

## **CITY OF RYE**

### **NOTICE**

There will be a regular meeting of the City Council of the City of Rye on Wednesday, May 20, 2015, at 7:30 p.m. in Council Chambers at City Hall. *The Council will convene at 6:30 p.m. to take a tour of the proposed Historic District in downtown Rye.*

### **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 May 6, 2015 and the Special Meeting of the City Council held May 12, 2015.
5. Issues Update/Old Business.
6. Continuation of the Public Hearing to amend local law Chapter 177, "Taxation", Article XII, "Exemption for Historic Districts" by adding Section §177-82, "Historic Districts", to designate portions of downtown Rye as one historic district to allow property owners to apply for the real property tax exemption.
- 6A. Consideration to set a Public Hearing for June 10, 2015 to amend local law Chapter 133, "Noise", of the Rye City Code by amending Section §133-8, "Construction work restricted to certain hours and days" to set a moratorium on mechanical rock removal.
7. Residents may be heard on matters for Council consideration that do not appear on the agenda.
8. Authorization for the City Manager to enter into an Agreement with the County of Westchester for 2015-2016 Prisoner Transportation Services.  
Roll Call.
9. Resolution to authorize expenditure of police donation funds for the purchase of police boots or shoes.  
Roll Call.
10. Consideration of a request by the Rye Chamber of Commerce for the use of City Car Park #2 on Sundays from May 24, 2015 through December 6, 2015 from 8:30 a.m. to 2:00 p.m. for the Rye Farmers Market.

11. Consideration of a request by the Rye Chamber of Commerce for the use of City streets for the Annual Sidewalk Sale to be held on Thursday, July 23, 2015 through Saturday, July 25, 2015 from 9:00 a.m. to 5:00 p.m.
12. One appointment to the Boat Basin Commission, by the Council, to fill a term expiring on January 1, 2016.
- 12A. Appeal of denial of FOIL request by Timothy Chittenden.
13. Miscellaneous communications and reports.
14. New Business.
15. Adjournment.

\* \* \* \* \*

The next regular meeting of the City Council will be held on Wednesday, June 10, 2015 at 7:30 p.m.

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

\* Office Hours of the Mayor by appointment by emailing [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: May 20, 2015

CONTACT: Dawn Nodarse

**AGENDA ITEM** Draft unapproved minutes of the regular meeting of the City Council held May 6, 2015 and the Special Meeting of the City Council held May 12, 2015.

**FOR THE MEETING OF:**

May 20, 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 May 6, 2015 and the Special Meeting of the City Council held May 12, 2015, as attached.

***DRAFT UNAPPROVED MINUTES*** of the  
Regular Meeting of the City Council of the City of  
Rye held in City Hall on May 6, 2015 at 7:30 P.M.

PRESENT:

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

ABSENT:     None

Sheri Jordan, Director of the Rye Historical Society, welcomed everyone to the annual ceremonial meeting in the Square House, which served as Rye's Municipal Hall from 1904 to 1964.

Mayor Sack said that what brings people back to this meeting is their love for Rye, public service and each other. He likened the meeting to a class reunion, all star game and family gathering. The Mayor welcomed Eleanor Militana, to her first meeting as Interim City Manager. Ms. Militana acknowledged department heads, many of whom were in attendance:

James Buonaiuto	Golf Club General Manager
Ryan Coyne	City Engineer
Kerry Donahue	IT Coordinator
Maureen Eckman	Building Inspector
William Pease	Police Commissioner
Joseph Fazzino	Deputy Comptroller
Scott Fontecchio	General Foreman DPW
Peter Fox	Boat Basin Supervisor
Nicole Levitsky	Cable Access Coordinator
Christian Miller	City Planner
Dawn Nodarse	City Clerk
William Pease	Police Commissioner
Sally Rogol	Superintendent of Recreation
Kurt Tietjen	Fire Lieutenant
Noreen Whitty	City Assessor
Kristin Wilson	Corporation Counsel

Mayor Sack offered thanks to the City staff and said that they make the Council look good and make Rye work the way it does.

Commissioner Pease announced the death of George DeFilippo, a former member of the Police Department. Mayor Sack noted the Mr. DeFilippo had also served the City as a member of various boards and commissions.

Councilwoman Killian said she enjoys this meeting and offered her thanks to the City staff and members of the Traffic and Pedestrian Safety Committee, Sustainability Committee and Finance Committee where she serves as Council liaison. Councilman McCartney said the sense of volunteerism is what makes Rye great. He added that he enjoys working with the Recreation and Golf Commissions. Councilman Slack said that what makes being on the Council special is they have the duty and responsibility to determine what laws should be. Councilman Mecca offered his thanks to those who serve on the Committees and also to the Board of Fire Wardens who help to run the Fire Department. Councilwoman Bucci said she was honored to be part of this meeting; that she believed in the importance of volunteerism and that the City has a talented and dedicated staff. Councilwoman Brett said she found the Square House meeting inspirational and that she leaves it with a renewed energy and passion for her job. She also offered thanks to the members of the Planning Commission and Flood Advisory Committee.

Mayor Sack noted the passing of former Mayors Fred Hunziker and Warren Ross since the last Square House meeting and asked any former members of the Council in attendance to offer their remembrances. Former Councilwoman Carolyn Cunningham called Mayor Ross smart, thoughtful, fair and interested in bipartisanism. She noted that Mayor Hunziker had originally been against the senior housing at Rye Manor but had eventually become the point person for the project. Former Councilman John Alfano called Mayor Hunziker "quite a guy". Former Mayor John Carey said he could not have been beaten by a nicer guy in his bid for a third term as Mayor than Fred Hunziker. Former Mayor and current State Assemblyman Steve Otis noted that Warren Ross was a proponent of getting more information to the public and said that both he and Mayor Hunziker served Rye well. Former Councilwoman Pat Levine called Mayor Hunziker's support for the Rye Manor project a positive decision.

Former Mayor Doug French said that he misses this meeting and misses seeing the results of public service and the City staff. He added that there is no place like Rye. Former Councilman Jim Flick said that the words "poignant" and "inspirational" best describe this meeting. Former Councilman and current City Court Judge part-time Robert Cypher spoke about the City Court staff and the professional manner in which they deal with the public. Former Councilman and current State Senator George Latimer said that it was a wonderful experience to serve on the Council and said that the Council is bigger than everyone but everyone makes a contribution. Former Councilman Peter Jovanovich said that he learned everything he knows about government from the City staff.

Several members of Board and Commissions also spoke. Greg Gavlick of the Boat Basin Commission spoke about George DeFilippo, calling him an asset to the Commission who was always the first to volunteer for a special committee and saying that he will be missed. Jack Zahringer and Maurio Sax of the Landmarks Committee said they were trying to show Rye history. Bernie Althoff of the Flood Advisory Committee advised people to work on serious problems when volunteering on committees. Bob DiMaggio of the Rye Golf Club Commission said he loves the atmosphere of the Rye Golf Club and wants to help make the club a better facility. Elinore White thanked the Council for continuing the conversation on Rye Town Park

saying more people are enjoying the park. Kate Conn of the Rye Cable and Communications Committee said it was an honor to serve on the Committee and said there was a great community of people interested in using the services of RyeTV. Tracy Stora of the Conservation Commission Advisory Council said the committee was busy working on wetlands and talking about land use projects. Joe Murphy of the Rye Senior Advocacy Committee called the Committee part of Rye. John Barrett of the Board of Architectural Review said it was a great honor and opportunity to be appointed to the Board.

