the utility poles shall be approximately 30” by 60”.**
  - (2) Banners supporting or advertising any organizations shall be considered by the Board of Architectural Review.**
  - (3) When reviewing applications, the Board of Architectural Review shall take into consideration the design and colors of the banners to ensure that such are appropriate for display in the Central Business District.**

- (4) The Board of Architectural Review will consider applications for banners on a first come/first serve basis.
- (5) The maximum permitted time for display is twenty-one (21) days; The Farmer's Market may display their signs for up to nine months but shall be removed prior to the City's holiday banners being displayed.
- C. Once a permit is issued, the permittee is required to provide the banner(s) to the Department of Public Works for display. The City shall display and remove all banners.
- D. If an application for a banner is disapproved, the applicant may appeal the decision pursuant to Chapter 53, § 53-10 as set forth in § 165-2(D) of this Chapter.
- E. The permit fees shall be set annually by resolution of the City Council.

#### **§ 165-101. Severability.**

If any phrase, sentence, part, section, subsection, or other portion of this chapter or any application thereof to any person or circumstance is declared void, unconstitutional or invalid for any reason, then such word, phrase, sentence, part, section, subsection or other portion, or the proscribed application thereof, shall be severable, and the remaining provisions of this chapter, an all applications thereof, not having been declared void, unconstitutional or invalid, shall remain in full force and effect.

**Section 2:** This local law will take effect immediately on filing in the office of the Secretary of State.



# CITY COUNCIL AGENDA

NO. 8

DEPT.: Planning

DATE: January 28, 2015

CONTACT: Christian K. Miller, AICP, City Planner

**AGENDA ITEM:** Resolution requesting funding from Westchester County for the North Street sewer improvement consistent with the approved rezoning of the County-owned property on Theodore Fremd Avenue and North Street for the construction of affordable senior housing.

**FOR THE MEETING OF:**

January 28, 2015

**RYE CITY CODE,**

CHAPTER  
SECTION

**RECOMMENDATION:** That the City Council adopt the Resolution requesting funding from Westchester County for the North Street sewer improvement.

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

**BACKGROUND:** Lazz Development/Pawling Holdings proposes to construct an affordable housing rental development for seniors at 150 North Street and Theodore Fremd Avenue in the City of Rye. The Rye City Council adopted a local law to change the zoning designation of the Westchester County-owned property to advance the implementation of the development at their City Council meeting on November 19, 2014. The Conditioned Negative Declaration adopted by the City Council required the County to fund the estimated \$1,000,000 cost to relocate the existing sewer line on the property to a new connection on North Street from Nursery Lane. This improvement will mean that the existing sewer line serving the site located under I-95 would be abandoned thereby reducing costly and challenging maintenance responsibilities for the City. The City will be responsible for and oversee the design and construction of the sewer line. The project cost would be paid from grant assistance from the Westchester County Housing Implementation Fund, ("HIF"). The attached resolution is a formal request by City Council requesting HIF funds.

**RESOLUTION OF THE CITY OF RYE AUTHORIZING THE CITY MANAGER  
TO SUBMIT AN APPLICATION AND ENTER INTO AN  
INTERMUNICIPAL/DEVELOPER AGREEMENT FOR A HOUSING  
IMPLEMENTATION FUND GRANT FROM WESTCHESTER COUNTY IN  
SUPPORT OF THE FAIR AFFORDABLE HOUSING DEVELOPMENT TO BE  
LOCATED AT 150 NORTH STREET AND THEODORE FREMD AVENUE.**

**WHEREAS**, Pawling Holdings, LLC, or its successor (the “Developer”) proposes to construct an affordable affirmatively furthering fair housing rental development for seniors and related amenities at 150 North Street and Theodore Fremd Avenue (the “Development”) in the City of Rye (the “City”); and

**WHEREAS**, on November 19, 2014, the Rye City Council adopted a local law to change the zoning designation of a Westchester County-owned property to advance the implementation of the Development; and

**WHEREAS**, said local law adoption was subject to compliance with conditions included in a Conditioned Negative Declaration adopted by the Rye City Council on November 19, 2014, as Lead Agency pursuant to the New York State Environmental Quality Review Act (SEQRA); and

**WHEREAS**, a condition of said local law adoption was that Westchester County (the “County”) fund the design, construction, construction inspection and other related costs associated with the implementation of a new approximately 950-foot sewer line from Nursery Lane to existing manhole in North Street and other related work (“Infrastructure Improvements”); and

