

CITY OF RYE

NOTICE

There will be a regular meeting of the City Council of the City of Rye on Wednesday, December 6, 2017, at 7:30 p.m. in Council Chambers at City Hall.

AGENDA

1. Pledge of Allegiance.
2. Roll Call.
3. General Announcements.
4. Draft unapproved minutes of the Regular Meeting of the City Council held November 29, 2017.
5. Issues Update/Old Business.
6. Mayor and Council amendments to the proposed 2018 City of Rye Budget.
Roll Call.
7. Public Hearing on the proposed 2018 Budget.
8. Public Hearing to adopt a Local Law to override the State enacted tax levy limitation.
9. Consideration to set a Public Hearing for December 20, 2017 to amend local law Chapter 197, "Zoning" of the Rye City Code by amending Section §197-3, "Zoning Map", Subsection "a", to change the zoning designation of a property at 280 Purchase Street from RA-2, *Apartment*, District to B-1, *Neighborhood Business*, District designation.
10. Consideration to set a Public Hearing for December 20, 2017 to amend local law Chapter 35, "Traffic Violations Bureau" of the Rye City Code by amending provisions related to the disposition of parking violations.
11. Residents may be heard on matters for Council consideration that do not appear on the agenda.
12. Resolution to transfer funds donated to the *Branching out for Rye Campaign* to the General Fund, Shade Tree cost center.
Roll Call.
13. Acceptance of the donation of a boat to the Rye Boat Basin Marina.
Roll Call.
14. Resolution to declare certain equipment as surplus.
Roll Call.

15. Miscellaneous communications and reports.
16. New Business.
17. Adjournment.

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The next regular meeting of the City Council will be held on Wednesday, December 20, 2017 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 under “RyeTV Live”.

* Office Hours of the Mayor by appointment by emailing jsack@ryeny.gov or contacting the City Manager’s Office at (914) 967-7404.



CITY COUNCIL AGENDA

NO. 4

DEPT.: City Clerk

DATE: December 6, 2017

CONTACT: Carolyn D'Andrea, City Clerk

AGENDA ITEM: Draft unapproved minutes of the regular meeting of the City Council held November 29, 2017.

FOR THE MEETING OF:

December 6, 2017

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 November 29, 2017, as attached.

DRAFT UNAPPROVED MINUTES of
the Regular Meeting of the City Council of the
City of Rye held in City Hall on November 29,
2017, at 7:30 P.M.

PRESENT:

JOSEPH A. SACK Mayor
KIRSTIN BUCCI
EMILY HURD
JULIE KILLIAN
TERRENCE McCARTNEY
RICHARD MECCA
DANIELLE TAGGER-EPSTEIN
Councilmembers

ABSENT:

None

The Council convened at 6:30 P.M. Councilman McCartney made a motion, seconded by Councilwoman Bucci and unanimously carried to immediately adjourn into Executive Session to discuss litigation and personnel matters. Councilman McCartney made a motion, seconded by Councilwoman Bucci and unanimously carried, to adjourn the Executive Session at 7:29 P.M. The regular meeting convened 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. General Announcements.

Mayor Sack announced that Dock Deli is closing. He wished them the best of luck and thanked them for being a tremendous part of the Rye community.

Councilman Mecca announced that Sunday was a successful Mistletoe Magic event, with a record number of people.

Councilman McCartney announced that the work at the Rye Golf Club is almost complete, and with the warm weather, the greens remain open. The end of the year event at Rye Golf Club will be Thursday, December 7, 2017. Councilman McCartney also

announced that the Turkey Run was a huge success, with over 1200 participants. He reminded everyone that Sunday, December 3, 2017 is the holiday bonfire at Recreation Field.

Councilwoman Hurd announced that the deadline to remove boats from the Boat Basin is this Friday, December 1, 2017.

Councilwoman Tagger-Epstein announced that the Thanksgiving Interfaith Event was a success. She also said that the Jay Heritage landscaping event was also a success and can be viewed on RyeTV. She updated the community about the Branching Out for Rye Tree Fund, and invited everyone to follow along on the Sustainability Committee website. The website also features City staff and the recent tree plantings throughout the City. Councilwoman Tagger-Epstein also announced that the Rye Youth Council will be holding an event at the Wainwright House at 9:30 A.M. on December 1, 2017 on the topic of Understanding Gender: Raising Open Accepting and Diverse Children. She encouraged all to attend.

Councilwoman Killian encouraged all to participate the Cable Committee's survey, as they move toward cable franchise negotiations.

4. Draft unapproved minutes of the regular meeting of the City Council held November 8, 2017 and the Budget Workshop held November 13, 2017.

Councilman Mecca made a motion, seconded by Councilwoman Hurd, to adopt the minutes of the regular meeting of the City Council held November 8, 2017 and the Budget Workshop held November 13, 2017.

5. Issues Update/Old Business.

Councilman Mecca announced that the Planning Commission held hearings on a proposal from Con Ed to install a compressed natural gas site. The site was approved with a one year timeline and will need to be revisited next year. Councilman Mecca thanked City Planner Miller and Corporation Council Wilson for studying the issue.

6. Discussion of the FY 2018 Budget.

- *Rye Free Reading Room Budget Review*

Chris Shoemaker, Rye Free Reading Room, addressed the Council. He provided a summary of the library from 2016 and 2017. He said that for every dollar that is provided, there was a return of over \$4 in value from the library services. Mr. Shoemaker said that the Rye Free Reading Room was second in the County for attendance of library programs. He said that he was grateful to the City for meeting the funding requests for this upcoming budget.

Councilmembers thanked Mr. Shoemaker for a job well done on the library programs.

Mayor Sack said that the Council will be looking at all items to cut costs for the budget vote, but thanked Mr. Shoemaker for his hard work with the programs for the community.

- *Rye TV Budget Review*

Nicole Levitsky, Rye Cable TV Coordinator, introduced Mary Ellen Doran, Steven Fairchild and Ken Knowles from the Cable Committee. Ms. Doran presented a slideshow to the Council, highlighting the Cable TV programs. She said that in 2017, RyeTV has experienced tremendous growth due to the social media outreach campaign.

Ms. Levitsky discussed the impending renewals of the cable contracts and franchise negotiations. The negotiations will determine the PEG grant money received from the City for the next contract period. She stated that the last major equipment renewal was in 2008. Ms. Levitsky explained that camera equipment typically can last 7 to 9 years. She spoke in detail about equipment specifics and stated that the request was to replace the cameras that are ten years old as well as other equipment.

There was a lengthy discussion about critical and non-critical equipment items to determine the budget expenditures.

- *Police Department Budget Review*

Commissioner Corcoran and Police Department Accountant, Tom Scapaticci, thanked the Council for the opportunity to speak. Commissioner Corcoran also thanked the Rye Police Department for their hard work and dedication to the Rye community. He reported that 2017 was a great year, with the City of Rye being named the second safest City in New York State, and first safest city in Westchester County. He then provided an overview of the successes for the year, such as combating the drug epidemic. For 2018, he would like to see the Village Officer position filled, which he said would provide a safe presence within the downtown area. There was general discussion over positions at the department.

- *Fire Department Budget Review*

Commissioner Corcoran provided a summary of the Fire Department's previous year to the Council. He was happy to report that the PESH violations are almost fully resolved. He said that there has been a lot of training for both departments to be better equipped to handle emergency situations. He discussed volunteer recruitment and programs.

There was discussion about staffing, in which Mayor Sack confirmed that the staff went from 18 to 21 in 2017. City Comptroller Fazzino stated that the total Fire Department budget was \$575,000.

Councilman Mecca discussed the City's possible improvement to ISO rating, which would result in insurance savings.

- *Boat Basin Budget Review*

George Hogben, Boat Basin Supervisor, gave an overview of the Boat Basin, which is set up as an enterprise fund, with over 400 boats. He discussed items such as dredging and compliance with different agencies.

There was general discussion about dredging for the coming years with regard to strategy and financial planning for that endeavor.

- *Recreation Department Budget Review*

Sally Rogol, Recreation Superintendent and Erin Mantz, Assistant Superintendent, thanked the Council for their support and the opportunity to present. Superintendent Rogol thanked Councilman McCartney for his role as liaison to the Recreation Commission. She gave an overview of the successes of the year, such as the Turkey Run, Halloween Window Painting, Pancakes with Santa, Holiday Bonfire, Food Truck Festival, summer camp, winter vacation activities, and other programs.

Mayor Sack thanked the Recreation Department for their hard work and successful programs for the residents. He said that in general, there was hope to get closer to a tax-cap compliant budget. However, he highlighted the benefit of tax dollars with regard to recreation activities for the community.

- *Discussion of a Tax Cap Compliant Budget*

City Comptroller Fazzino provided an overview of the proposed tax-compliant alternative budget to help the Council understand what that budget would look like. He discussed a projected increase to building permit revenues and an assistant building inspector position. There was also discussion over revenues gained from the new development at 120 Old Post Road.

