

CITY OF RYE

NOTICE

There will be a regular meeting of the City Council of the City of Rye on Wednesday, March 28, 2012, at 8:00 p.m. in the Council Room of City Hall. *The Council will convene at 7:30 p.m. and it is expected they will adjourn into Executive Session at 7:31 p.m. to discuss real estate matters.*

AGENDA

1. Pledge of Allegiance.
2. Roll Call.
3. General Announcements.
4. Draft unapproved minutes of the regular meeting of the City Council held March 14, 2012.
5. Bid Award for the Bowman Avenue Sluice Gate Project (Contract #2012-01).
Roll Call.
6. Authorization for the City Manager to enter into an agreement with WSP Sells for the Bowman Avenue Upper Dam Resizing Flood Control Project.
Roll Call.
7. Mayor's Management Report
 - Update from the Recreation Commission
 - Update from the Sustainability Committee on energy saving projects: Biofuels, Energy Audit, the Plastic Bag Ban implementation and the April 23rd No-Idling Day.
 - Legal Update
8. Presentation by Commissioner William R. Connors on the proposed revision of the Rules and Regulations of the City of Rye Police Department: General Order# 121.04.
9. Discussion of the position of City Engineer and Public Works Superintendent and the upgrade of an existing staff position to Assistant Civil Engineer.
10. Resolution to transfer funds from the Contingency account and the Building and Vehicles fund, to fund the position of City Engineer/Public Works Superintendent and Assistant Civil Engineer.
Roll Call.
11. Consideration of a request by the Rye Little League to approve a parade to kickoff Opening Day of the 55th Little League Season on Saturday, April 21, 2012 beginning at 12:00 p.m.

12. Consideration of a request by the Midland Elementary School PTO to approve a parade to precede the Midland Elementary School Fair on Saturday, April 28, 2012 from 9:00 a.m. to 10:15 a.m.
13. Consideration of a request by the Rye YMCA for the use of City streets for the 24th Annual Rye Derby on Sunday, April 29, 2012 from 9:00 a.m. to 2:00 p.m.
14. Consideration of a request by the Cystic Fibrosis Foundation for the use of City streets for the 24th Annual Great Strides Walk on Sunday, May 20, 2012 from 9:00 a.m. to 2:00 p.m.
15. Residents may be heard on matters for Council consideration that do not appear on the agenda.
16. Miscellaneous communications and reports.
17. Old Business.
18. New Business.
19. Adjournment.

The next regular meeting of the City Council will be held on Wednesday, April 4, 2012 at 8:00 p.m.

** City Council meetings are available live on Cablevision Channel 75, Verizon Channel 39, and on the City Website, indexed by Agenda item, at www.ryeny.gov under "RyeTV Live".

* Office Hours of the Mayor available by appointment this week.



CITY COUNCIL AGENDA

NO. 4

DEPT.: City Clerk

DATE: March 28, 2012

CONTACT: Dawn F. Nodarse

AGENDA ITEM Draft unapproved minutes of the Regular Meeting of the City Council held March 14, 2012, as attached.

FOR THE MEETING OF:

March 28, 2012

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 March 14, 2012, as attached.

DRAFT UNAPPROVED MINUTES of the
Regular Meeting of the City Council of the City of
Rye held in City Hall on March 14, 2012 at 8:00 P.M.

PRESENT:

DOUGLAS FRENCH Mayor
LAURA BRETT
RICHARD FILIPPI
PETER JOVANOVICH
SUZANNA KEITH
CATHERINE F. PARKER
JOSEPH A. SACK
Councilmembers

ABSENT: None

The Council convened at 7:35 p.m. Councilwoman Keith made a motion, seconded by Councilman Filippi and unanimously carried to immediately adjourn into executive session to discuss real estate matters. Councilman Jovanovich made a motion, seconded by Councilwoman Brett and unanimously carried to adjourn the executive session at 8:05 p.m. The regular session began at 8:14 p.m.

1. Pledge of Allegiance

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

2. Roll Call

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

3. General Announcements

Announcements were made regarding various upcoming meetings and events.

4. Draft unapproved minutes of the regular meeting of the City Council held February 29, 2012

Councilman Jovanovich made a motion, seconded by Councilman Filippi and unanimously carried, to approve the minutes of the regular meeting of the City Council held on February 29, 2012, as submitted.

5. Mayor's Management Report
• Legal Update

Corporation Counsel Wilson reported on the following issues:

- 2 Central Avenue – The asbestos removal on the property will begin on March 16th. A Nixle alert will be sent out to residents within a quarter mile radius.
- *McKeever v. City of Rye* – A trial in this matter, that concerns a tree that fell on someone's property, was held in Rye City Court. The City argued that it was not on notice that the tree was in danger of falling. The Judge reserved decision.
- *People v. Schwartz* – The Court of Appeals dismissed the defendant's appeal for failure to prosecute.
- *Molloy v. City of Rye* – A matter is still pending in City Court. Petitioner's time to appeal in the Article 78 proceeding has expired. The City is working with the applicant to resolve the outstanding matter.

6. Review of the Forest Avenue Safe Streets Project

City Manager Pickup said the City is working on the implementation aspects of putting "sharrows" on Forest Avenue this year. City Planner Christian Miller and Assistant City Engineer Christopher Tallarini made a presentation on the project. Mr. Miller said there have been many Council discussions about enhancements to Forest Avenue and the June 2011 report by the Shared Roadways Committee identified possible enhancement, which include striping a ten foot to 12 foot travel lane in each direction and installing sharrows, which are shared lane markings that delineate that bikes share the roadway with vehicles. A benefit to the project is that the money is coming from a grant from the YMCA. The project will include the entire length of Forest Avenue with sharrows going in both directions. There will be a white line on the side of the road to delineate the width of the lane. A section of Forest Avenue from Cornel Place to Green Avenue is already scheduled to be paved this Summer; therefore, the sharrows will not be implemented until after the paving is complete. The spacing of the sharrows is every 200 to 250 feet as required by the New York State Uniform Traffic Control Device Manual, so there will be about 60 in each direction. There could also be some enhancements to existing crosswalks on Forest Avenue at Hewlett Avenue such as painting or additional signage, depending on availability of funding. City Manager Pickup said that individual notifications will not be made to residents, but information will be put on the website and the citizen committees could also be asked do some outreach to residents.

Jim Amico expressed concerns about enforcement with more pedestrian traffic and *John Carey* spoke about joggers and walkers being educated to walk against traffic and not with it.

7. Presentation by the EAGR Committee on proposed changes to the City of Rye Tree Ordinance Legislation

Mayor French said that it is the will of the Council that the City's Tree Ordinance should be changed, but the issue of how any changes will be accomplished relative to permitting and enforcement is critical.

Melissa Grieco of the Environmental Advocacy Group of Rye (EAGR) said the main intent behind the proposed changes to the tree ordinance was to curtail clear cutting of trees mostly on lots being prepared for construction projects. She made a presentation that: outlined the efforts of EAGR to date in connection with the issue; summarized the benefits of trees to the community; put forth reasons to pass a new tree ordinance; showed before and after photographs of tree removal in Rye; provided a snapshot of tree ordinances adopted by other communities; compared the proposed changes with what is currently in effect; and outlined the work of a proposed Tree Committee, which has been added to the draft law to offset the workload of staff.

City Manager Pickup said that extending the law to cover city-owned properties would impact projects especially those at the Nature Center. He also said that the City would have a problem with addressing challenges to the law by homeowners whose properties are impacted. City Planner Miller said that the creation of a Discretionary Review Board would make the process of obtaining a tree removal permit a more cumbersome and lengthy process and suggested that a staff administered process would be more efficient, with the possible assistance of a certified arborist, the cost of which would be born by the applicant. He also said that the mitigation aspect of the proposed law would create an additional burden to administrate because someone must make sure the mitigation takes place and that the trees planted survive for at least two years. He suggested making smaller changes to the law and then coming back in a couple of years to reevaluate the law. He also suggested that instead of creating a new board, established boards that currently look at land use applications such as the Board of Architectural Review (BAR) could take on some of this work. A suggestion was made that Mr. Miller provide a step-by-step plan that he thinks would be more beneficial. It was also suggested that the procedures could be changed to make it easier for a homeowner to remove a diseased, dangerous or invasive tree.

Members of the public commenting included *Carolyn Cunningham, Bill Lawyer, Linda and Irwin Lefkowitz, Robin Jovanovich and Joseph Latwin*. There comments included:

- It is important that the City be subject to the requirements of the law.
- By changing the law to include all trees on a property over 8" DBH (Diameter Breast Height) the issue of clear cutting is addressed.
- How much will it cost a homeowner to take down a diseased tree?
- The BAR would welcome a role in the tree ordinance.
- Why can't a resident do what he wants with the trees in his own backyard?
- Trees don't have constitutional rights, people do. Consider if this law will restrict people's freedom over their property.
- The new proposal will provide an incentive for people to take down trees smaller than the size required for a permit.

Revised language will come back to the Council in order for a public hearing to be set for the second meeting in April.

8. Discussion of a proposed change to Local Law Chapter 90 “Fences and Walls” to further define the “Division Line, Front” on corner lots

Corporation Counsel Wilson said that the proposed change to the fence law, which is an amendment to the definition of “Division Line, Front” stems from a litigated matter. Leo Napier, Esq. of the firm Friedman Harfenist Kraut & Perlstein, who represented the homeowners in the subject litigation, said the proposed law change is based on a the unique situation of a few properties along the Boston Post Road because the current regulations deem properties with corner lots to have two front yards, and therefore, does not allowed them to maintain a six foot fence along the Boston Post Road. The proposed law would deem the subject corner lot properties to only have one front yard.