Mayor Sack also acknowledged other people in attendance at the meeting including Sis D'Angelo, Ralph Vallone, Vikki Farrington, Ken Knowles, Jerry Coleman and George Szczerba.

Mayor Sack said that everyone brought their best to this meeting and always brings their best for Rye. The ceremonial portion of the meeting ended at 8:30 p.m.

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Prior to beginning the regular portion of the meeting in Council Chambers, a ceremony unveiling Mile Marker 26 (Agenda Item 3) was held in the lobby of City Hall.

The regular Council meeting commenced at 9:05 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. The unveiling of Mile Marker 26

A ceremony was held in the lobby of City Hall prior to the beginning of the regular meeting.

4. General Announcements by the Council

Announcements were made regarding various events and activities that may be of interest to residents. Mayor Sack noted the passing of Fred Talento and requested a moment of silence.

5. Draft unapproved minutes of the Special Meeting of the City Council held April 22, 2015, the regular meeting of the City Council held April 22, 2015 and the Special Meeting of the City Council held April 29, 2015

Councilman McCartney made a motion, seconded by Councilwoman Brett and unanimously carried, to approve the minutes of the special meeting of the City Council held on April 22, 2015, the regular meeting of the City Council held on April 22, 2015 and the special meeting of the City Council held on April 29, 2015.

6. Issues Update/Old Business

Councilwoman Brett reported on the following applications before the Planning Commission:

- 120 Old Post Road Rezoning Request – The Planning Commission is working on a recommendation memo for the Council regarding this request to rezone the property for senior housing. Ms. Brett asked if this item could be put on the agenda for the next meeting.
- Senior Affordable Housing site at Theodore Fremd Avenue and North Street – Lou Larizzo, the developer, presented his plan which calls for a four-story building with parking on the first floor and three floors of apartments. The Commission is almost at the stage where they can set a public hearing.
- Second Street development – This property located near the Rye Grill and Bar is being renovated as of right to have apartments and a restaurant. The developer did not receive variances they had requested to allow them to do additional work.

Councilwoman Killian asked for an update on the area on Theodore Fremd Avenue where orange cones have been placed. Interim City Manager Militana said she would look into it and report back. Ms. Killian also reported that she had received a call from the New York Thruway Authority, who had been contacted by State Senator Latimer, regarding questions she raised at the last meeting about the condition of the area on Midland Avenue between the entrances to I-95 and I-287. They will work on cleaning the area where they have jurisdiction.

Councilman McCartney spoke about the enforcement of the off-leash law in Rye Town Park, which requires a permit from the City Clerk. Mr. McCartney also noted the State requirement that all dogs must have a license, which also can be obtained in the Clerk's Office.

7. Public Hearing to amend local law Chapter 177, "Taxation", Article XII, "Exemption for Historic Districts" by adding Section §177-82, "Historic Districts", to designate portions of downtown Rye as one historic district to allow property owners to apply for the real property tax exemption

Councilwoman Brett made a motion, seconded by Councilman Mecca and unanimously carried, to open the public hearing.

Councilwoman Brett provided background for the proposed local law. The City is being asked to consider adding a Historic District, which is part of a law enacted in 2013 to provide tax exemptions for historically sensitive renovations to historic properties, in order to allow properties in the district to be eligible for the exemption. Currently the only properties eligible are landmarked properties. The exemption only covers the amount of newly assessed taxes and phases in the increases over a ten-year period. Corporation Counsel Wilson said that the Council will be considering creating the first historic district but only properties in the district that are deemed historic can apply for the exemption as long as the renovations are approved by the Landmarks Advisory Committee.

Rex Gedney, representing the Landmarks Committee, made a presentation regarding the proposal. He noted the “checks and balances” in the local law which requires that application for the exemption must be made prior to any work being done plus review by the Landmarks Committee and then the Board of Architecture Review who would issue a Certificate of Appropriateness. He said the legislative intent is to provide property owners of structures of historical significance a concrete incentive to restore and improve the properties while maintaining the character of the original structure. The Landmarks Committee is requesting approval of a Historic District located around the Central Business District, which has the highest concentration of older structures, and contiguous neighborhoods. The proposed Historic District has the support of the Chamber of Commerce and the Historical Society. Sheri Jordan Director of the Historical Society spoke about the significance of the proposed Historic District and said that many of the homes that were built to house immigrants were located on the side streets off Purchase Street. Mark Keegan, President of the Rye Historical Society, said the Board passed a Resolution in support of the creation of the Historic District. Jerome Coleman of the Landmarks Committee noted that when the Council passed the original law in 2013 it did not contemplate the Council approving what constitutes a historic structure.

Mayor Sack asked if the Landmarks Committee has considered making a recommendation to the City Council that would be effectuated by the Council. There was a discussion among the members of the Council regarding the process coming before the Council for approval. Points raised included: creating an additional approval level might make the process more difficult for the property owner; land use decisions are normally made by the City’s land use boards; should decisions relating to taxation be made by an advisory committee that is not answerable to the citizens; after the Landmarks Committee makes its decision, it should come before the City Council for approval based on that recommendation; decisions made by land use boards affect the taxable value of a structure and the Board of Assessment Review also has the power to make decisions on taxes so it is not necessary for this to come before the Council; the Assessor will make the decision on what the value of the property will be.

A suggestion was made that a walking tour of the proposed historic district might be helpful. The tour will be held at 6:30 p.m. prior to the May 20<sup>th</sup> Council meeting. There was also a discussion regarding the definitions of alteration, repair and rehabilitation contained in the original law. Corporation Counsel Wilson will redraft the law with amended definitions. A suggestion was made that the City Assessor should advise the Council as to what would generate added value to a property.



Mayor Sack made a motion, seconded by Councilwoman Brett and unanimously carried to continue the public hearing until May 20<sup>th</sup>.

- 7A. Home Rule Resolution supporting A7265(Otis)/S5072(Latimer) extension of the City of Rye Hotel Occupancy Tax  
Roll Call

Interim City Manager Militana said that the Hotel Occupancy Tax, which brings revenue to the City, needs to be extended every three years.

Councilwoman Brett made a motion, seconded by Councilwoman Killian, to adopt a Home Rule Message supporting A7265 (Otis)/S5072 (Latimer) extending the City of Rye Hotel Occupancy Tax until September 1, 2018.

**ROLL CALL:**

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

The Resolution was adopted by a 7-0 vote.

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

*Adele Centanni, 14 Greenleaf Street*, asked for an update on the rock chipping study. Councilman Slack said that there is not a timeframe for a recommendation because some issues were raised regarding alternate ways of removing rock that members of the Rock Chipping Committee and City staff were looking into. The next step would be for them to report back to the Committee.

9. One appointment to the Boat Basin Commission, by the Council, to fill a term expiring on January 1, 2016

This appointment was deferred.

- 9A. One appointment to the Sustainability Committee

Mayor Sack made a motion, unanimously approved by the Council, to appoint Linda Mackay to the Sustainability Committee.