There was discussion over various ways to reduce the budget, such as projecting lower litigations costs, increasing building department revenues and fees, reducing capital projects, increasing traffic enforcement revenues, and other items.

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

There was nothing discussed under this agenda item.

8. Consideration of the proposed revisions and addition to the Rules and Regulations of the City of Rye Police Department:
 - General Order #102.5 regarding the format and definitions for written orders and bulletins
 - General Order #105.4 regarding an Exposure Control Plan

- General Order #106.1 regarding Motor Vehicle Accident Investigation and Report procedures
- General Order #106.2 regarding policy and procedure for investigating accidents involving fatality or serious injury
- General Order #111.2 regarding the towing or impound of motor vehicles within the City of Rye
- General Order #113.13 regarding notification to the next of kin for deceased or seriously injured persons
- General Order #117.5 regarding City of Rye Police Department vehicle equipment
- General Order #119.7 establishing policy and procedure for officers assigned to the Adopt a School Program.

City Manager Serrano stated that Commissioner Corcoran was in the process of documenting policies and procedures for the department to ensure uniformity and safety in protocol.

Councilwoman Tagger Epstein made a motion, seconded by Councilman Mecca, to adopt the proposed revisions and addition to the Rules and Regulations of the City of Rye Police Department.

ROLL CALL

AYES: Mayor Sack, Councilmembers Bucci, Hurd, Killian, McCartney, Mecca and Tagger-Epstein
NAYS: None
ABSENT: None

9. Resolution to transfer \$20,000 from the Cable TV Unassigned Fund balance to the Cable TV Operating Budget for Best Best & Krieger LLP to represent the City in cable franchise agreement negotiations.
Roll Call.

City Manager Serrano explained that this budget transfer would allow the City's retained outside counsel to continue to negotiate the impending cable franchise agreements on the City's behalf.

Councilwoman Killian made a motion, seconded by Councilwoman Hurd, to approve the transfer of \$20,000 from the Cable TV Unassigned Fund balance to the Cable TV Operating Budget for Best Best & Krieger LLP to represent the City in cable franchise agreement negotiations.

ROLL CALL

AYES: Mayor Sack, Councilmembers Bucci, Hurd, Killian, McCartney, Mecca and Tagger-Epstein
NAYS: None
ABSENT: None

10. Miscellaneous communications and reports.

There was nothing discussed under this agenda item.

11. New Business.

There was nothing discussed under this agenda item.

12. Adjournment.

There being no further business to discuss, Councilman Mecca made a motion, seconded by Councilman McCartney, to adjourn the regular meeting of the City Council at 10:05 P.M.

Respectfully submitted,

Carolyn D'Andrea
City Clerk



CITY COUNCIL AGENDA

NO. 5

DEPT.: City Council

DATE: December 6, 2017

CONTACT: Mayor Joseph A. Sack

AGENDA ITEM: Issues Update/Old Business

FOR THE MEETING OF:

December 6, 2017

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.: City Council

DATE: December 6, 2017

CONTACT: Mayor Joseph A. Sack

AGENDA ITEM: Mayor and Council amendments to the proposed 2018 City of Rye Budget.

FOR THE MEETING OF:

December 6, 2017

RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION: That the Mayor and the Council review and act on the proposed Budget modifications.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND:



CITY COUNCIL AGENDA

NO. 7

DEPT.: City Manager's Office

DATE: December 6, 2017

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Public Hearing on the proposed 2018 Budget.

FOR THE MEETING OF:

December 6, 2017

**RYE CITY CODE,
CHAPTER
SECTION**

RECOMMENDATION: That the Mayor and the Council hold a Public Hearing on the proposed 2018 Rye City Budget.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: The Rye City Charter stipulates that a Public Hearing must be held on the proposed Budget. The Public Hearing shall be held not later than the first Wednesday in December of the current year and upon at least 10 days' notice.

The City Manager presented the 2017 budget on November 8, 2017. The Council held Budget Workshops on November 13th and 29th.

The Public Hearing on the Budget will be opened on December 6, 2017 and the Budget adoption is scheduled for December 20, 2017.

The proposed 2018 Budget is available on the City website www.ryeny.gov.



CITY COUNCIL AGENDA

NO. 8

DEPT.: City Manager

DATE: December 6, 2017

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Public Hearing to adopt a Local Law to override the State enacted tax levy limitation.

FOR THE MEETING OF:

December 6, 2017

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Mayor and the Council hold a Public Hearing to adopt a Local Law to override the State enacted tax levy limitation.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: New York State enacted a 2% tax cap on June 24, 2011. A provision in the law allows a municipality to override this tax cap under certain provisions including:

- Local governments may override the tax levy limit only by first passing a local law that allows for the tax levy limit to be exceeded.
- This override vote requires a 60 percent vote of the total voting power of the governing body to pass.
- In a case where a weighted vote is used to pass the budget, the override will require a 60 percent weighted vote of the local government's governing body.
- The override vote must precede the vote on adoption of the budget although both votes may occur on the same day.

See attached draft Local Law.

The Property Tax Cap

Guidelines for Implementation



The information presented is current as of this publication's revision date.

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On June 24, 2011 the property tax cap was signed into law (see Chapter 97 of the NYS Laws of 2011). Below is guidance to assist local governments in the implementation of the property tax cap.

Key Components of the Tax Cap

✓ **What is the property tax cap?**

The tax cap law establishes a limit on the annual growth of property taxes levied by local governments and school districts to two percent or the rate of inflation, whichever is less.

✓ **Who is subject to the tax cap?**

The cap applies to all independent school districts outside of the Big Five Cities (i.e. dependent school districts) and to all local governments including counties, cities, towns, villages and special districts (except those special districts noted below). The cap does not apply to New York City.

✓ **Are there exceptions to the tax cap?**

There are limited, narrow exclusions to the cap, including certain costs of significant judgments arising out of tort actions and unusually large year-to-year increases in pension contribution rates.

✓ **Is there an override mechanism to the tax cap?**

The tax levy cannot exceed the cap unless 60 percent of voters (for school districts) or 60 percent of the total voting power of the governing body (for local governments) approve such increase.

✓ **When is the tax cap effective?**

The cap first applies to local fiscal years beginning in 2012. Local budgets that commenced in 2011 but conclude in 2012 are not affected.

Technical Information

I. Applicability

The tax cap applies to all independent school districts and all local governments outside of New York City, and is intended to capture the broad range of property taxes levied in New York. Accordingly, the tax cap applies broadly to property taxes that support all local governments, including special districts that are independently governed as well as special districts that are established, governed and administered by another municipality. Where a local government, such as certain special districts, is wholly integrated within another local government – i.e. the special district is established, administered and governed by the board of that other local government, and is supported by a tax levy imposed by and under the authority of that other local government – then any property tax being levied by the overarching local government to support the operations of the subordinate special district is considered part of the tax levy of the overarching local government for purposes of administering the tax cap and override vote, if any. The following entities are covered by the cap:

- All Counties (except those within NYC)
- All Cities (except NYC)
- All Towns
- All Villages
- All Fire Districts
- School Districts (including common, union free, central, central high school, and city school districts, but excluding NYC and the Big Four¹)
- Special Districts (including, but not limited to sewer, water, library and fire protection districts). In the case of special districts the tax cap applies as follows:
 - The tax levy of a special district (such as a water or sewer district) that (i) has a separate independent elected board, and (ii) has the authority to levy a tax, or can require a municipality to levy a tax on its behalf, **is subject to the tax levy limit.**
 - The tax levy of a special district that (i) has a separate independent board appointed by the governing body of another local government, and (ii) has

¹ The budgets for the school districts in the Big Four Cities are within the cities' budgets, and those school districts have no separate taxing authority. The portion of the tax cap law applicable to local governments applies to the budgets of the Big Four Cities.

the authority to levy a tax, or can require a municipality to levy a tax on its behalf, **is subject to the tax levy limit**.

- To the extent the budget of a special district, such as a library district, is comprised of revenues generated by its own taxing authority, or by a tax levy of another local government that the local government is required to impose on behalf of that special district, those tax revenues fall within the tax levy limit of the special district. To the extent the budget of that special district is comprised of revenues generated by the taxing authority of another local government (such as a town or village), and that local government is not required to impose that tax levy on behalf of the special district, those tax revenues fall within the tax levy limit of the town or village.
- A tax levy that supports the operations of a special district that is established, administered and governed by the governing body of another local government— such as a tax levy imposed by a town or county board, under its authority, to support an improvement district created, administered and governed by that town or county board - is part of that town or county's tax levy, and **is to be applied to the tax levy limit of that town or county** – it is not to be separately reported by the special district.
- A special district that raises revenue solely through fees based on use **is not subject to the tax levy limit**.

II. Quantity Change

The Quantity Change Factor adjusts the tax levy limit to reflect an increase in the full value of taxable real property in a local government due to physical or quantity change – i.e. new growth or significant additions to existing properties.