Mayor French made a motion, seconded by Councilwoman Keith and unanimously carried, to adopt the following Resolution:

WHEREAS, the Council wishes to amend Chapter 90 “Fences and Walls” of the Code of the City of Rye to further define the “Division Line, Front” on corner lots; and

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

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

Section 1. Pursuant to Section 20 of the Municipal Home Rule Law and the Charter of the City of Rye, New York, a public hearing will be held by the Council of said City on April 4, 2012 at 8:00 P.M. at City Hall, Boston Post Road, in said City, for the purpose of affording interested persons an opportunity to be heard concerning such proposed local law.

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

**PUBLIC NOTICE
CITY OF RYE**

Notice of Public Hearing on a proposed local law to amend Chapter 90 “Fences and Walls” of the City Code of the City of Rye to further define “Division Line, Front” on corner lots.

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 4th day of April, 2012 at 8:00 P.M. at City Hall, Boston Post Road, in said City, at which interested persons will

be afforded an opportunity to be heard concerning a proposal to amend Chapter 90 "Fences and Walls" of the City Code of the City of Rye to further define "Division Line, Front" on corner lots.

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

Dawn F. Nodarse
City Clerk
Dated: March 26, 2012

9. Authorization for the City Manager to enter into an agreement with FPM Group, Ltd. to perform hydrology and environmental engineering services regarding the impact on flood storage analysis at the Project Home Run site
Roll Call.

This agenda item was deferred

10. Resolution to transfer funds from the Contingency account and the Building and Vehicles fund, to fund the position of City Engineer/Public Works Superintendent and upgrade the existing staff position to Assistant Civil Engineer
Roll Call.

City Manager Pickup said that with the list of capital projects getting more complex there is a need for on-staff professional engineering in order to complete projects. The Council asked to have this item deferred in order for staff to provide additional information regarding the long term costs associated with the position, where the money would come from and why the position was not anticipated in the 2012 budget.

11. Consideration of a request by the Milton Elementary School PTO to approve a parade to precede the Milton Elementary School Fair on Saturday, March 31, 2012 from 9:00 a.m. to 10:15 a.m.

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

RESOLVED, that the request made by the Milton Elementary School PTO to approve a parade to precede the Milton Elementary School Fair on Saturday, March 31, 2012 from 9:00 a.m. to 10:15 a.m., is hereby approved.

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

Jim Amico, 350 Midland Avenue said that the City does not need a County permit to install a stop sign on Midland Avenue, a County-owned road. He said County Legislator Judy Myers had contacted a lawyer for the County Legislature to investigate the situation. He presented documents he had obtained as proof. Councilwoman Parker said that she had confirmed with Congresswoman Nita Lowey's office that the City must wait until the stimulus funds are received to go ahead with a stop sign test at Midland Avenue and Palisade Road. The City Manager and Corporation Counsel were asked to follow up with the County on the City's permit application and also to determine what the recourse would be if the permit is denied.

Anthony Piscionere, Boston Post Road, spoke about the most recent referral to the Board of Ethics concerning allegations made by a staff member. He said he did not believe the Board of Ethics was the appropriate venue for the investigation. He said that according to the City Code, the City Council, not the Board of Ethics, has the authority to conduct an investigation. He suggested that either the Council conduct an investigation into the claims or hire someone to conduct an investigation. A proper investigation would allow for confidence in the outcome. Mayor French said that the allegations were an employee matter and were being dealt with by the City's labor counsel and the complainant had asked that it be referred to the Board of Ethics. Mr. Piscionere said that if the Council wants the Board of Ethics to conduct investigations, the law should be changed to grant them that power.

There was a lengthy discussion among the Council regarding Mr. Piscionere's suggestions. A variety of opinions were stated by members of the Council including: a Council-led investigation is necessary; most people in the community do not care about the issues; it is more important to spend money on capital projects than outside attorneys' fees for an investigation; the Board of Ethics can review the issue and make recommendations to the City Council which can then be acted upon; since the allegations involve employee misconduct they should be treated confidentially; the Council is trying to find the best way to handle the issue; the complaint raised an ethical issue, and, therefore, was referred to the Board of Ethics for an advisory opinion; and the City needs legal advise on how to handle the employment aspect of the case in order to deal with liability issues. A suggestion was made that since this discussion involves a specific employee matter it should be continued in Executive Session and discussed confidentially.

Sis D'Angelo, Wappanocca Avenue, said the people in Rye are upset and don't believe what the Council says. She said it was the duty of the Council to "heal the City."

Ray Tartaglione, 600 Andersonhill Road, Purchase spoke about a shift in code enforcement by the City and read a statement relating to recent charges brought against Mayor French in connection with property he owns on Richard Place. Mayor French said that he disagreed with everything that Mr. Tartaglione said and noted that he has been absolved of all the allegations brought against him.

13. Bid Award for Street Materials (Bid #1-12)
Roll Call.

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

RESOLVED, that Bid #1-12, Street Materials, is hereby awarded to Putnam Materials for crushed stone $\frac{3}{4}$ (Delivered) and graded processed stone; to Canal Asphalt for crushed stone $\frac{3}{4}$ (F.O.B.); to Peckham Materials for sub-base (recycled concrete); binder course Types 3 and 4, shim course Type 5, top course Types 6F and 7F, and asphaltic concrete curb mix, to Byram Concrete LLC for Class for Class A Concrete and Dakota Supply for K-Krete, as the bidders offering the lowest price.

ROLL CALL:

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

The Resolution was adopted by a 7-0 vote.

See bid tab on following page.

14. Resolution to authorize expenditure of police donation funds for the purchase of police boots or shoes
Roll Call.

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

WHEREAS, the City Manager and Police Commissioner have approved a request of the Rye Police Association (“RPA”) dated February 27, 2012 to purchase dress boots/shoes in the amount of \$3,500 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 RPA; now therefore be it,

RESOLVED, that the City Comptroller is authorized to transfer \$2,106.83 from the police donations account to increase 2012 General Fund appropriations for Police uniforms.

ROLL CALL:

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

The Resolution was adopted by a 7-0 vote

15. Consideration of proposed revision of the Rules and Regulations of the City of Rye Police Department: General Order# 121.04

Mayor French said that before voting on this issue, the Council would like to have a presentation by the Police Commissioner and the Cable Committee.

16. Miscellaneous Communications and Reports

Councilwoman Parker said that Bob Clyatt and Helen Gates had presented the proposal for a sculpture exhibit on Purchase Street to the Chamber of Commerce. Sally Wright of the Chamber will walk with Mr. Clyatt, City Manager Pickup and herself to see where the sculptures will be placed. The owners of the businesses where sculptures will be placed will be asked to sign off on the locations. Ms. Parker also asked why the lockdown at the schools earlier in the week was lifted before the person the police were looking for was still in Rye.

17. Old Business

Councilman Filippi asked if the City's contractor could be asked to come back to fix the cracked sidewalks on Osborn Road earlier than normal due to the mild weather.

Councilwoman Parker said that she and Councilman Jovanovich were supposed to meet with Deputy County Executive Kevin Plunkett regarding the issue of the #76 bus route to see if the County had asked Liberty Lines for a cost estimate for restoring service to Milton Point, but the meeting was cancelled and has not yet been rescheduled. Ms. Parker also asked for an update on liens on properties with outstanding property taxes.

Councilwoman Brett asked for an update on the Sluice Gate project. City Manager Pickup said that the specs are out to bid and a pre-bid meeting was held with over 20 contractors. He added that a minor modification will be issued to the bid specs based on questions from the contractors and the bids are due back next week.

18. New Business

Mayor French asked when the Council would receive a financial update on the end of 2011. City Manager Pickup said that staff will work on it.

19. Adjournment

There being no further business to discuss Councilwoman Keith made a motion, seconded by Councilman Filippi and unanimously carried, to adjourn the regular meeting at 11:07 p.m.

Councilwoman Brett made a motion, seconded by Councilwoman Parker and unanimously carried, to adjourn into executive session to discuss a personnel/employment matter at 11:07 p.m. Councilwoman Brett made a motion, seconded by Councilman Filippi and unanimously carried, to adjourn the executive session at 11:25 p.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk



CITY COUNCIL AGENDA

NO. 5 DEPT.: Engineering DATE: March 28, 2012
CONTACT: Christopher Tallarini, Assistant City Engineer, P.E.

AGENDA ITEM: Bid Award for the Bowman Avenue Sluice Gate Project (Contract # 2012-01).

FOR THE MEETING OF:
March 28, 2012

RECOMMENDATION: That the City Council adopt the following resolution:

WHEREAS, that the Assistant City Engineer recommends that Contract #2012-01 be awarded to the low bidder, ELQ Industries, Inc., in the amount of nine hundred seventy thousand seven hundred twenty five dollars and no cents (\$970,725.00), from account 585405-52906-85405 and,

WHEREAS, City staff has determined that the following costs will be associated with the Bowman Avenue Sluice Gate project for the Engineering firm of WSP Sells: Supplemental Agreement of \$42,300, Construction Inspection of \$50,000, and Construction Support of \$20,000, totaling \$112,300, from account 585405-52902-85405 and,

WHEREAS, the Accounts 585405-52902-85405 and 585405-52906-85405 have a sufficient balance to fund the project, now therefore be it

RESOLVED, that the City Council award the Bowman Avenue Sluice Gate Project with the total cost of \$1,083,025.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: Twelve bids were received and analyzed. The low bidder, ELQ Industries, Inc. meets all the requirements to be the responsible low bidder for the Bowman Avenue Sluice Gate Project. They have done quality work for the City in the past. Please see the attached memo and bid results for more information and the overall project cost.