**WHEREAS**, the County has established a Housing Implementation Fund to provide infrastructure and other improvements to encourage and support the development or preservation of affordable housing; and

**WHEREAS**, the completion of the Development requires the assistance from the Westchester County Housing Implementation Fund, (“HIF”) to subsidize the cost of the Infrastructure Improvements in order to assure affordability of the Development and to improve the sewer infrastructure related to the site of the Development and nearby properties; and

**WHEREAS**, the City desires the HIF assistance from the County for the Development and will enter into an Intermunicipal/Developer Agreement (IMDA) with the County and the Developer; and

**WHEREAS**, pursuant to the IMDA, the construction of the Infrastructure Improvements shall be performed through a competitive public bid by the City pursuant to Section 103 of the General Municipal Law; and

**WHEREAS**, pursuant to the IMDA, the County shall, if needed, be granted temporary easements for the area(s) upon which the Infrastructure Improvements shall be constructed; and

**WHEREAS**, prior to the commencement of construction of the Development, the County will record a Declaration of Restrictive Covenants which will require that the units to be constructed in the Development will be affordable to seniors age 55 and above with incomes at or below 50% and 60% of the County Area Median Income for a period not less than 50 years; and

**WHEREAS**, it is recognized that Chapter 298 of the Westchester County Code requires that 40% of the units which benefit from HIF funded infrastructure improvements must be affordable units as defined by the County unless an exception is specifically requested by the municipality; and

**WHEREAS**, the City of Rye requests the County's consideration of funds for this sewer line improvement recognizing that approximately 27% of the units in the area will benefit from these improvements; and

**WHEREAS**, it is understood that the City will be responsible for the maintenance of the Infrastructure Improvements;

**NOW THEREFORE BE IT RESOLVED**, that the City Manager is hereby authorized to submit an application to Westchester County for a Housing Implementation Fund grant for the Development in an amount not to exceed \$1,000,000.00; and

**BE IT FURTHER RESOLVED**, that the City Manager is authorized to enter into an IMDA with Westchester County and the Developer and take all necessary steps to facilitate and implement the terms of the IMDA and the scope of work appended to such agreement.



# CITY COUNCIL AGENDA

NO. 9A

DEPT.: Corporation Counsel

DATE: January 28, 2015

CONTACT: Kristen K. Wilson, Corporation Counsel

**AGENDA ITEM:** Consideration to set a Public Hearing for February 11, 2015 to amend local law Chapter 176, "Energy Conservation", by amending Section §176-4, "Procedures for eligibility", to remove Subsection (D) which set a limit on the total of payments collected by the City.

**FOR THE MEETING OF:**

January 28, 2015

**RYE CITY CODE,**

CHARTER

SECTION 176

**RECOMMENDATION:** That the City Council set a Public Hearing to amend Chapter 176, "Energy Conservation".

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

**BACKGROUND:** The City Council amended the Code of the City of Rye at their December 3, 2014 City Council meeting by creating a new chapter, Chapter 176, "Energy Conservation", which established a Sustainable Energy Loan Program in the City of Rye in accordance with Article 5-L of the General Municipal Law. Under the terms of the program the local law must be adopted as drafted. The City amended the language in the original adoption to put a limit on payments collected by the City under the program. Rye can add this restriction regarding the \$50,000 per annum cap, by submitting a letter to the EIC Board requesting this as per Article 3 of the Municipal Agreement. The Council is asked to set the Public Hearing to amend the Local Law.

See attached Local Law.

**CITY OF RYE  
LOCAL LAW NO. 10 2014**

**A local law to add a new Chapter 176 “Energy Conservation” of the  
Code of the City of Rye to create a program to assist property owners in financing  
clean energy systems as follows:**

**Section 1: Chapter 176, Energy Conservation**

**§ 176-1. Legislative findings; intent and purpose; statutory authority.**

- A. It is the policy of both the City of Rye and the State of New York to achieve energy efficiency and renewable energy goals, reduce greenhouse gas emissions, mitigate the effect of global climate change, and advance a clean energy economy. The City finds that it can fulfill this policy by providing property assessed clean energy financing to property owners for the installation of renewable energy systems and energy efficiency measures. This article establishes a program that will allow the Energy Improvement Corporation (EIC), a local development corporation, acting on behalf of the City, to make funds available to qualified property owners that will be repaid by such property owners through charges on the real properties benefited by such funds, thereby fulfilling the purposes of this article and fulfilling an important public purpose.
- B. The City of Rye is authorized to implement this Energize NY Benefit Financing Program pursuant to Article 5-L of the New York General Municipal Law.
- C. This article shall be known and may be cited as the "Energize NY Benefit Financing Program Law of the City of Rye."