- The Commissioner of Taxation and Finance will issue a Quantity Change Factor for all local governments that have experienced an increase in the full value of taxable real property due to a physical or quantity change.
 - Increases in full value due to changes in assessment only do not constitute a basis for a quantity change factor. A physical or quantity change does not result from the splitting or merging of parcels.
 - Property returning to the tax rolls after the expiration of a PILOT does not constitute a basis for a Quantity Change Factor.

III. Inflationary Factor

The growth in annual levy is limited to the lesser of 2 percent or the Consumer Price Index (CPI), subject to certain limited exceptions and adjustments. For the purposes of the cap the applicable CPI will be the unadjusted "All Items Consumer Price Index for All Urban Consumers" (CPI-U), the broadest and most comprehensive measure released by the Bureau of Labor Statistics. The CPI-U is released on a monthly basis, generally in the third week of the subsequent month.

Based on the most recently released calendar of release dates, the following table illustrates when the inflationary factor will be available for use by local governments in preparing their levy limit for upcoming budgets.

Chart 1. Timing of the Release of CPI-U Index for the Property Tax Cap Inflation Factor

| Fiscal Year beginning | CPI-U period ends | CPI-U released |
|-----------------------|--------------------|-------------------|
| January 1, 2012 | June 30, 2011 | July 15, 2011 |
| April 1, 2012 | September 30, 2011 | October 19, 2011 |
| June 1, 2012 | November 30, 2011 | December 15, 2011 |
| July 1, 2012 | December 31, 2011 | January 14, 2012 |

IV. Calculating the Tax Levy Limit

Each local government shall calculate the tax levy limit for the coming year as follows:

- First, determine the total amount of **taxes levied**, not collected, in the prior fiscal year.
 - Property taxes levied by a town to fund the town budget under its taxing authority fall within the town's tax levy limit.
 - Property taxes levied by a town on behalf of another local government (e.g. fire district) pursuant to the taxing authority of that other local government fall within that other local government's tax levy limit.
- Second, if a "tax base growth factor" has been reported to the local government by the Commissioner of Tax and Finance, the total amount of taxes levied for the prior year is to be multiplied by the growth factor.
- Third, add any PILOTs that were receivable in the base year. The total amount of PILOTs receivable is to be included in the calculation of the tax levy limit. No adjustment is permitted.

- Fourth, beginning for fiscal year 2013, subtract the tax levy necessary to support expenditures for tort actions for any amount that exceeds 5 percent of the local government's tax levy in the prior fiscal year. There is no subtraction for these expenditures in the calculation for the 2012 fiscal year.
- Fifth, multiply the result by the allowable levy growth factor, which will be provided by the Office of the State Comptroller.
- Sixth, subtract any PILOTs receivable in the coming year. The total amount of PILOTs receivable is to be included in the calculation of the tax levy limit. No adjustment is permitted.
- Seventh, beginning with fiscal year 2013 budgets, add any available carryover from the prior fiscal year. There is no available carryover for the 2012 fiscal year.
- Eighth, unused exclusions associated with growth in pension costs or tort judgments may not be carried forward.

V. Filing the Levy Limit Calculation

Each local government shall submit to the Office of the State Comptroller any information necessary for calculating the tax levy limit for the coming fiscal year prior to adopting a budget for that year. The Comptroller's office will provide additional information on the form and manner in which such submissions are to be made.

- A special district whose tax levy is determined by the board of another local government (such as a town or county board) does not have to separately submit the above information to the Office of the State Comptroller. The tax levy for that special district is part of that town or county's tax levy, is to be applied to the tax levy limit of that town or county, and is to be included within the information submitted by that town or county to the Office of the State Comptroller.
- A special district that raises revenues solely through fees based on use is not subject to the tax levy limit, and therefore does not have to submit the above information to the Office of the State Comptroller.
- All other special districts are each responsible for ensuring that its tax levy limit is calculated and reported in an accurate and timely manner.
- A special district may authorize another local government that handles its administrative affairs to calculate and report the tax levy limit on its behalf.

VI. Limited Exclusions

The tax cap law allows for a limited number of exclusions to the tax levy limit. These exclusions are:

- **Torts.** Local governments can increase their property tax levy beginning for fiscal year 2012 above the levy limit (the base year levy as adjusted for growth and inflation) for costs resulting from court orders or judgments against the local government arising out of tort actions to be paid in the coming fiscal year. The adjustment can only be made for costs of those court orders or judgments that exceed 5 percent of the total prior year's tax levy. Tax certioraris and breach of contract actions are among the types of actions that **are not** tort actions.
- **Pensions.** The pension exemption is triggered if the annual growth in the average actuarial contribution rate for the Employees' Retirement System (ERS), the Police and Fire Retirement System (PFRS), or the normal contribution rate for Teachers' Retirement System (TRS) exceeds two percentage points. Under the exemption, pension costs associated with the annual growth in the employer contribution rate above two percentage points are exempted from the cap.
 - **Variance in Plans.** In years in which the pension exclusion is triggered, the pension exemption rate is the same percentage of salary (growth in the system average actuarial rate minus two percentage points) for all employers.

Determining the Pension Exclusion

- In accordance with the employer contribution rates recently promulgated by the Office of the State Comptroller, the pension exemption will be triggered for both ERS and PFRS in local governments' FY 2012 budgets. The ERS average contribution rate is increasing by 2.6 percentage points and the PFRS average contribution is increasing by 4.2 percentage points. As a result, the ERS exemption is 0.6 percentage points and the PFRS exemption is 2.2 percentage points. These exemptions are calculated by subtracting two percentage points from the year-to-year increases in the ERS and PFRS average contribution rates (2.6 and 4.2 percentage points, respectively, for FY 2012). A similar exemption is allowed for local governments with TRS pension costs.
- For a hypothetical employer with a \$1 million ERS salary base and a separate \$1 million PFRS salary base, the ERS exemption would be calculated by multiplying 0.6 percent by the \$1 million salary base (\$6,000), and the PFRS exemption would be calculated by multiplying 2.2 percent by the separate \$1 million salary base (\$22,000), for a total pension exemption of \$28,000. All other pension costs fall within the property tax cap limitation.
- The system average contribution rate is to be utilized in calculating the amount of the exemption, even when the system average contribution rate is different than the actual contribution rate that the local government pays for its ERS pension plans. For example, if the ERS average contribution rate is increasing by 2.6 percent, and a local government's actual ERS plan contribution rate increased by only 2 percent, that local government would still be eligible to exclude 0.6 percent of its ERS salary base of \$1 million (or \$6,000). On the other hand, in years where the ERS average contribution rate increased by 3 percent and a local government's actual contribution rate increased by 3.5 percent, that local government can only exempt an amount equal to 1 percent of its \$1 million ERS salary base (or \$10,000).

- **Adjustments and Reconciliations.** Salary reconciliations and adjustments are not to be factored into the pension exclusion.
- **Contribution Rates.** The system average actuarial contribution rate is the average contribution rate paid by all employers in ERS and PFRS. It is published annually by the Office of the State Comptroller.
 - For fiscal years beginning in 2012, the Office of the State Comptroller recently published the ERS and PFRS contribution rates. TRS first published its estimated employer contribution rate in February 2011 for fiscal year 2012.
 - Local governments should use the ERS and PFRS contribution rates recently promulgated by the Office of the State Comptroller to calculate their exclusion for fiscal year 2012. Local governments with TRS pension costs should use the TRS contribution rate formally adopted in August 2011 (which was first published as an estimate in February 2011) for their FY 2012 budgets.
 - In future years, no local government may assume a pension exclusion until the Office of the State Comptroller officially promulgates the ERS and PFRS contribution rates. Accordingly, local governments will not be eligible to take advantage of the pension rate exclusion unless they use these contribution rates. If a local government's local law requires an earlier budget calculation and adoption, the local law must be changed with respect to when the budget is due in order to utilize the pension exception.
- **Salary Base.** The Office of the State Comptroller will provide local governments with their estimated salary bases to calculate their ERS and PFRS pension exclusions. Local governments with TRS pension costs must use their own salary base estimates to determine their TRS pension exclusion.
 - For ERS and PFRS, local governments must use the salary base projected by the Office of the State Comptroller in the calculation of their pension exclusion.
 - For TRS, local governments must continue to use their own initial salary base projections.
- **Amortization.** Local governments utilizing amortization may not levy for the pension exclusion.

VII. Erroneous Levies

Excess levies that are collected due to calculations that are inconsistent with the statute are required to be placed in reserve.

- The law provides for no minimum threshold before funds are placed in reserve, although the Office of the State Comptroller may issue guidelines in this area.
- The law requires that cash be put in reserve.
- If the levy exceeds the tax levy limit due to technical or clerical errors, the excess amount shall be placed in reserve in accordance with Office of the State Comptroller requirements.
- If the Office of the State Comptroller finds upon audit that a local government has levied in excess of the tax levy limit, the local government must place an amount equal to the excess amount of the levy in reserve.

VIII. Overrides of the Tax Levy Limit

Local governments **may override the tax levy limit only by first passing a local law** (or a resolution in the case of a fire or other special district) that allows for the tax levy limit to be exceeded.