ENGINEERING DEPARTMENT MEMORANDUM

DATE: March 22, 2012
TO: Scott D. Pickup, City Manager
FROM: Christopher A. Tallarini, P.E., Assistant City Engineer
SUBJECT: Contract No. 2012-01, Bowman Avenue Dam Sluice Gate Project

Scott,

I have checked and tabulated the twelve (12) bids received for the above referenced contract. A copy of the bid results is attached. I recommend the bid be awarded to the low bidder, ELQ Industries, Inc., in the amount of: nine hundred seventy thousand seven hundred twenty five dollars and no cents (\$970,725.00). They have done quality work for us in the past and I have reviewed their project references.

Most recently, ELQ Industries, Inc. has completed the Kirby Lane Sanitary Sewer Extension Project in February of this year. In addition, the reconstruction of Boston Post Road (between Parsons Street and Playland Parkway Access Drive) and the milling and resurfacing of Hewlett Avenue (from Milton Road to Forest Avenue), was completed in August of 2011. ELQ Industries, Inc. was the responsible low bidder on both of these projects.

In regards to this current bid, the lowest three bids are within 2% of each other. Furthermore, the pricing per work item is substantially competitive between bidders.

As you know, the project funding is being administered through your office in regards to the applicable grants.

Regards,

A handwritten signature in blue ink, which appears to read 'Chris Tallarini', is written over a light blue horizontal line.

Christopher A. Tallarini, P.E.
Assistant City Engineer

Contract No. 2012-01 - Bowman Avenue Dam Sluice Gate Project

Position	Contractor	Contractor's Bid	Engineer's Check	Dollar Amount Above Low Bid	% Above Low Bidder
1	ELQ Industries	\$970,725.00	\$970,725.00	\$0.00	0.00%
2	McNamee Construction	\$974,000.00	\$974,000.00	\$3,275.00	0.34%
3	Bilotta Construction	\$989,556.15	\$989,556.15	\$18,831.15	1.94%
4	Bradhurst Site Construction	\$1,084,208.00	\$1,084,208.00	\$113,483.00	11.69%
5	Legacy Valve LLC	\$1,120,000.00	\$1,120,000.00	\$149,275.00	15.38%
6	Arben Group	\$1,148,000.00	\$1,148,000.00	\$177,275.00	18.26%
7	R. Pugni and Sons	\$1,185,875.00	\$1,185,875.00	\$215,150.00	22.16%
8	Fourmen Construction	\$1,208,497.00	\$1,208,486.50	\$237,761.50	24.49%
9	Rock Island Contractors Inc.	\$1,238,404.00	\$1,238,404.00	\$264,404.00	27.24%
10	Eventus Construction Co. Inc.	\$1,295,806.00	\$1,295,806.00	\$306,249.85	31.55%
11	Landi Contracting Inc.	\$1,450,000.00	\$1,450,100.00	\$365,892.00	37.69%
12	MVM Construction	\$1,485,000.00	\$1,485,000.00	\$365,000.00	37.60%



CITY COUNCIL AGENDA

NO. 6

DEPT.: City Manager

DATE: March 28, 2012

CONTACT: Scott Pickup, City Manager

ACTION: Authorization for the City Manager to enter into an agreement with WSP Sells for the Bowman Avenue Upper Dam Resizing Flood Control Project.

FOR THE MEETING OF:

March 28, 2012

RYE CITY CODE,

N/A

RECOMMENDATION: That the City Council authorize the City Manager to enter into the agreement with the engineering firm of WSP Sells for the Bowman Avenue Upper Dam Resizing Flood Control Project for the amount of one hundred and eight thousand six hundred dollars and no cents (\$108,600.00), to be funded from account 585405-52902-85405.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The objective of this Flood Control project is to study the impact of resizing the Bowman Avenue Dam reservoir on Blind Brook discharges and water surface profiles downstream of the dam. A proposal from WSP Sells detailing the cost and scope of work is attached.



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South Building
PO Box 2650
Briarcliff Manor, NY 10510
Tel: 914.747.1120
Fax: 914.747.1956
www.wspells.com

March 19, 2012

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

Re: Bowman Avenue Dam. Upper Dam Resizing

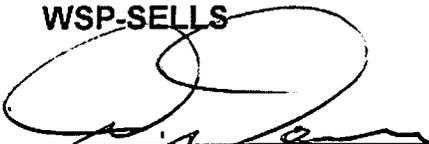
Dear Mr. Pickup,

We are pleased to provide you with a revised proposal to provide Professional Engineering Services for the Site Assessment and Analysis of the Upper Pond Resizing Project in the City of Rye. Please find attached our Scope of Services and Fee to perform this work.

The total Lump Sum Cost for the tasks described is **One Hundred and Eight Thousand Six Hundred Dollars (\$108,600)**. We will NOT exceed this Cost Estimate without prior approval. SELLS is prepared to commence promptly upon receiving Notice to Proceed. Your signature below indicates your agreement to these terms.

Should you have any questions or concerns, please do not hesitate to contact me directly.

Very truly yours,
WSP-SELLS



David Weiss, P.E.
Department Manager
Municipal Engineering

This proposal is understood and accepted

City of Rye

Date

Project Objective:

Quantify and study the impact of resizing the Bowman Avenue Dam reservoir on Blind Brook discharges and water surface profiles downstream of the dam.

Scope of Work:

Task 1: Subsurface Investigation and Environmental Assessment

Borings at the Upper dam Reservoir

WSP-SELLS will coordinate with the City of Rye and the contractor chosen by the City the necessary work required for developing of rock profiles in the northern area of the reservoir along Bowman Avenue. The work will include:

- Development of a probe and boring layout plan necessary for subsoil investigation bidding. Approximately 60 probes and 6 borings are anticipated.
- Field reconnaissance with the successful subcontractor bidder.
- Respond to questions raised by the boring contractor during his work.
- Provide a WSP-SELLS representative during boring process.
- Analyze boring and probe logs furnished by the boring contractor.

Survey

- Stake out all probe/boring locations per boring plan.
- Locate all probes and borings.

Development of Rock Profiles

- Rock profiles and 1 or 2 foot contour map at the rock level will be developed.

Soil Sampling and Testing

WSP will collect soil samples from six borings that will be installed (by others) on the bank of the Upper Pond within the potential excavation area (Figure 1). The borings will be installed to target depths of 10 to 20-feet below ground surface (bgs); however, refusal depths between 5 to 10-feet bgs are

expected. WSP assumes samples will be collected using a split-barrel sampler or some other discrete sampling device (ex. acetate liners in direct-push equipment). All non-dedicated drilling and sampling equipment should be decontaminated after each use to prevent cross-contamination of the environmental samples. WSP can provide a simple standard operating procedure for decontamination of sampling equipment for use by Sells drilling contractor.

Soil retrieved from the borings will be screened with a photoionization detector (PID) equipped with a 10.6 electron-volt lamp for organic vapors and a flame-ionization detector (FID) for petroleum compounds. All soil samples will be logged in the field for color, texture, and moisture content using the unified soil classification system. The results of the headspace analysis and the lithologic description will be recorded in the field notebook.

A minimum of two soil samples will be collected from each soil boring and submitted for laboratory analysis. A surficial (0 to 1-foot bgs) soil sample will be collected in addition to at least one subsurface sample from an interval greater than 2-feet bgs. The subsurface soil sample will be collected from the interval exhibiting the highest field screening levels (PID and/or FID readings) and/or olfactory or visual indications of soil impact. If there is no indication of possible impact through field screening or visual observations, the subsurface soil sample will be collected from the 1-foot interval just above the termination depth of the boring.

WSP will collect sediment samples from up to four locations within the limits of the Upper Pond (Figure 1). Each location will include one shallow (0 to 2 inches bgs) and one deeper (10-12 inches bgs) sample. Samples will be collected using a hand-auger, sediment dredge, or sediment sampler based on the accessibility and cohesiveness of the pond base. All sediment sample locations will be flagged and labeled by WSP for survey by others. WSP assumes that the active pond is accessible by foot and sample locations can be accessed by foot without the need for watercraft or flotation devices.

All soil and sediment samples will be analyzed for target compound list (TCL) SVOCs by Environmental Protection Agency (EPA) method 8270C, Resource Conservation and Recovery Act (RCRA) metals by EPA method 6010B, and total

petroleum hydrocarbons (TPH) gasoline range organics (GRO) and diesel range organics (DRO) by EPA method 8015. Additionally, the shallow (0 to 2-inch) samples from the pond surface will also be analyzed for TCL pesticides and PCBs using EPA method 8081 and 8082, respectively. If field screening indicates any possible VOC impacts to the soil and/or sediment, additional samples may be submitted for analysis of VOCs using EPA method 8260¹.

Each sample will be placed in laboratory-supplied sample containers and labeled with the time and date of sampling, the type of preservative used, the sample identification number, the sampler's initials, and the types of analyses to be performance. All samples will be sealed, labeled, and placed in a cooler with ice for shipment to Accutest Laboratories of Dayton, New Jersey. Appropriate chain-of-custody procedures will be followed. All sample results will be available within 10-days of completing the sample collection. If necessary, sample analysis can be expedited at additional costs.

Report Preparation

WSP will provide a report and analysis of the rock probes and soil sample results to the City within 3 weeks of receiving the analytical data. If the data warrant additional investigation, then WSP will provide the data and relevant figures along with any recommendations for additional investigation activities.

The report will include a recommendation on potential disposal issues that may need to be addressed if the soil and/or sediment is excavated or dredged as part of the Upper Pond expansion.

Task 2: Hydraulics & Hydrology and Report

RIZZO Associates will assess the water surface profiles upstream of Bowman Avenue on Blind Brook and East Branch Blind Brook and downstream of the Bowman Avenue Dam Site between Interstates I-95 and I-287, RIZZO will use the HEC-RAS program (released by USACE). A steady flow HEC-RAS model will be developed to model the entire system composed of The Blind Brook, East Branch Blind Brook, The

¹ The costs for VOC analysis are not included in the estimated costs provided in this proposal. WSP will notify Sells if field screening indicates possible VOC impacts and the costs for the additional analysis.

