

CITY OF RYE

NOTICE

There will be a regular meeting of the City Council of the City of Rye on Wednesday, September 12, 2012, at 8:00 p.m. in the Council Room of 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 August 6, 2012 and the special meeting of the City Council held September 5, 2012.
5. Bid Award for the Central Avenue Bridge reconstruction project (Contract #2012-03).
Roll Call.
6. Acceptance of donation to the Rye Fire Department from the Blitz family in the amount of two thousand (\$2,000.00) dollars.
Roll Call.
7. Mayor's Management Report
 - Update on outstanding union contracts
 - Update on the Respect Manual by Rye Merchants President Sally Wright
 - Legal Update
8. Authorization for the City Manager to enter into a 30-day consultant agreement between the City of Rye and CBRE to market the property located at 1037 Boston Post Road.
Roll Call.
9. Authorization for the City Manager to enter into an Amendment to extend the Lease Agreement with Lester's of Rye, LLC.
Roll Call.
10. Continuation of Public Hearing to discuss potential capital projects to be included in a November, 2012 Bond Referendum.
11. Continuation of Public Hearing to adopt bond resolutions for the November, 2012 Referendum for capital projects.
12. Resolution to adopt bond resolutions for the November, 2012 Referendum:
 - a) Resolution to adopt a bond resolution to finance the acquisition, construction and reconstruction of the Police/Courthouse building and the Rye Free Reading Room in and for the City.
Roll Call.
 - b) Resolution to adopt a bond resolution for the construction, reconstruction and improvements to City streets, sidewalks and other roadway infrastructure.
Roll Call.

13. Public Hearing to amend Chapter 98, "Fire Prevention" of the Code of the City of Rye by amending §98-4 "Board of Fire Wardens; Fire Inspector" regarding the Fire Inspector/Supervisor position for the Rye Fire Department.
14. Update on the Sluice Gate project and Flood Mitigation Stormwater analysis.
15. Authorization for the City Manager to enter into an Intermunicipal Agreement with the Town of Scarsdale for the Board of Assessment Review of the City of Rye to hear a Tax Assessment Grievance for a property located in Scarsdale.
Roll Call.
16. Authorization for additional funding for Landman, Corsi, Ballaine & Ford, P.C. for representation of the City on the Article 78 proceeding *Dapolite v. City Manager*.
Roll Call.
17. Authorization for City Manager to enter into an Agreement with the County of Westchester to accept electronically filed Small Claims Assessment Review (SCAR) petitions via the New York State Courts Electronic Filing (NYSCEF) System.
Roll Call.
18. Consideration of Resolution of support for Safe Routes to School (SRTS) grant application.
19. Residents may be heard on matters for Council consideration that do not appear on the agenda.
20. Consideration of proposed revision of the Rules and Regulations of the City of Rye Police Department.
21. Two appointments to the Boat Basin Commission, by the Council, for two-year terms expiring January 1, 2015 and the designation of one member to the Boat Basin Nominating Committee.
22. One appointment to the Finance Committee for a three-year term expiring January 1, 2015, by the Mayor with Council approval.
23. Consideration of request by the Recreation Department to hold their annual Turkey Run on Thanksgiving Weekend.
24. Miscellaneous communications and reports.
25. Old Business.
26. New Business.
27. Adjournment.

* * * * *

The next regular meeting of the City Council will be held on Wednesday, October 10, 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 by appointment by emailing dfrench@ryeny.gov.



CITY COUNCIL AGENDA

NO. 4

DEPT.: City Clerk

DATE: September 12, 2012

CONTACT: Dawn Nodarse

AGENDA ITEM Draft unapproved minutes of the regular meeting of the City Council held August 6, 2012 and the special meeting of the City Council held September 5, 2012, as attached.

FOR THE MEETING OF:

September 12, 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 August 6, 2012 and the special meeting of the City Council held September 5, 2012, as attached.

DRAFT UNAPPROVED MINUTES of the
Regular Meeting of the City Council of the City of
Rye held in City Hall on August 6, 2012 at 7:00 P.M.

PRESENT:

DOUGLAS FRENCH Mayor
LAURA BRETT (arrived at 7:10 p.m.)
PETER JOVANOVIĆH
JULIE KILLIAN
CATHERINE F. PARKER (arrived at 7:45 p.m.)
JOSEPH A. SACK
Councilmembers

ABSENT: RICHARD FILIPPI, Councilman

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.

Presentation of 2013-2017 Capital Improvement Plan (CIP)

City Planner Christian Miller made the annual CIP presentation, as required by the City Charter, which identifies major projects and acquisitions expected over the next five years or more. Projects are identified and prioritized and funding sources are identified. The current CIP identifies 58 projects for approximately \$28 million, broken down in the following categories: \$17.6 million for transportation projects; \$5.6 million for recreation projects; \$4.3 million for vehicles and equipment; \$2.5 million for building projects; \$1.7 million for sewer projects; and, \$.8 million for drainage projects. The funding sources identified include: 19% from general revenue; one-third from debt; and 48% from grants and aid. There is greater reliance on debt to fund the projects in this CIP than on general revenue. The five year breakdown is: 2013 - \$7.7 million; 2014 - \$3.6 million; 2015 - \$6.4 million; 2016 - \$6.1 million; and 2017 - \$4.4 million. In the past, capital, building and vehicle acquisitions have been made from Fund Balance. In 2007, \$3.2 million of Fund Balance was used to fund capital improvements. This amount has dropped every year since then until the current year when \$0 is budgeted for capital projects. Funding for capital projects is affected by the Tax Cap and debt limits in the City Charter; therefore, a Bond Referendum is being considered to restore funding for the capital improvement program. This CIP continues to defer projects, which is not a sustainable process. The current CIP does not include flood mitigation projects. It is expected that new flood projects will be

identified over the coming years. There are many projects which have been identified in past CIPs, but there are also new needs and priorities identified based on the work of the Shared Roadways Committee. The CIP also identifies other entities outside the City that have a bearing on the City's funding and capital project needs. Mr. Miller concluded by saying that no matter how good the City's Capital Improvement Plan is, there is no Capital Improvement Program without funding to do the projects. The CIP will be posted on the City website.

Councilwoman Brett made a motion, seconded by Councilman Jovanovich and unanimously carried, to adjourn the CIP presentation at 7:50 p.m. The regular meeting began at 8:07 p.m.

3. General Announcements

This item includes announcements made concerning items not on the agenda that may be of interest to the community.

4. Approval of the election of two new members to the Rye Fire Department

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

RESOLVED, that the City Council of the City of Rye hereby approves the election of Andrew Dapolite to the Poningoe Engine and Hose Company and Lester Milman to the Fire Police Patrol, as approved by the Board of Fire Wardens at their July 26, 2012 meeting.

5. Consideration to set a Public Hearing for September 12, 2012 to amend Chapter 98, "Fire Prevention" of the Code of the City of Rye by amending §98-4 "Board of Fire Wardens; Fire Inspector" regarding the Fire Inspector/Supervisor position for the Rye Fire Department

City Manager Pickup said that this proposed local law is a continuation of the discussions with the Fire Department and with County Civil Service to reflect changes in the position of Fire Inspector. It is hoped that County Civil Service will certify a list by fall so the City can begin the process of interviewing candidates.

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

WHEREAS, the Council wishes to amend Chapter 98 “Fire Prevention” of the Code of the City of Rye by amending §98-4 “Board of Fire Wardens: Fire Inspector”; 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 September 12, 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 98 “Fire Prevention” by amending
§98-4“Board of Fire Wardens; Fire Inspector” of the
Rye City Code**

Notice is hereby given that a public hearing will be held by the City Council of the City of Rye on the 12th day of September 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 98, “Fire Prevention” by amending §98-4 “Board of Fire Wardens; Fire Inspector” of the Rye City Code.

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

Dawn F. Nodarse
City Clerk
Dated: August 31, 2012

Councilman Jovanovich made a motion, seconded by Councilwoman Parker and unanimously carried, to approve the minutes of the regular meeting of the City Council held on July 11, 2012, as submitted.

7. Mayor's Management Report

- Update on Bridge projects

Central Avenue Bridge – City Engineer Ryan Coyne received the Certification and Notice to Proceed on this project from the NYS Department of Transportation (DOT). The bid package is out and the bids are due by the end of the month. The DOT must review the bids and, hopefully, an award can be made at the September meeting.

Old Post Road Bridge – The Con Edison replacement work is completed. They are currently doing restoration work. The County Department of Public Works will finish the paving portion of the bridge in order for it to be open with two-way traffic prior to the opening of school.

NY Thruway Bridge over Central Avenue – This project should, hopefully, be completed shortly after Labor Day.

- Update on Forest Avenue Sharrows project

City Engineer Coyne will be meeting with the painting contractor in the field to mark the project in the street. Greg Howells of the YMCA said that the money for the project came from the Centers for Disease Control (CDC) and it must be completed by August 31st. Steve Cadenhead of the Shared Roadways Committee has written an informational press release regarding the project.

- Legal update

Corporation Counsel Kristen Wilson reported on the following matters:

- *Butler v. Mathisson, et al* – Both the Mathissons and the Planning Commission have filed notices of appeal. The Mathissons have already submitted a Joint Record on Appeal.
- *Panetta v. Planning Commission* – An Opposition Brief has been filed by the City. The matter is fully submitted before the Appellate Division, Second Department. Oral arguments will probably be later in the fall.

- Tappan Zee Bridge Project

Mayor French and City Manager Pickup attended a meeting a SUNY Purchase regarding the Tappan Zee Bridge Project. Three bids have been received on the project. The City's role in the review of the Final Environmental Impact Statement (FEIS) will be how the project will impact down I-287 with rapid bus transit into Port Chester. The FEIS is available in City Hall for review by the public.

8. Continuation of Public Hearing to discuss potential capital projects to be included in a November, 2012 Bond Referendum

The public hearing remained open from the last meeting. Two members of the Finance Committee, Paula Schaefer and Fred Dunn provided input from the Committee on financing for capital projects. Interest rates make it an ideal time to bond, but even though it is a great time to issue debt, this does not mean that the City should do it. The Finance Committee thinks that the current bonding authority in the Code is appropriate and is not prepared to opine on the proposed projects. There is concern that a referendum that would add additional debt service to the budget would necessitate overriding the tax cap. A primary concern of the Committee is that the City does not have a Five-year Revenue and Expense Projection Plan that would provide the ability to project tax increases incurred as a result of borrowing money. There was a discussion among the members of the Council regarding the necessity and reliability of Five-year Plans.

The discussion then turned to the proposed projects. City Planner Miller said that as a result of Council discussions, some projects have been removed from the list of potential projects and adjustments have been made to others. An additional \$50,000 has been added to the proposed costs for the Purchase/Purdy/Theodore Fremd Intersection project; a second alternative to the Boston Post Road wall project extending the sidewalk to Holly Lane that increases the cost of the project by \$300,000 has been included; and the amount budgeted for pedestrian improvements has been increased to \$250,000. This brings the range of the proposed bond to \$3.9 to \$4.2 million. City Manager Pickup said that the plans for the Police/Court renovation have been submitted to an architect in the Office of Court Administration (OCA) and, based on an initial review the City seems to be moving in the correct direction. The City has asked to receive comments from the OCA prior to the next meeting. Mr. Pickup said that he and the Engineer will be meeting on site with the new president of the Loudon Woods Association regarding the Post Road Wall project and updated right-of-way information.

The Council discussed the importance of a “marketing plan” for the referendum in order to obtain voter support. The suggestion was made that it would be helpful to have a volunteer “Public Information Coordinator” to handle communication with the public. There was also a discussion about how specific the wording in a Bond Resolution must be regarding the projects.

The public hearing will remain open.

9. Public Hearing to adopt bond resolutions for the November, 2012 Referendum for capital projects

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

The discussion on this agenda item will be deferred.

Councilwoman Brett made a motion, seconded by Councilwoman Parker and unanimously carried, to hold the public hearing on bond resolutions for a November 2012 referendum open until the September 5th Council meeting.

10. Update and Discussion of the proposals for the property located at 1037 Boston Post Road:
- Purchase and Sale Agreement between the City of Rye and Lester's of Rye, LLC for the right of first refusal
 - Broker agreement between the City of Rye and CBRE to market the property

City Manager Pickup said that since the last meeting, additional information has been received on the mortgage contingency and a short-term lease extension request from Lester's. There has also been additional information received from a commercial broker regarding marketing the property. There will be a special Council meeting on September 5th in order to make decisions on the proposed Purchase and Sale Agreement; the proposed Broker agreement; and, the requested lease extension.

Ted Carroll of Forest Avenue asked the Council their opinions on the proposed options. Mayor French and Councilmembers Brett and Jovanovich thought the building should be sold and were leaning toward using a broker. Councilman Sack said he did not think the building should be sold at this time and should be put to other use. Councilwoman Killian said she was also leaning toward selling the building. Councilwoman Parker said that she believed the property should go out to market with an asking price of \$5 million.

11. Resolution to approve a Memorandum of Agreement between the City of Rye and the Rye CSEA Local 1000 Clerical Unit
Roll Call.

City Manager Pickup said this was the first expired contract to come to the Council for approval. The agreement was reached under mediation with a state mediator and includes a wage freeze until July 2013 and a modification to health insurance contributions. It has been ratified by the Clerical Unit.

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

WHEREAS, the City of Rye and the Rye CSEA Local 1000 Clerical Unit have negotiated a new Memorandum of Agreement which will replace the agreement which expired on December 31, 2010; and

WHEREAS, the CSEA Clerical Unit ratified the proposed terms of the MOA, now therefore be it;

RESOLVED, that the City Council approve the two year contract MOA between the Rye CSEA Local 1000 Clerical Unit for the contract period of 01/01/2011 to 12/31/2013.

ROLL CALL:

AYES: Mayor French, Councilmembers Brett, Jovanovich, Killian, Parker and Sack

NAYS: None
ABSENT: Councilman Filippi

The Resolution was adopted by a 6-0 vote.

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

Kent Iarocci of Charlotte Street offered suggestions about three matters:

- Police/Court Upgrade – A. below ground parking area should be built on the side of the building in the area where police vehicles currently park and an addition to the building could be built above that parking area.
- Bowman Avenue – A series of large walls should be built in the area to cure flooding.
- Increase sales revenue for local merchants – A corporation should be encouraged to move their headquarters into Car Park 4 and build two or three tiered parking, one tier of which would be reserved for City use.

Jordan Glass, Esq., representing *HealtheHarbor.com*, and *Ray Tartaglione* both spoke about West Nile Virus and mosquitoes on Hen Island and urged the Council to take action to prevent mosquitoes from breeding. City Manager Pickup said that as of this date the County has not notified the City of the presence of mosquitoes with West Nile Virus in Rye. A lengthy discussion of the issue ensued.

Doug Carey invited everyone to attend Summerfest at Rye Recreation Park on Sunday, September 2nd.

13. Adoption of the 2012/2013 tax levy and tax rate for the Rye Neck Union Free School District Roll Call.

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

WHEREAS, the Rye Neck Union Free School District (District) has certified to the City of Rye Comptroller taxes in the amount of \$10,238,462 to be raised on property within the District located in the City of Rye, with established tax rates of \$737.534792 per \$1,000 of taxable assessed value on homestead property and \$941.168803 per \$1,000 taxable assessed value on non-homestead property, for the fiscal year beginning July 1, 2012 and ending June 30, 2013, now, therefore, be it

RESOLVED, that in accordance with the provisions of the City Charter, the City Comptroller is commanded to levy and collect taxes, subject to any further amendments or approvals required by the Rye Neck Union Free School District.

ROLL CALL:

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

The Resolution was adopted by a 6-0 vote.

14. Consideration of proposed revision of the Rules and Regulations of the City of Rye Police Department

This agenda item was deferred.

15. Resolution cancelling the regular meeting of the City Council scheduled for August 8, 2012

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

RESOLVED, the City Council of the City of Rye hereby approves the cancellation of the regular meeting of the City Council scheduled for August 8, 2012.

16. Consideration of request for permission to close a section of Purchase Street for the 60th annual celebration of the Halloween Window Painting Contest

Councilwoman Parker made a motion, seconded by Councilwoman Killian and unanimously carried, to adopt the following Resolution:

RESOLVED, the City Council hereby approves the request of the Recreation Department for permission to close a section of Purchase Street for the 60th Annual Halloween Window Painting Contest on Sunday October 21, 2012 (rain date October 28) from 8:00 A.M. to 3:00 P.M.

17. Resolution to grant permission to the Rye Free Reading Room to hold a free public concert on the Village Green on Sunday, October 14, 2012 at 2 p.m.

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

RESOLVED, that the City Council hereby approves the request of the Rye Free Reading Room for use of the Village Green from 12:00 p.m. to 5:00

p.m. on Sunday, October 14, 2012 to hold a free public concert.

18. Miscellaneous Communications and Reports

There was nothing discussed under this agenda item.

19. Old Business

- Discussion regarding Andrew Dapolite's letter to the Board of Ethics

Councilman Sack summarized the history of allegations brought by Andrew Dapolite against City Manager Pickup and its referral to the Board of Ethics. Mr. Sack said that he believed the Council should conduct an investigation and determine if any action should be taken. Other members of the Council said that it was time to move on. It was suggested that going forward there should be a better, and initially more private, way of addressing complaints that might arise against City employees. It was also suggested that the Corporation Counsel could possibly act as an independent investigator and report back to the Council.