**§ 176-2. Definitions.**

For purposes of this article, and unless otherwise expressly stated or unless the context requires, the following terms shall have the meanings indicated:

**AUTHORITY**

The New York State Energy Research and Development authority, as defined by Subdivision 2 of § 1851 of the Public Authorities Law, or its successor.

**EIC**

The Energy Improvement Corporation, a local development corporation, duly organized under § 1411 of the Not-for-Profit Corporation Law, authorized hereby on behalf of the City of Rye to implement the Energize NY Benefit Financing Program by providing funds to qualified property owners (as defined in this article) and providing for repayment of such funds from monies collected by the City Comptroller as a charge to be levied on the real property and collected in the same manner and same form as the City taxes.

**ENERGY AUDIT**

A formal evaluation or "assessment" of the energy consumption of a permanent building or structural improvement to real property, conducted by a contractor certified by the authority, or certified by a certifying entity approved by the authority, for the purpose of identifying appropriate energy efficiency improvements that could be made to the property.

**ENERGY EFFICIENCY IMPROVEMENT**

Any renovation or retrofitting of a building to reduce energy consumption, such as window and door replacement, lighting, caulking, weatherstripping, air sealing, insulation, and heating and cooling system upgrades, and similar improvements, determined to be cost effective pursuant to criteria established by the authority, not including lighting measures or household appliances that are not permanently fixed to real property.

**QUALIFIED PROPERTY OWNER**

An owner of residential or commercial real property located within the boundaries of the City of Rye that is determined to be eligible to participate in the Energize NY Benefit Financing Program under the procedures for eligibility set forth under this article.

**RENEWABLE ENERGY SYSTEM**

An energy generating system for the generation of electric or thermal energy, to be used primarily at such property, by means of solar thermal, solar photovoltaic, wind, geothermal, anaerobic digester gas-to-electricity systems, fuel cell technologies, or other renewable energy technology approved by the authority, not including the combustion or pyrolysis of solid waste.

**RENEWABLE ENERGY SYSTEM FEASIBILITY STUDY**

A written study, conducted by a contractor certified by the authority, or certified by a certifying entity approved by the authority, for the purpose of determining the feasibility of installing a renewable energy system.

**§ 176-3. Establishment of program.**

- A. An Energize NY Benefit Financing Program is hereby established by the City of Rye, whereby EIC, acting on its behalf, may provide funds to qualified property owners in accordance with the procedures set forth under this article, to finance the acquisition, construction and installation of renewable energy systems and energy efficiency improvements and the verification of the installation of such systems and improvements.
- B. The funds provided shall not exceed the lesser of 10% of the appraised value of the real property where the renewable energy systems and/or energy efficiency improvements will be located, or the actual cost of installing the renewable



energy systems and/or energy efficiency improvements, including the costs of necessary equipment, materials, and labor and the cost of verification of such systems and improvements.

**§ 176-4. Procedures for eligibility.**

- A. Any property owner in the City may submit application to EIC on such forms as have been prepared by EIC and made available to property owners on the website of EIC and at the City Clerk's office.
- B. Every application submitted by a property owner shall be reviewed by EIC acting on behalf of the City, which shall make a positive or negative determination on such application based upon the criteria for making a financing enumerated in Subsection A of § 176-5 of this article. EIC may also request further information from the property owner where necessary to aid in its determination.
- C. If a positive determination on an application is made by EIC acting on behalf of the City, the property owner shall be deemed a qualified property owner and shall be eligible to participate in the Energize NY Benefit Financing Program in accordance with the procedure set forth under § 176-6 of this article, provided that in no case shall a property owner that has received funds from another municipal corporation for the acquisition, construction and installation of energy efficiency improvements and/or renewable energy systems be deemed a qualified property owner.

~~D. At no one time shall the total of all payments being collected for this program by the City exceed \$50,000 per annum.~~

**§ 176-5. Application criteria.**

- A. Upon the submission of an application, EIC, acting on behalf of the City, shall make a positive or negative determination on such application based upon the following criteria for the making of a financing:
  - (1) The proposed energy efficiency improvements and/or renewable energy systems are determined to be cost effective by the authority;
  - (2) The proposed energy efficiency improvements and/or renewable energy systems will generate an estimated annual cost savings greater than the annual charge payments;
  - (3) Sufficient funds are available to provide to the property owner;
  - (4) The property owner is current in payments on any existing mortgage;
  - (5) The property owner is current in payments on any existing real

property taxes and has been current on real property taxes for the previous three years; and

(6) Such additional criteria, not inconsistent with the criteria set forth above, as the City, or EIC acting on its behalf, may set from time to time.