Upper and Lower Reservoir and the Blind Brook downstream of the dam up to the Interstate I-95. Cross sections required to develop the HEC-RAS model will be based on the topographic survey performed by WSP-Sells and Digital Elevation Model (DEM) available from USGS. ArcGIS will be used to manipulate, edit and analyze the spatial data. Cross sections spanning the river and the ponds will be chosen at hydraulically significant locations in respect with the Samuel's equations commonly used for cross section spacing. Culverts and other structures will also be modeled within the program.

The Bowman Dam slide gate sequence of operation will be reviewed, optimized and finally implemented into the HEC-RAS Model. Hec-GeoRAS, an extension developed by the USACE for use with ArcGIS products, will be used in this project. It consists of a set of tools and procedures for extracting primarily topographic data within GIS platform and importing directly into a HEC-RAS geometry file. RIZZO will use the result of the Subsurface Investigation performed by WSP-Sells in order to determine the volume of the resized Upper Pond Reservoir. RIZZO will also analyze the potential volume gained by raising the dam structure.

The water surface profiles will be developed for the considered alternatives for a spectrum of flood return period varying from 1 year to 500 years. The building and housing footprints GIS Information available from the State of NY will be used along with the water surface profiles to investigate the impacts of the resized reservoir on the Blind Brook system.

Task 3: Construction Cost Estimate

Construction cost estimate will be included in the report for up to 3 alternatives including 1) expansion of pond to rock profile 2) expansion of pond (incl. rock removal) with no dredging 3) maximize pond expansion with dredging.

Task 4: Community Outreach

WSP-SELLS will attend a maximum of two (2) meetings with project stakeholders, community groups and City Council to present the project findings.

WSP-SELLS

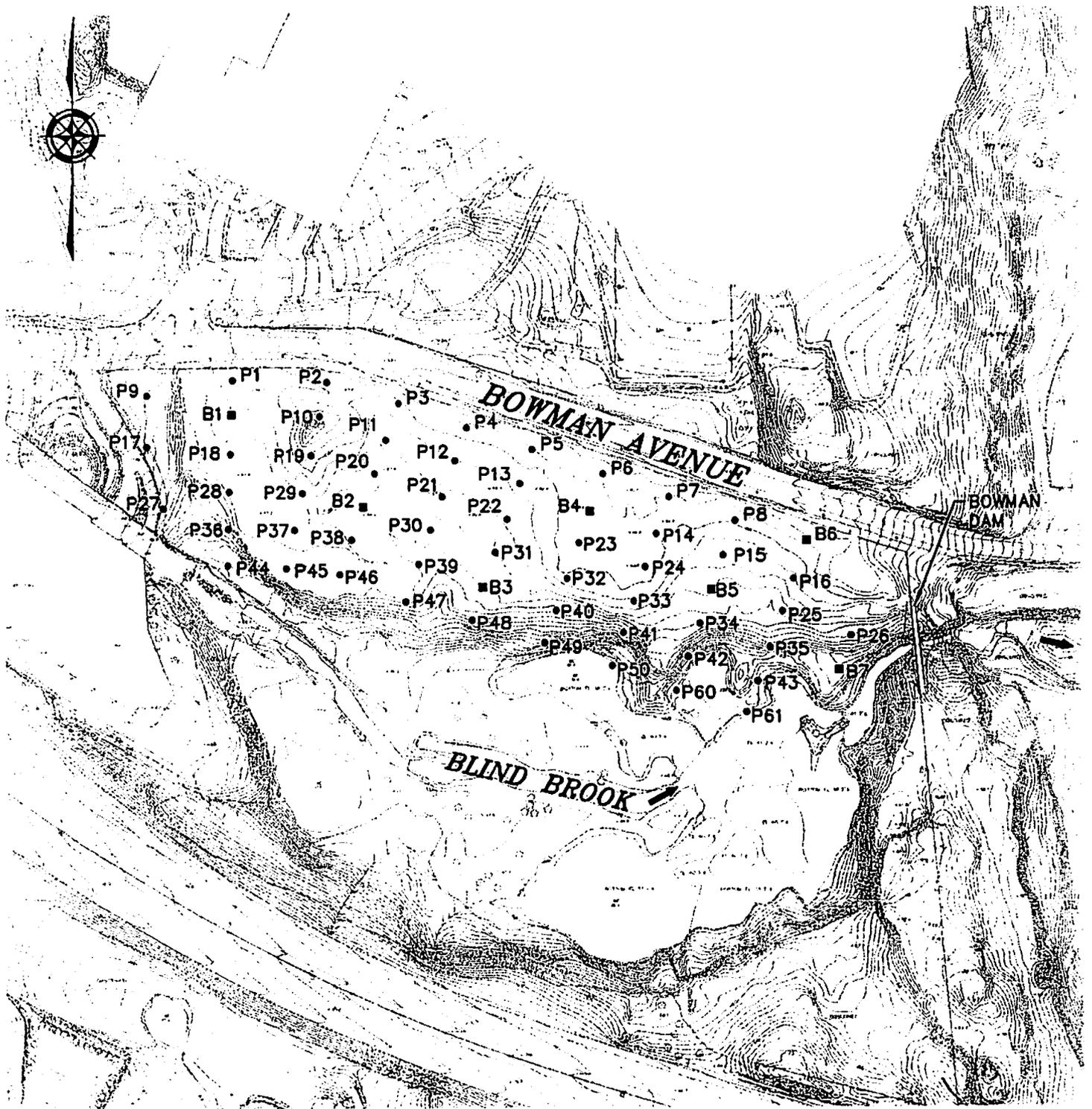
Bowman Avenue Dam Site Study. Resize the Upper Pond Reservoir
City of Rye, N.Y.

COST PROPOSAL

Mar-12

Task Description	Project Manager	Project Engineer	Design Engineer	Structural Engineer	Cadd Operator	Party Chief	Instrument Person	Totals
PHASE 1:								
Task 1 - Subsurface Investigation / Environmental Assessment	10		80		30	40	40	200
Hourly Rates (including overhead and profit)	\$ 183.47	\$ 163.11	\$ 110.66	\$ 114.11	\$ 91.21	\$ 99.78	\$ 60.83	
Totals	\$ 1,834.68	\$ -	\$ 8,852.48	\$ -	\$ 2,736.25	\$ 3,991.36	\$ 2,433.33	
Total Labor	\$ 19,848.09							
WSP E&E (soil sampling, testing and report)	\$ 20,000.00							
Out of Pocket Expense (Rock Probes / Borings)	\$ 24,000.00							
TOTAL PHASE 1 COST	\$ 63,848.09							

Task Description	Project Manager	Project Engineer	Design Engineer	Structural Engineer	Cadd Operator	Party Chief	Instrument Person	Totals
PHASE 2:								
Task 2 - Hydraulics & Hydrology and Report	8	24						32
Task 3 - Construction Cost Estimate	10		50		24			84
Task 4 - Community Outreach	12		8					20
Total Hours	30	24	58	0	24	0	0	136
Hourly Rates (including overhead and profit)	\$183.47	\$163.11	\$110.66	\$114.11	\$91.21	\$99.78	\$60.83	
Totals	\$5,504.03	\$3,914.57	\$6,418.05	\$0.00	\$2,189.00	\$0.00	\$0.00	
Total Labor	\$ 18,025.64							
RIZZO Associates (Hydraulic modeling)	\$ 26,740.00							
TOTAL PHASE 2 COST	\$ 44,765.64							
TOTAL PHASE 1 & 2 COST	\$ 108,613.73							
TOTAL LUMP SUM COST SAY	\$ 108,600.00							



LEGEND

- P## = PROBE
- B## = BORING

City of Rye
Westchester County, New York
USGS Glenville, Ct Quad Map
Latitude - 41-00-13 N
Longitude - 73-41-16 W

Proposed Probe &
Boring Location Plan
March 2010
1" = 200'
Figure 1



CITY COUNCIL AGENDA

NO. 7

DEPT.: City Council

DATE: March 28, 2012

CONTACT: Mayor Douglas French

AGENDA ITEM: Mayor's Management Report

FOR THE MEETING OF:

March 28, 2012

RYE CITY CODE,

CHAPTER

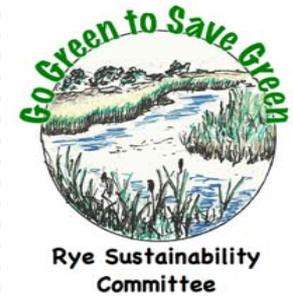
SECTION

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

IMPACT: Environmental Fiscal Neighborhood Other:

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

- Update from the Recreation Commission
- Update from the Sustainability Committee on energy saving topics: Biofuels, the Energy Audit, the Plastic Bag Ban implementation, and the April 23rd No-Idling Day
- Legal Update



Presentation to City Council

Update on Rye Sustainability Committee Activities

March 28, 2012

Summary of RSC Initiatives

- Greenhouse Gas Emissions Audit
- RSC Celebrates Earth Day
- Potential Biodiesel Initiative

Greenhouse Gas Emissions Audit

- **Municipal Inputs:** Actual electricity, natural gas, fuel oil, gasoline and diesel usage.
- **Community Inputs:** Actual electricity and natural gas usage and solid waste figures. Estimated fuel oil, kerosene, wood, gasoline and diesel usage.
- Emissions results are as per assumptions made with guidance from ICLEI.