20. New Business

Councilwoman Killian suggested that when an agenda item is carried over to another meeting, the Council does not need to receive paper copies of the backup again.

21. Adjournment

There being no further business to discuss Councilman Jovanovich made a motion, seconded by Councilwoman Parker and unanimously carried, to adjourn the meeting at 11:02 p.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk

DRAFT UNAPPROVED MINUTES of the
Special Meeting of the City Council of the City of
Rye held in City Hall on September 5, 2012 at 8:00
P.M.

PRESENT:

DOUGLAS FRENCH Mayor
LAURA BRETT
RICHARD FILIPPI
PETER JOVANOVIK
JULIE KILLIAN
CATHERINE F. PARKER
JOSEPH A. SACK
Councilmembers

ABSENT: None

The Council convened at 7:08 p.m. Mayor French made a motion, seconded by Councilman Sack and unanimously carried to immediately adjourn into executive session for a meeting of the Council Litigation Committee and to discuss real estate matters related to the sale of 1037 Boston Post Road. Council member Brett arrived at 7:10 p.m., Councilman Jovanovich at 7:15 p.m. and Councilmembers Parker and Filippi at 7:30 p.m. Councilman Filippi made a motion, seconded by Councilwoman Brett and unanimously carried to adjourn the executive session at 8:28 p.m. The regular session began at 8:40 p.m.

1. Pledge of Allegiance

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

2. Roll Call

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

3. Authorization for the City Manager to enter into a broker agreement between the City of Rye and CBRE to market the property located at 1037 Boston Post Road
Roll Call.

City Manager Pickup summarized that the Council has determined that the property located at 1037 Boston Post Road will not be used for municipal purposes and began looking at sale options, including a right-of-first-refusal option for sale to the present tenant. The Council is now at a point where they would like to determine if market conditions have changed. Mayor French provided background on the property from the purchase by the City in 2006 until it was

paid off in 2010. He said the Council is now considering hiring a professional broker to sell the property. There was a brief discussion among the Council, where interest was expressed in retaining a broker in order to test the market to the fullest and maximize the value of the property.

Perry Schoor, the owner of Lester's, the current tenant at 1037 Boston Post Road, said it is no secret that the building is for sale and that it was not necessary to go out and pay a broker. He added that the right-of-first-refusal clause in the potential Purchase and Sale Agreement between the City and Lester's of Rye, LLC offers the City 90 days to go out and market the property.

Ted Carroll, Forest Avenue, expressed his disagreement with selling the building at a substantial loss to the City, saying it was not fiscally responsible.

Since there may be additional changes made to the proposed agreement, the matter was adjourned to the next meeting in order for the Council to have time to review the changes.

4. Authorization for the City Manager to enter into a Purchase and Sale Agreement between the City of Rye and Lester's of Rye, LLC for the right of first refusal for the purchase of the property located at 1037 Boston Post Road
Roll Call.

This agenda item was tabled.

5. Authorization for the City Manager to enter into an Amendment to extend the Lease Agreement with Lester's of Rye, LLC
Roll Call.

This agenda item was tabled.

6. Continuation of Public Hearing to discuss potential capital projects to be included in a November, 2012 Bond Referendum

City Manager Pickup summarized changes that had been made to some of the project proposals.

Boston Post Road Retaining Wall – A meeting was held with the Loudon Woods Association regarding the project. There is now a three phase proposal: Phase I would include sidewalk replacement and wall stability work in the area from Thistle Lane to Purdy Avenue; Phase II would include Purdy Avenue to Holly Lane, which requires additional study and potential private property issues; and Phase III would involve the continuation of the sidewalk from Holly Lane to the Boston Post Road intersection.

Pedestrian Improvements around schools – The City has been working on a Safe Routes to School grant with the YMCA. If the grant is not funded, an option is to undertake the projects with capital or bond funds.

Corporation Counsel Wilson reported on a conference call with the Office of Court Administration (OCA) in connection with the proposed Police/Court Upgrade project. Ms. Wilson spoke with Ed Rodman, the architect for OCA, and Rex Gedney, the City's architect. OCA has reviewed the scope of the proposed improvements and agreed to them. Further details must be worked out as the project moves along. They are aware of the public process the City must go through. City Manager Pickup said he did not believe this would be the last conversation the City would have with OCA. The City Manager and Corporation Counsel were asked to pursue a commitment from OCA that they will accept the proposed improvements and not seek additional improvements for a substantial amount of time.

Several members of the public commented on the proposed projects.

Jim Amico, 350 Midland Avenue, inquired if the ownership of the Boston Post Road Retaining Wall had been determined. He said the City should not pay for a project on property it does not own and that the owners of the property should be forced to pay for it. Mayor French said he believed it was a shared ownership and the neighbors would be asked to share in the expense. City Manager Pickup said the way the project is phased, the initial phase does not impact private property but the second two phases would involve private property and there would be negotiations with neighbors regarding payment in the future. There was a discussion among the Council about the private/public phases of the project and whether the City should go forward with those phases.

Bob Zahm, 7 Ridgewood Drive, said he thought including the Purchase/Theodore Fremd/Purdy Signal Replacement project was a mistake. He said the City should go forward with the phase of the retaining wall project that would further extend the sidewalks. He suggested that there should be discussions with the School District regarding shared responsibility for the pedestrian safety project near Milton School. He thought the suggested pedestrian improvements to the intersection of Grace Church Street and Midland Avenue made sense.

Sis D'Angelo, Wappanocca Avenue, said that the bond should be postponed and said she would work against it.

Ted Carroll, Forest Avenue, said the Council should choose a few necessary projects that could be done without exceeding the tax cap.

Former Mayor *Ted Dunn* said the City should have a five-year plan in place. He said before the City borrows money it should have a plan in place on how it will be paid back or risk losing the bond issue.

Mayor French said the Council would like more information on the impact of bond costs on the tax cap. City Manager Pickup said that since the recession the City has cut expenses and managed the budget to increase Fund Balance and the public has been impacted. He added that

there are other issues besides a bond such as contract costs, retirement costs and maintenance costs that will impact the budget and the tax cap. A bond referendum is a step in finding ways to invest in the City's capital needs. There was a discussion on the need for a three to five-year financial plan in order to market a bond referendum with residents. Mayor French said that at the next meeting the Council must decide what projects would be included in a bond referendum or if they want to go forward with the projects in ways other than a referendum.

7. Continuation of Public Hearing to adopt bond resolutions for the November, 2012 Referendum for capital projects

This agenda item was adjourned to the next meeting.

Prior to the adjournment of the meeting, Councilman Sack noted that it has been a year since the passing of Building Inspector Vinny Tamburro.

8. Adjournment

There being no further business to discuss Councilman Filippi made a motion, seconded by Mayor French and unanimously carried, to adjourn the meeting at 10:25 p.m.

Respectfully submitted,

Dawn F. Nodarse
City Clerk



CITY COUNCIL AGENDA

NO. 5

DEPT: Public Works

September 12, 2012

CONTACT: Ryan X. Coyne, City Engineer

ACTION: Bid Award for the Central Avenue Bridge reconstruction project (Contract #2012-03).

FOR THE MEETING OF:

September 12, 2012

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That Contract #2012-03, Replacement of the Central Avenue Bridge over Blind Brook be awarded to ELQ Industries, Inc. in the amount of \$1,330,890.00.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: It is the recommendation of the City Engineer Ryan X. Coyne that the contract be awarded to the low bidder ELQ Industries, Inc. in the amount of \$1,330,890.00. This company has done quality work for the City in the past.

See attached.



CITY OF RYE
Engineering Department

Interoffice Memorandum

To: Scott D. Pickup, City Manager

From: Ryan Coyne, PE, City Engineer 

Date: August 30, 2012

Subject: **Central Avenue Bridge Replacement Over Blind Brook**
Contract 2012-03, PIN 8701.43

I have checked and tabulated the six bids received on August 22, 2012 for the above 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 \$1,330,890.00. This company has done quality work for the City in the past.



MEMORANDUM OF BIDS

Computation Verified by: Ryan Coyne, PE
Date: August 27, 2012

Contract No. 2012-03, PIN 8701.43
Central Avenue Bridge Replacement Over Blind Brook

Bid Opening Date August 22, 2012

Contract Description: Replacement of the Central Avenue Bridge Over Blind Brook

Bidders in rank order:

<u>Rank</u>	<u>Bidder Name</u>	<u>Bid Amount</u>
	Engineer's Estimate:	\$ 1,449,817.20
1	ELQ Industries, Inc.	\$ 1,330,890.00
2	McNamee Construcion	\$ 1,563,635.00
3	PCI Industries, Inc.	\$ 1,749,201.00
4	Arben Group, LLC	\$ 2,086,956.50
5	Harrison & Burrows Bridge	\$ 2,159,215.92
6	GC Com Construction	\$ 3,397,798.90