**§ 176-6. Energize finance agreement.**

- A. A qualified property owner may participate in the Energize NY Benefit Financing Program through the execution of an energize finance agreement made by and between the qualified property owner and EIC, acting on the behalf of the City.
- B. Upon execution of the energize finance agreement, the qualified property owner shall be eligible to receive funds from EIC, acting on behalf of the City, for the acquisition, construction, and installation of qualifying renewable energy systems and energy efficiency improvements, provided that the requirements of § 176-7 of this article have been met.
- C. The energize finance agreement shall include the terms and conditions of repayment set forth under § 176-8 of this article.

**§ 176-7. Energy audit; renewable energy system feasibility study.**

- A. No funds shall be made available for energy efficiency improvements unless determined to be appropriate through an energy audit as defined in § 176-2.
- B. No funds shall be made available for a renewable energy system unless determined to be feasible through a renewable energy system feasibility study as defined in § 176-2.
- C. The cost of such energy audit and/or renewable energy system feasibility study shall be borne solely by the property owner but may be included in the financed amount if the work is approved.

**§ 176-8. Terms and conditions of repayment.**

The energize finance agreement between the qualified property owner and EIC, acting on behalf of the City, shall set forth the terms and conditions of repayment in accordance with the following:

- A. The principal amount of the funds paid to the qualified property owner hereunder, together with the interest thereon, shall be paid by the property owner as a charge on his or her property tax bill and shall be levied and collected at the same time and in the same manner as City property taxes, provided that such charge shall be separately listed on the tax bill. The City shall make payment to EIC or its designee, in the amount of all such separately listed charges within 30 days of the

City property tax due date.

- B. The term of such repayment shall be determined at the time the energize finance agreement is executed by the property owner and EIC, provided that in no case shall the term exceed the weighted average of the useful life of the systems and improvements as determined by EIC acting on behalf of the City.
- C. The rate of interest for the charge shall be fixed by EIC, acting on behalf of the City, at the time the energize finance agreement is executed by the property owner and EIC.
- D. The charge shall constitute a lien upon the real property benefited by the Energize NY Benefit Financing Program and shall run with the land. A transferee of title to the benefited real property shall be required to pay any future installments, including interest thereon.

**§ 176-9. Verification and report.**

- A. EIC shall be responsible for verifying and reporting to the City on the installation and performance of renewable energy systems and energy efficiency improvements financed by such program.
- B. The City shall verify and report on the installation and performance of renewable energy systems and energy efficiency improvements financed by the Energize NY Benefit Financing Program in such form and manner as the authority may establish.

**Section 2:** This local law will take effect immediately on filing in the office of the Secretary of State.



# CITY COUNCIL AGENDA

NO. 10

DEPT.: Finance

DATE: January 28, 2015

CONTACT: Joseph S. Fazzino, Deputy City Comptroller

**AGENDA ITEM:** Resolution to transfer funds donated to the Mayor Morehead Benefactor Campaign to the City Hall Council Chambers Refurbishment Project.

**FOR THE MEETING OF:**  
January 28, 2015

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

WHEREAS, the Mayor Morehead Benefactor Campaign raised funds to refurbish the chairs and flooring in Council Chambers of Rye City Hall; and

WHEREAS, due to the generosity of Rye residents, an amount of \$26,279.90 was raised during the campaign; and

WHEREAS, the donations must be transferred into the project account as preparations are made to have the refurbishments completed; be it therefore

RESOLVED, that the City Comptroller is authorized to transfer the amount of \$26,279.90 from the General Fund account "Designated Council Chambers" to the Building & Vehicle Fund Account "City Hall Council Chambers Refurbishment Project" for the purchase of new chairs and installation of new floors using funds donated.

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

**BACKGROUND:**



# CITY COUNCIL AGENDA

NO. 11

DEPT.: City Manager

DATE: January 28, 2015

CONTACT: Frank J. Culross, City Manager

**AGENDA ITEM:** Consideration of request from the Ceres Garden Club of Rye to install a Blue Star Memorial By-Way Marker in the City of Rye.