Summary of Municipal Inputs for 2009

Electricity and Natural Gas

	Electricity Usage (Kwh)	Cost (\$)	Gas Usage (Therms)	Cost (\$)
Buildings & Facilities	2,183,387	306,958	100,458	151,173
Streetlights & Traffic Signals	1,199,799	225,115		
Pump Stations	113,148	23,711	771	2,194
Vehicle Fleet				
TOTAL	3,496,334	\$555,784	101,229	\$153,367

Summary of Municipal Inputs for 2009

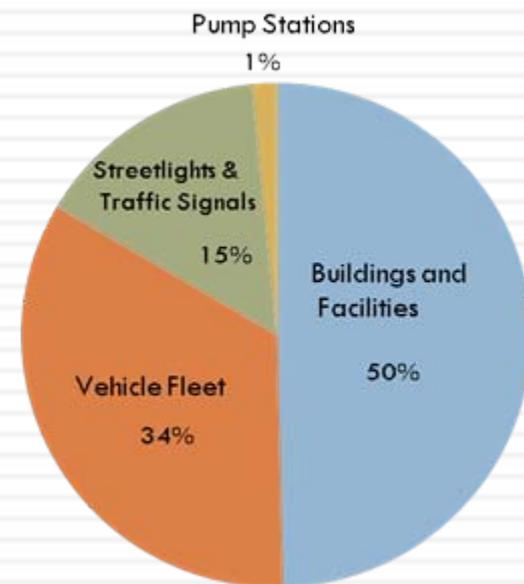
Gasoline, Diesel and Fuel Oil

	Gasoline Usage (Gallons)	Cost (\$)	Diesel Usage (Gallons)	Cost (\$)	Fuel Oil Usage (Gallons)	Cost (\$)
Buildings & Facilities					2,505	\$4,420
Streetlights & Traffic Signals						
Pump Stations						
Vehicle Fleet	48,688	Not Provided	39,643	Not Provided		
TOTAL	48,688	Not Provided	39,643	Not Provided	2,505	\$4,420

Go Green to Save Green

2009 Municipal Emissions Summary by Sector

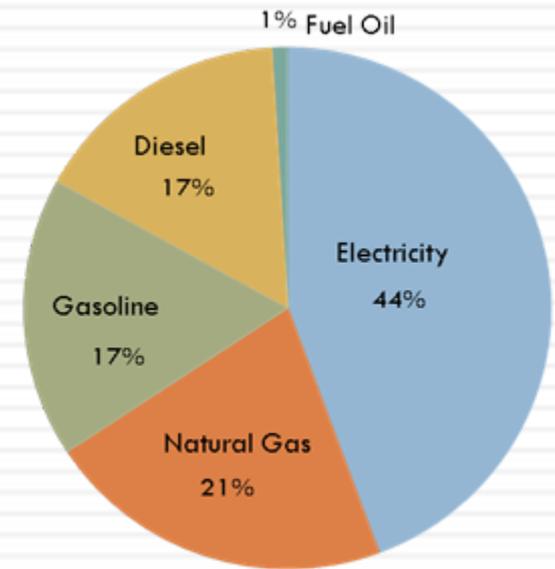
	CO2e		Energy	
	Tons	%	MMBTUs	%
Buildings and Facilities	1,389	50%	17,845	53%
Vehicle Fleet	926	34%	11,546	34%
Streetlights & Traffic Signals	424	15%	4,095	12%
Pump Stations	44	1%	463	1%
	2,783	100%	33,949	100%



Go Green to Save Green

2009 Municipal Emissions Summary by Energy Source

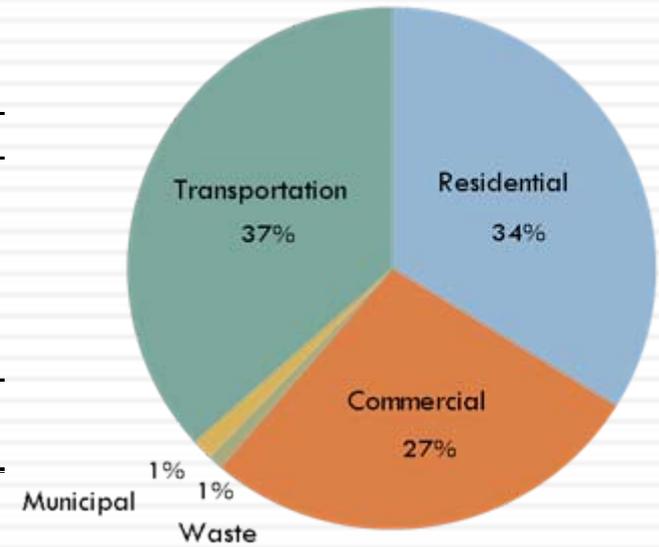
	CO2e		Energy	
	Tons	%	MMBTUs	%
Electricity	1,235	44%	11,933	35%
Natural Gas	594	21%	10,123	30%
Gasoline	483	17%	6,048	18%
Diesel	444	17%	5,498	16%
Fuel Oil	27	1%	347	1%
	2,783	100%	33,949	100%



Go Green to Save Green

2009 Total Rye Community Emissions by Sector

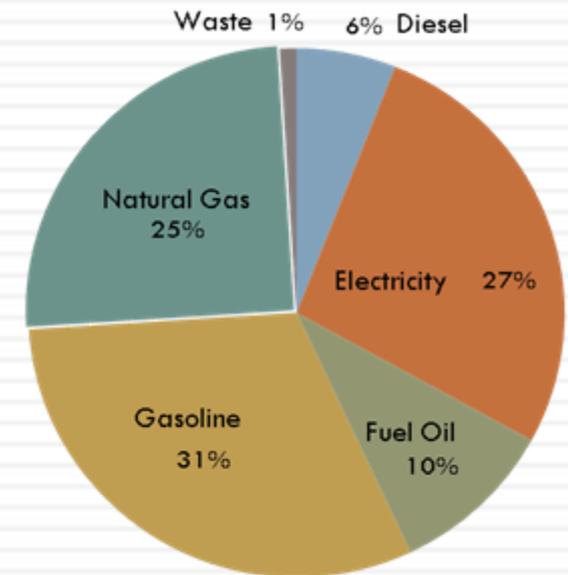
	CO2e		Energy	
	Tons	%	MMBTUs	%
Transportation	78,041	37%	975,861	35%
Residential	72,315	34%	1,026,361	37%
Commercial	58,295	27%	688,642	25%
Municipal	2,783	1%	33,949	1%
Waste	1,969	1%	56,255	2%
	213,403	100%	2,781,068	100%



Go Green to Save Green

2009 Total Rye Community Emissions by Energy Source

	CO2e		Energy	
	Tons	%	MMBTUs	%
Gasoline	65,826	31%	824,575	30%
Electricity	57,612	27%	556,708	20%
Natural Gas	53,763	25%	916,853	33%
Fuel Oil	20,727	10%	255,601	9%
Diesel	13,143	6%	162,832	6%
Waste	1,969	1%	56,255	2%
Kerosene	328	0%	4,091	0%
Wood	35	0%	4,153	0%
	213,403	100%	2,781,068	100%



Go Green to Save Green

Completion of GHG Audit

What does this mean?

- Draft GHG Inventory Summary complete, to be incorporated into Sustainability Plan
- Provides a benchmark for long term sustainability goals
- Provides a framework for the Sustainability Plan – set goals
- Establishes Rye as a credible leader in sustainability

RSC Celebrates Earth Day: No Idling Day on April 23rd

- Over ten schools participating across four communities
- City Council statement declaring April 23rd “Soundshore Communities’ No-Idling Day”
- Rye PD awareness initiatives
- Suggested: new no-idling sign at library parking lot
- In conjunction with walk to school week

Go Green to Save Green

RSC Celebrates Earth Day: Awareness for May 7th Law

- Awareness activities to date:
 - Posters
 - Information packets for merchants
 - 5x7 cards
 - Countertop cards
 - Underwriting for all material by Jay Heritage Center
- To Do:
 - Follow-up for residents' questions/concerns?
 - Media
 - E-blasts: Schools, Rye community e-letter

Go Green to Save Green

Potential Grease Recycling Initiative

- Follow-up from 10/5/11 Presentation
- Opportunity to obtain ultra low sulfur diesel for use in Rye's municipal diesel fleet
- Opportunity to promote a community-wide recycling campaign

Next Steps

- Continued community awareness initiatives
- Continue to partner with neighboring communities on specific initiatives
- Completion of sustainability plan

City Council Declaration of Sound Shore Communities' No-Idling Day

As part of "RSC Celebrates Earth Day", The City of Rye is joining with the Village of Larchmont, Town of Mamaroneck, and the Village of Mamaroneck to declare Monday, April 23, a day of awareness about the harmful effects of engine idling and to encourage our community to take action to reduce unnecessary idling.

We recognize that excessive emissions from idling are harmful to our environment, our citizens' health, and a drain on our wallets. Excessive idling:

- is against the law, with a fine of \$150 for any vehicle idling longer than 3 minutes;
- wastes fuel and money;
- is hazardous to our health, impacting children more than adults; and
- affects air quality and pollutes the environment.

The City Council, Rye Police Department, and area schools are united in encouraging residents to:

- turn off their engines when idling for longer than 30 seconds;
- spread the word to family and friends and encourage others to eliminate unnecessary idling; and
- maintain vehicles to reduce excessive exhaust.

ATTACHMENT: IDLING FACTS

FACT #1: IDLING WASTES FUEL AND MONEY

- Idling more than 10 seconds burns more gas than it takes to restart the engine.
- In 2 minutes an idling car consumes approximately the same amount of fuel as traveling one mile.

FACT #2: IDLING AFFECTS AIR QUALITY AND YOUR HEALTH

- Exposure to vehicle exhaust increases the risk of cancer, heart, lung disease and asthma and asthma is the most common chronic illness among children.
- The EPA has identified idling as a major contributor to particulate material emissions and Westchester County is ranked 4th worst for fine particulate matter in New York State.