- 9B. One appointment to the Board of Architectural Review

Mayor Sack made a motion, unanimously approved by the Council, to appoint Michael Harrington to the Board of Architectural Review to fill out a term expiring on January 1, 2016.

10. Resolution ratifying the appointment of one member to the Emergency Medical Services Committee for a three-year term expiring on June 30, 2017

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 appointment of Michael Borrelli as the Community Representative to the Emergency Medical Services Committee from the Village of Rye Brook for a three-year term expiring on June 30, 2018.

Mayor Sack made a motion, seconded by Councilwoman Brett and unanimously carried, to adjourn into executive session to discuss attorney/client privilege matters and receive advice of counsel with regard to a FOIL request at 10:40 p.m. Councilwoman Brett made a motion, seconded by Councilman Mecca and unanimously carried to adjourn the executive session at 10:46 p.m. The regular meeting resumed at 10:47 p.m.

10A. Appeal of denial of FOIL request by Timothy Chittenden

Mayor Sack said that a FOIL request had been submitted by Timothy Chittenden asking for “All correspondence addressed to Police Commissioner Pease dated March 23, 2015 and all correspondence from Pease with regard to any March 23, 2015 correspondence”. The FOIL request was denied pursuant to Public Officers Law §87(2)(b) and an appeal was filed relative to that decision.

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 denies the Appeal of the denial of a FOIL request submitted by Timothy Chittenden for “All correspondence addressed to Police Commissioner Pease dated March 23, 2015 and all correspondence from Pease with regard to any March 23, 2015 correspondence” .

**ROLL CALL:**

<b>AYES:</b>	Mayor Sack, Councilmembers Brett, Bucci, Killian, McCartney, Mecca and Slack
<b>NAYS:</b>	None
<b>ABSENT:</b>	None

The Resolution was adopted by a 7-0 vote.

11. Miscellaneous Communications and Reports

There was nothing reported under this Agenda item.

12. New Business

Councilman McCartney said the Council has been receiving requests from former Mayor Carey regarding the CERT program. He offered to look into it and report back to the Council.

13. 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 10:50 p.m.

Respectfully submitted,

Dawn F. Nodarse  
City Clerk

***DRAFT UNAPPROVED MINUTES*** of the  
Special Meeting of the City Council of the City of  
Rye held in City Hall on May 12, 2015 at 4:00 P.M.

PRESENT:

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

ABSENT:     None

1.     The City Council will convene into Executive Session to discuss the employment of a City Manager

Councilman Mecca made a motion, seconded by Councilman McCartney and unanimously carried, to adjourn into executive session to discuss the employment of a City Manager and not return into regular session.

Respectfully submitted,

Dawn F. Nodarse  
City Clerk



# CITY COUNCIL AGENDA

NO. 5

DEPT.: City Council

DATE: May 20, 2015

CONTACT: Mayor Joseph A. Sack

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

**FOR THE MEETING OF:**

May 20, 2015

**RYE CITY CODE,**

CHAPTER

SECTION

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

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

**BACKGROUND:**



# CITY COUNCIL AGENDA

NO. 6

DEPT.: Corporation Counsel

DATE: May 20, 2015

CONTACT: Kristen K. Wilson, Corporation Counsel

**AGENDA ITEM:** Continuation of the Public Hearing to amend local law Chapter 177, "Taxation", Article XII, "Exemption for Historic Districts" by adding Section §177-82, "Historic Districts", to designate portions of downtown Rye as one historic district to allow property owners to apply for the real property tax exemption.

**FOR THE MEETING OF:**

May 20, 2015

**RYE CITY CODE,**

CHARTER

SECTION 177

**RECOMMENDATION:** That the City Council continue the Public Hearing to amend Chapter 177, "Taxation".

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

**BACKGROUND:** The City Council amended Chapter 177, "Taxation" of the City of Rye Code at their December 18, 2013 City Council meeting by adding, Article XII "Exemption for Historic Districts" to provide tax exemptions for improvements to historic properties. To qualify for the tax exemption a property must lie within a historic district. The Landmarks Advisory Committee requests approval to designate portions of downtown Rye (B-2 zone plus portions of contiguous B-1 zones) as one historic district. The Council is asked to hold a Public Hearing to amend the Chapter 177 to include this change.

See attached request from the Landmarks Advisory Committee and draft Local Law.

**CITY OF RYE**  
**LOCAL LAW NO. 2015**

**A local law to amend Chapter 177 “Taxation” Article XII “Exemption for Historic Districts” of the Code of the City of Rye by adding new definitions to Section 177-79 “Definitions” and adding a new Section 177-82 “Designation of Historic Districts” as follows:**

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

**Section 1: Chapter 177 Taxation; Article XII Exemption for “Historic Districts”**

**§ 177-79. Definitions.**

**REHABILITATE** - the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values.

**REPAIR** – limited replacement in kind – or with compatible substitute material – of extensively deteriorated or missing parts of features when there are surviving prototypes.

**RESTORE** – to return its interior or exterior appearance to a particular date or time period.

**Section 2: Chapter 177 Taxation; Article XII Exemption for “Historic Districts”**

**§ 177-82. Designation of Historic Districts.**

- A. The designated Historic District shall be set forth in this section by block and lot number, street designation, and if appropriate, by local designation.

(1) Central Business District: portions of downtown Rye located in the B-2 zone and portions of contiguous B-1 zones as designated on the accompanying map as one historic district.

**Section 3: 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 4:     Effective date.**

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

DRAFT





**Proposed Historic District  
for the City of Rye  
Central Business Area**

Prepared by the  
Landmarks Advisory Committee

November, 2014

## **Background**

In December 18 , 2013 the Rye City Council enacted local law 4-2013, a real property tax exemption for historic property, the terms of which are described in Article 177 XII of the City Code. The legislative intent of the law is to provide owners of properties with historical significance a concrete incentive to restore or improve those properties while maintaining the character of the original construction.

In order to qualify for the tax exemption, a property must lie within a historic district. The Landmarks Advisory Committee requests approval to designate portions of downtown Rye (B-2 zone plus portions of contiguous B-1 zones as designated on the accompanying map) as one historic district.

## Chapter 177. TAXATION

### Article XII. Exemption for Historic Districts

[Adopted 12-18-2013 by L.L. No. 4-2013]

#### § 177-78. Legislative intent; review process; historic determination; rights of property owner.

- A. This real property tax exemption for historic property is being enacted in order to achieve the following goals: to increase incentives for property owners in historic districts to invest in the upkeep and rehabilitation of properties; to provide an incentive for the restoration and rehabilitation of commercial structures which qualify as landmarks in order to provide financial advantages, not available elsewhere in the country at this time, which may help to attract and retain businesses in the City of Rye; to assist homeowners who are interested in restoring their own properties but may not be able to afford to do so when faced with potential increases in taxation as the result of alterations which would qualify for this exemption; and to provide a concrete benefit for restoring or improving historically or architecturally significant properties which are subject to the regulations of Chapter 117, Landmarks Preservation.
- B. The City of Rye real property tax exemption is intended to apply to alterations or rehabilitations of historic property as authorized pursuant to §§ 96-a and 119-aa through 119-dd of the General Municipal Law and § 444-a of the Real Property Tax Law and all other powers granted to the City of Rye to provide such exemptions.
- C. This article is intended to create a real property tax exemption that preserves or increases the historic character of real property located within the City of Rye.