**FOR THE MEETING OF:**

January 28, 2015

**RYE CITY CODE,  
CHAPTER  
SECTION**

**RECOMMENDATION:** That the Council consider granting the request.

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

**BACKGROUND:** The Ceres Garden Club of Rye requested to install a Blue Star Memorial By-Way Marker in the City of Rye. The Blue Star Memorial Program honors service men and women who have served, are serving or will be serving in the armed services with the placement of a marker. The program originated in 1944 as a living memorial to veterans of World War II and is run by the National Garden Clubs, Inc. The members of the Ceres Garden Club will cover the cost of the plaque through fundraising. The Ceres Club met with the Veterans organization, the Recreation Commission, and the Landmarks Committee as requested by the City Council at their November 19<sup>th</sup> meeting to review placement of the marker. The City Council is asked to approve placement of the Blue Star Memorial By-Way Marker.

See attached request from the Ceres Garden Club of Rye.

Mr. Frank Culross, City Manager  
City Hall  
1051 Boston Post Road  
Rye, NY 10580  
October 6, 2014

Dear Mr. Culross:

The Ceres Garden Club of Rye is interested in installing a Blue Star Memorial By-Way Marker within the City of Rye. The Blue Star markers are sponsored by the National Garden Clubs, Inc. to honor ALL members of ALL branches of the Armed Services. Attached you will find the history of the marker, which has been in existence for over 70 years. Also attached are photos of some of the markers in various communities in Westchester.

We are suggesting the corner of the small park on Central Avenue and the Boston Post Road (photo enclosed) as possible site for the Blue Star marker in Rye, since it would be on the Boston Post Road - both a historical and appropriately visual memorial to all who travel through our beautiful city. Should the Council approve this request, the Ceres Garden Club members are committed to maintaining plantings around the marker.

The members of the Ceres Garden Club would conduct the fundraising for the purchase of the plaque.

If this project does indeed move forward, we would require the assistance of the Department of Public Work for the installation of the plaque.

We, the members of the Ceres Garden Club of Rye appreciate your consideration of this request.

If you require additional information, the President of the Ceres Garden Club, Ann Moller, and I would be happy to meet with you. I can be reached at 967-5481.

Sincerely,

A handwritten signature in cursive script that reads "Elizabeth A. Northshield". The signature is fluid and elegant, with the first name being the most prominent.

Eizabeth A. Northshield  
Blue Star Committee Chair  
Ceres Garden Club.

## Blue Star Memorial and Historic Markers


**Blue Star Memorial Markers and By-Way Markers** The Blue Star Memorial Program honors service men and women who have served, are serving or will be serving in the armed services of the United States. In 1945, the National Council of State Garden Clubs (now National Garden Clubs, Inc.) adopted the program started in New Jersey and began a Blue Star Highway system, which covers thousands of miles across the Continental United States, Alaska and Hawaii. A large metal Blue Star Memorial Highway Marker was placed at appropriate locations along the way. Memorial Markers and By-Way Markers are placed at locations such as national cemeteries, parks, veteran's facilities and gardens. The Blue Star became an icon in World War II and was seen on flags and banners in homes for sons and daughters away at war, as well as in churches and businesses.

Georgia garden clubs have been especially active in recent years, raising money to erect Blue Star Markers throughout our state to honor our military personnel.

### Blue Star Memorial Prices

**Prices effective May 1, 2014 through May 1, 2016**

**Memorial/Highway Markers** are \$1,410.00 and are delivered with a 7' post. Cost includes shipping.

 **By-Way Marker Plaques** are \$470.00. Cost includes shipping. It is up to the club to have the plaque mounted.

**Replacement Post** is \$325.00 per post.

**Refurbishment/Restoration** cost is \$800.00 to restore a Large Blue Star Memorial or a Blue Star Highway Marker (No Post or Cap). Cost includes round trip freight.

**Cap Repair/Refurbish/Restoration** cost is \$900.00 to restore a Large Blue Star Memorial or a Blue Star Highway Marker (No Post). Cost includes round trip freight.