FACT #3: IDLING CAN DAMAGE YOUR VEHICLE'S ENGINE

- Because your engine isn't working at peak operating temperature, fuel does not undergo complete combustion. This leaves fuel residues that contaminate engine oil and make spark plugs dirty.
- Today's electronic engines do not need idling to be warmed up before being operated.

FACT #4: IDLING AFFECTS CHILDREN MORE THAN ADULTS

- Children are more vulnerable to health problems such as asthma and other respiratory illnesses because they breathe faster, inhale more air per pound of body weight compared to adults, and are still growing.

FACT #5: IDLING IS AGAINST THE LAW

- Do your part and turn the car off while parked! Finally, always remember that the best you can do is not to use your car at all, instead to walk or bike whenever you can

HUDSON BIOFUELS

Turning Grease Into Fuel



We are a new kind of Westchester based company - 100% sustainable, 100% green.

We recycle used cooking oil from restaurants and other establishments that fry food. We collect this waste oil and filter it to create recycled vegetable oil. This recycled vegetable oil is used as a feed stock to produce biodiesel.

Our mission is to become the largest service provider of "greasecycling" in Westchester and the Hudson Valley region. We aspire to help consumers, businesses and municipalities understand and value sustainability.

We are a scrappy collection of entrepreneurs who desire to do financially well while doing social good in the world.

We are evangelists for sustainable issues.

“Greasecycling” & Biodiesel Production



- We collect used cooking oil (“UCO”) also known as grease.
- We collect grease from establishments on a weekly or biweekly basis and pay or provide tax credit to clients on a per gallon bounty on all that we collect.

Step One –
UCO Collection



- UCO is converted into recycled vegetable oil (“RVO”) by evaporating the water and filtering the particulates out of UCO.
- The end product of this process is a feed stock for biodiesel refineries.

Step Two –
RVO Conversion



- Refineries use RVO along with other chemicals to produce 100% green biodiesel.
- The biodiesel produced can be used for car or truck transportation or home heating oil use.

Step Three –
Biodiesel
Production



Why Should The City of Rye “Greasecycle”?



1. Replicates Best Practices of Other Sustainable Cities such as Chicago, IL
2. Reduces the City's Carbon Footprint
3. Leverages & Educates the Business & Residential Community
4. Promotes Adherence to Recycling and Waste Disposal Laws
5. City Cost Savings & Environmental Benefits

Goal 1: Diesel for City of Rye Vehicles



Hudson Biofuels secures agreements to collect 4,000 gallons of UCO monthly

Establishments provide UCO free of charge

Establishments provide UCO in exchange for receive tax benefits



We will collect and convert that UCO into biodiesel with our partners

Approximately 75% of UCO collected converts into biodiesel

3,000 gallons of biodiesel is derived from 4,000 gallons of UCO in Rye



We will sell and deliver 3,000 gallons blended diesel to City of Rye at discounted price to the state contract

B20 diesel will be delivered to City of Rye regularly in proportion to UCO collected for use in city vehicles

Goal 2: “Greasecycling” Access For Business & Residents at No Cost to City



Restaurant Window Decal Program

Use Decal Programs to indicate program participation levels:



Designated Grease Drop-off Location

- Identify a location protected from the elements and accessible to the public for disposal of used cooking oil from:
 - Deep Fried Turkey Oil for Holidays
 - Spring and Summer Fish Fry
 - Large Food Festivals
 - Open to Any Resident

Goal 3: “Greasecycling” Awareness & Education at No Cost to City



- **Educational Handouts for:**

- **Business:** Educate establishments on the importance of proper grease disposal and hood cleaning to avoid grease fires
- **Residents:** Educate citizens on the proper way to dispose of kitchen grease to avoid clogging home plumbing and city sewer systems



- **Students:** Possible BioBus tour of select Rye schools to promote science and biodiesel use.

Next Steps



- 1.** We need to identify city diesel needs, type and pricing to structure a program that saves the city money.
- 2.** Hudson Biofuels will prepare the communication documentation for distribution to Rye establishments.
- 3.** Once the City Council provides the “greenlight”, we can set a launch date and begin soliciting establishments for the program.
- 4.** Within 45 days of launch, we will engage all city establishments that use cooking oil. Participants will display the “greasecycle” decal.
- 5.** The collection program will begin in parallel to the solicitation period with the first biofuel delivery date for the city targeted for 90-120 days after the launch as determined by the city.



CITY COUNCIL AGENDA

NO. 8

DEPT.: Police

DATE: March 28, 2012

CONTACT: William R. Connors, Police Commissioner

AGENDA ITEM: Presentation by Police Commissioner William R. Connors on the proposed revision of the Rules and Regulations of the City of Rye Police Department: General Order #121.04.

FOR THE MEETING OF:

March 28, 2012

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION:

IMPACT: Environmental Fiscal Neighborhood Other:

Enhancement of the operational effectiveness of the Department.

BACKGROUND: Commissioner William R. Connors will present on the proposed new General Order #121.04 which establishes a Department policy on social media and establishes guidelines for its use. Social media can be a potentially valuable means of assisting the Department in community outreach, investigative, crime prevention, and other efforts. The proposed General Order establishes policies for official use for Department-sanctioned communications. In addition, it recognizes the extensive role of social media in the lives of many employees, and provides guidelines and precautions for personal use.

The continual growth of social media in our society, as well as incidents involving other police departments, has shown the need for implementation of a Department-specific policy. The proposal has been developed based on industry-wide best practices.

A copy of the proposed order is attached. It has been provided to the Rye Police Association for review pursuant to the provisions of the collective bargaining agreement.

CITY OF RYE POLICE DEPARTMENT

General Order #121.04	New [x] Supersedes:	Revised [x]
Subject: Social Media		
Date Issued xx/xx/12	Date Effective xx/xx/12	Page 1 of 6
Issuing Authority: William R. Connors, Police Commissioner		

I. PURPOSE

The City of Rye Police Department endorses the secure use of social media to enhance communication, collaboration, and information exchange; streamline processes; and foster productivity. This policy establishes this department’s position on the utility and management of social media and provides guidance on its management, administration, and oversight. This policy is not meant to address one particular form of social media, but rather social media in general, as advances in technology will occur and new tools will emerge.

II. POLICY

Social media provides a new and potentially valuable means of assisting the department and its personnel in meeting community outreach, problem-solving, investigative, crime prevention, and related objectives. This policy identifies potential uses that may be explored or expanded upon as deemed reasonable by administrative and supervisory personnel. The department also recognizes the role that these tools play in the personal lives of some department personnel. The personal use of social media can impact department personnel in their official capacity. As such, this policy provides information of a precautionary nature as well as restrictions on certain uses of social media by department personnel.

III. DEFINITIONS

Blog: A self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions, or comments. The term is short for “Web log.”

Page: The specific portion of a social media website where content is displayed, and managed by an individual or individuals with administrator rights.

Post: Content an individual shares on a social media site or the act of publishing content on a site.

Profile: Information that a user provides about himself or herself on a social networking site.

Social Media: A category of Internet-based resources that integrate user-generated content and user participation. This includes, but is not limited to, social networking sites (Facebook, MySpace), microblogging sites (Twitter, Nixle), photo- and video-sharing sites (Flickr, YouTube), wikis (Wikipedia), blogs, and news sites (Digg, Reddit).

Social Networks: Online platforms where users can create profiles, share information, and socialize with others using a range of technologies.

Speech: Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape, or related forms of communication.

Web 2.0: The second generation of the World Wide Web focused on shareable, user-generated content, rather than static web pages. Some use this term interchangeably with social media.

Wiki: Web page(s) that can be edited collaboratively.

IV. ON-THE-JOB USE

A. Department-Sanctioned Presence

1. If the Department determines that the use of social media technology is in Department's interest and will assist it in fulfilling its mission:
 - a. Where possible, each social media page shall include an introductory statement that clearly specifies the purpose and scope of the agency's presence on the website.
 - b. Where possible, the page(s) should link to the department's official website.
 - c. Social media page(s) shall be designed for the target audience(s), such as youth or potential police recruits.
2. Procedures
 - a. All department social media sites or pages shall be approved by the Police Commissioner or his or her designee and shall be administered by the Staff Services/Information Technology Section or as otherwise determined.
 - b. Where possible, social media pages shall clearly indicate they are maintained by the department and shall have department contact information prominently displayed.
 - c. Social media content shall adhere to applicable laws, regulations, and policies, including all Police Department and City of Rye information technology and records management policies.
 - (1) Content is subject to public records laws. Any relevant records retention schedules will apply to social media content.
 - (2) Content should be managed, stored, and retrieved to comply with open records laws and e-discovery laws and policies.
 - d. Where possible, social media pages should state that the opinions expressed by visitors to the page(s) do not reflect the opinions of the department.

- (1) Pages shall clearly indicate that posted comments will be monitored and that the department reserves the right to remove obscenities, off-topic comments, and personal attacks.
- (2) Pages shall clearly indicate that any content posted or submitted for posting is subject to public disclosure.

3. Department-Sanctioned Use

- a. Department personnel representing the department via social media outlets shall do the following:
 - (1) Conduct themselves at all times as representatives of the department and, accordingly, shall adhere to all department standards of conduct and observe conventionally accepted protocols and proper decorum.
 - (2) Identify themselves as members of the department.
 - (3) Not make statements about the guilt or innocence of any suspect or arrestee, or comments concerning pending prosecutions, nor post, transmit, or otherwise disseminate confidential information, including photographs or videos, related to department training, activities, or work-related assignments without express written permission.
 - (4) Not conduct political activities or private business.
- b. The use of department computers by department personnel to access social media is prohibited without authorization of the Police Commissioner or his or her designee.
- c. Department personnel use of personally owned devices to manage the department's social media activities or in the course of official duties is prohibited without express permission.
- d. Employees shall observe and abide by all copyright, trademark, and service mark restrictions in posting materials to electronic media.