#### § 177-79. Definitions.

For the purposes of this article, the following words and phrases shall have the following meanings.

**ALTERATION**

Only exterior work on a building that requires a building permit or demolition permit.

**CERTIFICATE OF APPROPRIATENESS**

A certificate issued by the Board of Architectural Review authorizing a material change of appearance of a Protected Site or Structure or within a district, subject to other applicable permit requirements.

**DEMOLITION**

The destruction of the exterior of a building, in whole or in part, whether or not the foundation is also destroyed pursuant to the requirements of a duly issued demolition permit.

**HISTORIC BUILDING**

Any building that the Landmarks Advisory Committee has determined to be of a historic nature consistent with the criteria outlined in Chapter 117 of the Rye City Code and is located within an historic district. A historic building does not have to be designated as a Protected Site or Structure.

**LANDMARK**

Any parcel or building or structure designated as a Protected Site or Structure not located in a Preservation District, which nonetheless meets one or more of the criteria enumerated in § 117-5 and is designated as a Protected Site or Structure pursuant to § 117-5E.

**§ 177-80. Amount of exemption granted; qualifying criteria.**

Real property within the City of Rye altered or rehabilitated subsequent to the effective date of this article shall be exempt from City real property and special ad valorem levies, subject to and in accordance with the schedule set forth in § 177-8A and conditions outlined in § 177-80B and C.

- A. Historic property which shall be defined hereafter shall be exempt from taxation to the extent of any increase in value attributable to such alteration or rehabilitation pursuant to the following schedule:

Year of Exemption	Percentage of Exemption
1	100%
2	100%
3	100%
4	100%
5	100%
6	80%

7	60%
8	40%
9	20%
10	0%

B. No such exemption shall be granted for such alterations or rehabilitation unless all of the following criteria are met.

(1) Such property must be "historic," which means that:

(a) The property has been designated as a landmark pursuant to Chapter 117 of the Rye City Code; or

(b) The structure has been found to meet the criteria of being an historic building by the Landmarks Advisory Committee and is part of a historic district.

(2) Alterations or rehabilitation are consistent with the character of the historic building.

(3) Such alterations or rehabilitation or reconstruction of the historic building are approved by the Landmarks Advisory Committee and the Board of Architectural Review prior to the commencement of work and a certificate of appropriateness issued.

(4) The alterations or rehabilitation or reconstruction must otherwise result in an increase in the assessed valuation of the real property.

(5) Alterations or rehabilitation or reconstruction are commenced subsequent to the effective date of this article.

C. In the event a historic building is substantially demolished due to fire or other act of nature not caused by the property owner, the reconstruction of such building consistent with its historic character as reviewed and approved by the Board of Architectural Review shall qualify for the partial tax exemption, but in no event shall the assessment for the taxes to be paid be less than the assessment that existed prior to the substantial demolition.

## § 177-81. Application for exemption; approval.

A. The exemption may be granted only upon application of the owner or owners of such historic building on a form prescribed by the New York State Office of Real Property Services, or any successor agency.

B. The application must be filed with the Assessor on or before the appropriate taxable

status date.

- C. The exemption shall be granted where the Assessor is satisfied that the applicant is entitled to an exemption pursuant to this section.
- D. All of the terms, conditions and exceptions as set forth in § 444-a of the Real Property Tax Law of the State of New York, as amended, are adopted herein unless otherwise specified, as though fully set forth within this article.



# City of Rye, NY Central Business District

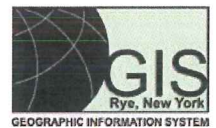


B-2 Central Business District



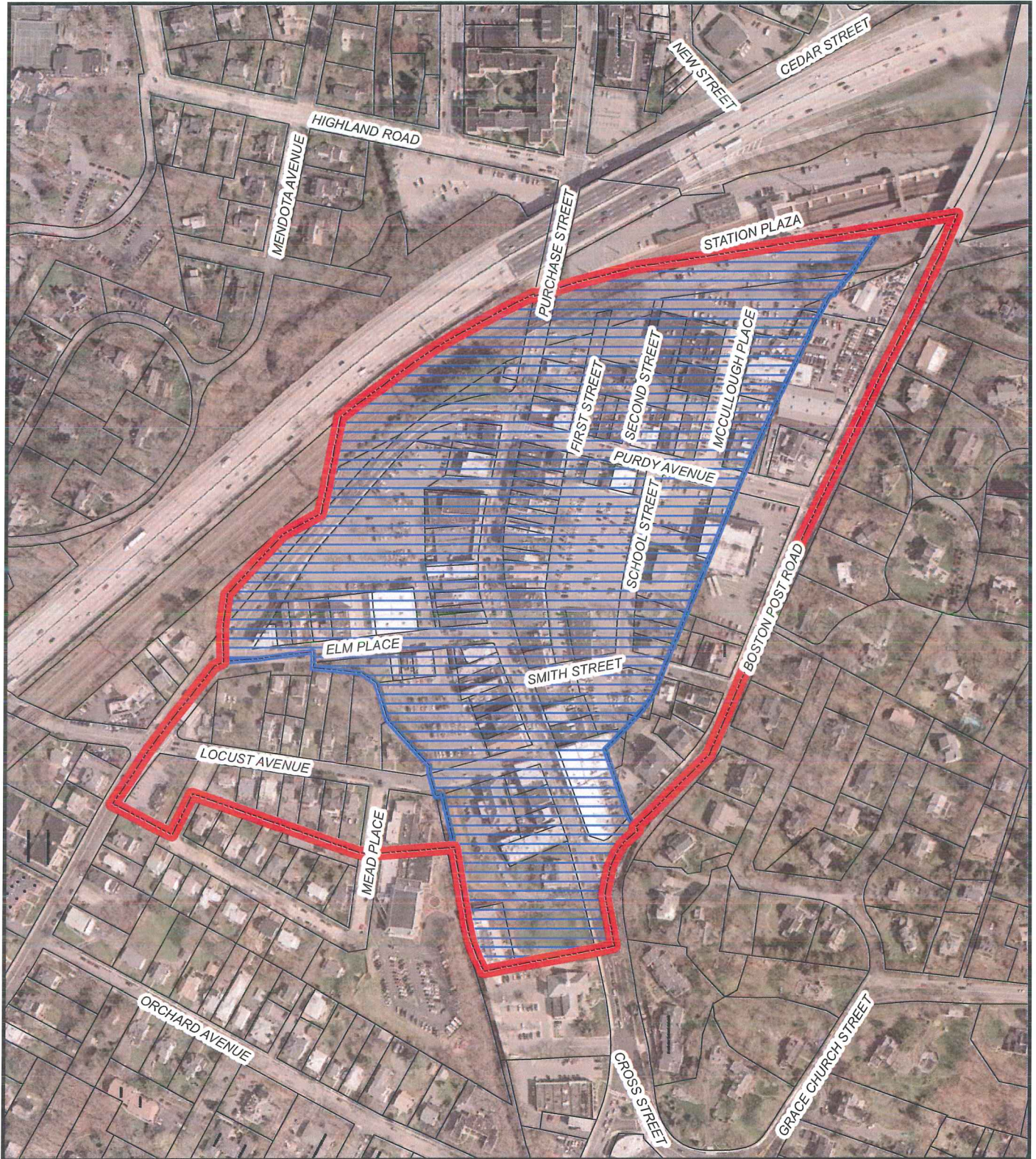
Property Boundary (Approx.)