For more details, contact:

Janice Thiese

GCG Blue Star Marker State Chairman

128 Weatherly Drive

Macon, GA 31210

478-477-6507

[janicemariemaconga@cox.net](mailto:janicemariemaconga@cox.net)





September 12, 2014 at 9:21:38 AM



September 12, 2014 at 9:21:47 AM



September 12, 2014 at 9:21:55 AM



September 12, 2014 at 10:28:17 AM



September 12, 2014 at 10:28:26 AM



September 12, 2014 at 10:28:49 AM





September 12, 2014 at 11:22:28 AM



September 12, 2014 at 11:22:38 AM



September 12, 2014 at 11:22:46 AM



September 12, 2014 at 12:37:43 PM



September 12, 2014 at 12:37:57 PM



September 12, 2014 at 12:38:11 PM





September 12, 2014 at 1:30:17 PM



September 12, 2014 at 1:30:28 PM



September 12, 2014 at 1:30:39 PM



# CITY COUNCIL AGENDA

NO. 12

DEPT.: City Manager's Office

DATE: January 28, 2015

CONTACT: Frank J. Culross, City Manager

**ACTION:** Designation of alternate City newspaper.

**FOR THE MEETING OF:**  
January 28, 2015

**RYE CITY CODE,**  
CHAPTER  
SECTION

**RECOMMENDATION:** That the Mayor and City Council designate a local newspaper as an alternate to the Journal News which is the official City newspaper for purposes of publishing legal notices.

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

**BACKGROUND:** The Rye City Charter requires that the Council designate a newspaper circulated regularly at least once a week in the city as the official newspaper of the city. The Journal News was designated as the official newspaper. The Council is asked to designate a local newspaper as an alternate to the Journal News.



# CITY COUNCIL AGENDA

NO. 13

DEPT.: City Council

DATE: January 28, 2015

CONTACT: Mayor Joseph A. Sack

**AGENDA ITEM:** Council designation to the Litigation and Case Management Committee.

**FOR THE MEETING OF:**

January 28, 2015

**RYE CITY CODE,**

**CHAPTER**

**SECTION**

**RECOMMENDATION:** That the Council approve the appointment(s) to the Litigation and Case Management Committee.

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

**BACKGROUND:**



# CITY COUNCIL AGENDA

NO. 14

DEPT.: City Council

DATE: January 28, 2015

CONTACT: Mayor Joseph A. Sack

**AGENDA ITEM:** Designation of the City Council Liaisons by the Mayor.

**FOR THE MEETING OF:**

January 28, 2015

**RYE CITY CODE,  
CHAPTER  
SECTION**

**RECOMMENDATION:** That the Council approve the appointments as presented by the Mayor.

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

**BACKGROUND:** Designation of the City Council Liaisons by the Mayor for the following Boards and Committees:

Audit Committee  
Board of Appeals  
Board of Architectural Review  
Boat Basin Commission  
Conservation Commission/Advisory Council  
Emergency Medical Services  
Finance Committee  
Flood Advisory Committee  
Government Policy & Research Committee  
Landmarks Advisory Committee  
Legal Case Management Committee  
Planning Commission

Police Pension Fund  
Recreation Commission  
Rye Cable and Communications Committee  
Rye City School Board  
Rye Free Reading Room  
Rye Golf Commission  
Rye Merchants Association  
Rye Playland Advisory Committee  
Rye Town Park  
Sustainability Committee  
Traffic & Pedestrian Safety Committee





# CITY COUNCIL AGENDA

NO. 15

DEPT.: City Council

DATE: January 28, 2015

CONTACT: Mayor Joseph A. Sack

**ACTION:** Appointments to Boards and Commissions, by the Mayor with Council approval.

**FOR THE MEETING OF:**

January 28, 2015

**RYE CITY CODE,**

**CHAPTER**

**SECTION**

**RECOMMENDATION:** that the City Council approve the appointments.

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

**BACKGROUND:**

- A) Three appointments to the Board of Appeals for a three-year term.
- B) One appointment to the Board of Architectural Review for a three-year term.
- C) One appointment to the Board of Ethics for a three-year term.
- D) Three appointments to the Conservation Commission/Advisory Council for a three-year term.
- E) Three appointments to the Finance Committee for a three-year term.
- F) Two appointments to the Flood Advisory Committee for a three-year term.
- G) Four appointments to the Landmarks Advisory Committee for a three-year term.
- H) Two appointments to the Planning Commission for a three-year term.
- I) Three appointments to the Recreation Commission for a three-year term.
- J) Four appointments to the Rye Cable and Communications Committee for a three-year term.
- K) One appointment to the Rye Playland Advisory Committee for a three-year term.
- L) Three appointments to the Rye Town Park Advisory Committee for a three-year term.
- M) Two appointments to the Traffic & Pedestrian Safety Committee for a three-year term.



# CITY COUNCIL AGENDA

NO. 16

DEPT.: City Manager

DATE: January 28, 2015

CONTACT: Frank J. Culross, City Manager

**AGENDA ITEM:** Consideration of a request by the Rye YMCA for the use of City streets for the 27<sup>th</sup> Annual Rye Derby on Sunday, April 26, 2015 from 9:00 a.m. to 2:00 p.m.