The Lowest Responsible Bidder: ELQ Industries, Inc. Low Bid: \$ 1,330,890.00

(X) I recommend the award of the above contract to the lowest responsible bidder

() I recommend rejection of all bids

Dated 8/27/2012

Signature


Ryan Coyne, PE
City Engineer

Item No.	Item Description	Unit	Estimated Quantity	Engineer's Estimate		ELQ Industries, Inc.		McNamee Construction		PCI Industries		Arben Group, LLC		Harrison & Burrowes Bridge Constructors		GC Com Construction Company, Inc.	
				Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
201.06	CLEARING AND GRUBBING	LS	1	\$10,000.00	\$10,000.00	\$15,000.00	\$15,000.00	\$60,000.00	\$60,000.00	\$6,000.00	\$6,000.00	\$66,000.00	\$66,000.00	\$175,000.00	\$175,000.00	\$27,209.00	\$27,209.00
202.19	REMOVAL OF SUBSTRUCTURES	CY	125	\$250.00	\$31,250.00	\$130.00	\$16,250.00	\$525.00	\$65,625.00	\$145.00	\$18,125.00	\$250.00	\$31,250.00	\$57.00	\$7,125.00	\$156.00	\$19,500.00
203.02	UNCLASSIFIED EXCAVATION AND DISPOSAL	CY	310	\$50.00	\$15,500.00	\$43.00	\$13,330.00	\$100.00	\$31,000.00	\$30.00	\$9,300.00	\$77.00	\$23,870.00	\$35.00	\$10,850.00	\$116.00	\$35,960.00
203.07	SELECT GRANULAR FILL	CY	40	\$60.00	\$2,400.00	\$48.00	\$1,920.00	\$75.00	\$3,000.00	\$37.00	\$1,480.00	\$77.00	\$3,080.00	\$80.00	\$3,200.00	\$65.00	\$2,600.00
203.21	SELECT STRUCTURE FILL	CY	425	\$50.00	\$21,250.00	\$48.00	\$20,400.00	\$75.00	\$31,875.00	\$37.00	\$15,725.00	\$60.00	\$25,500.00	\$106.00	\$45,050.00	\$92.00	\$39,100.00
203.25	SAND BACKFILL	CY	5	\$70.00	\$350.00	\$50.00	\$250.00	\$75.00	\$375.00	\$30.00	\$150.00	\$150.00	\$750.00	\$310.00	\$1,550.00	\$78.00	\$390.00
204.01	CONTROLLED LOW STRENGTH MATERIAL	CY	5	\$300.00	\$1,500.00	\$120.00	\$600.00	\$200.00	\$1,000.00	\$110.00	\$550.00	\$229.00	\$1,145.00	\$320.00	\$1,600.00	\$260.00	\$1,300.00
205.050101	DISPOSAL OF CONTAMINATED HAZARDOUS WASTE SOIL	TON	10	\$400.00	\$4,000.00	\$144.00	\$1,440.00	\$200.00	\$2,000.00	\$185.00	\$1,850.00	\$265.00	\$2,650.00	\$365.00	\$3,650.00	\$2,592.00	\$25,920.00
206.01	STRUCTURE EXCAVATION	CY	950	\$40.00	\$38,000.00	\$49.00	\$46,550.00	\$100.00	\$95,000.00	\$23.00	\$21,850.00	\$60.00	\$57,000.00	\$15.00	\$14,250.00	\$147.00	\$139,650.00
206.02	TRENCH AND CULVERT EXCAVATION	CY	60	\$55.00	\$3,300.00	\$30.00	\$1,800.00	\$100.00	\$6,000.00	\$45.00	\$2,700.00	\$108.00	\$6,480.00	\$39.00	\$2,340.00	\$22.00	\$1,320.00
206.04	TRENCH AND CULVERT EXCAVATION - O.G.	CY	25	\$45.00	\$1,125.00	\$30.00	\$750.00	\$100.00	\$2,500.00	\$45.00	\$1,125.00	\$126.00	\$3,150.00	\$68.00	\$1,700.00	\$72.00	\$1,800.00
207.20	GEOTEXTILE BEDDING	SY	350	\$4.00	\$1,400.00	\$9.00	\$3,150.00	\$2.00	\$700.00	\$11.00	\$3,850.00	\$5.00	\$1,750.00	\$5.00	\$1,750.00	\$5.00	\$1,750.00
304.01970608	CRUSHED STONE AGGREGATE SUBBASE COURSE	CY	115	\$50.00	\$5,750.00	\$48.00	\$5,520.00	\$75.00	\$8,625.00	\$28.00	\$3,220.00	\$65.00	\$7,475.00	\$87.00	\$10,005.00	\$299.00	\$34,385.00
402.378902	37.5 F9 BASE COURSE HMA 80 SERIES COMPACTION	TON	130	\$110.00	\$14,300.00	\$125.00	\$16,250.00	\$125.00	\$16,250.00	\$140.00	\$18,200.00	\$212.00	\$27,560.00	\$200.00	\$26,000.00	\$214.00	\$27,820.00
402.198902	19 F9 BINDER COURSE HMA 80 SERIES COMPACTION	TON	130	\$110.00	\$14,300.00	\$125.00	\$16,250.00	\$125.00	\$16,250.00	\$140.00	\$18,200.00	\$212.00	\$27,560.00	\$200.00	\$26,000.00	\$210.00	\$27,300.00
402.128202	12.5 F2 TOP COURSE HMA 80 SERIES COMPACTION	TON	45	\$110.00	\$4,950.00	\$125.00	\$5,625.00	\$125.00	\$5,625.00	\$140.00	\$6,300.00	\$212.00	\$9,540.00	\$200.00	\$9,000.00	\$422.00	\$18,990.00
407.0101	TACK COAT	GALLON	55	\$8.00	\$440.00	\$7.00	\$385.00	\$15.00	\$825.00	\$15.00	\$825.00	\$11.00	\$605.00	\$15.00	\$825.00	\$17.00	\$935.00
520.50140008	SAW CUTTING ASPHALT PAVEMENT, CONCRETE PAVEMENT AND ASPHALT OVERLAY ON CONCRETE PAVEMENT	LF	100	\$4.00	\$400.00	\$5.00	\$500.00	\$5.00	\$500.00	\$3.00	\$300.00	\$12.00	\$1,200.00	\$15.00	\$1,500.00	\$28.00	\$2,800.00
551.502217	STATIC PILE LOAD TEST	EA	2	\$15,000.00	\$30,000.00	\$25,000.00	\$50,000.00	\$35,000.00	\$70,000.00	\$35,000.00	\$70,000.00	\$34,000.00	\$68,000.00	\$77,000.00	\$154,000.00	\$67,373.00	\$134,746.00
551.99400017	MICROPILES (CONTRACTOR DESIGNED) - DESIGN LOAD LESS THAN 100 TONS	EA	62	\$5,700.00	\$353,400.00	\$3,700.00	\$229,400.00	\$3,900.00	\$241,800.00	\$5,500.00	\$341,000.00	\$10,800.00	\$669,600.00	\$6,220.00	\$385,640.00	\$11,201.00	\$694,462.00
552.16	EXCAVATION PROTECTION SYSTEM	SF	3,000	\$10.00	\$30,000.00	\$52.00	\$156,000.00	\$1.00	\$3,000.00	\$80.00	\$240,000.00	\$2.30	\$6,900.00	\$19.00	\$57,000.00	\$64.00	\$192,000.00
553.020001	COFFERDAMS (TYPE 2)	EA	1	\$10,000.00	\$10,000.00	\$5,000.00	\$5,000.00	\$35,000.00	\$35,000.00	\$25,000.00	\$25,000.00	\$60,000.00	\$60,000.00	\$75,000.00	\$75,000.00	\$219,997.00	\$219,997.00
553.020002	COFFERDAMS (TYPE 2)	EA	1	\$10,000.00	\$10,000.00	\$6,000.00	\$6,000.00	\$35,000.00	\$35,000.00	\$25,000.00	\$25,000.00	\$60,000.00	\$60,000.00	\$75,000.00	\$75,000.00	\$149,738.00	\$149,738.00
555.72010001	ARCHITECTURAL TREATMENT OF CONCRETE SURFACES	SF	1,000	\$20.00	\$20,000.00	\$8.00	\$8,000.00	\$8.00	\$8,000.00	\$18.00	\$18,000.00	\$12.00	\$12,000.00	\$39.00	\$39,000.00	\$15.00	\$15,000.00
555.08	FOOTING CONCRETE, CLASS HP	CY	75	\$400.00	\$30,000.00	\$460.00	\$34,500.00	\$500.00	\$37,500.00	\$550.00	\$41,250.00	\$600.00	\$45,000.00	\$400.00	\$30,000.00	\$611.00	\$45,825.00
555.09	CONCRETE FOR STRUCTURES, CLASS HP	CY	150	\$750.00	\$112,500.00	\$660.00	\$99,000.00	\$800.00	\$120,000.00	\$600.00	\$90,000.00	\$820.00	\$123,000.00	\$700.00	\$105,000.00	\$1,972.00	\$295,800.00
556.0202	EPOXY-COATED BAR REINFORCEMENT FOR STRUCTURES	LB	24,000	\$2.50	\$60,000.00	\$1.80	\$43,200.00	\$2.00	\$48,000.00	\$3.00	\$72,000.00	\$2.30	\$55,200.00	\$2.20	\$52,800.00	\$3.25	\$78,000.00
557.0503	SUPERSTRUCTURE SLAB WITH INTEGRAL WEARING SURFACE - BOTTOM FORMWORK NOT REQUIRED - TYPE 3 FRICTION	SY	180	\$350.00	\$63,000.00	\$120.00	\$21,600.00	\$391.00	\$70,380.00	\$140.00	\$25,200.00	\$500.00	\$90,000.00	\$450.00	\$81,000.00	\$1,102.00	\$198,360.00
557.2003	STRUCTURAL APPROACH SLAB WITH INTEGRAL WEARING SURFACE - TYPE 3 FRICTION	SY	110	\$350.00	\$38,500.00	\$120.00	\$13,200.00	\$300.00	\$33,000.00	\$210.00	\$23,100.00	\$200.00	\$22,000.00	\$300.00	\$33,000.00	\$437.00	\$48,070.00
558.02	LONGITUDINAL SAWCUT GROOVING OF STRUCTURAL SLAB SURFACE	SY	230	\$10.00	\$2,300.00	\$24.00	\$5,520.00	\$15.00	\$3,450.00	\$10.00	\$2,300.00	\$26.00	\$5,980.00	\$26.00	\$5,980.00	\$36.00	\$8,280.00
559.18960118	PROTECTIVE SEALING OF STRUCTURAL CONCRETE ON NEW BRIDGE DECKS AND BRIDGE DECK OVERLAYS	SF	3,300	\$5.00	\$16,500.00	\$3.00	\$9,900.00	\$1.40	\$4,620.00	\$2.00	\$6,600.00	\$1.00	\$3,300.00	\$1.00	\$3,300.00	\$4.00	\$13,200.00
563.03	PRESTRESSED CONCRETE HOLLOW SLAB UNITS	SF	1,450	\$65.00	\$94,250.00	\$85.00	\$123,250.00	\$60.00	\$87,000.00	\$145.00	\$210,250.00	\$78.00	\$113,100.00	\$69.00	\$100,050.00	\$143.00	\$207,350.00
564.0501	STRUCTURAL STEEL	LS	1	\$20,000.00	\$20,000.00	\$2,600.00	\$2,600.00	\$5,000.00	\$5,000.00	\$13,000.00	\$13,000.00	\$7,400.00	\$7,400.00	\$10,000.00	\$10,000.00	\$12,957.00	\$12,957.00
565.1921	TYPE E.L. BEARING (0 TO 55K)	EA	18	\$1,050.00	\$18,900.00	\$300.00	\$5,400.00	\$175.00	\$3,150.00	\$400.00	\$7,200.00	\$190.00	\$3,420.00	\$1,000.00	\$18,000.00	\$216.00	\$3,888.00
567.60	ARMORLESS BRIDGE JOINT SYSTEM	LF	80	\$250.00	\$20,000.00	\$60.00	\$4,800.00	\$135.00	\$10,800.00	\$95.00	\$7,600.00	\$80.00	\$6,400.00	\$123.00	\$9,840.00	\$263.00	\$21,040.00
568.71	TRANSITION BRIDGE RAILING-RUSTIC	LF	60	\$200.00	\$12,000.00	\$185.00	\$11,100.00	\$180.00	\$10,800.00	\$220.00	\$13,200.00	\$310.00	\$18,600.00	\$300.00	\$18,000.00	\$260.00	\$15,600.00
569.08	TEXAS AESTHETIC CONCRETE BRIDGE BARRIER	LF	100	\$300.00	\$30,000.00	\$500.00	\$50,000.00	\$300.00	\$30,000.00	\$800.00	\$80,000.00	\$600.00	\$60,000.00	\$415.00	\$41,500.00	\$591.00	\$59,100.00
572.010001	STRUCTURAL STEEL PAINTING: SHOP APPLIED	SF	250	\$10.00	\$2,500.00	\$10.00	\$2,500.00	\$15.00	\$3,750.00	\$15.00	\$3,750.00	\$4.00	\$1,000.00	\$13.00	\$3,250.00	\$6.00	\$1,500.00
603.6101	REINFORCED CONCRETE PIPE CLASS IV, 12" DIAMETER	LF	40	\$100.00	\$4,000.00	\$60.00	\$2,400.00	\$110.00	\$4,400.00	\$100.00	\$4,000.00	\$80.00	\$3,200.00	\$200.00	\$8,000.00	\$130.00	\$5,200.00
604.07240010	REBUILDING TOP OF EXISTING DRAINAGE STRUCTURES	EA	1	\$1,500.00	\$1,500.00	\$1,400.00	\$1,400.00	\$500.00	\$500.00	\$2,000.00	\$2,000.00	\$1,700.00	\$1,700.00	\$2,000.00	\$2,000.00	\$1,296.00	\$1,296.00
604.300273	RECTANGULAR DRAINAGE STRUCTURE	LF	10	\$450.00	\$4,500.00	\$540.00	\$5,400.00	\$470.00	\$4,700.00	\$1,500.00	\$15,000.00	\$420.00	\$4,200.00	\$2,000.00	\$20,000.00	\$1,037.00	\$10,370.00
608.0101	CONCRETE SIDEWALKS AND DRIVEWAYS	CY	25	\$450.00	\$11,250.00	\$480.00	\$12,000.00	\$350.00	\$8,750.00	\$600.00	\$15,000.00	\$600.00	\$15,000.00	\$1,100.00	\$27,500.00	\$674.00	\$16,850.00
608.020102	HOT MIX ASPHALT CONCRETE SIDEWALKS, DRIVEWAYS AND BICYCLE PATHS, AND VEGETATION CONTROL STRIPS	TON	5	\$300.00	\$1,500.00	\$200.00	\$1,000.00	\$500.00	\$2,500.00	\$190.00	\$950.00	\$230.00	\$1,150.00	\$400.00	\$2,000.00	\$260.00	\$1,300.00
608.20	SURFACE-APPLIED DETECTABLE WARNING UNITS	SY	1.1	\$400.00	\$440.00	\$250.00	\$275.00	\$700.00	\$770.00	\$600.00	\$660.00	\$215.00	\$236.50	\$1,100.00	\$1,210.00	\$1,179.00	\$1,296.90
608.21	EMBEDDED DETECTABLE WARNING UNITS	SY	10.0	\$400.00	\$4,000.00	\$200.00	\$2,000.00	\$450.00	\$4,500.00	\$450.00	\$4,500.00	\$100.00	\$1,000.00	\$600.00	\$6,000.00	\$130.00	\$1,300.00
609.0101	STONE CURB (TYPE A)	LF	275	\$50.00	\$13,750.00	\$55.00	\$15,125.00	\$40.00	\$11,000.00	\$70.00	\$19,250.00	\$64.00	\$17,600.00	\$65.00	\$17,875.00	\$96.00	\$26,400.00
610.0203	ESTABLISHING TURF	ACRE	0.1	\$8,000.00	\$800.00	\$10,000.00	\$1,000.00	\$3,000.00	\$300.00	\$8,000.00	\$800.00	\$27,000.00	\$2,700.00	\$7,000.00	\$700.00	\$90,700.00	\$9,070.00
613.02	PLACING TOP SOIL - TYPE A	CY	30	\$75.00	\$2,250.00	\$42.00	\$1,260.00	\$60.00	\$1,800.00	\$60.00	\$1,800.00	\$137.00	\$4,110.00	\$90.00	\$2,700.00	\$216.00	\$6,480.00
615.04020008	TREE/VEGETATION PROTECTION BARRIER	LF	200	\$5.00	\$1,000.00	\$5.00	\$1,000.00	\$5.00	\$1,000.00	\$5.00	\$1,000.00	\$16.00	\$3,200.00	\$10.00	\$2,000.00	\$7.00	\$1,400.00
619.01	BASIC WORKZONE TRAFFIC CONTROL	LS	1	\$5,000.00	\$5,000.00	\$20,000.00	\$20,000.00	\$15,000.00	\$15,000.00	\$5,000.00	\$5,000.00	\$3,700.00	\$3,700.00	\$75,000.00	\$75,000.0		



CITY COUNCIL AGENDA

NO. 6

DEPT.: City Manager

DATE: September 12, 2012

CONTACT: Scott Pickup, City Manager

AGENDA ITEM: Acceptance of donation to the Rye Fire Department from the Blitz family in the amount of two thousand (\$2,000.00) dollars.

FOR THE MEETING OF:

September 12, 2012

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council adopt the following resolution:

Whereas, the Blitz family desires to donate two thousand (\$2,000.00) dollars to the Rye Fire Department; and

Whereas, the fiscal 2012 General Fund budget did not anticipate this donation; 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 amend the fiscal 2012 General Fund budget as follows:

Increase Revenues – Fire Department Donations \$2,000.00

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

The Blitz family, by letter dated August 27, 2012, advised the Fire Department that they would like to make a contribution of \$2,000. The Fire Chief recommends acceptance of this donation.

NELSON BLITZ, JR.
CATHERINE WOODARD

Dear Rye Fire Department,

Please accept our apologies for the ongoing problem with our alarm system. Each time they replaced a part they told us it was fixed but finally I think they found the problem which was a zone malfunctioning in the box which has been routed out of the system. I've left do not call instructions for a few weeks to double check.

I grew up in a small town in North Carolina and appreciate all the dedicated volunteer work in a community. This contribution is in honor of your service.

Thanks and best wishes,
Catherine and Nelson

CATHYWOODARD@GMAIL.COM
10 PINE ISLAND ROAD • RYE, NY • 100580
CELL: 646 251-8500



CITY COUNCIL AGENDA

NO. 7

DEPT.: City Council

DATE: September 12, 2012

CONTACT: Mayor Douglas French

AGENDA ITEM: Mayor's Management Report

FOR THE MEETING OF:

September 12, 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 on the Respect Manual by Rye Merchants President, Sally Wright
- Update on outstanding Union contracts
- Legal update



CITY COUNCIL AGENDA

NO. 8

DEPT.: City Manager

DATE: September 12, 2012

CONTACT: Scott Pickup, City Manager

AGENDA ITEM: Authorization for the City Manager to enter into a 30-day consultant agreement between the City of Rye and CBRE to market the property located at 1037 Boston Post Road.

FOR THE MEETING OF:

September 12, 2012

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION:

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The City's lease with the current tenant, Lester's of Rye, LLC, ends in March 2013. The City will enter into a 30-day consultant agreement with CBRE to market the property. The City will determine if there are any other interested buyers in the Property with the distribution of a listing sheet describing the property and specifying the terms of any offer.



William V. Cuddy, Jr.
Executive Vice President

Gene Pride
Senior Vice President

CBRE, Inc.

177 Broad Street
Stamford, CT 06901-2001

203 329 7900 Tel
203 352 8998 Fax

william.cuddy@cbre.com
gene.pride@cbre.com
www.cbre.com

September 10, 2012

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

Kristen Kelley Wilson, Esq.
Harris Beach PLLC
445 Hamilton Avenue
White Plains, NY 10601

**RE: 1037 Boston Post Rd.
Rye, NY**

Dear Mr. Pickup and Ms. Wilson,

In conjunction with the Agreement to Market For Sale or Lease between the City of Rye and CBRE, Inc. for the above referenced property, CBRE, Inc. would be engaged in a consulting capacity for the initial thirty days of the agreement. In concept, CBRE, Inc. will provide the following consulting services to the City of Rye:

1. Preparation of final marketing materials, timeline and strategy for the Sale and Lease of the property.
2. Initiate discussions with current tenant regarding potential long term lease or purchase. It is assumed the City of Rye would execute a lease extension through the end of 2013 with the current tenant.
3. Initiate preliminary targeted discussions with the highest probability alternate tenants and/or purchasers for the property in order to gauge true market demand and pricing expectations.
4. Report to City of Rye within the 30 day consulting period the results of items 1-3 above.

At the expiration of the consulting period, the City of Rye can elect to proceed with one of the following two options; 1. Terminate the Agreement to Market for Sale or Lease with CBRE, Inc. in which case Rye would pay a Consulting Fee of \$15,000 and there would be no further obligations to CBRE, Inc. OR 2. Elect to move forward with the terms and conditions as contained in the Agreement to Market for Sale or Lease.

The consulting arrangement is designed to provide a window of time to assess market demand and feedback, prepare the marketing campaign including collateral marketing materials (flyer, Offering Memorandum, confidentiality agreement, etc.) and provided a recommendation to the City of Rye as to the best course of action.

August 3, 2012
City of Rye
Page 2

We look forward to working with the City of Rye and are available at your convenience for further discussion.

Thank you,

Sincerely,


William V. Cuddy, Jr.


Gene Pride



CITY COUNCIL AGENDA

NO. 9

DEPT.: City Manager

DATE: September 12, 2012

CONTACT: Scott Pickup, City Manager

AGENDA ITEM: Authorization for the City Manager to enter into an Amendment to extend the Lease Agreement with Lester's of Rye, LLC.

FOR THE MEETING OF:

September 12, 2012

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: Resolution authorizing an amendment to extend the current Lease Agreement with Lester's of Rye, LLC for the property at 1037 Boston Post Road.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The current lease between the City of Rye and Lester's of Rye, LLC will be amended as follows:

- The term of the lease is extended from the current expiration date of March 31, 2013 to terminate on December 31, 2013.

See attached.



CITY OF RYE

CITY HALL • RYE, NEW YORK 10580

TELEPHONE (914) 967-5400

September __, 2012

Lester's of Rye LLC
2411 Coney Island Avenue
Brooklyn, New York 11223

Re: THIRD AMENDMENT TO LEASE AGREEMENT (the "Third Amendment")

"Premises"	Building located at 1037 Boston Post Road, Rye, New York and appurtenant parking lot.
"Landlord"	City of Rye
"Tenant"	Lester's of Rye LLC as successor in interest to Cloz Companies, Inc. by Assignment and Assumption.
"Lease"	Lease dated as of October 23, 2006 between Landlord, as landlord, and Assignor, as tenant, as amended by: 1) an Amendment to Lease Agreement acknowledged October 10, 2007; and 2) an Amendment to Lease Agreement dated April 2011.
"Assignment and Assumption"	Assignment and Assumption Agreement dated as of July 1, 2008 between Tenant and Assignee.

Landlord and Tenant, being bound unto the Lease, hereby agree to modify and amend the Lease by entering into this Third Amendment. The terms of the Third Amendment are as follows:

- 1. Incorporated Terms.** All terms set forth in Lease are incorporated herein, except as expressly modified and amended below.
- 2. Term.** The parties acknowledge and agree that the Commencement Date of the initial term of the Lease is April 1, 2007 and the Expiration Date of the initial Term of the Lease is March 31, 2011. The Term of the Lease was extended for a period of one (1) year pursuant to the terms of the Second Amendment. The Second Amendment Term terminates on March 31, 2013. The Term of the Third Amendment shall commence on April 1, 2013 (the “Third Amendment Commencement Date Term”) and shall terminate on December 31, 2013 (the “Extension Term”).
- 3. Extension Term Rent.** The Annual Rent payable by the Tenant during the Extension Term (the “Extension Term Rent”) shall be **\$275,000.00** per annum (**\$22,916.67** per month). The Tenant shall commence payment of the Extension Term Rent on the Extension Term Commencement Date, and shall continue payments until the Extension Term Expiration Date.
- 4. Additional Rent – Sewer Taxes.** During the Extension Term, Tenant shall pay as Additional Rent the Tenant’s share of the Sewer Taxes assessed against the Property in monthly installments as set forth in Rider 2 of the Lease.
- 5. Landlord’s Work.** Landlord shall have no obligation to perform any work in or to the Premises, and Tenant shall accept and continue possession of the Premises in its “as is” condition.
- 6. Broker.** Landlord and Tenant each mutually covenant, represent and warrant, the one to the other, that it has had no dealing or communications with any broker or agent in connection with this Third Amendment and each covenants and agrees to pay, hold harmless and indemnify the other from and against any and all cost, expense (including reasonable attorneys’ fees) or liability for any compensation, commission or charges to any broker or agent claiming the right to receive same through the indemnifying party.
- 7. Interpretation.** In the event of any inconsistencies between this Third Amendment and the Second Amendment or Lease, this Third Amendment shall govern and be binding.
- 8. Ratification of Lease.** Except as expressly modified and amended in this Third Amendment, all of the terms, provisions and conditions of the Lease are hereby ratified and confirmed by Landlord and Tenant.
- 9. Binding Effect.** This Amendment shall inure to the benefit and be binding upon the parties hereto and their respective legal representatives, successors and permitted assigns.