Last Revised: 12/2/14





# City of Rye, NY Central Business District



Proposed Historic District Boundary

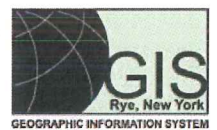


B-2 Central Business District



Property Boundary (Approx.)

Last Revised: 12/2/14





# City of Rye, NY Proposed Historic District

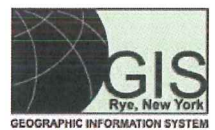


Proposed Historic District Boundary



Property Boundary (Approx.)

Last Revised: 12/2/14





## ALL BUILDINGS IN THE PROPOSED RYE HISTORIC DISTRICT

### Summary:

**115 Total Properties**

**11 City Owned Properties**

**51 Properties Over 100 Years Old**

Section/Lot/Block	Address	Date Built/Renovated
146-7-1-15 City	Purchase & First St.	
146-7-1-16	100 Purchase Street	1962
146-7-1-17	1 Depot Plaza	(1860) 2008
146-7-1-18 City	First & Second Sts.	
146-7-1-19	2 Second Street	1915/1923
146-7-1-20	28 Second Street	2001
146-7-1-21	13 McCullough Place	1937
146-7-1-22	21 McCullough Place	1936
146-7-1-23 City	End of Third Street	
146-7-1-24	1175 Boston Post Rd	2006
146-7-1-31	1151 Boston Post Rd	1927
146-7-1-32	1141 Boston Post Rd	1952
146-7-1-33	Purdy Ave Post Office	1935
146-7-1-34	25 Purdy Avenue	1923/1980
146-7-1-35	21-23 Purdy Avenue	1923
146-7-1-36	17 Purdy Avenue	1870/1987
146-7-1-37	15 Purdy Avenue	1850/1981
146-7-1-38	11-13 Purdy Avenue	1915
146-7-1-39 City	Purdy Ave and First St	
146-7-1-40	96 Purchase Street	2014
146-7-1-41	88 Purchase Street	1800/1810/1900
146-7-1-42	83 Purchase Street	No Date
146-7-1-43	81 Purchase Street	1952
146-7-1-44	77 Purchase Street	1905/1929
146-7-1-45	73 Purchase Street	1921
146-7-1-46	67 Purchase Street	1919/1977 Reno
146-7-1-47	61 Purchase Street	1874
146-7-1-48	59 Purchase Street	1989
146-7-1-49	57 Purchase Street	1900
146-7-1-50	55 Purchase Street	1904
146-7-1-51	53 Purchase Street	1870/1922
146-7-1-52 City	Theodore Fremd Ave	
146-7-1-53	14-16 Elm Place	1974
146-7-1-54	18-22 Elm Place	1947
146-7-1-56	32 Elm Place	No Date
146-7-1-57	37-43 Theodore Fremd	1960/1981 Reno
146-7-1-58	38 Elm Place	1875/1975
146-7-1-65 City	Theodore Fremd	
146-7-1-66	99 Purchase Street	1926/1963
146-7-2-1	69 Theodore Fremd	1928
146-7-2-2	56 Locust	1890
146-7-2-3	41 Elm Place	1900
146-7-2-4	46 Locust Avenue	1900/2002 Reno

Section/Lot/Block	Address	Date Built/Renovated
146-7-2-5	37 Elm Place	1895
146-7-2-6	44 Locust Avenue	No Date
146-7-2-7	40 Locust Avenue	1900
146-7-2-8	34 Locust Avenue	1923 +/-
146-7-2-9	30 Locust Avenue	1895
146-7-2-10	22 Locust Avenue	1905 +/-
146-7-2-11 City	Elm and Locust	
146-7-2-12	19-21 Elm Place	1900 +/-
146-7-2-13	17 Elm Place	1900
146-7-2-14	15 Elm Place	1900
146-7-2-15	11 Elm Place	1969
146-7-2-16	7 Elm Place	1920/2005
146-7-2-17	3 Elm Place	1920
146-7-2-18	51 Purchase Street	1880/1994 Reno
146-7-2-19	49 Purchase Street	1890
146-7-2-20	45 Purchase Street	1939
146-7-2-21	43 Purchase Street	1929
146-7-2-22.1	41 Purchase Street	1905
146-7-2-22.2	39 Purchase Street	1905
146-7-2-23	37 Purchase Street	1919/1991
146-7-2-24	31-33 Purchase Street	1880/1988 Reno
146-7-2-25	27-29 Purchase Street	1882
146-7-2-26	23-25 Purchase Street	No Date
146-7-2-27	19-21 Purchase Street	1895
146-7-2-28	15-17 Purchase Street	1908
146-7-2-29 City	1 Purchase Street	1903
146-7-2-30 Library	1061 Boston Post Rd	1900
146-7-2-32 YMCA	21 Locust Avenue	1954-57
146-7-2-34	29 Locust Avenue	1904 +/-
146-7-2-35	35 Locust Avenue	No Date
146-7-2-36	41 Locust Avenue	1909
146-7-2-37	43 Locust Avenue	1919
146-7-2-38	47 Locust Avenue	1925
146-7-2-39	51 Locust Avenue	No Date
146-7-2-40	55 Locust Avenue	1920
146-7-2-41	75 Theodore Fremd	1952
146-7-3-1	84-86 Purchase Street	Various (no date)
146-7-3-2	12 Purdy Avenue	1962/1975
146-7-3-3	18 Purdy Avenue	1959
146-7-3-4	22 Purdy Avenue	1900 +/-
146-7-3-5 City	9 School Street	
146-7-3-6	80-82 Purchase Street	1895/1974
146-7-3-7	78 Purchase Street	1895
146-7-3-8	74-76 Purchase Street	1890/1993 Reno
146-7-3-9.1	72 Purchase Street	1900
146-7-3-9.2	70 Purchase Street	2002
146-7-3-10	66-68 Purchase Street	1903/1981 Reno
146-7-3-11	64 Purchase Street	2006
146-7-3-12	62 Purchase Street	1880/1900/1980 Reno
146-7-3-14	58 Purchase Street	1880
146-7-3-15	7 Smith Street	1926

Section/Lot/Block	Address	Date Built/Renovated
146-7-3-16	54 Purchase Street	1922
146-7-3-17	44-46 Purchase Street	1904
146-7-3-18	42 Purchase Street	2006
146-7-3-19	32-36 Purchase Street	1890
146-7-3-20	28-30 Purchase Street	No Date
146-7-3-21	2-22 Purchase Street	1928
146-7-3-22.1	1085 Boston Post Rd	1930
146-7-3-23	1091 Boston Post Rd	1850
146-7-3-24	1095 Boston Post Rd	1875
146-7-3-25	1097 Boston Post Rd	1870
146-7-3-26	24 Smith Street	1890
146-7-3-27.1 City	10 Smith Street	
146-7-3-28	2 School Street	1890/1981 Reno
146-7-3-29	6 School Street	1885
146-7-3-30	10 School Street	2007
146-7-3-31	16 School Street	1910
146-7-3-32 City	30 School Street	
146-7-3-33	1121 Boston Post Rd	1957
146-7-3-34	1111 Boston Post Rd	2008
146-7-3-35	25 Smith Street	1880
146-7-3-36	1101 Boston Post Rd	1890



# CITY COUNCIL AGENDA

NO. 6A

DEPT.: City Council

DATE: May 20, 2015

CONTACT: Mayor Joseph A. Sack

**AGENDA ITEM:** Consideration to set a Public Hearing for June 10, 2015 to amend local law Chapter 133, "Noise", of the Rye City Code by amending Section §133-8, "Construction work restricted to certain hours and days" to set a moratorium on mechanical rock removal.