- This override vote requires a 60 percent vote of the total voting power of the governing body to pass.
 - In a case where a weighted vote is used to pass the budget, the override will require a 60 percent weighted vote of the local government's governing body.
 - The override vote must precede the vote on adoption of the budget although both votes may occur on the same day.
- The local government may exercise reasonable discretion in drafting a local law or resolution that overrides the tax levy limit, but any such local law or resolution must contain language that clearly overrides the levy limit.
- The local governing body may adopt the budget right after adopting the local law. If the Secretary of State rejects the local law for filing because of technical reasons, and those technical reasons are not cured within a reasonable period of time, the amount of the tax levy that exceeded the tax levy limit (other than a levy for those items excluded from the tax levy limit) shall be placed in reserve pursuant to paragraph 6 of section 3-c of the General Municipal Law.

- In the event that a local government successfully overrides the tax levy limit, the base for the following year's tax levy limit calculation is the amount that was levied in the prior year inclusive of the override amount, less any amounts to be subtracted as set forth in the statute.
- In the case of a special district that requires a popular vote to pass the budgetary increase, the 60 percent voting requirement only applies to the board's vote, not to the popular vote (where only a majority vote continues to be required).

Example: Non-Charter Counties Budget Process

- The budget officer of a non-charter County has to submit a tentative budget by November 15, but may be required by the County's board of supervisors to submit that tentative budget by October 1.
- Members of the committee of the board of supervisors designated or created to review the tentative budget are entitled to investigate and inquire about the estimate of any administrative unit or the request for an appropriation of any authorized agency, and are entitled to attend all hearings conducted by the budget officer.
- The board of supervisors of that County has until December 20 to adopt a budget.
- Accordingly, that County has between 5 to 11 weeks to enact a local law that overrides the tax levy limit (which local law has to be upon the desks or tables of the board of supervisors for at least 7 calendar days, excluding Sundays, unless there is a message of necessity).
- As is required for all local laws, the proposed local law that overrides the tax levy limit is subject to a public hearing on five days notice, unless a local law prescribes a different notice requirement.
- See attached charts entitled **"Timeline for Tentative County Budget that Requires Tax Cap Override"** and **"Timeline for Tentative County Budget as Amended by Board of Supervisors that Requires Tax Cap Override."**

Example: Town Budget Process

- The town clerk of a town has to submit a tentative budget to the town board on or before September 30 (or on or before October 30 for towns in Westchester and Monroe Counties).
- A town board has until November 20 (or December 20 for towns in Westchester and Monroe Counties) to adopt the budget.
- Accordingly, towns in counties other than Westchester and Monroe have more than 6 weeks to enact a local law that overrides the tax levy limit (which local law has to be upon the desks or tables of the town board members for at least 7 calendar days, excluding Sundays, unless there is a message of necessity). Towns in Westchester and Monroe Counties have nearly 6 weeks to pass such a local law.
- As is required for all local laws, the proposed local law that overrides the tax levy limit is subject to a public hearing on five days notice, unless a local law prescribes a different notice requirement.
- See attached charts entitled “**Timeline for Tentative Town Budget that Requires Tax Cap Override**” and “**Timeline for Tentative Town Budget as Amended by the Town Board that Requires Tax Cap Override.**”

IX. Budget Process: Final Adoption of a Budget

A budget officer, or chief executive, may prepare a tentative budget that requires a tax levy in excess of the levy limit. However, the governing body cannot, without first complying with override requirements, (i) adopt a budget that requires a levy in excess of the tax levy limit, or (ii) impose or cause the imposition of a tax levy to the extent that a budget requires a levy in excess of the levy limit.

X. Special Circumstances: Consolidation, Dissolution & Transfer of Functions

When significant changes are made to the structure or governance of a local government, the tax levy limit calculation will need to be determined by the Office of the State Comptroller.

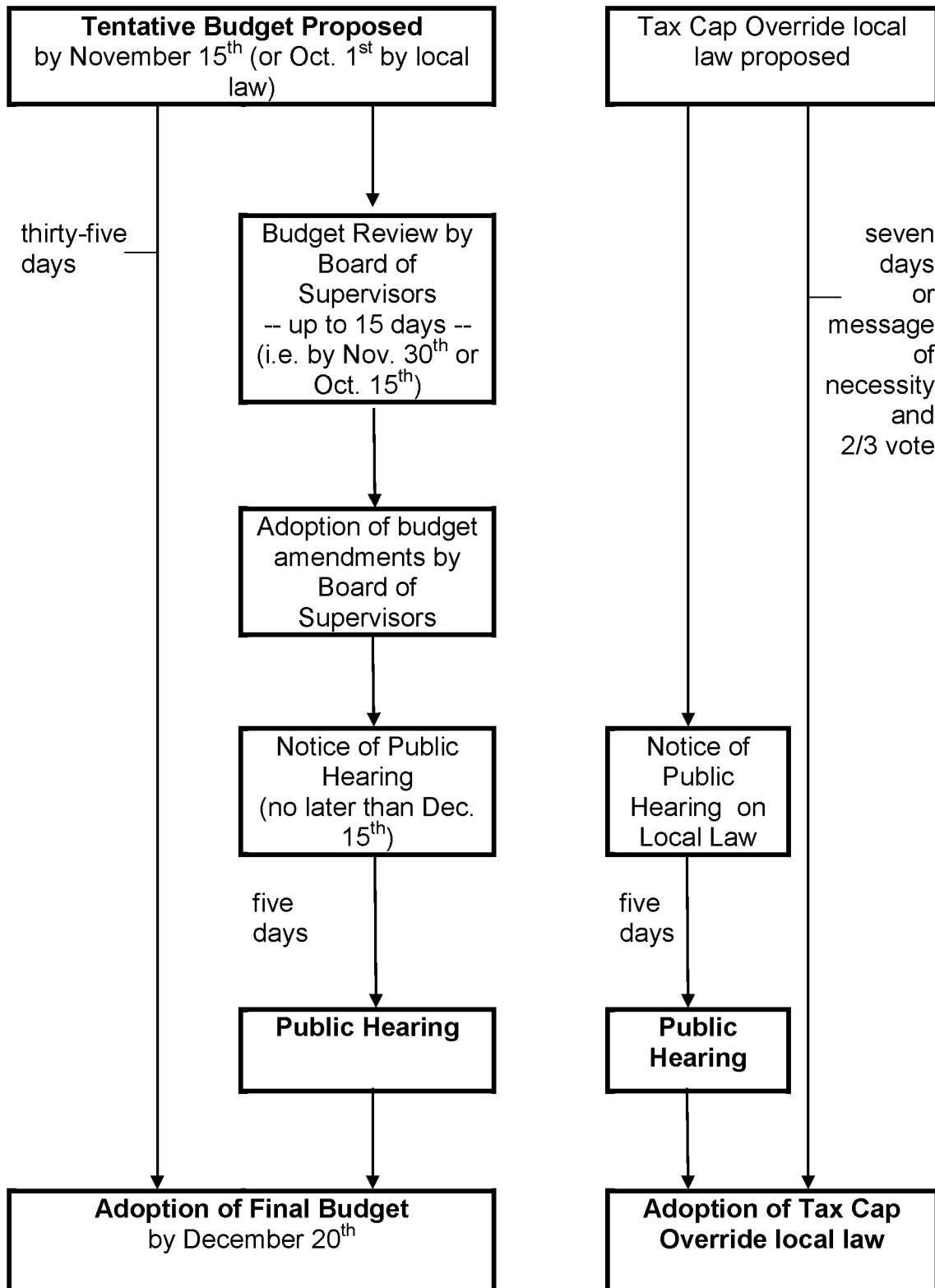
- **Consolidation.** When two or more local governments consolidate, the Office of the State Comptroller will calculate the tax levy limit for the first year after the consolidation. This calculation will be based upon the prior year tax levy limits of both local governments, but other factors pertaining to the consolidation may also be considered.

- **Transfer of Functions.** If a local government determines that it is in the best interest of the citizens to transfer the function for a governmental activity (such as policing) to another local government, the Office of the State Comptroller shall determine the costs and savings of the associated function for both local governments. This determination will be provided to the local governments so that the appropriate adjustments can be made to their tax levy limit calculations.
- **Dissolutions.** When a local government dissolves, the Office of the State Comptroller will calculate the tax levy limit for the local government that assumes the debts, liabilities and obligations of the former local government. This calculation will be based upon the prior year tax levy limits of both local governments, but other factors pertaining to the dissolution may also be considered.
- **New Local Governments.** The tax levy limit does not apply to the first fiscal year of a newly established local government (which is not the result of a consolidation or dissolution).