10. Counterparts. This Amendment may be executed in any number of counterparts, all of which taken together shall constitute but one and the same agreement and all of which shall be of equal validity and effect. This Amendment, when sent by electronic or facsimile transmission, shall be considered as an original with the same binding force as the original.

11. Notices. All notices in connection with this Agreement or the Property shall be made in writing and shall be personally delivered, or delivered by a national overnight courier service, or send by certified mail, return receipt requested, postage prepaid. Notices to Landlord shall be delivered to the address specified in Section 1(a). Notices delivered to Landlord also shall be delivered in the manner specified herein simultaneously to Landlord at the address specified in Section 1(b) and to Landlord's legal counsel, **Harris Beach PLLC, 445 Hamilton Avenue, Suite 1206, White Plains, New York 10603, Attn: Kristen Kelley Wilson, Esq.** Notices to tenant shall be delivered to the Premises. Notices delivered to Tenant shall also be delivered in the manner specified herein simultaneously to to Tenant's legal counsel **Westerman Ball Ederer Miller & Sharfstein, Attn: Philip L. Sharpstein, Esq., 1201 RXR Plaza, Uniondale, NY 11556.** All notices shall be effective upon delivery or attempted delivery in accordance with this provision. Either party may changes its notice address upon written notice to the other party given in accordance with this provision.

The remaining provisions of the Lease shall remain in full force and effect.

This document shall be known as the Third Amendment.

By signing below, the Landlord and Tenant agree to the terms of this Third Amendment:

Landlord:

By: Scott D. Pickup, City Manager
City of Rye

Tenant:

By: Perry Schorr, Member
Lester's of Rye LLC



CITY COUNCIL AGENDA

NO. 10 DEPT.: City Manager DATE: September 12, 2012
CONTACT: Scott Pickup, City Manager

ACTION: Continuation of Public Hearing to discuss potential capital projects to be included in a November, 2012 Bond Referendum.

FOR THE MEETING OF:

September 12, 2012

RYE CITY CODE,

CHAPTER
SECTION

RECOMMENDATION:

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: Timeline for a 2012 Bond Referendum:

September 12, 2012 – close Public Hearing and adopt the Bond resolution by 60% majority including a yes vote by the Mayor
September, 2012 – send ballot information to Board of Elections (City Staff action only)
November, 2012 – General Election
January, 2013 – borrow funds if Bond Referendum passes
March, 2013 – begin work on projects
November, 2013 – determine borrowing costs
Jan. to June, 2014 – complete projects
January, 2014 – first interest payment due

See attached tentative project list.

**Potential Capital Projects for Inclusion in
Possible November 2012 Bond Referendum
City of Rye, New York**

Project Name	Description	Estimated Cost
<i>Smith Street Reconstruction</i>	Project involves the reconstruction (including paved surface and base) and curb replacement, where necessary. Other improvements as noted in the 2009 CBD Planning and Streetscape Study would also be considered.	\$330,000
<i>Smith/Elm/Purchase Intersection Improvements</i>	As recommended in the 2009 CBD Capital Planning and Streetscape Study the project involves replacing existing signal with stop signs and other traffic calming measures including changes in intersection paving material, bump-outs, new crosswalks and other street amenities.	\$550,000
<i>Purchase/Fremd/Purdy Signal Replacement</i>	As recommended in the 2009 CBD Capital Planning and Streetscape Study the project involves replacing traffic signals at this intersection to meet NYSDOT requirements and adding a turning lane on Theodore Fremd Avenue to reduce intersection delays.	\$475,000
<i>Locust Avenue Sewer Siphon Replacement</i>	Abandon the “siphon” under the Locust Avenue bridge and construct a new sewer line with a more reliable, straight, gravity flow sewer line to the County trunk in Blind Brook. The existing pipes are approximately 100 years old, and one of the existing 4” pipes is partially compromised with an obstruction. The siphon conveys sewage for many businesses in the CBD.	\$250,000
<i>Boston Post Road Retaining Wall</i>	The rock wall/embankment on Boston Post Road opposite Purdy Avenue has been shedding rocks, compromising slope and wall stability. The wall and the rock outcropping it sits on straddles private and City right-of-way property lines. Wall and sidewalk replacement could be phased as follows: 1) Thistle Lane to Purdy Avenue: \$300,000; 2) Purdy Avenue to Holly Lane: \$300,000; 3) sidewalk extension south of Holly Lane: \$300,000.	\$300,000 – \$900,000
<i>Sidewalk and Pedestrian Improvements</i>	Includes funding dedicated for pedestrian safety enhancements including projects like creating or upgrading deteriorated sidewalks, crosswalk improvements, installation of flashing beacons or speed indicators, pedestrian safety improvements around schools, ADA compliance and other projects identified by the City Council, City staff or the Shared Roadways Committee.	\$250,000
<i>Rye Free Reading Room Improvements</i>	Installation of sprinklers and fire alarm system, ADA and flood control improvements and security cameras.	\$200,000
<i>Police/Court Upgrades</i>	Project includes construction of new secured sally port, elevator, interior stairwell, expanded court clerk facilities, judges chamber, court officer facilities and prisoner holding facility.	\$1,250,000
Total		\$3,605,000- \$4,205,000

Safe Routes To Schools Grant Projects
August 15, 2012 (Revised August 24, 2012)

Project Name	Description	Estimated Cost (Preliminary)
<i>Pedestrian Activated Rectangular Rapid Flash Beacons (RRFB)</i>	<p>This project would involve the installation of Rectangular Rapid Flash Beacons (RRFB) at existing un-signalized intersections near existing Rye City Schools. The signals are pedestrian activated and would serve to alert drivers of pedestrians within crosswalks. These intersections were specifically chosen because of they are not currently manned by school crossing guards. Each pair of signals cost approximately \$20,000 to install. The following intersections have been indentified for the installation of RRFB and the schools they would serve:</p> <p>Boston Post Road @ Old Post Road (High/Middle School and Osborn Elem. School) Hewlett Avenue @ Forest Avenue (Milton Elem. School) Apawamis Avenue @ Forest Avenue (High/Middle School) Forest Avenue @ Eve Lane (Midland Elem. School)</p>	\$80,000
<i>Theall/Osborn Road Intersection Pedestrian Improvements</i>	<p>This project would extend the existing curbs at the Theall Road/Osborn Road intersection to reduce the approximately 90-foot crossing distance by approximately 30%. Reducing the crossing distance of this street is a pedestrian safety enhancement especially for children attending Osborn Elementary School. The project would also replace deteriorated sidewalk at the intersection, providing ADA-compliant ramps and increasing the size of the landing area for pedestrian waiting to cross Osborn Road.</p>	\$25,000
<i>Grace Church Street Intersection Pedestrian Improvements</i>	<p>This project would extend the existing curbs on Grace Church Street at its intersection with Midland Avenue. The existing crossing distance of this signalized intersection is nearly 100 feet and creates a barrier to children walking from the Loudon Woods neighborhood to nearby Midland School. The intersection does not include pedestrian signals. In addition to extending the existing curb lines the project would modify the existing narrow center island in Grace Church Street to provide a pedestrian refuge area. Re-configure Center Island.</p>	\$45,000
<i>Milton School Sidewalk Safety Improvements</i>	<p>This project would elevate an existing sidewalk and install a six inch curb to better separate vehicles from the pedestrian area. Currently, approximately 450 feet of sidewalk on Hewlett Avenue adjacent to Milton Elementary School is at the same elevation as the street. There is no physical barrier to prevent vehicles in the adjacent drop-off zone from encroaching into the sidewalk, which is heavily used by children.</p>	\$75,000



CITY COUNCIL AGENDA

NO. 11

DEPT.: City Manager

DATE: September 12, 2012

CONTACT: Scott Pickup, City Manager

ACTION: Continuation of Public Hearing to adopt bond resolutions for the November, 2012 Bond Referendum for capital projects.

FOR THE MEETING OF:

September 12, 2012

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION:

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

A Public Hearing will be held to adopt bond resolutions for the capital projects to be included in the November, 2012 Bond Referendum.

See attached Bond Resolutions and Ballot Propositions.



Joseph S. Fazzino, Jr.
Interim Comptroller
1051 Boston Post Road
Rye, New York 10580

Tel: (914) 967-7303
Fax: (914) 967-7370
E-mail: jfazzino@ryeny.gov
<http://www.ryeny.gov>

CITY OF RYE
Department of Finance

TO: Mayor & Council

FROM: Joe Fazzino, Interim Comptroller

DATE: July 6, 2012

RE: 2012 Bond Resolutions

Attached please find drafts of two serial bond resolutions authorizing the financing of the acquisition of public buildings and the reconstruction and improvements to City streets. The bond resolutions require approval by 5 council members and are subject to mandatory referendum.

Also attached are the mandatory referendum materials (ballot proposition and abstract) for the next general City election to take place on November 6, 2012.

Please contact me with any questions.

Thank you

Joe Fazzino
Interim Comptroller

Bond Resolution

Acquisition, Construction and Reconstruction of Public Buildings

**EXTRACTS FROM MINUTES OF MEETING OF THE CITY COUNCIL
OF THE CITY OF RYE, NEW YORK**

(Acquisition, Construction and Reconstruction of Public Buildings)

A _____ meeting of the City Council of the City of Rye, located in the County of Westchester, New York, was held at _____, in Rye, New York, on _____, 2012 at ____ o'clock, __M., at which meeting a quorum was at all times present and acting. There were:

PRESENT:

ABSENT:

ALSO PRESENT:

* * * * *

Member _____ moved the adoption of the following resolution. The motion was seconded by Member _____. The City Council was polled. The motion was adopted by a vote of affirmative votes (being at least five members of the voting strength of the City Council) and negative votes and ____ absent votes.

BOND RESOLUTION, DATED _____, 2012, AUTHORIZING THE ISSUANCE OF UP TO \$1,500,000 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE CITY OF RYE, NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE THE ACQUISITION CONSTRUCTION AND RECONSTRUCTION OF PUBLIC BUILDINGS IN AND FOR THE CITY.

WHEREAS, the City Council of the City of Rye (the “City”), located in County of Westchester, in the State of New York (the “State”), has determined that it is in the public interest of the City to finance the costs of the acquisition, construction and reconstruction of public buildings, as set forth hereinabove, at a cost of up to \$1,500,000, including preliminary costs, all in accordance with the Local Finance Law; and

WHEREAS, the City Council has determined that it is in the public interest of the City to require the operation of this bond resolution to be approved by the qualified electors of the City, notwithstanding any other the legal requirements of the Local Finance Law;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Rye, as follows:

Section 1. There is hereby authorized to be issued serial bonds of the City in the aggregate principal amount of up to \$1,500,000, pursuant to the Local Finance Law, in order to finance the cost of the specific object or purpose hereinafter described.

Section 2. The specific object or purpose to be financed by the issuance of such serial bonds is the acquisition, construction and reconstruction of public buildings, including applicable preliminary and incidental costs in connection therewith (the “Project”).

Section 3. The City Council of the City has ascertained and hereby states that (a) the estimated maximum cost of the Project is not to exceed \$1,500,000, (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project; (c) the City Council of the City plans to finance the costs of the Project from the \$1,500,000 proceeds of the serial bonds or

bond anticipation notes authorized herein, and (d) the maturity of the obligations authorized herein will be in excess of five (5) years.

Section 4. It is hereby determined that the Project referred to in Section 2 hereof is a specific object or purpose described in paragraph 12(a)(1) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of the Project is twenty-five (25) years. The serial bonds in the principal amount of up to \$1,500,000 authorized herein shall have a maximum maturity of twenty-five (25) years computed from the earlier of (a) the date of such serial bonds, or (b) the date of the first bond anticipation notes issued in anticipation of the issuance of such serial bonds.

Section 5. Subject to the terms and conditions of this Resolution and the Local Finance Law, and pursuant to the provisions of Sections 21.00, 30.00, 50.00, 56.00 and 60.00, inclusive, of the Local Finance Law, the power to authorize bond anticipation notes in anticipation of the issuance of the serial bonds authorized by this Resolution and the renewal of such bond anticipation notes and the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes authorized by this Resolution, and the power to issue, sell and deliver such serial bonds and bond anticipation notes are hereby delegated to the City Comptroller (or Acting City Comptroller), as the chief fiscal officer of the City. The City Comptroller is hereby authorized to execute on behalf of the City all serial bonds issued pursuant to this Resolution and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the City Clerk is hereby authorized to affix the seal of the City to all such serial bonds and all such bond anticipation notes and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the facsimile signature of the City Comptroller.

Section 6. The faith and credit of the City is hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized and issued pursuant to this Resolution as the same shall become due.

Section 7. When and if this Resolution takes effect following the approval thereof by the qualified voters of the City at the next general City election to be held on November 6, 2012, the City Clerk shall cause the same to be published together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law in the, a newspaper having a general circulation in the City. The validity of the serial bonds authorized by this Resolution and of bond anticipation notes issued in anticipation of the sale of such serial bonds may be contested only if such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or the provisions of law which should be complied with as of the date of the publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or if such obligations are authorized in violation of the provisions of the Constitution of the State.

Section 8. Prior to the issuance of obligations authorized to be issued by this bond resolution, the City Council of the City shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal laws and regulations in connection with environmental quality review relating to the Project (collectively, the “environmental compliance proceedings”). In the event that any of the environmental compliance proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this bond resolution, the City Council of the City will re-adopt, amend or modify this bond resolution prior to the issuance of obligations authorized to be issued herein upon the advice of

bond counsel. It is hereby determined by the City Council of the City that the Project will not have a significant effect on the environment.

Section 9. The City hereby declares its intention to issue the obligations authorized herein to finance the cost of the Project. The City covenants for the benefit of the holders of the obligations authorized herein that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations or any other funds of the City, and will not make any use of the facilities financed with the proceeds of such obligations which would cause the interest on such obligations to become subject to Federal income taxation under the Internal Revenue Code of 1986, as amended (the "Code"), (except for the alternative minimum tax imposed on corporations by section 55 of the Code and except for the environmental tax imposed on corporations by section 59A of the Code) or subject the City to any penalties under section 148 of the Code, and that it will not take any action or omit to take any action with respect to such obligations, the proceeds thereof or any facilities financed thereby if such action or omission would cause the interest on such obligations to become subject to Federal income taxation under the Code (except for the alternative minimum tax imposed on corporations by section 55 of the Code and except for the environmental tax imposed on corporations by section 59A of the Code) or subject the City to any penalties under section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of the bonds or any other provisions hereof until the date which is 60 days after the final maturity date or earlier prior redemption date thereof.

Section 10. For the benefit of the holders and beneficial owners from time to time of the bonds and bond anticipation notes authorized pursuant to this Resolution (the "obligations"), the City agrees, in accordance with and as an obligated person with respect to the obligations, under

Rule 15c2-12 promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934 (the “Rule”), to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner, as may be required for purposes of the Rule. In order to describe and specify certain terms of the City’s continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the City Comptroller is authorized and directed to sign and deliver, in the name and on behalf of the City, the commitment authorized by subsection 6(c) of the Rule (the “Commitment”) to be placed on file with the City Clerk, which shall constitute the continuing disclosure agreement made by the City for the benefit of holders and beneficial owners of the obligations in accordance with the Rule, with any changes or amendments that are not inconsistent with this resolution and not substantially adverse to the City and that are approved by the City Comptroller on behalf of the City, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed, collectively, by this paragraph and the Commitment, shall be the City’s continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform thereunder. The City Comptroller is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the City Comptroller shall consult with, as appropriate, the Corporation Council and bond counsel or other qualified independent special counsel to the City. The City Comptroller acting in the name and on behalf of the City, shall be

entitled to rely upon any legal advice provided by the Corporation Council or such bond counsel or other special counsel in determining whether a filing should be made.

Section 11. The City by motion of the City Council, notwithstanding any provision of the City Charter, hereby submits this Resolution for approval by the qualified electors of the City at the next general election City election to be held on November 6, 2012.

Section 12. The following shall constitute the language of the ballot proposition and the City Clerk is hereby authorized and directed to provide in a timely manner a certified copy of such ballot proposition to the Westchester County Board of Elections pursuant to the applicable provisions of the Election Law to insure that such proposition is placed on the ballot for such electors of the City at such general City election:

PROPOSITION

“SHALL THE QUALIFIED ELECTORS OF THE CITY OF RYE, WESTCHESTER COUNTY, APPROVE A BOND RESOLUTION ADOPTED BY THE CITY COUNCIL OF SAID CITY ON _____ AUTHORIZING THE ISSUANCE OF \$1,500,000 SERIAL BONDS OF THE CITY OF RYE TO FINANCE THE ACQUISITION, CONSTRUCTION AND RECONSTRUCTION OF PUBLIC BUILDINGS IN AND FOR THE CITY?”

Section 13. The effectiveness of this Resolution is subject to the approval by the qualified electors of the City at the next general City election.