**FOR THE MEETING OF:**

May 20, 2015

**RYE CITY CODE,**

CHAPTER	133
SECTION	8

**RECOMMENDATION:** That the Council set a Public Hearing to set a moratorium on mechanical rock removal.

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

**BACKGROUND:** The Rock Chipping Study Group has been formulating a set of recommendations which will be presented to the City Council including limits on duration of rock chipping, establishing a permit process, better notice to neighbors, increased restrictions on hours and adding additional holidays when rock chipping would be prohibited and alternate technologies for rock removal.

While the Rock Chipping Study Group finalizes their recommendation, the City Council seeks to issue a moratorium on any rock chipping that will last more than 30 days. The City Council is asked to set a Public Hearing for June 10, 2015 to establish the moratorium.

## CITY OF RYE

### LOCAL LAW NO. \_\_ OF 2015

A Local Law adopting a six (6) month moratorium in the City of Rye temporarily prohibiting Mechanical Rock Removal or use of explosives within the City of Rye for more than a total of thirty (30) consecutive calendar days from the day that Mechanical Rock Removal or the use of explosives begins.

WHEREAS, the extended period of Mechanical Rock Removal and the use of explosives in the City can pose, among other things, quality of life impacts to the community; and

WHEREAS, in November 2014, the Mayor and City Council formed a Rock Chipping Study Group to study, among other things, whether new or more restrictive limitations should be placed on hours, duration, decibel levels, on-site crushing, and amounts which may be removed, as well as whether greater efforts should be taken to control dust, noise, erosion, and water runoff, and to enhance safety and make recommendations to the Rye City Council of ways to address on a going-forward basis issues raised in City Council meetings concerning rock chipping in Rye ; and

WHEREAS, the City Council has determined that it is appropriate to review the City's existing regulations relating to rock excavation to ensure that such activity does not negatively impact the quality of life of its residents and businesses; and

WHEREAS, Mechanical Rock Removal and use of explosives, in the absence of appropriate limitations, may have negative impacts on the City, its residents and the existing businesses; and

WHEREAS, further analysis is needed in order to develop the regulations and mitigation measures for Mechanical Rock Removal and the use of explosives; and

WHEREAS, the City expects that it may require up to six (6) months to engage in the process for developing and considering the aforementioned regulations and mitigation measures.

NOW, THEREFORE, Be It Enacted by the City Council of the City of Rye as follows:

#### Section 1. Purpose

In order to ensure appropriate limitations on the use of mechanical rock removal and/or the use of explosives, there shall be a moratorium on any mechanical rock removal or use

of explosives in excess of a total of thirty (30) consecutive calendar days. Any individual who is, or intends to, engage in mechanical rock removal or use explosives after this local law becomes effective shall notify the City Building Department in writing the date such Mechanical Rock Removal or use explosives will commence.

## Section 2. Authority

This moratorium is enacted by the City Council of the City of Rye pursuant to its authority to adopt local laws under the New York State Constitution Article IX and Municipal Home Rule Law § 10.

## Section 3. Enactment of Moratorium

1. This law is intended to apply to all Mechanical Rock Removal or use explosives that has not yet commenced. Any individual who is currently, or intends to, engage in Mechanical Rock Removal or use explosives shall notify the City Building Department in writing the date such Mechanical Rock Removal or use explosives will commence after this local law becomes effective. Mechanical Rock Removal or use explosives cannot commence until this notification has been received by the City Building Department. Such written notification can be sent either via e-mail at the following address [rockremoval@ryeny.gov](mailto:rockremoval@ryeny.gov) or by mailing a notification to the Building Department at City Hall. The notification shall include the property address and the specific date that the Mechanical Rock Removal or explosive use is commencing.
2. All Mechanical Rock Removal or explosive use shall cease on the 31<sup>st</sup> day after the commencement of such activity.
3. If the owner of the property or the owner's agent: a) commences Mechanical Rock Removal or uses explosives without properly notifying the City Building Department in writing of the commencement date; and/or b) engages in such activity more than a total of thirty (30) consecutive calendar days from the date of commencement shall be guilty of an offense and shall, upon conviction thereof, be subject to a fine of not more than \$1000, an order to suspend construction work on the site, or by imprisonment not exceeding 15 days, or any combination of such fine, suspension and imprisonment. Each day of Mechanical Rock Removal and/or use of explosives prior to sending in notice of the commencement date or in violation of the thirty (30) day limit shall be construed as a separate offense.



#### Section 4. Appeals/waiver

An aggrieved property owner may apply to the City Council for a waiver and the City Council shall have the discretion to grant such waiver.

In granting a waiver, the City Council must find that the waiver will not adversely affect the purpose of this Local Law.

#### Section 5. Early Termination or Extension of this Local Law

In the event any new Local Law which addresses the substantive issues set forth herein, should be enacted and adopted by the City Council prior to the date that the moratorium imposed by this Local Law expires, then in that event, the moratorium imposed by this Local Law shall expire on the date such new Local Law takes effect in accordance with § 27 of the Municipal Home Rule Law.

In like manner, if more than six (6) months have passed since the implementation of this Local Law, and it shall be determined by a finding of the City Council that an extension of this moratorium is required, then the City Council by resolution, may extend this moratorium for such a period of time as it deems necessary in order to further the purposes of this law up to and including an additional six (6) months from the date of the original expiration of this Local Law.

#### Section 6. Conflicts with State Statutes and Authority to Supersede

To the extent any provisions of this Local Law are in conflict with or are construed as inconsistent with the provisions of New York State Law, this Local Law shall control.

#### Section 7. Severability

If any part of this Local Law is deemed by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Local Law.

#### Section 8. Effective Date

This Local Law shall take effect immediately upon filing same with the Secretary of State of the State of New York.





# CITY COUNCIL AGENDA

NO. 8

DEPT.: City Manager

DATE: May 20, 2015

CONTACT: Eleanor M. Militana, Interim City Manager

**AGENDA ITEM:** Authorization for the City Manager to enter into an Agreement with the County of Westchester for 2015-2016 Prisoner Transportation Services.

**FOR THE MEETING OF:**

May 20, 2015

**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, 2015 through December 31, 2016.

See attached documentation.



Received

MAY 05 2015

City Manager's Office  
Rye, New York

Robert P. Astorino  
County Executive

Department of Correction

Kevin M. Cheverko  
Commissioner

April 24, 2015

Mr. Frank Culross  
City Manager's Office  
City of Rye  
1051 Boston Post Road  
Rye, New York 10580

Dear Mr. Culross,

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, 2015 and terminating December 31, 2016. 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,

Susan Gheevarghese  
Assistant Director of Administrative Services

SG/ms  
Encl.