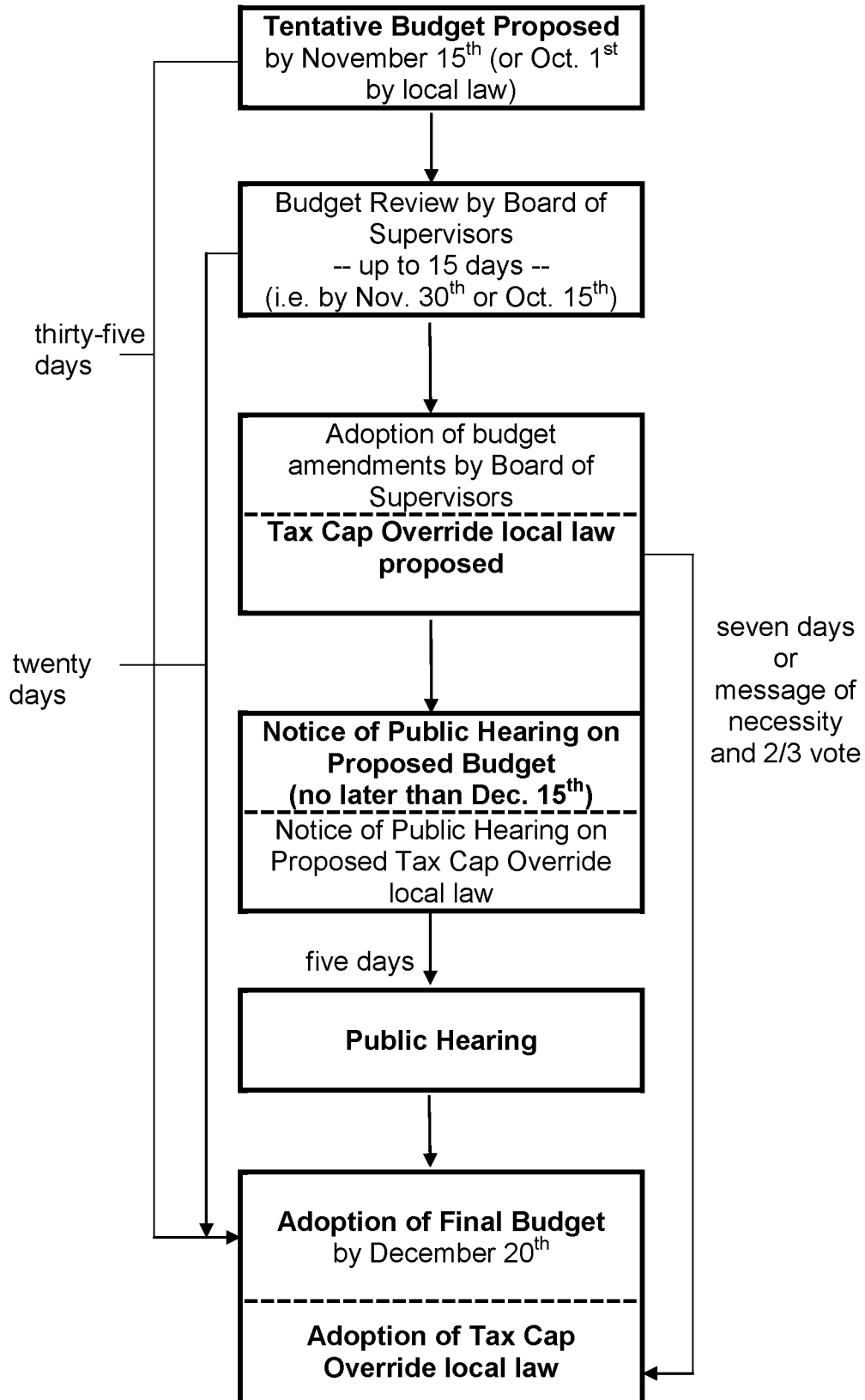
XI. Treatment of “Chargebacks” by Counties

As a general matter, property taxes levied by a County under its taxing authority to fund the County budget fall within the County’s tax levy limit. Accordingly, taxes levied by the County under the County’s taxing authority which are for the support of entities such as Community Colleges and County Boards of Election are subject to the County’s tax cap, notwithstanding the chargeback of those taxes to another local government. Counties may not decide independently to apportion those tax levies to another municipality.

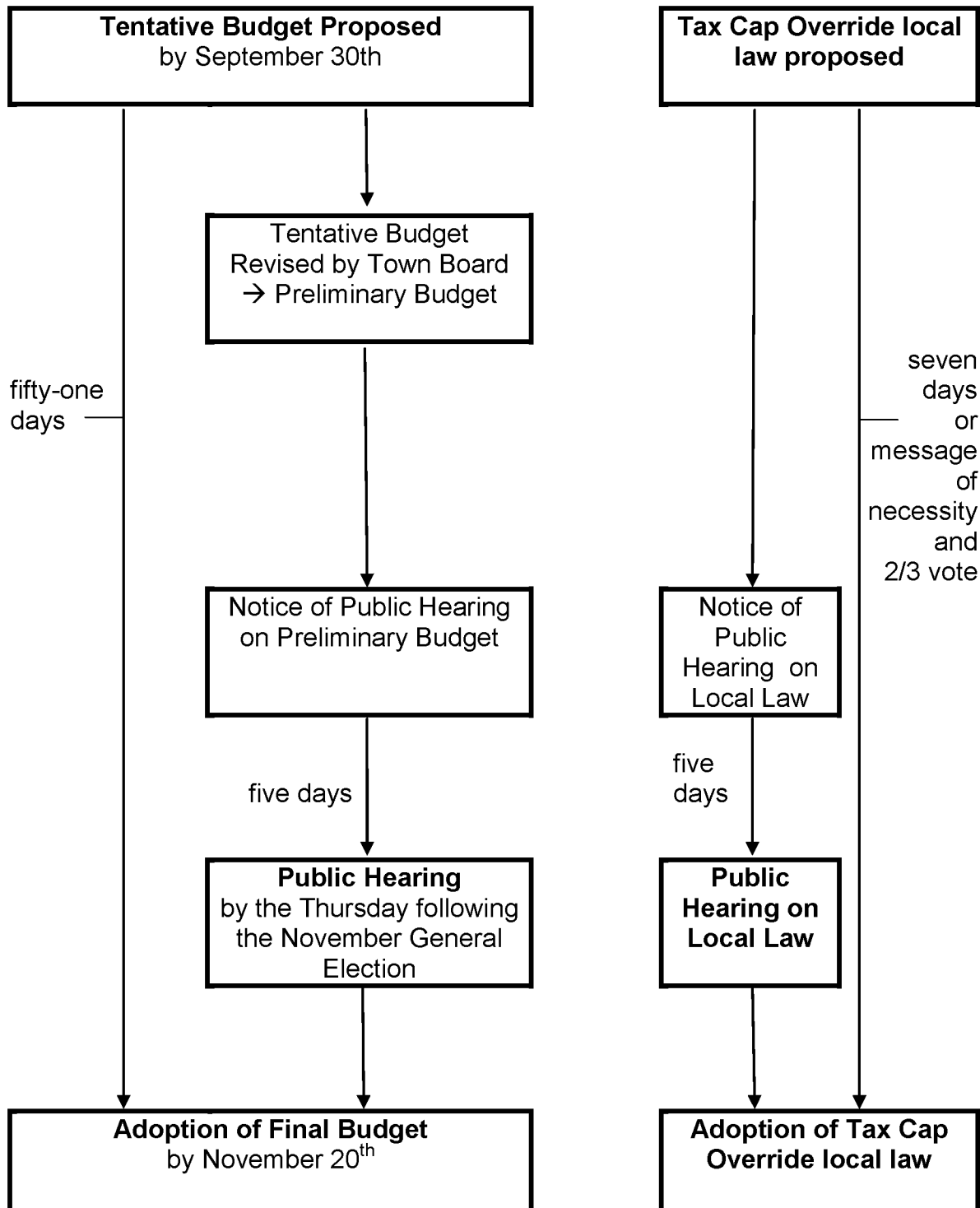
Appendix A **Timeline for Tentative County Budget that Requires Tax Cap Override**



Appendix B
Timeline for Tentative County Budget as Amended by Board of Supervisors
that Requires Tax Cap Override