**FOR THE MEETING OF:**

January 28, 2015

**RYE CITY CODE,  
CHAPTER  
SECTION**

**RECOMMENDATION:** That the Council consider granting the request.

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

**BACKGROUND:**

The Rye YMCA is requesting the Council approve their use of City streets for the 27<sup>th</sup> Annual Rye Derby on Sunday, April 26, 2015 from 9:00 a.m. to 2:00 p.m.

See attached letter from Gregg Howells, YMCA Executive Director



FOR YOUTH DEVELOPMENT  
FOR HEALTHY LIVING  
FOR SOCIAL RESPONSIBILITY

#### EXECUTIVE COMMITTEE

Kevin Tice  
President

Kristina Dorfman  
Vice President

Suzanne Kelly  
Vice President

Patty Mosher  
Vice President

John Tartaglia  
Vice President

Susan Leslie  
Secretary

Douglas DeSraethien  
Treasurer

Gregg R. Howells  
Executive Director

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Robert Pearlman  
William C. Springer  
Werner E. Tietjen

#### TRUSTEE EMERITUS

Michael T. Tokarz

#### RYE YMCA

21 Locust Avenue Rye, New York 10580

P 914-967-6363

F 914-967-0644

[www.ryeymca.org](http://www.ryeymca.org)

January 5, 2015

Ms. Dawn Nordarse, City Clerk  
City of Rye  
1051 Boston Post Road  
Rye, New York 10580

RE: Rye Derby 2015

Dear Ms. Nordarse:

We are writing to request permission from the City of Rye for use of city streets on Sunday, April 26, 2015 for the 27<sup>th</sup> Anniversary of the Rye Derby sponsored by the Rye YMCA.

The five-mile run and 5K will start at 10:15 am and the one-mile "Family Fun Run" will begin at 12:15 pm, using the same course used last year. As always, the Rye Y will be the focal point of festivities before and after the race. This is a community event that attracts as many as 800 participants and several hundred spectators. The racecourse map from last year is enclosed.

Prior to race day, the Rye Y will provide a certificate of insurance naming the City of Rye as additionally insured for that day. We also have instructed our race advisors not to use paint or chalk on city streets and we will follow the course that has been agreed upon with the Rye City Police department for this race. Margaret Mead, our Race Director, will be coordinating her efforts with Lt. Scott Craig.

Thank you in advance for your cooperation.