B. Potential Uses

1. Social media is a valuable investigative tool when seeking evidence or information about
 - a. missing persons;
 - b. wanted persons;
 - c. gang participation;
 - d. crimes perpetrated online (i.e., cyberbullying, cyberstalking); and
 - e. photos or videos of a crime posted by a participant or observer.
2. Social media can be used for community outreach and engagement by
 - a. providing crime prevention tips;
 - b. offering online-reporting opportunities;
 - c. sharing crime maps and data; and
 - d. soliciting tips about unsolved crimes (i.e., Crimestoppers, text-a-tip).
3. Social media can be used to make time-sensitive notifications related to such items as:

- a. road closures,
 - b. special events,
 - c. weather emergencies, and
 - d. missing or endangered persons.
4. Persons seeking employment and volunteer positions use the Internet to search for opportunities, and social media can be a valuable recruitment mechanism.
- a. This department has an obligation to include Internet-based content, as appropriate, when conducting background investigations of job candidates.
 - b. Searches should be conducted by a non-decision maker. Information pertaining to protected classes shall be filtered out prior to sharing any information found online with decision makers.
 - c. Persons authorized to search Internet-based content should be deemed as holding a sensitive position.
 - d. Search methods shall not involve techniques that violate existing law.
 - e. Vetting techniques shall be applied uniformly to all candidates.
 - f. Every effort must be made to validate Internet-based information considered during the hiring process.

V. PERSONAL USE

A. Precautions and Prohibitions

Barring state law or binding employment contracts to the contrary, department personnel shall abide by the following when using social media.

1. Department personnel are free to express themselves as private citizens on social media sites to the degree that their speech does not impair working relationships of this department for which loyalty and confidentiality are important, impede the performance of duties, impair discipline and harmony among coworkers, or negatively affect the public perception of the department.
2. As public employees, department personnel are cautioned that speech on- or off-duty, made pursuant to their official duties—that is, that owes its existence to the employee’s professional duties and responsibilities—is not protected speech under the First Amendment and may form the basis for discipline if deemed detrimental to the department. Department personnel should assume that their speech and related activity on social media sites will reflect upon their office and this department.
3. Department personnel shall not post, transmit, or otherwise disseminate any information to which they have access as a result of their employment without written permission from the Police Commissioner or his or her designee.

4. For safety and security reasons, department personnel are cautioned not to disclose their employment with this department nor shall they post information pertaining to any other member of the department without their permission. As such, department personnel are cautioned not to do the following:
 - a. Display department logos, uniforms, or similar identifying items on personal web pages.
 - b. Post personal photographs or provide similar means of personal recognition that may cause them to be identified as a police officer of this department. Officers who are, or who may reasonably be expected to work in undercover operations, shall not post any form of visual or personal identification.
5. When using social media, department personnel should be mindful that their speech becomes part of the worldwide electronic domain. Therefore, adherence to the department's code of conduct is required in the personal use of social media. In particular, department personnel are prohibited from the following:
 - a. Speech containing obscene or sexually explicit language, images, or acts and statements or other forms of speech that ridicule, malign, disparage, or otherwise express bias against any race, any religion, or any protected class of individuals.
 - b. Speech involving themselves or other department personnel reflecting behavior that would reasonably be considered reckless or irresponsible.
6. Engaging in prohibited speech as noted herein may provide grounds for undermining or impeaching an officer's testimony in criminal proceedings. Department personnel thus sanctioned are subject to discipline up to and including termination of office.
7. Department personnel may not divulge information gained by reason of their authority; make any statements, speeches, appearances, and endorsements; or publish materials that could reasonably be considered to represent the views or positions of this department without express authorization.
8. Department personnel should be aware that they may be subject to civil litigation for:
 - a. publishing or posting false information that harms the reputation of another person, group, or organization (defamation);
 - b. publishing or posting private facts and personal information about someone without their permission that has not been previously revealed to the public, is not of legitimate public concern, and would be offensive to a reasonable person;
 - c. using someone else's name, likeness, or other personal attributes without that person's permission for an exploitative purpose; or
 - d. publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner.
9. Department personnel should be aware that privacy settings and social media sites are constantly in flux, and they should never assume that personal information posted on such sites is protected.

10. Department personnel should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the department at any time without prior notice.
11. Reporting violations—Any employee becoming aware of or having knowledge of a posting or of any website or web page in violation of the provision of this policy shall notify his or her supervisor immediately for follow-up action.



CITY COUNCIL AGENDA

NO. 9

DEPT.: City Manager

DATE: March 28, 2012

CONTACT: Scott Pickup, City Manager

AGENDA ITEM: Discussion of the position of City Engineer and Public Works Superintendent and the upgrade of an existing staff position to Assistant Civil Engineer.

FOR THE MEETING OF:
March 28, 2012

RECOMMENDATION:

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The position of City Engineer and Public Works Superintendent has remained vacant and the City has been relying on the former City Engineer, working part-time on a contract basis, and outside Engineering firms. The Assistant City Engineer has coupled the outstanding project management with his existing responsibilities of reviewing storm water management plans, compliance with MS-4, sidewalk bid for maintenance and repair, street repaving bid, sight distance and engineering support to the Traffic and Pedestrian Safety Committee and assisting Public Works in daily operations. The upcoming major capital projects scheduled mandate additional staff and expanded duties for the existing staff position. These changes will facilitate the timely completion of current and proposed projects.

Capital Projects include:

Bowman Avenue Sluice gate
Old Post Road Drainage
Hewlett Avenue Pump Station
Central Avenue Bridge
Theodore Fremd Avenue
FEMA grant LPDM generator
(Re-submission) for stimulus projects
EFC grant (Nursery) re-design



CITY COUNCIL AGENDA

NO. 10

DEPT.: Finance

DATE: March 28, 2012

CONTACT: Jean Gribbins, City Comptroller

AGENDA ITEM: Resolution to transfer funds from the Contingency account and the Building and Vehicles fund, to fund the position of City Engineer/Public Works Superintendent and upgrade the existing staff position to Assistant Civil Engineer.

FOR THE MEETING OF:
March 28, 2012

RECOMMENDATION: That the City Council adopt the following resolution:

WHEREAS, City staff has determined that the amounts required for the positions of City Engineer/Public Works Superintendent and Assistant Civil Engineer require a change in the adopted 2012 budget by \$105,000, and,

WHEREAS, the General Fund Contingent Account has a balance of \$300,000, now therefore be it

RESOLVED, that the City Comptroller is authorized to transfer \$70,000 from the General Fund Contingent Account to the Engineering Department, and

WHEREAS, \$35,000 of the \$602,000 transferred from the General Fund to the Building and Vehicle fund for 2009 DPW Vehicle & Equipment Projects has not been spent due to vehicles and equipment costing less than budgeted,

RESOLVED, that the City Comptroller is authorized to transfer \$35,000 from the Building & Vehicle Fund to the General Fund Engineering Department.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: Use and status of the Contingent Account:

01/01/2012 Beginning balance	\$300,000
03/28/2012 Transfer to Engineering for staff positions	<u>(70,000)</u>
03/28/2012 Balance	<u>\$230,000</u>



CITY COUNCIL AGENDA

NO. 11

DEPT.: City Manager

DATE: March 28, 2012

CONTACT: Scott D. Pickup

AGENDA ITEM: Consideration of a request by the Rye Little League to approve a parade to kickoff Opening Day of the 55th Little League Season on Saturday, April 21, 2012 beginning at 12:00 p.m.

FOR THE MEETING OF:

March 28, 2012

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council consider granting the request.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

The Rye Little League is requesting the Council approve a parade to kickoff Opening Day of the 55th Little League Season on Saturday, April 21, 2012 beginning at 12:00 p.m.

See attached letter from Rye Little League Commissioner Myles P. Lavelle

Rye Little League

46 Gramercy Avenue Rye, NY 10580

Received

JAN 05 2012

City Manager's Office
Rye, New York

OK
SDP

January 5, 2012

Mr. Scott Pickup
City Manager, City Hall
1051 Boston Post Road
Rye, NY 10580

Dear Mr Pickup,

Per the Rye Little League Board winter meeting, we have designated Saturday, April 21, 2012 as Opening Day of the 55th Little League Season.

With your permission we are planning our annual tradition of the last 54 years and would like to host a parade to kickoff the 2012 season. The parade originates at noon at the Rye Station Plaza and terminates at Grainger Field.

The parade will have upwards of 500 participants, including both Rye Little League and the Rye Girl's Sports League. In addition, we will have a minimum of 2 marching bands, several vehicles and a variety of fire apparatus.

We respectfully request that you issue the League a permit to hold the parade on the 21st of April, 2012 at noon. Also, we request permission to reschedule for Sunday, April 22nd at noon in the event of rain on Saturday. We understand that the City's permission is conditioned upon the League furnishing a certificate with evidence of \$1,000,000 liability insurance with the City of Rye named as additional insured and a hold harmless clause indemnifying the city against claims and judgements resulting from the use of City property. The certificate will be forthcoming.

Upon the City's approval, the assistance and cooperation of the Rye City Police will be requested directly through the Police Commissioner.

Sincerely,



Myles P Lavelle

Rye Little League Commissioner



CITY COUNCIL AGENDA

NO. 12

DEPT.: City Manager

DATE: March 28, 2012

CONTACT: Scott D. Pickup

AGENDA ITEM: Consideration of a request by the Midland Elementary School PTO to approve a parade to precede the Midland Elementary School Fair on Saturday, April 28, 2012 from 9:00 a.m. to 10:15 a.m.

FOR THE MEETING OF:

March 28, 2012

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council consider granting the request.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

The Midland Elementary School PTO is requesting the Council approve a parade to precede the Midland Elementary School Fair on Saturday, April 28, 2012 from 9:00 a.m. to 10:15 a.m.