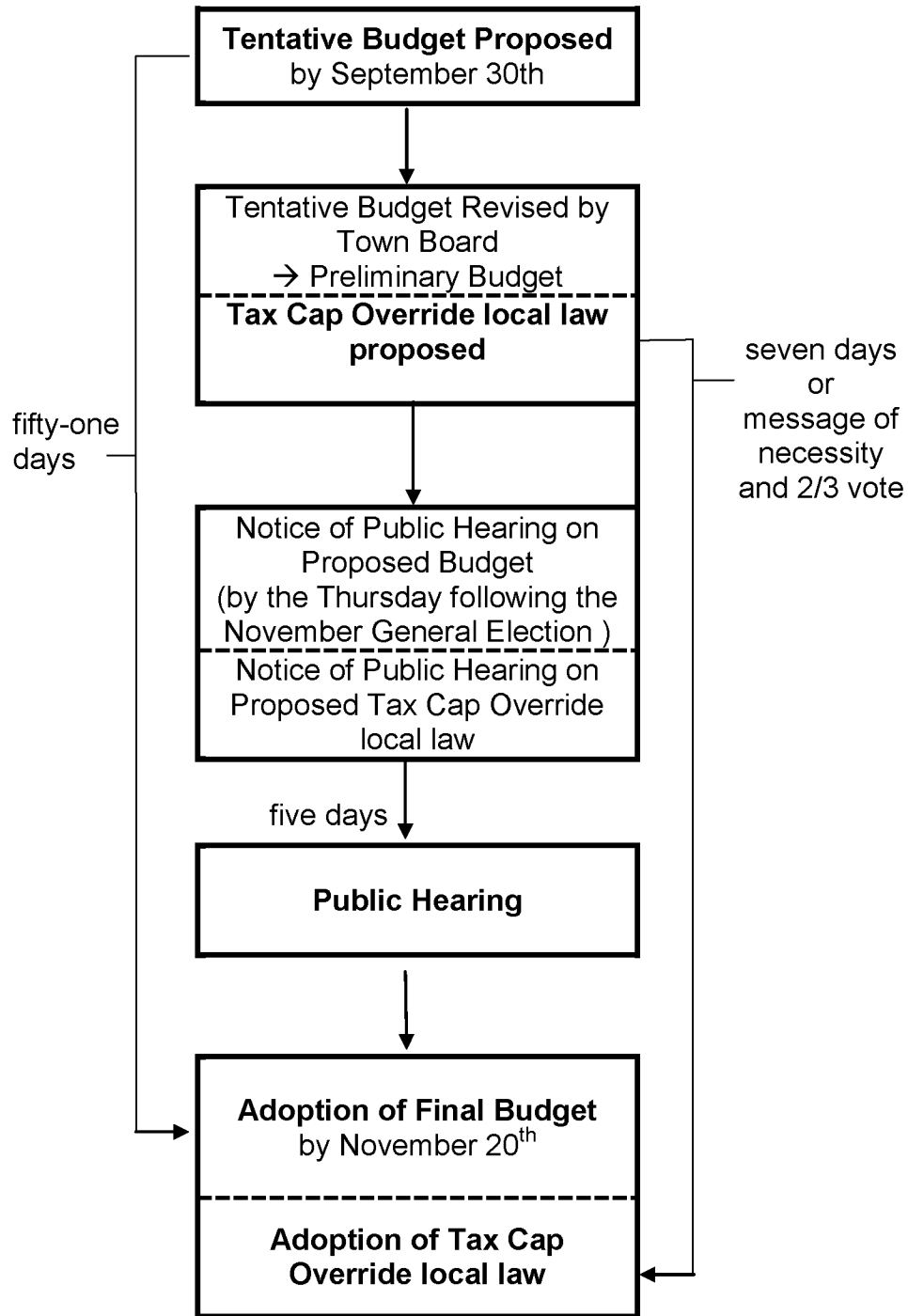


Appendix C **Timeline for Tentative Town Budget that requires Tax Cap Override***



* The budget calendars are different for towns in Monroe and Westchester Counties

Appendix D
Timeline for Tentative Town Budget as Amended by the Town Board
that requires Tax Cap Override*



* The budget calendars are different for towns in Monroe and Westchester Counties



CITY COUNCIL AGENDA

NO. 9

DEPT.: Planning

DATE: December 6, 2017

CONTACT: Christian K. Miller, City Planner

AGENDA ITEM: Consideration to set a Public Hearing for December 20, 2017 to amend local law Chapter 197, "Zoning" of the Rye City Code by amending Section §197-3, "Zoning Map", Subsection "A", to change the zoning designation on a portion of a property located at 280 Purchase Street (S/B/L 139-19-3-5-2) from RA-2, *Apartment*, District to B-1, *Neighborhood Business*, District designation.

FOR THE MEETING OF:

December 6, 2017

RYE CITY CODE,

CHAPTER 197

SECTION 197-3.A

RECOMMENDATION: That the City Council set a Public Hearing to consider the request to change the zoning designation on a portion of a property located at 280 Purchase Street from RA-2, *Apartment*, District to B-1, *Neighborhood Business*, District designation.

IMPACT: ☒ Environmental ☐ Fiscal ☒ Neighborhood ☒ Other:

BACKGROUND: The subject petition involves a request to amend the City Zoning Map to change the zoning designation on a portion of a property located at 280 Purchase Street (A.K.A. "Rockridge Deli") from RA-2, *Apartment*, District, to B-1, *Neighborhood Business* District. At its September 13, 2017 meeting, the City Council declared itself Lead Agency under SEQRA and referred the matter to the Planning Commission for an advisory recommendation. The Planning Commission considered the application at their November 14, 2017 meeting and prepared the attached memorandum for the Council's consideration. The Planning Commission's memorandum provides background on the petition and supports the requested map amendment. The petitioner seeks the requested change to better facilitate a proposed mixed-use redevelopment of his property currently under consideration by the Planning Commission.

Nick Everett, Chairman
Martha Monserrate, Vice Chair
Andy Ball
Laura Brett
Hugh Greechan
Richard Mecca
Alfred Vitiello



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

CITY OF RYE Planning Commission

Memorandum

No. 01-2017

To: Rye City Council

From: Rye City Planning Commission

cc: Marcus Serrano, City Manager
Kristen K. Wilson, Esq., Corporation Counsel
David Mooney, AIA

Date: November 14, 2017

Subject: Consideration of Zoning Map Modification Request – 280 Purchase Street (Tax Map ID 139-19-3-5.2)

Pursuant to your referral request, the Rye City Planning Commission has reviewed and supports the petition of Rocco and Gemma Lagana to rezone a portion of their property at 280 Purchase Street from RA-2, *Apartment*, District to B-1, *Neighborhood Business*, District.

Background

Last June, the petitioner submitted an application to the Planning Commission to redevelop their retail deli/nursery business on an approximately 18,672 square-foot property located at 280 Purchase Street. That application proposed to eliminate the existing nursery business and retail/deli building and construct two new retail buildings with second floor residences. The buildings would have approximately 2,261 square feet and 2,356 square feet of ground floor commercial floor area, respectively. Both buildings would also have two second floor apartments and related parking. This proposed development would be consistent with similar projects in the B-1 District constructed over the last decade at four properties located adjacent to or opposite the subject site on Purchase Street.

At its meeting in July the Planning Commission identified a number of site planning concerns related to the proposed development. These concerns remain and will require further review by the Commission as well as a public hearing. During its deliberation

Consideration of Zoning Map Modification Request – 280 Purchase Street

November 14, 2017

Page 2 of 2

there were questions of zoning interpretation and the applicability of relevant standards because an approximately 1,620 square foot portion of the rear of the property is located in the RA-2 District.

It is considered good planning practice to have zoning district boundaries follow property boundaries and/or natural features. In this case, the RA-2/B-1 District follows neither. This is not uncommon as zoning maps and property boundaries were established decades ago and did not coincide. In addition, prior changes in property and zoning district boundaries (as was the case with the subject and abutting properties) and development activities may result in the lack of conterminous or logical boundaries.

The logical and rational zoning configuration for the B-1 District in this area is to have the B-1/RA-2 District boundary be coterminous with rear boundary line of the Petitioner's property. In addition, the Petitioner's survey confirms that the rear property line also straddles a rock ledge in which the adjacent residential property is located approximately 15 feet above the 280 Purchase Street property. The proposed zoning boundary would result in all area at the base of the rock ledge being located in the B-1 District and the area above the site on the adjacent residential property being located in the RA-2 District. This new boundary would rationally follow these existing topographic features. The proposed change would not alter the zoning designation on any other property.

Recommendation

The Planning Commission supports the petition of Rocco and Gemma Lagana to rezone a portion of their property at 280 Purchase Street from RA-2, *Apartment*, District to B-1, *Neighborhood Business*, District. Though not required by local or state law, the Commission recommends that consistent with prior practice that notice of any City Council hearing be circulated to property owners within 500 feet of the subject site and that a notification sign of the hearing date be posted on the property.

JOSEPH S. MALARA, P.C.
ATTORNEY AT LAW

Post Office Box 396
South Salem, New York 10590
Phone: 914-285-3732
Fax: 914-285-3971
Email: jsmalaraesq@gmail.com

Joseph S. Malara, Esq.

Of Counsel

Vincent N. Amato, Esq.

Pearl River Office

275 No. Middletown Road, Ste. 1H
Pearl River, New York 10965

August 22, 2017

Via: 1st Class mail and
Email: jsack@ryeny.gov; manager@ryeny.gov

Hon. Joseph A. Sack
Marcus A. Serrano, City Manager
3rd Floor City Hall
1051 Boston Post Road
Rye, NY 10580

Re: Rezoning request, Rocco and Gemma Lagana

Dear Mayor Sack and City Manager Serrano:

I represent Rocco and Gemma Lagana the owners of 280 Purchase Street, which contains Rockridge Deli and Florist. Tax Map ID 139.19, Block 3 Lot 5.2. They also own the residence on lot 5.1 which abuts to the east.