Sincerely,

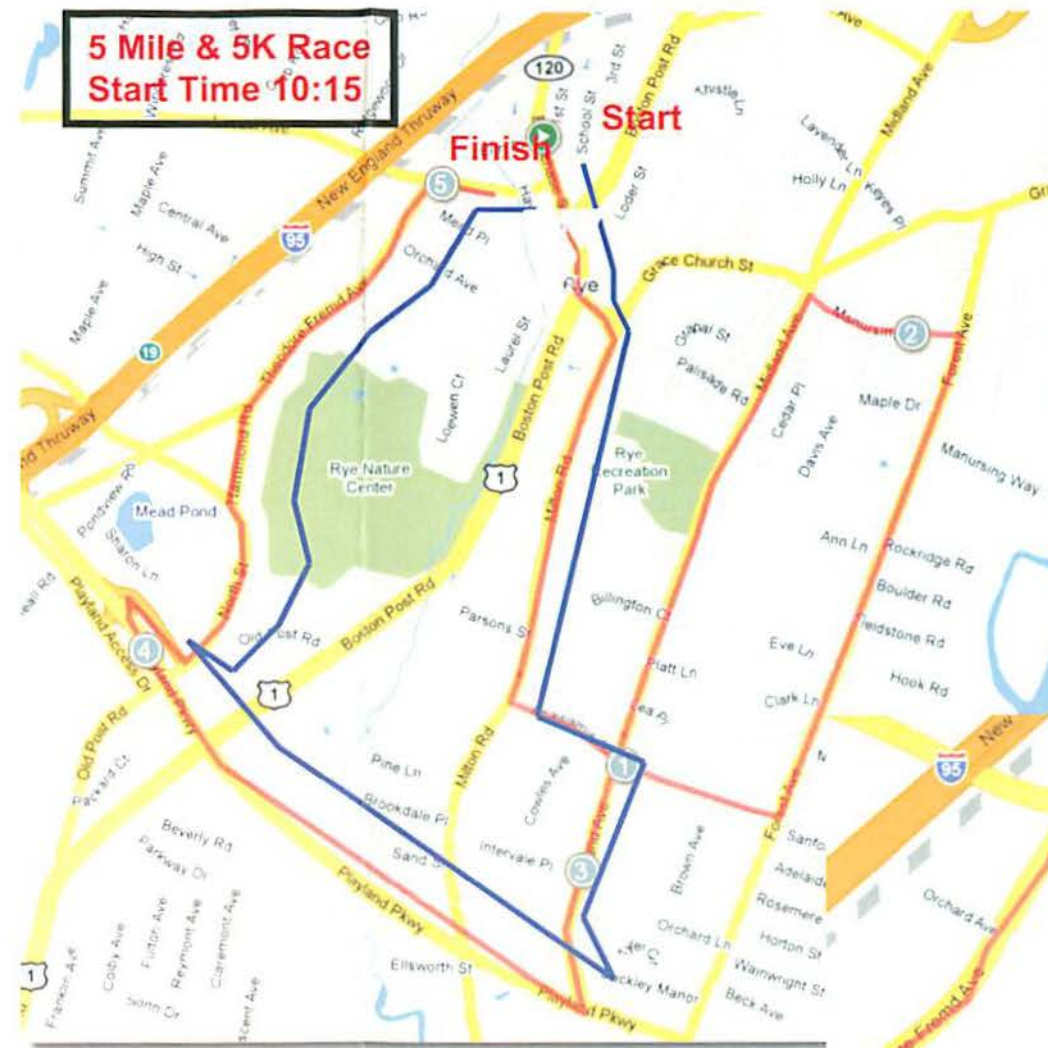


Gregg Howells  
Executive Director

cc: Lt. Scott Craig, Eleanor Militana

GRH:mm

The Rye YMCA is a 501 c3 non-profit organization dedicated to strengthening the foundation of families and community.



**RYE YMCA**  
 21 Locust Avenue  
 Rye, NY  
 914-967-6363  
[www.ryeymca.org](http://www.ryeymca.org)



# The Rye Derby

**April 27, 2014**

- 5 Mile Race
- 5K Race



# CITY COUNCIL AGENDA

NO. 17

DEPT.: City Manager

DATE: January 28, 2015

CONTACT: Frank J. Culross, City Manager

**AGENDA ITEM:** Appeal of denial of FOIL request by Timothy Chittenden.

**FOR THE MEETING OF:**

January 28, 2015

**RYE CITY CODE,**

CHAPTER  
SECTION

**RECOMMENDATION:** That the Council make a decision on the FOIL appeal.

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

**BACKGROUND:** The following FOIL Request was appealed by the requestor:

**FOIL 8095271143:** All official and unofficial city council packets and all other materials transmitted and or distributed to the Rye City Council between December 19, 2014, and January 2, 2015.

**FOIL Status:** Requestor was told "The Weekly Council Packets are available on the City website. The confidential packets are intraagency communication and are exempt under POL 87(2)(g)."

**FOIL Appeal Reason:** Requestor feels that "labeling a document or documents 'Confidential' does not automatically make these documents exempt from disclosure as documents can be redacted of any possible sensitive information and then provided."

See attached documentation.

# Work Order Form

## FOIL

Tracking Number: 8196011600  
Date Time Received: 1/05/2015 4:00PM  
Created By: Timothy Chittenden (Citizen)

## Contact Information

First Name: Timothy  
Last Name: Chittenden  
Business Name:  
Email: [REDACTED]  
Daytime Phone: [REDACTED]  
Fax:  
Address: [REDACTED]  
City: Rye  
State: NY  
Zip: 10580  
Country:

## Issue Location

Street:  
Unit:  
City: Rye  
State: NY  
Zip: 10580  
Comments:

## Request Details

Is this a request for commercial purposes?  
No

Describe records being sought - One request per submission.

All official and unofficial city council packets and all other materials transmitted and or distributed to the Rye City Council between December 19, 2014, and January 2, 2015.

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

1/08/2015 2:18 PM -- Rye Foil - RESOLVED

-----Note to Citizen: The Weekly Council Packets are available on the City website under Digital Documents, City Council,

# Work Order Form

## FOIL

Tracking Number: 8196011600

Date Time Received: 1/05/2015 4:00PM

Created By: Timothy Chittenden (Citizen)

Weekly Packets. The confidential packets are intra-agency communication and are exempt under POL 87(2)(g).

-----Internal Note: This FOIL is complete