I, **Dawn F. Nodarse**, Clerk of the City of Rye, located in Westchester County, New York,

HEREBY CERTIFY as follows:

1. A _____ meeting of the City Council of the City of Rye was duly held on _____, 2012, and minutes of such meeting have been duly recorded in Volume ____, pgs. ____ to ____, of the Minute Book kept by me in accordance with law for the purpose of recording the minutes of meetings of the City Council of the City of Rye.

2. I have compared the attached extract with such minutes so recorded and such extract is a true and correct copy of such minutes and of the whole thereof insofar as such minutes relate to matters referred to in such extract.

3. Such minutes correctly state the time when such meeting was convened and the place where such meeting was held and the members of the City Council of the City who attended such meeting.

4. Notice of such meeting was given as prescribed by law and such meeting was open to all persons who were entitled by law to attend such meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Rye, this __ day of _____, 2012.

(SEAL)

Dawn F. Nodarse
City Clerk

Bond Resolution

Construction, Reconstruction and Improvements to City Streets

**EXTRACTS FROM MINUTES OF MEETING OF THE CITY COUNCIL
OF THE CITY OF RYE, NEW YORK**

(Construction, Reconstruction and Improvements to City Streets)

A _____ meeting of the City Council of the City of Rye, located in the County of Westchester, New York, was held at _____, in Rye, New York, on _____, 2012 at ____ o'clock, __.M., at which meeting a quorum was at all times present and acting. There were:

PRESENT:

ABSENT:

ALSO PRESENT:

* * * * *

Member _____ moved the adoption of the following resolution. The motion was seconded by Member _____. The City Council was polled. The motion was adopted by a vote of affirmative votes (being at least five members of the voting strength of the City Council) and negative votes and ____ absent votes.

BOND RESOLUTION, DATED _____, 2012, AUTHORIZING THE ISSUANCE OF UP TO \$3,500,000 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE CITY OF RYE, NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE THE CONSTRUCTION, RECONSTRUCTION AND IMPROVEMENTS TO CITY STREETS.

WHEREAS, the City Council of the City of Rye (the “City”), located in County of Westchester, in the State of New York (the “State”), has determined that it is in the public interest of the City to finance the costs of the construction, reconstruction and improvements to City streets, as set forth hereinabove, at a cost of up to \$3,500,000, including preliminary costs, all in accordance with the Local Finance Law; and

WHEREAS, the City Council has determined that it is in the public interest of the City to require the operation of this bond resolution to be approved by the qualified electors of the City, notwithstanding any other the legal requirements of the Local Finance Law;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Rye, as follows:

Section 1. There is hereby authorized to be issued serial bonds of the City in the aggregate principal amount of up to \$3,500,000, pursuant to the Local Finance Law, in order to finance the cost of the specific object or purpose hereinafter described.

Section 2. The specific object or purpose to be financed by the issuance of such serial bonds is the construction, reconstruction and improvements to City streets, including applicable preliminary and incidental costs in connection therewith (the “Project”).

Section 3. The City Council of the City has ascertained and hereby states that (a) the estimated maximum cost of the Project is not to exceed \$3,500,000, (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project; (c) the City Council of the City plans to finance the costs of the Project from the \$3,500,000 proceeds of the serial bonds or

bond anticipation notes authorized herein, and (d) the maturity of the obligations authorized herein will be in excess of five (5) years.

Section 4. It is hereby determined that the Project referred to in Section 2 hereof is a specific object or purpose described in paragraph 20 of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of the Project is fifteen (15) years. The serial bonds in the principal amount of up to \$3,500,000 authorized herein shall have a maximum maturity of fifteen (15) years computed from the earlier of (a) the date of such serial bonds, or (b) the date of the first bond anticipation notes issued in anticipation of the issuance of such serial bonds.

Section 5. Subject to the terms and conditions of this Resolution and the Local Finance Law, and pursuant to the provisions of Sections 21.00, 30.00, 50.00, 56.00 and 60.00, inclusive, of the Local Finance Law, the power to authorize bond anticipation notes in anticipation of the issuance of the serial bonds authorized by this Resolution and the renewal of such bond anticipation notes and the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes authorized by this Resolution, and the power to issue, sell and deliver such serial bonds and bond anticipation notes are hereby delegated to the City Comptroller (or Acting City Comptroller), as the chief fiscal officer of the City. The City Comptroller is hereby authorized to execute on behalf of the City all serial bonds issued pursuant to this Resolution and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the City Clerk is hereby authorized to affix the seal of the City to all such serial bonds and all such bond anticipation notes and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the facsimile signature of the City Comptroller.

Section 6. The faith and credit of the City is hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized and issued pursuant to this Resolution as the same shall become due.

Section 7. When and if this Resolution takes effect following the approval thereof by the qualified voters of the City at the next general City election to be held on November 6, 2012, the City Clerk shall cause the same to be published together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law in the, a newspaper having a general circulation in the City. The validity of the serial bonds authorized by this Resolution and of bond anticipation notes issued in anticipation of the sale of such serial bonds may be contested only if such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or the provisions of law which should be complied with as of the date of the publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or if such obligations are authorized in violation of the provisions of the Constitution of the State.

Section 8. Prior to the issuance of obligations authorized to be issued by this bond resolution, the City Council of the City shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal laws and regulations in connection with environmental quality review relating to the Project (collectively, the “environmental compliance proceedings”). In the event that any of the environmental compliance proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this bond resolution, the City Council of the City will re-adopt, amend or modify this bond resolution prior to the issuance of obligations authorized to be issued herein upon the advice of

bond counsel. It is hereby determined by the City Council of the City that the Project will not have a significant effect on the environment.

Section 9. The City hereby declares its intention to issue the obligations authorized herein to finance the cost of the Project. The City covenants for the benefit of the holders of the obligations authorized herein that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations or any other funds of the City, and will not make any use of the facilities financed with the proceeds of such obligations which would cause the interest on such obligations to become subject to Federal income taxation under the Internal Revenue Code of 1986, as amended (the "Code"), (except for the alternative minimum tax imposed on corporations by section 55 of the Code and except for the environmental tax imposed on corporations by section 59A of the Code) or subject the City to any penalties under section 148 of the Code, and that it will not take any action or omit to take any action with respect to such obligations, the proceeds thereof or any facilities financed thereby if such action or omission would cause the interest on such obligations to become subject to Federal income taxation under the Code (except for the alternative minimum tax imposed on corporations by section 55 of the Code and except for the environmental tax imposed on corporations by section 59A of the Code) or subject the City to any penalties under section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of the bonds or any other provisions hereof until the date which is 60 days after the final maturity date or earlier prior redemption date thereof.

Section 10. For the benefit of the holders and beneficial owners from time to time of the bonds and bond anticipation notes authorized pursuant to this Resolution (the "obligations"), the City agrees, in accordance with and as an obligated person with respect to the obligations, under

Rule 15c2-12 promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934 (the “Rule”), to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner, as may be required for purposes of the Rule. In order to describe and specify certain terms of the City’s continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the City Comptroller is authorized and directed to sign and deliver, in the name and on behalf of the City, the commitment authorized by subsection 6(c) of the Rule (the “Commitment”) to be placed on file with the City Clerk, which shall constitute the continuing disclosure agreement made by the City for the benefit of holders and beneficial owners of the obligations in accordance with the Rule, with any changes or amendments that are not inconsistent with this resolution and not substantially adverse to the City and that are approved by the City Comptroller on behalf of the City, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed, collectively, by this paragraph and the Commitment, shall be the City’s continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform thereunder. The City Comptroller is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the City Comptroller shall consult with, as appropriate, the Corporation Council and bond counsel or other qualified independent special counsel to the City. The City Comptroller acting in the name and on behalf of the City, shall be

entitled to rely upon any legal advice provided by the Corporation Council or such bond counsel or other special counsel in determining whether a filing should be made.

Section 11. The City by motion of the City Council, notwithstanding any provision of the City Charter, hereby submits this Resolution, for approval by the qualified electors of the City at the next general City election to be held on November 6, 2012.

Section 12. The following shall constitute the language of the ballot proposition and the City Clerk is hereby authorized and directed to provide in a timely manner a certified copy of such ballot proposition to the Westchester County Board of Elections pursuant to the applicable provisions of the Election Law to insure that such proposition is placed on the ballot for such electors of the City at such general City election:

PROPOSITION

“SHALL THE QUALIFIED ELECTORS OF THE CITY OF RYE, WESTCHESTER COUNTY, APPROVE A BOND RESOLUTION ADOPTED BY THE CITY COUNCIL OF SAID CITY ON _____ AUTHORIZING THE ISSUANCE OF \$3,500,000 SERIAL BONDS OF THE CITY OF RYE TO FINANCE THE CONSTRUCTION, RECONSTRUCTION AND IMPROVEMENTS TO CITY STREETS IN AND FOR THE CITY?”

Section 13. The effectiveness of this Resolution is subject to the approval by the qualified electors of the City at the next general City election.

I, **Dawn F. Nodarse**, Clerk of the City of Rye, located in Westchester County, New York,

HEREBY CERTIFY as follows:

1. A _____ meeting of the City Council of the City of Rye was duly held on _____, 2012, and minutes of such meeting have been duly recorded in Volume ____, pgs. ____ to ____, of the Minute Book kept by me in accordance with law for the purpose of recording the minutes of meetings of the City Council of the City of Rye.

2. I have compared the attached extract with such minutes so recorded and such extract is a true and correct copy of such minutes and of the whole thereof insofar as such minutes relate to matters referred to in such extract.

3. Such minutes correctly state the time when such meeting was convened and the place where such meeting was held and the members of the City Council of the City who attended such meeting.

4. Notice of such meeting was given as prescribed by law and such meeting was open to all persons who were entitled by law to attend such meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Rye, this __ day of _____, 2012.

(SEAL)

Dawn F. Nodarse
City Clerk

Ballot Proposition

Acquisition, Construction and Reconstruction of Public Buildings

(212) 872-9862

July 6, 2012

VIA EMAIL

Joseph S. Fazzino Jr.
Acting City Comptroller
City of Rye, Finance Department
1051 Boston Post Road
Rye, New York 10580

Re: City of Rye, New York
Ballot Proposition-\$1,500,000 Serial Bond Resolution acquisition,
construction and reconstruction of public buildings

Dear Joe:

Enclosed please find the following:

1. Resolution of the City Council calling an election and approving the form of ballot proposition.
2. Certification of ballot proposition and statement of form of proposition.
3. Abstract of bond resolution (we will advise you as to the number of copies of the abstract and resolution to send to the Westchester County Board of Elections).
4. Suggested cover letter to send to the Board of Elections.

Joseph S. Fazzino Jr.
July 6, 2012
Page 2

We suggest that you attach a certified copy of the bond resolution to the abstract. These materials must be filed with the Westchester County Board of Elections no later than thirty-six days (Monday October 1, 2012) prior to the date of the election (Tuesday November 6, 2012). Please call me if you have any questions.

Very truly yours,

Lauren M. Trialonas

Cc: Kenneth W. Bond
Enclosures

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RYE,
NEW YORK, SUBMITTING THE APPROVAL OF A BOND
RESOLUTION TO THE QUALIFIED VOTERS OF SAID CITY,
APPROVING THE FORM OF BALLOT PROPOSITION, AND
DIRECTING THE CLERK OF SAID CITY TO PROVIDE A
CERTIFIED COPY OF SAID PROPOSITION TO THE BOARD
OF ELECTIONS.

WHEREAS, the City Council of the City of Rye, New York (herein, the “City Council” and the “City”), located in the County of Westchester, State of New York, on _____, 2012 adopted a serial bond resolution in the manner required by Section 33.00 of the Local Finance Law which authorizes \$1,500,000 of the City’s general obligation serial bonds and bond anticipation notes to be issued to finance the acquisition, construction and reconstruction of public buildings in and for the City (the “Resolution”); and

WHEREAS, the effectiveness of the Resolution was made subject to a mandatory referendum pursuant, where applicable, to the provisions of the City Charter; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Rye, as follows:

1. An election of the qualified voters of the City shall be held on the date of the next general election (November 6, 2012).

2. The form of the ballot proposition shall be in the following language:

“SHALL THE QUALIFIED ELECTORS OF THE CITY OF RYE,
WESTCHESTER COUNTY, APPROVE A BOND RESOLUTION
ADOPTED BY THE CITY COUNCIL OF SAID CITY ON
_____ AUTHORIZING THE ISSUANCE OF \$1,500,000
SERIAL BONDS OF THE CITY OF RYE TO FINANCE THE
ACQUISITION, CONSTRUCTION AND RECONSTRUCTION
OF PUBLIC BUILDINGS IN AND FOR THE CITY?”

3. The City Clerk is hereby authorized and directed to provide in a timely manner, but in event later than October 1, 2012, a certified copy of the foregoing ballot proposition and abstract thereof to the Westchester County Board of Elections pursuant to the applicable provisions of the Election Law to insure that such proposition is placed on the ballot for such electors of the City at such general election.

4. This resolution shall take effect immediately upon its adoption by the City Council.

* * * * *

Member _____ moved the adoption of the foregoing resolution. The motion was seconded by Member _____. The City Council was polled. The motion was adopted by a vote of _____ affirmative votes (at least 5 votes) and _____ negative votes and _____ absent votes.

[cover letter]

_____, 2012

Board of Elections
134 Court Street
White Plains, New York 10601

Re: City of Rye, New York
Ballot Proposition for Approval or
Disapproval of \$1,500,000 Bond Resolution

Dear Commissioners:

In compliance with the Election Law, and particularly Section 4-108 thereof, I hereby deliver and transmit to you the following:

1. A certified copy of the text of the proposition in substantially the form adopted by the City Council of the City of Rye on _____, 2012.
2. A statement of the form of such proposition to be submitted to the qualified voters of said City, which statement is contained in my said certification.
3. [100] copies of an abstract of such proposition concisely stating the purpose and effect thereof and summarizing the material provisions of the bond resolution, together with a certified copy of such bond resolution and a certified copy of such resolution calling an election.

Should you require anything further, please advise.

Sincerely,

Dawn F. Nodarse
City Clerk

**CITY OF RYE
PROPOSITION**

“SHALL THE QUALIFIED ELECTORS OF THE CITY OF RYE, WESTCHESTER COUNTY, APPROVE A BOND RESOLUTION ADOPTED BY THE CITY COUNCIL OF SAID CITY ON _____, 2012 AUTHORIZING THE ISSUANCE OF \$1,500,000 SERIAL BONDS OF THE CITY OF RYE TO FINANCE THE ACQUISITION, CONSTRUCTION AND RECONSTRUCTION OF PUBLIC BUILDINGS IN AND FOR THE CITY?”

YES

NO

CERTIFICATION

I, **Dawn F. Nodarse**, Clerk of the City of Rye, located in Westchester County, New York, **HEREBY CERTIFY** as follows:

1. The foregoing language is a true and correct copy of the text in substantially the form adopted by the City Council of the City of Rye at a special meeting held on _____, 2012 of the proposition to be placed on the ballot at the general election on November 6, 2012, being a general election of the City of Rye.

2. The above language constitutes the form in which such proposition is to be placed on the ballot at such general election.

3. By resolution of such City Council of the City of Rye, I am authorized and directed to provide the Westchester County Board of Elections in a timely manner a certified copy of such ballot proposition pursuant to the applicable provisions of the Election Law.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Rye, this __ day of _____, 2012

Dawn F. Nodarse
City Clerk

(SEAL)

NEWYORK/151841.1

ABSTRACT

An abstract of such Bond Resolution adopted by the City Council of the City of Rye on _____, 2012 concisely stating the purpose and effect thereof, is as follows:

FIRST: The Bond Resolution authorizes the issuance of \$1,500,000 serial bonds of the City of Rye, located in the County of Westchester, pursuant to the provisions of the New York Local Finance Law (the "Law") to finance the costs of the acquisition, construction and reconstruction of public buildings in and for the City (the "Project"). The Bond Resolution states that the estimated maximum cost of the Project is \$1,500,000 and that the plan of financing includes the issuance of \$1,500,000 serial bonds therein authorized and states further that the faith and credit of the City is irrevocably pledged to pay principal and interest on such bonds. The Bond Resolution authorizes the City Council of said City to levy a tax to pay such principal and interest.

SECOND: The Bond Resolution determines that the period of probable usefulness of the Project is twenty-five (25) years pursuant to the limitations of Section 11.00a. 12(a)(1) of the Law.

THIRD: The Bond Resolution delegates to the Acting Comptroller or Chief Financial Officer of the City the power and duties of the City Council as to the issuance of such bonds and any notes to be issued in anticipation of such bonds.

FOURTH: The Bond Resolution requires that the City shall comply with all applicable environmental quality review proceedings prior to the issuance of any bonds or notes authorized therein.

FIFTH: The City Council in the Bond Resolution covenants to not make use of any proceeds of such bonds or notes and to not make use of the Project in any way which would cause the interest on such bonds or notes to become subject to Federal income taxation under the Internal Revenue Code of 1986, as amended.