In 1989 the properties were rezoned to have the zone designation more closely reflect the actual usage of the property. At the time the house on lot 5.1 was in a B-1 zone and the deli was partly in a RA-2 zone. In June of 2006 a "Re-Subdivision" Map was filed which created the lot lines of lot 5.2 and 5.1 as they exist today. The eastern line of lot 5.2 follows the cliff line as it exists. Lot 5.1 contains a home where Rocco and Gemma Lagana live and it is in an RA-2 Zone.

Lot 5.1 is for the most part in a B-1 Zone. I say for the most part because there is a very small portion of Lot 5.2 on its eastern border that is in a RA-2 zone. I have attached a survey which shows that portion of Lot 5.2 which is in the RA-2 zone. As you can see the area in question is a small percentage of the acreage of lot 5.2. Unfortunately when the lots were reconfigured in 2006 the area was not rezoned the match the usage.

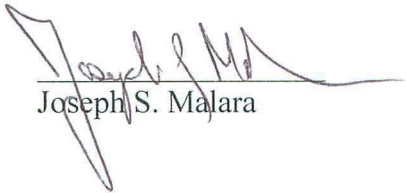
Mr. and Mrs. Lagana have approached the building department about erecting two new structures on lot 5.2. They have been told that because of the RA-2 designation of that small area on the eastern border it will effect the size and positioning of the proposed

structures. If the RA-2 area of Lot 5.2 were to be rezoned to a B-1 designation then the buildings as proposed can be erected. I am also attaching the proposed metes and bounds description of the area which we seek to have rezoned. The area in question contains 1,620 square feet out of a total of 18,672 square feet.

Mr. and Mrs. Lagana ask that the City Council approve their application to have the RA-2 area of Lot 5.2 as described above and in the attachments changed to a B-1 designation which would conform to the rest of the lot. It is submitted that this change would not have any adverse effect on the lots surrounding lot 5.2.

If you require any further information we will be happy to provide it.

Very truly yours,



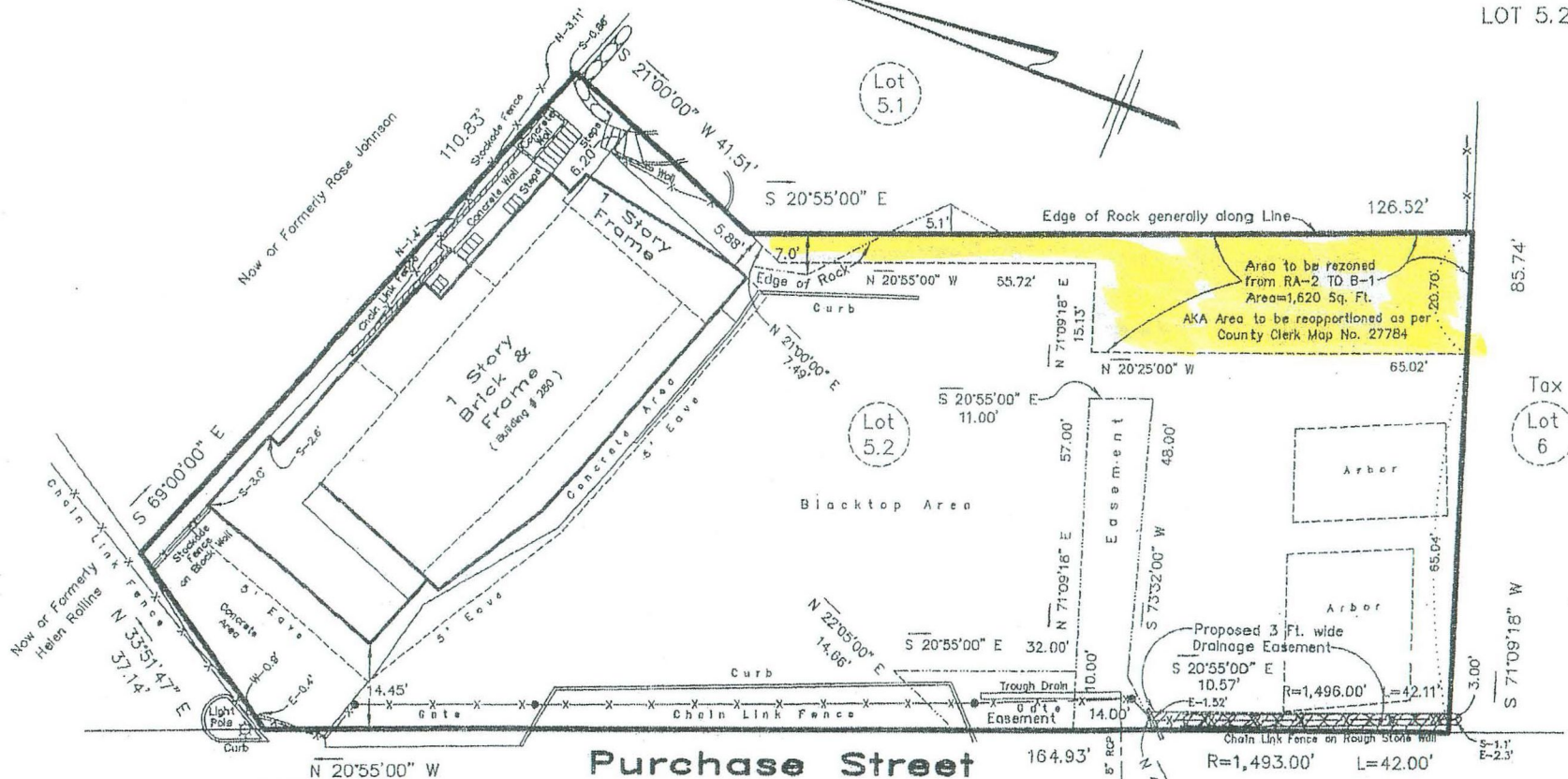
Joseph S. Malara

Cc: Rocco and Gemma Lagana

Enc.

CITY OF RYE

SECTION 139.19
BLOCK 3
LOT 5.2



SURVEY OF LOT 5.2 AS SHOWN ON A MAP ENTITLED
"RE-SUBDIVISION MAP PREPARED FOR ROCCO & GEMMA
LAGANA & VINCENT DELAURANTIS," LAST DATED NOV. 21,
2005 & FILED JUNE 19, 2006 IN THE COUNTY CLERK'S
OFFICE AS MAP NO. 27784

July 12, 2017
Revised Drainage Easement & Area to be rezoned
added Aug. 3, 2017

SURVEYED AS IN POSSESSION
THE MUNSON COMPANY
9 NORTH GOODWIN AVENUE
ELMSFORD, N.Y.
10523
Scale 1"=20'

N.Y.S. License 50054-2

"Unauthorized alterations or additions to a survey map is a violation
of section 7209, sub-division 2, of the New York State Education Law."
"Only copies of the original survey marked with the land surveyor's
inked or embossed seal shall be considered a true and valid copy."

AREA=18,672 SF OR 0.4287 ACRE
UNDERGROUND PIPES, WIRES, STRUCTURES,
ETC., IF ANY ARE NOT SHOWN

DRAFT OF DESCRIPTION OF AN AREA TO BE REZONED FROM RA-2 TO B-1,
LOCATED IN THE CITY OF RYE, COUNTY OF WESTCHESTER, STATE OF NEW
YORK.

All that certain piece or parcel of land situate, lying and being in the City of Rye, County of Westchester and State of New York, designated as "Area to be reapportioned", now being a portion of Lot 5.2 as shown on a map entitled "Re-Subdivision Map prepared for Rocco & Gemma Lagana & Vincent DeLaurantis," made by The Munson Company, LLC, last dated November 21, 2005 and filed June 19, 2006 in the Westchester County Clerk's Office (Division of Land Records) as County Clerk Map No. 27784, and being more particularly bounded and described as follows:

BEGINNING at a point on the division line between Lot 5.2 of said filed map No. 27784 and Tax Lot 6 in Block 3 Section 139.19 of The City of Rye Tax Assessment Maps; said point being distant easterly, N. 71°09'18" E. 65.04 feet as measured along said last mentioned division line from its intersection with the easterly side of Purchase Street, to the point of beginning; running thence from said point of beginning, along the westerly side of the "Area to be reapportioned" as shown on filed map No. 27784, the following four (4) courses and distances: (1). N. 20°25'00" W. 65.02 feet; (2). N. 71°09'18" E. 15.13 feet; (3). N. 20°55'00" W. 55.72 feet; (4). N. 21°00'00" E. 7.49 feet to the division line between Lot 5.1 and 5.2 of said map; continuing thence southerly along said division line between Lot 5.1 and Lot 5.2, S. 20°55'00" E. 126.52 feet to its intersection with the northerly side of Tax Lot 6; running thence along the division line between Lot 5.2 and Tax Lot 6, S. 71°09'18" W. 20.70 feet to the point and place of beginning.

Containing 1,620 Square feet or 0.0372 Acre.



CITY COUNCIL AGENDA

NO. 10

DEPT.: Law Department

DATE: December 6, 2017

CONTACT: Kristen K. Wilson, Corporation Counsel

AGENDA ITEM: Consideration to set a Public Hearing for December 20, 2017 to amend local law Chapter 35, "Traffic Violations Bureau" of the Rye City Code by amending provisions related to the disposition of parking violations.