**PRISONER TRANSPORTATION--ZONE RATE**

**THIS AGREEMENT**, made this \_\_\_\_\_ day of \_\_\_\_\_, 2015

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

**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-six cents (\$.56) 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, 2015 and shall terminate on December 31, 2016. 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 April 2, 2015, shall not

exceed \$1,238,879. 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 \_\_\_\_\_, 2015.

**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 10 – 2015 on the 9<sup>th</sup> day of February, 2015.

Approved by the Board of Acquisition and Contract of the County of Westchester on the 2nd day of April, 2015.

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/l/ocr/Zone Rate Agmt. 15

\_\_\_\_\_

**MUNICIPALITY'S ACKNOWLEDGEMENT**

STATE OF NEW YORK        )  
  ) ss.:  
COUNTY OF WESTCHESTER )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2015, 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 \_\_\_\_\_, 2015, 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, 2015 through December 31, 2016)**

#### **POLICE AGENCY**

#### **ROUND TRIP DISTANCE**

##### **ZONE #1 (1 - 10 Miles)**

Reimbursed Rate Per Round Trip: (1/1/15 – 12/31/15) \$192.96  
(1/1/15 – 12/31/16) \$197.78

Plus mileage reimbursed at \$.56 (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: (1/1/15 – 12/31/15) \$202.62  
(1/1/16 – 12/31/16) \$207.69

Plus mileage reimbursed at \$.56 (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
Ardsey, 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: (1/1/15 – 12/31/15) \$212.25  
(1/1/16 – 12/31/16) \$217.55

Plus mileage reimbursed at \$.56 (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: ((1/1/15 – 12/31/15) \$221.93  
(1/1/16 – 12/31/16) \$227.48

Plus mileage reimbursed at \$.56 (or the then current IRS mileage rate) times distance.

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](http://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. 9

DEPT.: Police

DATE: May 20, 2015

CONTACT: William A. Pease, Police Commissioner

**AGENDA ITEM:** Resolution to authorize expenditure of police donation funds for the purchase of police boots or shoes.

**FOR THE MEETING OF:**  
May 20, 2015

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

WHEREAS, the City Manager and Police Commissioner have approved a request of the Rye Police Benevolent Association ("PBA") dated May 12, 2015 to purchase dress boots/shoes in the amount of \$3,800 for the Rye Police Department with funds available in the police donations account, and,

WHEREAS, sufficient funds exist in the police donations account to comply with the aforementioned request of the PBA; now therefore be it,

RESOLVED, that the City Comptroller is authorized to transfer \$3,800 from the police donations account to increase 2015 General Fund appropriations for Police uniforms.

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

**BACKGROUND:** The Police Donations account was established to account for donations made by the general public for the specific purpose of benefiting City of Rye police officers. The process to release these funds requires that a request made by the Rye Police Association is approved by the Police Commissioner and City Manager, and finally by resolution of the City Council. The Police Commissioner and City Manager approved a request of the PBA dated May 12, 2015 for such funds to be used for the purchase of dress boots/shoes. 38 officers will each receive \$100.00 towards the purchase.

See attached documentation.

# Rye Police Association, Inc.

CITY OF RYE

P.O. Box 246



NEW YORK

Rye, N.Y. 10580

May 2015

Dear City Manager Militana, Mayor Sack, & City Council Members,

The PBA would like to request a \$100.00 disbursement from the "Christmas Fund" Aka Police Fund for each of our members. This money would be for the purchase of police boots. Each member will supply a receipt for the boots purchased and only be reimbursed up to \$100.00. We currently have 38 members entitled to receive reimbursement under this program.

Thank you,

A handwritten signature in blue ink, appearing to read "Amy Spillane".

Amy Spillane

PBA Secretary





# CITY COUNCIL AGENDA

NO. 10

DEPT.: Rye Merchants Association

DATE: May 20, 2015

CONTACT: Margaret Ricketts, President

**AGENDA ITEM:** Consideration of a request by the Rye Chamber of Commerce for the use of City Car Park #2 on Sundays from May 24, 2015 through December 6, 2015 from 8:30 a.m. to 2:00 p.m. for the Rye Farmers Market.

**FOR THE MEETING OF:**

May 20, 2015

**RYE CITY CODE,  
CHAPTER  
SECTION**

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

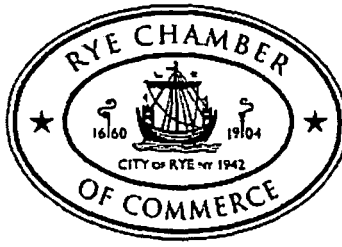
**IMPACT:** ☐ Environmental ☐ Fiscal ☐ Neighborhood ☐ Other:

**BACKGROUND:**

The Merchants Association requests the use of the southern end of Car Park #2 on Sundays from May 24, 2015 through December 6, 2015 from 8:30 a.m. to 2:00 p.m. for the Rye Farmers Market. The City Council is asked to approve the request.

See attached request.





May 1, 2015

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

RE: Rye Farmers Market

Dear Ms. Nodarse:

On behalf of the Rye Chamber of Commerce, I am writing to request permission from the City for use of Parking Lot # 2 southern end on Sundays from 6:30 am – 3:30 pm from May 24 –December 6, 2015 for the Rye Farmers Market. Market hours are from 8:30 am – 2 pm.

Our members will be setting out their own tables and tents with a mindful eye to keep the ends delineated with traffic cones.

I will contact Interim Commissioner Pease of the Rye City Police Department to make sure the village officer is aware of this seasonal activity. An insurance certificate will be provided upon approval.

Thank you in advance for your consideration.

Very truly yours,

Margaret Ann Ricketts

President,  
Rye Chamber of Commerce



# CITY COUNCIL AGENDA

NO. 11

DEPT.: City Manager

DATE: May 20, 2015

CONTACT: Eleanor M. Militana, Interim City Manager

**AGENDA ITEM:** Consideration of a request by the Rye Chamber of Commerce for the use of City streets for the Annual Sidewalk Sale to be held on Thursday, July 23, 2015 through Saturday, July 25, 2015 from 9:00 a.m. to 5:00 p.m.

**FOR THE MEETING OF:**

May 20, 2015

**RYE CITY CODE,  
CHAPTER  
SECTION**

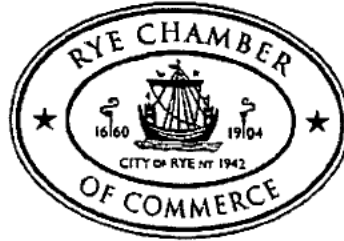
**RECOMMENDATION:** That the Council consider granting the request.

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

**BACKGROUND:**

The Rye Chamber of Commerce is requesting the Council authorize the use of City streets for the Annual Sidewalk Sale to be held on Thursday, July 23, 2015 through Saturday, July 25, 2015 from 9:00 a.m. to 5:00 p.m.

See attached request.



May 1, 2015

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

Re: Rye Chamber of Commerce Sidewalk Sale

Dear Ms. Nodarse:

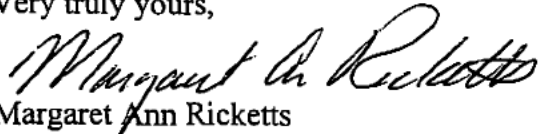
On behalf of the Rye Chamber of Commerce, I am writing to request permission from the City for use of city streets on **July 23, 24 and 25th** for our annual Sidewalk Sales.