SIXTH: The City Council in the Bond Resolution covenants to provide or cause to be provided for the benefit of the holders or owners of such bonds or notes such financial information as may be required under rules of the Federal Securities and Exchange Commission during the time such bonds or notes are outstanding pursuant to a continuing disclosure agreement to be placed on file with the City Clerk.

SEVENTH: The City Council in the Bond Resolution requires that the Bond Resolution shall be subject to a Mandatory Referendum at an election to be held at the next general election on November 6, 2012. The Bond Resolution requires that the Bond Resolution be submitted for approval by the qualified electors of the City at the next general election to be held on November 6, 2012.

[Attach a certified copy of the bond resolution]

Ballot Proposition

Construction, Reconstruction and Improvements to City Streets

(212) 872-9862

July 6, 2012

VIA EMAIL

Joseph S. Fazzino Jr.
Acting City Comptroller
City of Rye, Finance Department
1051 Boston Post Road
Rye, New York 10580

Re: City of Rye, New York
Ballot Proposition-\$3,500,000 Serial Bond Resolution construction,
reconstruction and improvements to City streets.

Dear Joe:

Enclosed please find the following:

1. Resolution of the City Council calling an election and approving the form of ballot proposition.
2. Certification of ballot proposition and statement of form of proposition.
3. Abstract of bond resolution (we will advise you as to the number of copies of the abstract and resolution to send to the Westchester County Board of Elections).
4. Suggested cover letter to send to the Board of Elections.

Joseph S. Fazzino Jr.
July 6, 2012
Page 2

We suggest that you attach a certified copy of the bond resolution to the abstract. These materials must be filed with the Westchester County Board of Elections no later than thirty-six days (Monday October 1, 2012) prior to the date of the election (Tuesday November 6, 2012). Please call me if you have any questions.

Very truly yours,

Lauren M. Trialonas

Cc: Kenneth W. Bond
Enclosures

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RYE,
NEW YORK, SUBMITTING THE APPROVAL OF A BOND
RESOLUTION TO THE QUALIFIED VOTERS OF SAID CITY,
APPROVING THE FORM OF BALLOT PROPOSITION, AND
DIRECTING THE CLERK OF SAID CITY TO PROVIDE A
CERTIFIED COPY OF SAID PROPOSITION TO THE BOARD
OF ELECTIONS.

WHEREAS, the City Council of the City of Rye, New York (herein, the "City Council" and the "City"), located in the County of Westchester, State of New York, on _____, 2012 adopted a serial bond resolution in the manner required by Section 33.00 of the Local Finance Law which authorizes \$3,500,000 of the City's general obligation serial bonds and bond anticipation notes to be issued to finance the construction, reconstruction and improvements to City streets in and for the City (the "Resolution"); and

WHEREAS, the effectiveness of the Resolution was made subject to a mandatory referendum, where applicable, pursuant to the provisions of the City Charter; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Rye, as follows:

1. An election of the qualified voters of the City shall be held on the date of the next general election (November 6, 2012).

2. The form of the ballot proposition shall be in the following language:

"SHALL THE QUALIFIED ELECTORS OF THE CITY OF RYE,
WESTCHESTER COUNTY, APPROVE A BOND RESOLUTION
ADOPTED BY THE CITY COUNCIL OF SAID CITY ON
_____ AUTHORIZING THE ISSUANCE OF \$3,500,000
SERIAL BONDS OF THE CITY OF RYE TO FINANCE THE
CONSTRUCTION, RECONSTRUCTION AND
IMPROVEMENTS TO CITY STREETS IN AND FOR THE
CITY?"

3. The City Clerk is hereby authorized and directed to provide in a timely manner, but in event later than October 1, 2012, a certified copy of the foregoing ballot proposition and abstract thereof to the Westchester County Board of Elections pursuant to the applicable provisions of the Election Law to insure that such proposition is placed on the ballot for such electors of the City at such general election.

4. This resolution shall take effect immediately upon its adoption by the City Council.

* * * * *

Member _____ moved the adoption of the foregoing resolution. The motion was seconded by Member_____. The City Council was polled. The motion was adopted by a vote of _____ affirmative votes (at least 5 votes) and _____ negative votes and _____ absent votes.

[cover letter]

_____, 2012

Board of Elections
134 Court Street
White Plains, New York 10601

Re: City of Rye, New York
Ballot Proposition for Approval or
Disapproval of \$3,500,000 Bond Resolution

Dear Commissioners:

In compliance with the Election Law, and particularly Section 4-108 thereof, I hereby deliver and transmit to you the following:

1. A certified copy of the text of the proposition in substantially the form adopted by the City Council of the City of Rye on _____, 2012.
2. A statement of the form of such proposition to be submitted to the qualified voters of said City, which statement is contained in my said certification.
3. [100] copies of an abstract of such proposition concisely stating the purpose and effect thereof and summarizing the material provisions of the bond resolution, together with a certified copy of such bond resolution and a certified copy of such resolution calling an election.

Should you require anything further, please advise.

Sincerely,

Dawn F. Nodarse
City Clerk

**CITY OF RYE
PROPOSITION**

“SHALL THE QUALIFIED ELECTORS OF THE CITY OF RYE, WESTCHESTER COUNTY, APPROVE A BOND RESOLUTION ADOPTED BY THE CITY COUNCIL OF SAID CITY ON _____, 2012 AUTHORIZING THE ISSUANCE OF \$3,500,000 SERIAL BONDS OF THE CITY OF RYE TO FINANCE THE CONSTRUCTION, RECONSTRUCTION AND IMPROVEMENTS TO CITY STREETS IN AND FOR THE CITY?”

YES

NO

CERTIFICATION

I, **Dawn F. Nodarse**, Clerk of the City of Rye, located in Westchester County, New York, **HEREBY CERTIFY** as follows:

1. The foregoing language is a true and correct copy of the text in substantially the form adopted by the City Council of the City of Rye at a special meeting held on _____, 2012 of the proposition to be placed on the ballot at the general election on November 6, 2012, being a general election of the City of Rye.

2. The above language constitutes the form in which such proposition is to be placed on the ballot at such general election.

3. By resolution of such City Council of the City of Rye, I am authorized and directed to provide the Westchester County Board of Elections in a timely manner a certified copy of such ballot proposition pursuant to the applicable provisions of the Election Law.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Rye, this __ day of _____, 2012

Dawn F. Nodarse
City Clerk

(SEAL)

ABSTRACT

An abstract of such Bond Resolution adopted by the City Council of the City of Rye on _____, 2012 concisely stating the purpose and effect thereof, is as follows:

FIRST: The Bond Resolution authorizes the issuance of \$3,500,000 serial bonds of the City of Rye, located in the County of Westchester, pursuant to the provisions of the New York Local Finance Law (the "Law") to finance the costs of the construction, reconstruction and improvements to City streets in and for the City (the "Project"). The Bond Resolution states that the estimated maximum cost of the Project is \$3,500,000 and that the plan of financing includes the issuance of \$3,500,000 serial bonds therein authorized and states further that the faith and credit of the City is irrevocably pledged to pay principal and interest on such bonds. The Bond Resolution authorizes the City Council of said City to levy a tax to pay such principal and interest.

SECOND: The Bond Resolution determines that the period of probable usefulness of the Project is fifteen (15) years pursuant to the limitations of Section 11.00a. 20 of the Law.

THIRD: The Bond Resolution delegates to the Acting Comptroller or Chief Financial Officer of the City the power and duties of the City Council as to the issuance of such bonds and any notes to be issued in anticipation of such bonds.

FOURTH: The Bond Resolution requires that the City shall comply with all applicable environmental quality review proceedings prior to the issuance of any bonds or notes authorized therein.

FIFTH: The City Council in the Bond Resolution covenants to not make use of any proceeds of such bonds or notes and to not make use of the Project in any way which would cause the interest on such bonds or notes to become subject to Federal income taxation under the Internal Revenue Code of 1986, as amended.

SIXTH: The City Council in the Bond Resolution covenants to provide or cause to be provided for the benefit of the holders or owners of such bonds or notes such financial information as may be required under rules of the Federal Securities and Exchange Commission during the time such bonds or notes are outstanding pursuant to a continuing disclosure agreement to be placed on file with the City Clerk.

SEVENTH: The City Council in the Bond Resolution requires that the Bond Resolution shall be subject to a Mandatory Referendum at an election to be held at the next general election on November 6, 2012. The Bond Resolution requires that the Bond Resolution be submitted for approval by the qualified electors of the City at the next general election to be held on November 6, 2012.

[Attach a certified copy of the bond resolution]



CITY COUNCIL AGENDA

NO. 12

DEPT.: City Manager

DATE: September 12, 2012

CONTACT: Scott Pickup, City Manager

ACTION: Resolution to adopt bond resolutions for the November, 2012 Bond Referendum:

- a) Resolution to adopt a bond resolution to finance the acquisition, construction and reconstruction of the Police/Courthouse building and the Rye Free Reading Room in and for the City.
- b) Resolution to adopt a bond resolution for the construction, reconstruction and improvements to City streets, sidewalks and other roadway infrastructure.

FOR THE MEETING OF:

September 12, 2012

RYE CITY CODE,

CHAPTER
SECTION

RECOMMENDATION: That the Council adopt the specific resolutions for the 2012 Bond Referendum.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

The proposed Bond resolutions for the 2012 Bond Referendum include:

- Finance the acquisition, construction and reconstruction of the Police/Courthouse building and the Rye Free Reading Room in and for the City
- Construction, reconstruction and improvements to City streets, sidewalks and other roadway infrastructure



CITY COUNCIL AGENDA

NO. 13

DEPT.: City Manager's Office

DATE: September 12, 2012

CONTACT: Scott Pickup, City Manager

ACTION: Public Hearing to amend Chapter 98, "Fire Prevention" of the Code of the City of Rye by amending §98-4 "Board of Fire Wardens; Fire Inspector" regarding the Fire Inspector/Supervisor position for the Rye Fire Department.

FOR THE MEETING OF:

September 12, 2012

RYE CITY CODE,

CHAPTER 98

SECTION 4

RECOMMENDATION:

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: Due to 2012 Staff retirements in the Rye Fire Department, the position of Fire Inspector/Supervisor has been created by Westchester County Civil Service for the City of Rye. The Rye City Code must be amended to reflect the administration of this new position and the creation of the City of Rye Bureau of Fire Prevention.

See attached.

CITY OF RYE
LOCAL LAW NO. ___ 2012

A Local Law to amend Chapter 98 § 4 “Fire Prevention – Board of Fire Wardens; Fire Inspector” to create a Bureau of Fire Protection the Board of Wardens of the City of Rye Fire Department to report directly to the City Manager

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

Section 1: Chapter 98 Fire Prevention

§ 98-4. Board of Fire Wardens; Fire Lieutenant.

It shall be the responsibility of the Board of Fire Wardens ~~, or any other board or person the Council may designate,~~ **in conjunction with the City Manager** to administer and enforce the provision of this chapter. There is hereby created in and for the City of Rye the office ~~Bureau of Fire Inspector~~ **Bureau of Fire Protection**, the head of which shall be a Lieutenant, **whose duties, among other things, shall include the responsibility for fire inspections within the City. Such office** ~~who shall be subject to the supervision and direction of the Board of Fire Wardens in conjunction with the City Manager or any other board or person the Council may designate.~~ **Subject to the Civil Service Law and Rules and Regulations,** ~~The Board of Fire Wardens in conjunction with the City Manager,~~ **and** with the approval of the Council, shall appoint such **Lieutenant Fire Inspector** ~~from among the members of the Board of Fire Wardens and paid firemen of the City of Rye.~~ Such person so appointed shall be qualified to assume the duties and responsibilities of such office **or shall, within the time prescribed by law, qualify to do so. Such appointee or appointees** ~~and shall receive such annual salary as the Council shall fix and determine at its annual meeting.~~

Section 2: Severability.

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

Section 3: Effective date.

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



CITY COUNCIL AGENDA

NO. 14

DEPT.: City Manager

DATE: September 12, 2012

CONTACT: Scott Pickup, City Manager

AGENDA ITEM: Update on the Sluice Gate project and Flood Mitigation Stormwater analysis.

FOR THE MEETING OF:

September 12, 2012

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION:

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The Sluice Gate project is scheduled for completion by 9/21/12. The gate will initially operate manually with the verified findings of current data analysis incorporated into the operations of the sluice gate electric actuators (the electric equipment which raises and lowers the steel gates) for programming in November 2012. Field testing and verification will take place in December 2012, and the intent is to have the installation fully vetted and accepted for City operation by the beginning of 2013. (See attached Sluice Gate project schedule)

Additionally, the City Engineer is engaged in a Flood Mitigation Stormwater analysis with input from our engaged outside engineers. The City has asked for a coherent update, understandable to a non-hydrological engineer. This data and the data from the 2007 study will be the basis for a potential independent peer review which is currently proposed for October 2012.

Task	Week 1 Ending 8/31							Week 2 Ending 9/7							Week 3 Ending 9/14							Week 4 Ending 9/23						
	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun
	8/27	8/28	8/29	8/30	8/31	9/1	9/2	9/3	9/4	9/5	9/6	9/7	9/8	9/9	9/10	9/11	9/12	9/13	9/14	9/15	9/16	9/17	9/18	9/19	9/20	9/21	9/22	9/23
Install Underground Electrical	X	X	X																									
Install Steel Stilling Wells (Coord. w/ Testing Co.)				X	X			X	X	X																		
Form, Install Rebar & Pour New Pad (Coord. w/ Testing Co.)								X	X	X	X																	
Install Electrical Panels, Controls & Generator															X	X	X	X										
Install Asphalt Binder Course																			X									
Install Sluice Gate																					X	X	X					
Install Fence & Guide Railing																							X	X				



CITY COUNCIL AGENDA

NO. 15

DEPT.: City Manager

DATE: September 12, 2012

CONTACT: Scott Pickup, City Manager

AGENDA ITEM: Authorization for the City Manager to enter into an Intermunicipal Agreement with the Town of Scarsdale for the Board of Assessment Review of the City of Rye to hear a Tax Assessment Grievance for a property located in Scarsdale.

FOR THE MEETING OF:

September 12, 2012

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Mayor and Council authorize the City Manager to enter into the agreement with the Town of Scarsdale.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: Due to conflicts or prior relationships, three of the five members of the Scarsdale BAR have recused themselves on a grievance concerning property located at 62 Woods Lane (owner Dan Hochvert). The Scarsdale Town/Village Assessor Nanette J. Albanese has requested City of Rye Assessor Noreen Whitty that the City of Rye BAR hear the grievance.

See attached.

**AGREEMENT PURSUANT TO SECTION 523 OF THE GENERAL MUNICIPAL LAW
BETWEEN THE CITY OF RYE AND THE TOWN OF SCARSDALE FOR THE BOARD
OF ASSESSMENT REVIEW OF THE CITY OF RYE TO HEAR A TAX ASSESSMENT
GRIEVANCE AS A RESULT OF THE RECUSAL OF SEVERAL TOWN OF
SCARSDALE BAR MEMBERS**

THIS AGREEMENT (the "Agreement") is made this ____ day of _____ 2012, by and between the City of Rye ("Rye"), a municipal corporation organized and existing under the laws of the State of New York, with its principal place of business located at Rye City Hall, 1051 Boston Post Road, Rye, New York, and the Town of Scarsdale ("Scarsdale"), a municipal corporation organized and existing under the laws of the State of New York, with its principal place of business located at 1001 Post Road, Scarsdale, New York to hear and determine the assessment challenge as a result of the recusal of several Scarsdale Board of Assessment Review filed by a former member of the Scarsdale Board of Trustees.

WHEREAS, when one or more members of the Board of Assessment Review has a direct or indirect interest in a property, a familiar relationship with the property owner or where it is necessary to avoid an appearance of impropriety in connection with a tax grievance filed pursuant to New York State Real Property Tax Law, the taxing authority has an obligation to avoid such conflict of interest or appearance of impropriety by executing an inter-municipal agreement with another municipality to hear the tax grievance, and

WHEREAS, in situations where there is a direct or indirect conflict of interest, § 523 of New York State Real Property Tax Law authorizes a municipality to execute an inter-municipal agreement with another municipality to permit the hearing of the tax grievance or complaint in that municipality, and;

WHEREAS, Daniel Hochvert, a Scarsdale resident and former member of the Village/Town Board of Trustees, was elected and has served as a member of the Scarsdale Village/Town Board of Trustees from April 1, 2006, with a term that expired on March 31, 2010, and;

WHEREAS, Daniel Hochvert filed a complaint to challenge the 2012 tentative assessment for the property he owns, located at 62 Woods Lane, Scarsdale, New York (“property”), and;

WHEREAS, in response to Mr. Hochvert’s filing, three of the five members of the Scarsdale’s Town Board of Assessment Review recused themselves from reviewing and deciding Mr. Hochvert’s tax grievance; and

WHEREAS, as a result of the recusals, which are an effort to avoid a conflict of interest or the appearance of impropriety on the part of the Scarsdale’s Town Board of Assessment Review, Rye City’s Board of Assessment Review has agreed to hear the complaint of Daniel Hochvert and render a decision on such complaint, which will be upheld by the Scarsdale Town Board of Assessment Review, now therefore be it;

RESOLVED, in exchange of the mutual covenants expressed the City of Rye and Scarsdale agree as follows:

1. The 2012 designated chairman of the Scarsdale Town Board of Assessment Review shall refer any assessment challenge or complaint made by Daniel Hochvert to the City of Rye Board of Assessment Review for determination.
2. Scarsdale grants the City of Rye Board of Assessment Review the authority to hear, review and determine the 2012 assessment complaint filed by Daniel Hochvert, who has challenged the 2012 tentative assessed value of his property located at 62 Woods Lane, Scarsdale, New York.
3. Scarsdale shall abide by the City of Rye's Board of Assessment Review's determination of this challenge or complaint as though such determination were made by the Scarsdale Town Board of Assessment Review.
4. The term of this Agreement shall commence after the Agreement is fully executed, and shall expire once a final determination of Daniel Hochvert's complaint challenging the 2012 tentative assessment is made by the City of Rye Board of Assessment Review. However, in the event that a small claims assessment review petition is filed against the decision of the City of Rye Town Board of Assessment Review, the matter shall revert back and will be defended and handled by the Town of Scarsdale Assessor. The Town of Scarsdale shall also pay the City of Rye for any and all costs in connection with the assessor's time, and for additional appraisals, if needed, in connection with this matter.
5. The respective representatives of each municipality, who execute this Agreement on behalf of their respective municipal corporations, are duly authorized and empowered to execute this Agreement.