FOR THE MEETING OF:

December 6, 2017

RYE CITY CODE,

CHAPTER 35
SECTION

RECOMMENDATION: That the Council set a Public Hearing to amend local law Chapter 35, "Traffic Violations Bureau" of the Rye City Code by amending provisions related to the disposition of parking violations.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND: Chapter 35 of the City Charter currently requires the Rye City Court to designate persons to be in charge of and have jurisdiction over the Traffic Violations Bureau. After consulting with the Court and Corporation Counsel, and based on recent judicial decisions, a change allowing the City Council to designate such person(s) to assist the City in resolving violations is recommended.

See attached proposed Local Law addressing these recommendations.

CITY OF RYE
LOCAL LAW NO. 2017

A local law to amend Chapter 35 "Traffic Violations Bureau" by amending provisions related to the disposition of parking violations:

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

Section 1:

Chapter 35. Traffic Violations Bureau.

§35-1. Statutory authority.

The City Court of the City of Rye, New York, is hereby authorized to establish a Traffic Violations Bureau to assist the Court in the disposition of offenses in relation to traffic violations, pursuant to Article 14-B of the General Municipal Law.

§ -35-2. Personnel.

The ~~City Court~~ City Council shall designate the person or persons who shall be in charge of the Traffic Violations Bureau and the days and hours that the Bureau shall be open for the transaction of its official business.

§ -35-3. Jurisdiction.

The Traffic Violations Bureau is hereby authorized to dispose of violations of traffic laws, ordinances, rules and regulations of the City of Rye, New York, except for speeding offenses or misdemeanors or felonies.

§ -35-4. Answering charges; fines.

A.-

A person may appear in person or by written power of attorney in such form as shall be prescribed by the City Court by paying a fine established by the City Court and, in writing, waiving a hearing in Court, pleading guilty of the charge and authorizing the person in charge of the Bureau to make such a plea and pay such a fine.

B.-

The Bureau shall accept such designated fines and issue receipts therefor.

C.-

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The Bureau shall cause a complaint to be entered against each person who does not answer within the designated time and a warrant to be issued for his arrest and appearance before the Court.

D.-

Any person who shall have been, within the preceding 12 months, guilty of a number of parking violations in excess of such maximum number as may be designated by the court or of three or more violations other than parking violations shall not be permitted to appear and answer to a subsequent violation at the Traffic Violations Bureau but must appear in Court at a time specified by the Bureau.

E.-

Nothing contained in this chapter shall authorize the Traffic Violations Bureau to deprive a person of his right to counsel or to prevent him from exercising his right to appear in Court to answer to, explain or defend any charge of a violation of any traffic law, ordinance, rule or regulation.

§-35-5. Form of waiver and power of attorney.

The waiver and power of attorney referred to in § 371 of the General Municipal Law shall be in substantially the following form:

I, the undersigned, hereby waive a hearing in the City Court of the City of Rye, New York, and plead guilty to the charge specified on the reverse side hereof. I authorize the person in charge of the Traffic Violations Bureau to make such a plea and pay the prescribed fine in Court.

Dated the _____ day of _____, 19 ____.

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§-35-6. Records and reports.

The Bureau shall keep records of all notices or summonses issued and disposed of by said Bureau and such other information as may be prescribed by the City Court of Rye by law.

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Section 2: Severability.

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

Section 3: Effective date.

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

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CITY COUNCIL AGENDA

NO. 12

DEPT.: Finance

DATE: December 6, 2017

CONTACT: Joseph S. Fazzino, Deputy City Comptroller

AGENDA ITEM: Resolution to transfer funds donated to the *Branching out for Rye Campaign* to the General Fund, Shade Tree cost center.

FOR THE MEETING OF:
December 6, 2017

RECOMMENDATION: That the City Council adopt the following resolution:

WHEREAS, the *Branching out for Rye Campaign* raised funds to purchase and plant trees for the City of Rye; and

WHEREAS, due to the generosity of campaign donors, an amount of \$2,055.00 was raised during the campaign; and

WHEREAS, the donations must be transferred into the project account as preparations are made to have the trees purchased and planted; be it therefore

RESOLVED, that the City Comptroller is authorized to transfer the amount of \$2,055.00 from the General Fund account to the General Fund Account "Shade Tree Project" for the purchase of trees using funds donated.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: Campaign donations in the amount of \$3,750.00 were transferred to the General Fund, Shade Tree cost center at the City Council meeting of April 19, 2017. Additional donations of \$2,055.00 have been received and the Sustainability Committee has asked that these donations be transferred as well.

As a result of the donations, seven street trees have been planted:

- 3 River Birches at "Central Park" (grassy area on Boston Post Rd across from Jerry's Market)
- 1 Tulip Tree at Disbrow Park
- 2 Two Thornless Honey Locusts in the City Hall parking lot
- 1 Sugar Maple on the Village Green



CITY COUNCIL AGENDA

NO. 13

DEPT.: City Manager

DATE: December 6, 2017

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Acceptance of the donation of a boat to the Rye Boat Basin Marina.

FOR THE MEETING OF:

December 6, 2017

RYE CITY CODE,

CHAPTER
SECTION

RECOMMENDATION: That the Council adopt the following resolution:

Whereas, the American Yacht Club desires to donate a 17-foot Boston Whaler boat to the Rye Boat Basin Marina; and

Whereas, the Marina staff will use the boat for moving floats and maintenance of the marina; and

Whereas, the 17-foot Boston Whaler boat has an estimated value of \$1,500; now, therefore be it

Resolved, that the City Council of the City of Rye accepts the aforementioned donation; and be it further

Resolved that the City Comptroller is authorized to add the boat to the list of City assets.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: The American Yacht Club has offered to donate a 17-foot Boston Whaler boat to the Rye Boat Basin Marina. The boat comes with a trailer and Yamaha controls but without a motor. The boat will be used for marina operations such as moving floats and maintenance of the marina. The Marina staff would like to acknowledge the donation from the American Yacht Club as it will be an asset in their work at the Marina.



CITY COUNCIL AGENDA

NO. 14

DEPT.: Police Department

DATE: December 6, 2017

CONTACT: Michael C. Corcoran, Jr., Commissioner of Public Safety

AGENDA ITEM: Consideration of request by the Police Department to dispose of obsolete and inoperable equipment.

FOR THE MEETING OF:

December 6, 2017

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the City Council adopt the following resolution:

WHEREAS, the City has been provided with a list of Police equipment, acquired through the NYS LESO 1033 program, identified as being obsolete or will become obsolete during 2017, and,

WHEREAS, the Police Department has recommended that said equipment be declared surplus and they have been cleared by NYS LESO to be disposed of, now, therefore, be it

RESOLVED, that said equipment is declared surplus, and, be it further

RESOLVED, that authorization is given to the City Comptroller to sell or dispose of said equipment and that the revenue be deposited in the Fund Balance Reserve for Law Enforcement.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other

BACKGROUND: Attached is a listing of equipment acquired through the NYS LESO 1033 program in the possession of the Police Department that is either currently obsolete or inoperable and has been removed from service. The Police Department requests authorization to remove the equipment from its inventory for sale or disposal.

See attached.



POLICE DEPARTMENT

City Of Rye, New York

21 McCullough Place

Rye, N. Y. 10580

Phone: (914) 967-1234

FAX: (914) 967-8341



Lt. Scott J. Craig

Patrol Commander

TO: COMMISSIONER CORCORAN

DATE: November 9, 2017

RE: 1033 AUCTION ITEMS

The below list of items acquired through the NYS LESO 1033 program have been deemed surplus to be auctioned. All proceeds from the sale of listed items must be placed into designated 1033 financial account as per MOA with NYS LESO.

1. AIR COMPRESSOR
2. DIESEL ENGINE – S/N 2815013502209 – JOHN DEERE
3. DIESEL ENGINE – S/N 2815013502209– JOHN DEERE
4. SALAMANDER HEATER (3 TOTAL) – HUNTER
5. TIRE CHAINS – S/N 2540024832930
6. FORKLIFT – INTERNATIONAL M10A
7. AIR COMPRESSOR – PORTABLE
8. LIGHTS (6 TOTAL) – PLUG IN
9. TENT – S/N 8340015588703
10. FORKLIFT FORKS- LULL
11. 500 GALLON WATER DRUM (6 TOTAL) – S/N 8110-01-122-0015
12. FLATBED TRAILER – S/N 2330-01207-3533
13. LIGHT MEDIUM TACTICAL VEHICLE – S/N 2320-01-354-3385 – STEWART AND STEPHENS M-1078
14. CARGO TRAILER BED COVER – S/N 5411-01-467-3185
15. CARGO TRAILER – S/N 2330-01-387-5426 – M-1102
16. PAPER SHREDDER – FORMAX FD 87330HS
17. HP KEYBOARDS – (TOTAL 60)

All items have been cleared by NYS LESO to be disposed of.