Our members will be setting out their own tables and tents with a mindful eye to keep an area clear for pedestrian right of way.

I will contact Interim Commissioner Pease of the Rye City Police Department to make sure the village officer has extra help to cover the extra traffic and shoppers. An insurance certificate will be provided upon approval.

Thank you in advance for your consideration.

Very truly yours,

  
Margaret Ann Ricketts

President,  
Rye Chamber of Commerce



# CITY COUNCIL AGENDA

NO. 12

DEPT.: Boat Basin

DATE: May 20, 2015

CONTACT: Peter T. Fox, Boat Basin Supervisor

**ACTION:** One appointment to the Boat Basin Commission, by the Council, to fill a term expiring on January 1, 2016.

**FOR THE MEETING OF:**

May 20, 2015

**RYE CITY CODE,**

CHAPTER  
SECTION

**RECOMMENDATION:** That the Council appoint Brendan Hartman to fill the vacancy on the Boat Basin Commission.

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

**BACKGROUND:**

According to the Resolution outlining the Boat Basin Commission Nomination, Procedures, Elections and Terms: "vacancies will be filled within 45 days by appointment of the City Council and the unexpired term will be filled by the candidate elected with the least number of votes." Brendan Hartman fulfills this requirement and has indicated that he is willing to serve the remainder of the term. The City Council is asked to approve his appointment.

See attached 2014 Boat Basin Commission ballot results.

**CITY OF RYE**  
**MEMORANDUM**

TO: Frank Culross, City Manager  
Peter T. Fox, Boat Basin Supervisor

FROM: Dawn F. Nodarse, City Clerk

SUBJECT: De Pauw Municipal Boat Basin Commission  
and Nominating Committee Election

DATE: August 27, 2014

The following are the results of the Boat Basin Election:


Envelopes Received	79
Ballots Cast	78
Invalid Ballots	1

The election results for two representatives to the De Pauw Municipal Boat Basin Commission are (two open seats):

Candidates	# of Votes Received
Greg Gavlik	52
Brendan Hartman	41
Benjamin Poole	59

The election results for one member to the Nominating Committee:

Candidates	# of Votes Received
Alan Caminiti	55
Andrew Ferris	20

  
Dawn F. Nodarse  
City Clerk

**DE PAUW MUNICIPAL BOAT BASIN COMMISSION  
NOMINATION PROCEDURES, ELECTIONS AND TERMS**

**Section 1. Commission; Appointment**

(a) There will be a De Pauw Municipal Boat Basin Commission to consist of five resident members who have a permit to moor a boat at the facility. The members will be appointed by the City Council after election by the resident and non-resident permit-holders of the Boat Basin. The members of the Commission will elect a Chairman each year from their group. The Chairman may serve only three terms in succession.

(b) The term of the members will be two years, commencing on January 1. There is no limit to the number of terms a member may serve.

(c) Vacancies will be filled within 45 days by appointment of the City Council until the next election, at which time the unexpired term will be filled by the candidate elected with the least number of votes.

**Section 2. Nominating Committee**

(a) The City Council will designate a three-member nominating committee to consist of one current Commission member who is not standing for re-election at that time, one permit-holder recommended by the Commission and one person elected to the nominating committee during the previous year's election.

(b) The nominating committee will not be restricted in the maximum number of people it can name and it must name at least two more candidates than there are open seats.

(c) The Chair shall be appointed by the City Council.

(d) The nominating committee may not name any of its members as candidates.

(e) Other permit-holders who wish to serve on the Commission and who are not named by the nominating committee may secure a place on the ballot by obtaining signatures of 25 qualified voting permit-holders on a designating petition.

**Section 3. Election**

(a) Voting will take place by mail over a three-week period.

(b) One ballot will be allowed per mooring permit.

(c) Resident and non-resident permit-holders will have equal voting rights.

(d) Ballots will be tabulated by the City Clerk and the results will be prominently posted at the Boat Basin.

(e) The City Clerk will submit a list of the elected nominees to the City Council by September 10.



# CITY COUNCIL AGENDA

NO. 12A

DEPT.: City Manager

DATE: May 20, 2015

CONTACT: Eleanor M. Militana, Interim City Manager

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

**FOR THE MEETING OF:**

May 20, 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 # 8556591322:** requested "All official, unofficial and confidential city council packets and all other materials transmitted or distributed to the Rye City Council since March 30, 2015."

**FOIL Status:** Responsive records were sent to the requestor and were noted that "Redactions were made pursuant to POL 87(2)(g)."

**FOIL Appeal Reason:** The requestor is appealing the redactions made to the documents.

See attached FOIL request.

# Work Order Form

## FOIL

Tracking Number: 8556591322  
Date Time Received: 4/28/2015 1:22PM  
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, unofficial and confidential city council packets and all other materials transmitted or distributed to the Rye City Council since March 30, 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

5/13/2015 4:47 PM -- Rye Foil - RESOLVED

-----Note to Citizen: Documents responsive to your FOIL request have been located and can be found by accessing this



# Work Order Form

## FOIL

Tracking Number: 8556591322  
Date Time Received: 4/28/2015 1:22PM  
Created By: Timothy Chittenden (Citizen)

link: <https://ryeny.sharefile.com/d-sb91cf1c17e44347a> Redactions were made pursuant to POL 87(2)(g).

The records will be available for one month and you will be allowed to download them three times.

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

5/13/2015 4:17 PM -- IT Foil - INPROGRESS

-----Internal Note: Dawn - here is the ShareFile link:

<https://ryeny.sharefile.com/d-sb91cf1c17e44347a>  
This item has been re-assigned to Rye Foil.

5/13/2015 9:06 AM -- Rye Foil - INPROGRESS

-----Internal Note: Records responsive to this request are in MANAGERFOIL and are ready to be uploaded to Share File.

Please provide link.  
This item has been re-assigned to IT Foil.

5/13/2015 8:53 AM -- Manager Foil - INPROGRESS

-----Internal Note: Folder is in MANAGERFOIL  
This item has been re-assigned to Rye Foil.

5/11/2015 10:47 AM -- Rye Foil - INPROGRESS

-----Internal Note: There is no file in MANAGERFOIL responsive to this request number.   
This item has been re-assigned to Manager Foil.

5/11/2015 10:24 AM -- IT Foil - INPROGRESS

-----Internal Note: Dawn - I do not see a folder named 8556591322 in MANAGERFOIL

Please advise

This item has been re-assigned to Rye Foil.

5/07/2015 2:18 PM -- Rye Foil - INPROGRESS

-----Internal Note: Documents responsive to this FOIL request are in MANAGERFOIL and are ready to be uploaded to Share File. Please provide link.  
This item has been re-assigned to IT Foil.

5/07/2015 1:50 PM -- Manager Foil - INPROGRESS

-----Internal Note: This item has been re-assigned to Rye Foil.

5/07/2015 1:50 PM -- Manager Foil - INPROGRESS

-----Internal Note: Responsive documents are in MANAGERFOIL ready to be sent to the requestor. Redactions were made pursuant to POL 87(2)(g).

4/28/2015 1:25 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 Manager Foil.

4/28/2015 1:22PM -- Timothy Chittenden (Citizen) - SUBMITTED