6. Any and all notices, communications, payments and demands required under this Agreement shall be made in writing, addressed as follows, or to such other address as may be hereafter designated, in writing, by each party hereto.

To the City of Rye:

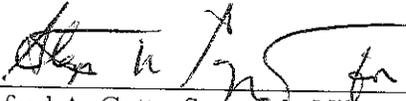
City of Rye Manager
City Hall
1051 Boston Post Road
Rye, New York 10580

To the Town/Village of Scarsdale:

Town/Village Manager
Town/Village of Scarsdale
1001 Post Road
Scarsdale, New York 10583

7. This Agreement contains the entire understanding of the parties who hereby acknowledge that there has been and are no representations, warranties, covenant or understandings other than those expressly set forth herein.
8. Neither this Agreement nor any provision hereof, shall be amended or modified, or deemed amended or modified, except by an agreement in writing duly subscribed and acknowledged by all parties to this Agreement with the same formality as this Agreement.
9. This Agreement shall be binding upon, and for the benefit of, the parties, their heirs, successors and assigns.
10. All matters affecting the interpretation of this Agreement and the rights of the parties hereto shall be governed by the laws of the State of New York.

IN WITNESS THEREOF, the City of Rye and Town of Scarsdale have agreed to the terms and conditions set forth therein.



Alfred A. Gatta, Scarsdale Village Manager

8/29/12
Date

Scott Pickup, Rye City Manager

Date



CITY COUNCIL AGENDA

NO. 16

DEPT.: City Manager

DATE: September 12, 2012

CONTACT: Scott Pickup, City Manager

AGENDA ITEM: Authorization for additional funding for Landman, Corsi, Ballaine & Ford, P.C. for representation of the City on the Article 78 proceeding *Dapolite v. City Manager*.

FOR THE MEETING OF:

September 12, 2012

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council authorize additional funding of \$6,510.40 for final payment to Louis G. Corsi, Esq to represent the City on the Article 78 Proceeding *Dapolite v. City Manager* at a rate of \$275 per hour to be paid by the City.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: Louis G. Corsi, Esq. negotiated the Article 78 petition on behalf of the City resulting in an exchange of general releases and a stipulation of settlement. The Council authorized funding of \$15,000 at the City Council meeting of June 13, 2012. An additional authorization in the amount of \$6,510.40 is requested for final payment to Louis G. Corsi, Esq.



CITY COUNCIL AGENDA

NO. 17

DEPT.: City Manager

DATE: September 12, 2012

CONTACT: Scott Pickup, City Manager

AGENDA ITEM: Authorization for the City Manager to enter into an Agreement with the County of Westchester to accept electronically filed Small Claims Assessment Review (SCAR) petitions via the New York State Courts Electronic Filing (NYSCEF) System.

FOR THE MEETING OF:

September 12, 2012

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Mayor and Council authorize the City Manager to enter into the agreement with Westchester County.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: Due to the dramatic rise in the number of Small Claims Assessment Review Petitions (SCAR), the County Clerk's office now accepts electronically filed SCAR petitions via the New York State Courts Electronic Filing (NYSCEF) System. Westchester County Clerk Timothy C. Idoni is requesting that the City of Rye participate in the bulk filing program.

See attached.



Received

JUL 31 2012

City Manager's Office
Rye, New York

WESTCHESTER COUNTY CLERK

Timothy C. Idoni
County Clerk

July 27, 2012

Scott D. Pickup, City Manger
City of Rye
1051 Boston Post Road
Rye, New York 10580

RE: Small Claims Assessment Review Petition Filing
Westchester County Clerk as Clerk of the Supreme Court

Dear Mr. Pickup:

The dramatic rise in the number of Small Claims Assessment Review (SCAR) petitions filed in this office has had a major impact on all municipal governments. From the year 2006 (894) to 2011 (10,638), the number of actions presented has risen more than ten-fold. Your assessment rolls and our operational capabilities have been severely tested.

In an effort to address our increased workload, the County Clerk's Office began accepting electronically filed SCAR petitions via the New York State Courts Electronic Filing (NYSCEF) System on March 1, 2011. We were pleased to see approximately 50 percent of our SCAR petitions filed via that electronic system in 2011.

When we made filing via the NYSCEF system available, we had inquiries from some of our new filers as to whether we would allow the same bulk upload procedure that is currently available in Nassau county. This system allows filers to upload all of the data associated with a petition which can then be pulled into the petition template in lieu of an actual signed petition. A number of municipalities signed up last year to be part of the program and it has proven to be a great enhancement to productivity and efficiency. I am writing to ask if the City of Rye would be interested in participating in the bulk filing program.

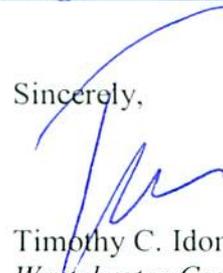
The program proceeds, in general terms, as follows:

- The City of Rye would sign a form (enclosed) stipulation indicating that the city will not object to the validity of commencement of any SCAR action commenced via the NYSCEF bulk filing system, which accepts all of the data associated with a petition in lieu of a physically signed petition.

- A filer wishing to use the NYSCEF bulk filing option would need to sign the stipulation before participating in the program.
- A filer wishing to commence using the bulk filing program would be required to transmit the data for every field in the SCAR petition.
- A filer participating in the program would still be required to serve the municipality in hard copy UNLESS the municipality would prefer to waive hardcopy service.
- At the end of the filing period, all of the data provided by the filer would be transmitted to the municipality in lieu of a paper filing if the municipality has waived service.

I will be in touch with you shortly to answer any questions that may arise. Should you wish to contact me directly, I can be reached at (914) 995-3081 or tc12@westchestergov.com Thank you very much for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Timothy C. Itoni', is written over the printed name.

Timothy C. Itoni
Westchester County Clerk

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----X
In the Matter of

TAXPAYERS WHO FILE SMALL CLAIMS
ASSESSMENT REVIEW (SCAR) PETITIONS
BY ELECTRONIC MEANS,

**STIPULATION
CONSENTING TO
ELECTRONIC FILING**

Petitioners,

-against-

**2012 SMALL CLAIMS
ASSESSMENT REVIEW
FILINGS**

THE CITY OF RYE,

Respondents.
-----X

WHEREAS the Chief Administrator of the courts has established a program in which documents may be filed with the Supreme Court electronically through the New York State Courts Electronic Filing System (“NYSCEF”) pursuant to Part 202 of the Uniform Rules for the Supreme and County Courts (“Uniform Rules”); and

WHEREAS the undersigned attorneys/filing agents for the respective parties desire to facilitate implementation of New York State E-Filing in as many small claims assessment review (hereinafter “SCAR”) proceedings as may be commenced within the statutory deadline for the 2012 final assessment roll; and

WHEREAS “petitioners” shall mean “petitioners or petitioners’ representatives” and “respondents” shall mean the Boards of Assessment Review of/and the City of Rye or their representatives and “respondents or respondents’ representatives” wherever used in this stipulation; and

WHEREAS the Office of Court Administration has agreed to transmit a data file upon request in conformity with the parties’ or their representatives’ needs that encompasses all electronically filed SCAR petitions:

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, that:

(1). Petitioners and respondents consent to electronic filing for the commencement of all SCAR proceedings commenced within or before the statutory deadline for the 2012 final assessment roll and for the electronic filing of all subsequent documents in said proceedings.

Commencement shall be deemed to have occurred when the Court's Receipt of Filing and Payment for Small Claims Assessment Review Cases, which must include the SCAR numbers, in substantially the same form annexed hereto as Exhibit "A" ("Court Receipt"), is delivered to petitioners. Petitioners shall file their petitions and pay the filing fee for each such petition on or before the statutory deadline. Petitioners shall retain the Court Receipt and provide a copy to respondents upon request.

(2). Proper service of the electronically filed petitions pursuant to Rule 202.5-b(f)(1) of the Uniform Rules shall be effected upon all the undersigned respondents by delivery of a hard copy version of the electronic petition in the form specified in Paragraph 3 hereof in the manner prescribed by the CPLR or the RPTL.

(3). As between the undersigned consenting petitioners and respondents, the electronic version of the petition created in NYSCEF from data submitted by the petitioners shall constitute the petition and shall be deemed signed by the petitioners, provided that, prior to filing, the petition is signed in hard copy form and the electronic record of the petition bears the word "Signed" on all required signature lines. The petition in hard-copy form shall be signed in Part V by the owner or representative and either signed in Part IV (regarding designation of representative) by the owner or contain in Part IV an indication that said designation is on file with the representative. Petitioners shall serve upon respondents a copy of each petition in hard copy form signed as required above. Petitioners shall retain the original hard copy petitions, signed as required above, and all original associated designations until the conclusion of all proceedings, including Article 78 review and any appeals, and shall provide copies to any party upon request.

(4). To the extent that petitioners utilize the template of the electronic filing system for their petitions, annexed hereto as Exhibit "B", petitioners agree that the original petitions retained by their counsel/filing agent as required by Paragraph (3) hereof and the hard copy served upon the undersigned respondents shall be in substantially the same form as Exhibit "B." Further, petitioners agree that all data elements in the template and the hard copy shall be identical, except that, as provided in Paragraph (3), the electronic version of the petition need not be signed.

(5). As to proceedings commenced electronically in accordance with this Stipulation, the undersigned respondents waive only those defenses regarding the validity of commencement by electronic filing and may assert any and all substantive defenses regarding the petition and the proceeding.

(6). This stipulation is valid for SCAR proceedings commenced against the City of Rye in Westchester County for the 2012 final assessment roll.

Dated: _____, 2012

_____, New York

Petitioner/Counsel/Filing Agent

Respondent(s)

Mailing Address

Mailing Address

Telephone Number

Telephone Number

Fax Number

Fax Number

E-mail Address

E-mail Address

NYSCEF User ID

EXHIBIT A

NYSCEF Small Claims Assessment Review - Receipt

Filing User Information

Filing User Name	Michael Dyer	Work Address	125 Jordan Road Troy, NY 12180
Phone Number	518-123-4550		
Fax Number			

This is an AUTOMATED response.
The NYS Courts E Filing web site has received documents from the filing user **Michael Dyer** , for petitions in the following range **ER09907512** through **ER09907514**.

Email Notifications Sent to: ATTORNEY'S OFFICE, NASSAU COUNTY - jstefani@courts.state.ny.us
Dyer, Michael - jcarucci@courts.state.ny.us

Please bring one set of your Petition(s) in ER number order to Room 152 (Tax Cert Department) in the Supreme Court.

Note: Petitions should be labeled as follows : COURTESY COPY - Original has been filed via NYSCEF

Transaction Id: 6588		
Transaction Date: 2010-03-11 17:33:39.0		
Authnet Auth Code: F44444789		
Authnet Transaction Id: E33333789		
No. of SCAR(S) Filings	Description	Amount
3	Petition	90.00
*** PAYMENTS ***		
Payment Type: MAST		
*** TOTALS ***		
Total Due: 90.00		
Total Tendered: 90.00		
Comment:		
Processed By: Michael Dyer		

[Print](#) [SCAR Upload Main Menu](#)

EXHIBIT B
PETITION

SMALL CLAIMS ASSESSMENT REVIEW
IN COUNTIES OUTSIDE NEW YORK CITY
(one petition per parcel)

Filed in the Office of the

County Clerk

PART I
GENERAL INFORMATION

SUPREME COURT, COUNTY OF _____

1. Filing # _____ Calendar # _____

2. Assessing Unit _____

3. Date of final completion and filing of assessment roll _____

(a) Total _____

(b) Exempt amount _____

(c) Taxable assessed value (3a-3b) _____

4. Date of filing (or mailing) petition _____

5. Name of owner or owners of property:

Post Office address:

Telephone #:

6. If applicable, name and address of representative of owner, if representative is filing application:
(Owner must complete Designation of Representative section.)

Telephone #:

7. Description of property as it appears on the assessment roll. PARID:

Tax Map# _____ Section _____ Block _____ Lot _____

8. Location of property (street, road, highway number, and city, town or village)

EXHIBIT B

**PART II
GROUNDS FOR PETITION**

A. ASSESSMENT REQUESTED ON THE COMPLAINT FORM FILED WITH THE BOARD OF ASSESSMENT REVIEW

- 1. Total assessment _____
- 2. Exempt amount, if any _____
- 3. Taxable assessment _____

B. CALCULATION OF EQUALIZED VALUE AND MAXIMUM REDUCTION IN ASSESSMENT

1. [] Property is NOT in a special assessing
 ASSESSED VALUE + EQUALIZATION RATE = EQUALIZED VALUE
 _____ + _____ = _____

2. [] Property is in a special assessing unit
 ASSESSED VALUE * CLASS ONE RATIO = EQUALIZED VALUE
 _____ * _____ = _____

3. [] If the EQUALIZED VALUE exceeds \$450,000, enter the ASSESSED VALUE here: _____
 Multiply the ASSESSED VALUE by: _____ x .25
 Enter the result here : _____
 The result is the maximum total assessment request reduction allowable.

C. [] UNEQUAL ASSESSMENT: The total assessment is unequal because the property is assessed at a higher percentage of full (market) value than (check one) :

- [] (a) the average of all other property on the assessment roll, or
- [] (b) the average of residential property on the assessment roll.

Full (market) value of property: \$ _____

Based on one or more of the following, petitioner believes this property should be assessed at _____ % of full (market) value:

- 1. [] The latest State equalization rate for the assessing unit in which the property is located (enter latest equalization rate: _____ %).
- 2. [] The latest residential assessment ratio for the assessing unit in which the property is located (enter residential assessment ratio: _____ %).
- 3. [] A sample of market values of recent sales prices and assessments of comparable residential properties on which petitioner relies for objection (list parcels on a separate sheet and attach).
- 4. [] Statements of the assessor or other local official that property has been placed on the roll at _____ %.

Petitioner believes the total assessment should be reduced to _____. This amount may not be less than the total assessment amount indicated in Section A (1), or Section B (3), whichever is greater.

D. [] EXCESSIVE ASSESSMENT:

- 1. [] The total assessed value exceeds the full (market) value of the property.
Total assessed value of the property: \$ _____
Complainant believes the total assessment should be reduced to a full value of \$ _____
Attach list of parcels upon which complaint relies for objection, if applicable.
This amount may not be less than the amount indicated in Section A (1), or Section B (3).
- 2. [] The taxable assessed value is excessive because of the denial of all or a portion of a partial exemption. Specify exemption \$ _____ (e.g., aged, clergy, veterans, etc).
Amount of exemption claimed: \$ _____. Amount granted, if any: \$ _____.
This amount may not be greater than the amount indicated in A (2).
If application for exemption was filed, attach a copy of application to this petition.