Moore, Diane C.

From: Mary Capaldi [maryshecap@verizon.net]
Sent: Monday, December 12, 2011 5:25 PM
To: Moore, Diane C.
Cc: 'Kate Conn'
Subject: Midland Fair - 4-28-12

Diane Moore
2011
Deputy City Clerk
City of Rye
City Hall
Rye, New York 10580

December 12,

Dear Diane,

OK SDP

I am respectfully requesting the use of the streets of Rye for the Midland School Parade from 9:00 a.m. to 10:15 a.m. on Saturday, April 28, 2012. This event will be hosted by the Midland School PTO.

Normally, the parade vehicles assemble at the train station, proceed along Purchase Street to Midland School via Palisade and Midland Avenues. Please send any paperwork to Midland School to my attention.

Sincerely,

Mary Capaldi
Co-Chair Midland Fair 2012



CITY COUNCIL AGENDA

NO. 13

DEPT.: City Manager

DATE: March 28, 2012

CONTACT: Scott D. Pickup

AGENDA ITEM: Consideration of a request by the Rye YMCA for the use of City streets for the 24th Annual Rye Derby on Sunday, April 29, 2012 from 9:00 a.m. to 2:00 p.m.

FOR THE MEETING OF:

March 28, 2012

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council consider granting the request.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

The Rye YMCA is requesting the Council approve their use of City streets for the 24th Annual Rye Derby on Sunday, April 29, 2012 from 9:00 a.m. to 2:00 p.m.

See attached letter from Gregg Howells, YMCA Executive Director



FOR YOUTH DEVELOPMENT
FOR HEALTHY LIVING
FOR SOCIAL RESPONSIBILITY

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President

Douglas DeStaeblar
Vice-President

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Executive Director

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February 20, 2012

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

RE: Rye Derby

Dear Ms. Nordarse:

We are writing to request permission from the City of Rye for use of city streets on **Sunday, April 29, 2012** for the 24th Annual Rye Derby sponsored by the Rye YMCA.

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

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

Thank you in advance for your cooperation.

Sincerely,

Gregg Howells
Executive Director

CC: Lt. Falk

GRH:pec

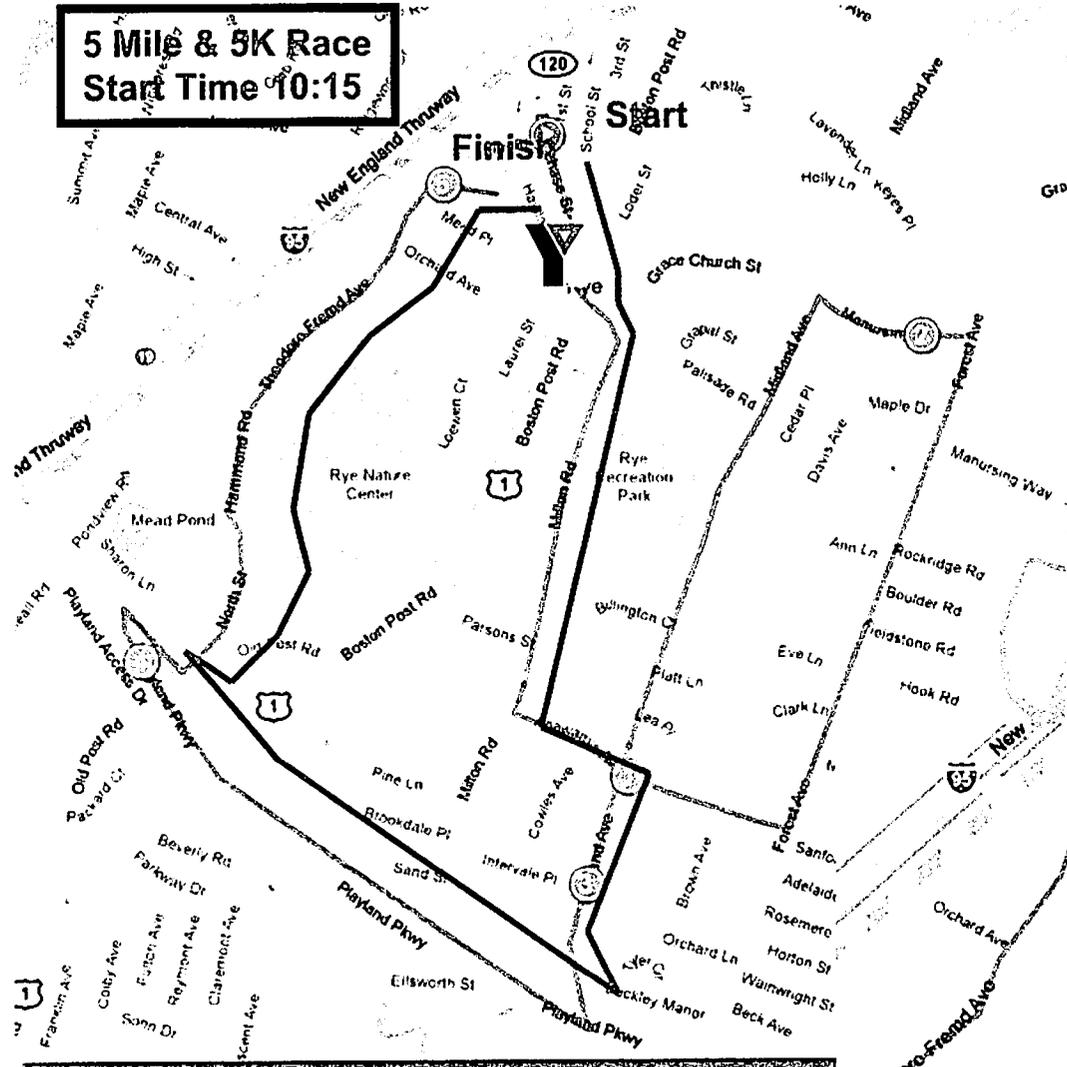
The Rye YMCA is a 501 c3 non-profit organization dedicated to strengthening the foundation of families and community.

OK -
SDP

RYE YMCA

21 Locust Avenue, Rye, New York 10580
P 914 967 6363 F 914 967 0644 www.ryeymca.org

**5 Mile & 5K Race
Start Time 10:15**



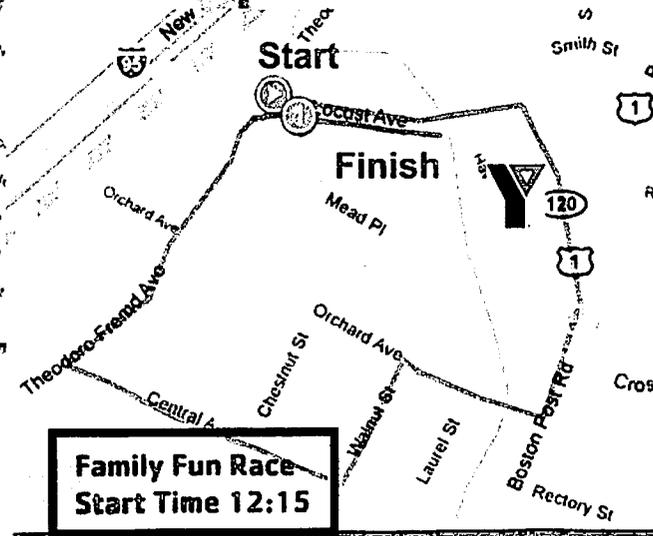
RYE YMCA
21 Locust Avenue
Rye, NY
914-967-6363
www.ryeymca.org

The Rye Derby

- ▣ 5 Mile Race
- 5K Race

April 29, 2012

**Family Fun Race
Start Time 12:15**





CITY COUNCIL AGENDA

NO. 14

DEPT.: City Manager

DATE: March 28, 2012

CONTACT: Scott D. Pickup

AGENDA ITEM: Consideration of a request by the Cystic Fibrosis Foundation for the use of City streets for the 24th Annual Great Strides Walk on Sunday, May 20, 2012 from 9:00 a.m. to 2:00 p.m.

FOR THE MEETING OF:

March 28, 2012

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council consider granting the request.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

The Cystic Fibrosis Foundation is requesting the Council approve their use of City streets for the 24th Annual Great Strides Walk on Sunday, May 20, 2012 from 9:00 a.m. to 2:00 p.m.

See attached letter from Patti Massa, Director of Development for the Cystic Fibrosis Foundation



Greater New York Chapter
Westchester

| Adding *tomorrows* every day.

March 2, 2012

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

Received

MAR 05 2012

City Manager's Office
Rye, New York

OK
SOP

Dear Mr. Pickup:

On Sunday, May 20th, 2012 the 24th Annual Great Strides Walk benefiting the Cystic Fibrosis Foundation – Greater New York Chapter will be held at Playland Park in Rye. We are asking for permission from the City of Rye to hold our Walk in your town once again.

The Walk begins and ends at Playland Park and goes through Rye Town Park, through the neighborhood right of Playland Parkway (approx. 3.5 miles). Registration begins at 9:00 am, with the Walk beginning approximately at 10:00 am (following opening ceremonies)

Thanks to your support, we are proud to say that over \$625,000 was raised at the Rye Great Strides this year, adding to our nationwide Great Strides fundraising efforts to over \$35-million! Over 1,500 individuals from communities throughout the Westchester area participate in the Walk.

As the Walk day approaches we will provide you with further details. However, if you have any questions or need further information, please do not hesitate to contact me. I can be reached at either, 914.993.1460 or via email at pmassa@cff.org.

I thank you in advance for your support.

Sincerely,

Patti Massa
Senior Director, Development
Cystic Fibrosis Foundation

CC: William R. Connors – Police Commissioner
Dawn F. Nodarse – City Clerk
Lt. Robert J. Falk