E. INFORMATION TO SUPPORT THE FULL (MARKET) VALUE CLAIMED

- 1. [] Purchase price of _____
Date of purchase _____
Relationship, if any, between seller and purchaser _____
- 2. [] if property has been recently offered for
When and for how long: _____
How offered: _____
Asking price: \$ _____
- 3. [] if property has been recently
When: _____ By whom: _____
Purpose of appraisal: _____
Appraised value: \$ _____
- 4. [] If buildings have been recently remodeled, constructed, or additional improvements made, state:
Year remodeled, constructed, or additions made:
Date commenced: _____ Date completed: _____
Cost: \$ _____
- 5. [] Amount for which your property is insured:
Name of insurance company and policy number: _____
- 6. [] Purchase price of comparable property(ies) recently sold: _____

PART III
LISTING OF TAXING DISTRICTS

Names of Taxing Districts

- 1. COUNTY:
- 2. TOWN:
- 3. VILLAGE:
- 4. SCHOOL DISTRICT:

ADDITIONAL INFORMATION

**PART IV
DESIGNATION OF REPRESENTATIVE TO FILE PETITION**

I, _____ as petitioner (or officer thereof) hereby designate
_____ to act as my representative in any and all proceedings before the Small Claims
Assessment Review of the Supreme Court in _____ County for purposes of reviewing
the assessment of my real property as it appears on the _____ year assessment roll of _____
(assessing unit)

"SIGNED"
Signature of Owner (Or officer thereof)

Date

**PART V
ELIGIBILITY AND CERTIFICATION**

I certify that:

- (a) The owner has previously filed a complaint required for administrative review of assessments.
- (b) The property is improved by a one, two, or three family, owner-occupied residential structure used exclusively for residential purposes, and is not a condominium; except a condominium designated as Class 1 in Nassau County or as "homestead" Class in an approved assessing unit.
- (c) The requested assessment is not lower than the assessment requested on the complaint filed with the assessor or the Board of Assessment Review.
- (d) If the equalized value of the property exceeds \$450,000, the requested assessment reduction does not exceed 25 percent of the assessed value.
- (e) I have mailed, by certified mail, return receipt requested, or, delivered in person, within ten days after the day of filing this petition with the County Clerk, one (1) copy of this petition to the clerk of the assessing unit, or if there is no such clerk, then to the officer who performs the customary duties of that official.
- (f) I have mailed by regular mail within 10 (ten) days after the filing of the Petition with the County Clerk one (1) copy of the Petition to:
 - (a) The clerk of the school district(s)* within which the real property is located, or if there be no clerk or the name and address cannot be obtained, then to a trustee,
 - (b) The treasurer of the county in which the property is located,
and
 - (c) The assessor, or, the chairman of the board of assessors

I certify that all statements made on this application are true and correct to the best of my knowledge and belief, and I understand that the making of any willful false statement of material fact herein will subject me to the provisions of the Penal Law relevant to the making and filing of false instruments.

"SIGNED"
Signature of owner or representative

(* NOTE: You are not required to file with the Buffalo City School District, the Rochester City School District, the Syracuse City School District or the Yonkers City School District.)

PETITION
SMALL CLAIMS ASSESSMENT REVIEW
IN COUNTIES OUTSIDE NEW YORK CITY
(one petition per parcel)

2
Filed in the Office of the
1
County Clerk 114

PART I GENERAL INFORMATION	
SUPREME COURT, COUNTY OF <u>1</u>	
1	Filing # <u>2</u> Calendar # <u>3</u>
2	Assessing Unit <u>4</u>
3	Date of final completion and filing of assessment roll <u>5</u>
(a)	Total <u>6</u>
(b)	Exempt amount <u>7</u>
(c)	Taxable assessed value (3a-3b) <u>8</u>
4	Date of filing (or mailing) petition <u>9</u>
5	Name of owner or owners of property: <u>10 - 13 + 14 - 17</u> Post Office address: <u>18 - 22</u> Telephone #: <u>23</u>
6	If applicable, name and address of representative of owner, if representative is filing application: (Owner must complete Designation of Representative section.) <u>24 - 29</u> Telephone #: <u>30</u>
7	Description of property as it appears on the assessment roll. PARID: <u>31</u> Tax Map# <u>32</u> Section <u>33</u> Block <u>34</u> Lot <u>35</u>
8	Location of property (street, road, highway number, and city, town or village) <u>37-41</u>

**PART II
 GROUNDS FOR PETITION**

A. ASSESSMENT REQUESTED ON THE COMPLAINT FORM FILED WITH THE BOARD OF ASSESSMENT REVIEW

1.	Total assessment	<u>42</u>
2.	Exempt amount, if any	<u>43</u>
3.	Taxable assessment	<u>44</u>

B. CALCULATION OF EQUALIZED VALUE AND MAXIMUM REDUCTION IN ASSESSMENT

1. [45] Property is NOT in a special assessing unit.

ASSESSED VALUE	-	EQUALIZATION RATE	=	EQUALIZED VALUE
<u>46</u>		<u>47</u>		<u>48</u>

2. [45] Property is in a special assessing unit

ASSESSED VALUE	-	CLASS ONE RATIO	=	EQUALIZED VALUE
<u>49</u>		<u>50</u>		<u>51</u>

3. [52] If the EQUALIZED VALUE exceeds \$450,000, enter the ASSESSED VALUE here 53
 Multiply the ASSESSED VALUE by x .25
 Enter the result here 54
 The result is the maximum total assessment request reduction allowable

C [55] UNEQUAL ASSESSMENT The total assessment is unequal because the property is assessed at a higher percentage of full (market) value than (check one) :

- [56] (a) the average of all other property on the assessment roll, or
- [56] (b) the average of residential property on the assessment roll.

Full (market) value of property: \$ 57

Based on one or more of the following, petitioner believes this property should be assessed at 58 % of full (market) value:

- 1 [59] The latest State equalization rate for the assessing unit in which the property is located (enter latest equalization rate: 60 %).
- 2 [61] The latest residential assessment ratio for the assessing unit in which the property is located (enter residential assessment ratio: 62 %).
- 3 [63] A sample of market values of recent sales prices and assessments of comparable residential properties on which petitioner relies for objection (list parcels on a separate sheet and attach).
- 4 [64] Statements of the assessor or other local official that property has been placed on the roll at 65 %.

Petitioner believes the total assessment should be reduced to \$ 66 This amount may not be less than the total assessment amount indicated in Section A (1), or Section B (3), whichever is greater

D. [67] EXCESSIVE ASSESSMENT:

1. [68] The total assessed value exceeds the full (market) value of the property.
Total assessed value of the property: \$ 69
Complainant believes the total assessment should be reduced to a full value of \$ 70
Attach list of parcels upon which complaint relies for objection, if applicable.
This amount may not be less than the amount indicated in Section A (1), or Section B (3).
2. [68] The taxable assessed value is excessive because of the denial of all or a portion of a partial exemption. Specify exemption \$ 71 (e.g., aged, clergy, veterans, etc).
Amount of exemption claimed: \$ 72 Amount granted if any \$ 73.
This amount may not be greater than the amount indicated in A (2).
If application for exemption was filed, attach a copy of application to this petition.

E. INFORMATION TO SUPPORT THE FULL (MARKET) VALUE CLAIMED

1. [74] Purchase price of property \$ 75
Date of purchase 76
Relationship, if any, between seller and purchaser 77
2. [78] if property has been recently offered for sale:
When and for how long: 79
How offered: 80
Asking price: \$ 81
3. [82] if property has been recently appraised:
When: 83 By whom: 84
Purpose of appraisal: 85
Appraised value: \$ 86
4. [87] If buildings have been recently remodeled, constructed, or additional improvements made, state:
Year remodeled, constructed, or additions made: 88
Date commenced: 89 Date completed: 90
Cost: \$ 91
5. [92] Amount for which your property is insured: \$ 93
Name of insurance company and policy number: 94 - 95
6. [96] Purchase price of comparable property(ies) recently sold: \$ 97

PART III
LISTING OF TAXING DISTRICTS

Names of Taxing Districts

1. COUNTY: 98
2. TOWN: 99
3. VILLAGE / CITY: 100
4. SCHOOL DISTRICT: 101

ADDITIONAL INFORMATION

102 + 123

122

**PART IV
DESIGNATION OF REPRESENTATIVE TO FILE PETITION**

I, 103, as petitioner (or officer thereof) hereby designate
104 to act as my representative in any and all proceedings before the Small Claims
 Assessment Review of the Supreme Court in 1 County for purposes of reviewing
 the assessment of my real property as it appears on the 105 year assessment roll of 106
 (assessing unit)

 "SIGNED"
 Signature of Owner (Or officer thereof)
107

108
 Date

**PART V
ELIGIBILITY AND CERTIFICATION**

I certify that

- (a) The owner has previously filed a complaint required for administrative review of assessments.
- (b) The property is improved by a one, two, or three family, owner-occupied residential structure used exclusively for residential purposes, and is not a condominium, except a condominium designated as Class 1 in Nassau County or as "homestead" Class in an approved assessing unit.
- (c) The requested assessment is not lower than the assessment requested on the complaint filed with the assessor or the Board of Assessment Review.
- (d) If the equalized value of the property exceeds \$450,000, the requested assessment reduction does not exceed 25 percent of the assessed value.
- (e) I have mailed, by certified mail, return receipt requested, or, delivered in person, within ten days after the day of filing this petition with the County Clerk, one (1) copy of this petition to the clerk of the assessing unit, or if there is no such clerk, then to the officer who performs the customary duties of that official.
- (f) I have mailed by regular mail within 10 (ten) days after the filing of the Petition with the County Clerk one (1) copy of the Petition to:
 - (a) The clerk of the school district(s)* within which the real property is located, or if there be no clerk or the name and address cannot be obtained, then to a trustee.
 - (b) The treasurer of the county in which the property is located,
and
 - (c) The assessor, or, the chairman of the board of assessors

I certify that all statements made on this application are true and correct to the best of my knowledge and belief, and I understand that the making of any willful false statement of material fact herein will subject me to the provisions of the Penal Law relevant to the making and filing of false instruments.

 "SIGNED"
 Signature of owner or representative

* NOTE: You are not required to file with the Buffalo City School District, the Rochester City School District, the Syracuse City School District or the Yonkers City School District.

**Electronic Filing of Small Claim Assessment Review Petitions
Load File Field Descriptions**

FORMAT REQUIREMENTS: Small Claim Assessment Review Petition Automated Data Transfer Program.

Prepare the file using the following conventions:

1. ASCII

2. Field delimiter semicolon(;), comma(,).

Example: "Smith";

File should not include a header.

3. Maximum allowed file size, 1,000 records

Â	NAME	FIELD DESCRIPTION	TYPE	LENGTH	DEFAULT	COMMENTS
1	SupremeCountyOf	County	Text	20	Required	
2	FilingNumber	AR/ER Filing Number to be assigned by County Clerk	Numeric	15	Not Req	(Should be blank for upload)
3	CalendarNumber	Assigned by Supreme Court	Numeric		Not Req	(Should be blank for upload)
4	AssessingUnit	Assessing Unit	Text	45	Required	
5	AssessCompletionDate	Assessment Completion Date	Date		Not Req	MM/DD/YYYY
6	AssessValuationTotal	Assessment Valuation Total	Numeric	10	Required	
7	AssessExempt	Assessment Exempt Amount	Numeric	10	Required	
8	AssessTaxable	Assessment Taxable Assessed Value	Numeric	10	Required	
9	FilingPetitionDate	Date of Filing (or mailing) Petition	Date		Required	MM/DD/YYYY = Transmission Date
10	OwnerOneFirstName	First Name Owner One of Property	Text	20	Required	Do not use non-alphanumeric other than dashes - hyphens
11	OwnerOneMiddleName	Middle Name Owner One of Property	Text	20	Not Req	

12	OwnerOneLastName	Last Name Owner One of Property	Text	60	Required	Do not use non-alphanumeric other than dashes - hyphens
13	OwnerOneSuffix	Suffix Owner One of Property	Text	10	Not Req	
14	OwnerTwoFirstName	First Name of Owner Two of Property	Text	20	Not Req	Do not use non-alphanumeric other than dashes - hyphens
15	OwnerTwoMiddleName	Middle Name of Owner Two of Property	Text	20	Not Req	
16	OwnerTwoLastName	Last Name of Owner Two of Property	Text	60	Not Req	Do not use non-alphanumeric other than dashes - hyphens
17	OwnerTwoSuffix	Suffix of Owner Two of Property	Text	10	Not Req	
18	OwnerOneAddress1	Address 1 of Owner One	Text	50	Required	
19	OwnerOneAddress2	Address 2 of Owner One	Text	50	Not Req	
20	OwnerOneCity	City of Owner One	Text	20	Required	
21	OwnerOneState	State of Owner One	Text	2	Required	
22	OwnerOneZipCode	Zip Code of Owner One	Numeric	12	Required	
23	OwnerOneTelephone	Telephone of Owner One	Text	15	Not Req	
24	RepName	Representative Name	Text	40	Required	
25	RepAddr1	Representative Address 1	Text	40	Required	
26	RepAddr2	Representative Address 2	Text	40	Not Req	
27	RepCity	Representative City	Text	40	Required	
28	RepState	Representative State	Text	2	Required	
29	RepZip	Representative Zip Code	Text	5	Required	
30	RepTel	Representative Telephone	Text	15	Not Req	
31	PAR-ID	SSBBBBLLLLSBBBBBUUUU	Text	23	Required	
32	DistrictNumber	District Number	Text	10	Not Req	Required in SUFFOLK County
33	SectionNumber	Section Number	Text	10	Required	
34	BlockNumber	Block Number	Text	10	Required	
35	LotNumber	Lot Number	Text	12	Required	

36	PropertyItemNum	Property Item Number	Numeric	10	Not Req	
37	PropertyAddr1	Property Address 1	Text	50	Required	
38	PropertyAddr2	Property Address 2	Text	50	Not Req	
39	PropertyCity	Property City	Text	40	Required	
40	PropertyState	Property State	Text	2	Required	
41	PropertyZip	Property Zip	Text	12	Required	
42	ComplaintAssessTotal	Total Assessment	Numeric	10	Not Req	
43	ComplaintExempt	Exempt Amount	Numeric	10	Not Req	
44	ComplaintTaxable	Taxable Assessment	Numeric	10	Not Req	
45	CalcSpcAssessUnit	Calculation of Equalized Value - Property is not in a Special Assessing	Text	1	Not Req	Value 1 or 2
46	CalcNonSpcAssessed	Calculation of Equalized Value - Assessed Value	Numeric	10	Not Req	Same as AssessValuationTotal above
47	CalcNonSpcEqRate	Calculation of Equalized Value - Equalization Rate	Numeric	6.4	Not Req	
48	CalcNonSpcEqVal	Calculation of Equalized Value - Equalized Value	Numeric	10	Not Req	
49	CalcSpcEqAssessed	Calculation of Equalized Value - Assessed Value	Numeric	10	Not Req	Same as AssessValuationTotal above
50	CalcSpcEqClassOne	Class One Ratio	Numeric	6.4	Not Req	
51	CalcSpcEqVal	Equalized Value	Numeric	10	Not Req	
52	CalcExceeds	Equalized Value exceeds \$450,000	Text	1	Not Req	Y/N (Y=X N=Blank)
53	CalcXcdAssessVal	Equalized Value exceeds \$450,000 - Assessed Value	Numeric	10	Not Req	
54	CalcXcdResult	Equalized Value exceeds \$450,000 - Result	Numeric	10	Not Req	Rounded off
55	UneqAssess	Unequal Assessment	Text	1	Not Req	Y/N (Y=X N=Blank)
56	UneqAssessAvgOf	Avg of Property on Assessment Roll	Text	1	Not Req	Values A or B
57	UneqAssessFullMkt	Full Market Value of Property	Text	30	Required	Claimed Market Value

58	UneqAssessShouldBePct	Percentage Petitioner believes the Property should be Assessed at	Numeric	6.4	Not Req	
59	UneqAssessState	State Equalization Rate for the Assessing Unit	Text	1	Not Req	Y/N (Y=X N=Blank)
60	UneqAssessLtstEq	State Equalization Rate	Numeric	6.4	Not Req	
61	UneqAssessRes	Residential Assessment Ratio for the Assessing Unit	Text	1	Not Req	Y/N (Y=X N=Blank)
62	UneqAssessResRatio	Residential Assessment Ratio	Numeric	6.4	Not Req	
63	UneqAssessSample	Recent Sales Prices	Text	1	Not Req	Y/N (Y=X N=Blank)
64	UneqAssessStmt	Statements of the Assessor	Text	1	Not Req	Y/N (Y=X N=Blank)
65	UneqAssessPlcdRoll	Statements of the Assessor Rate	Numeric	6.4	Not Req	
66	UneqAssessReduceTo	Total Assessment should be reduced to	Numeric	10	Required	= Requested AV
67	ExcsAssess	Excessive Assessment	Text	1	Not Req	Y/N (Y=X N=Blank)
68	ExcsAssessType	Excessive Assessment Type	Text	1	Not Req	Values 1 or 2 to indicate which box to check
69	ExcsAssessTotalVal	Excessive Assessment Total Value	Numeric	10	Not Req	
70	ExcsAssessReduceTo	Excessive Assessment Reduced To	Numeric	10	Required	
71	ExcsAssessExmpDenied	Excessive Assessment Exemption Denied	Text	20	Not Req	
72	ExcsAssessClaimed	Excessive Assessment Claimed	Numeric	10	Not Req	
73	ExcsAssessGranted	Excessive Assessment Granted	Numeric	10	Not Req	
74	InfoSuppPurch	Information to Support Purchase Price	Text	1	Not Req	Y/N (Y=X N=Blank)
75	InfoSuppPurchPrice	Purchase Price	Text	30	Required	
76	InfoSuppPurchDate	Information to Support Purchase Price - Date	Date		Not Req	MM/DD/YYYY
77	InfoSuppPurchRel	Information to Support Purchase Price - Relationship	Text	20	Not Req	
78	InfoSuppSale	If property has been recently offered for sale	Text	1	Not Req	Y/N (Y=X N=Blank)
79	InfoSuppSaleWhen	When and for how long	Text	50	Not Req	

80	InfoSuppSaleHow	How Offered	Text	50	Not Req	
81	InfoSuppSaleAsking	Asking Price	Numeric	10	Not Req	
82	InfoSuppAppr	Information on Recent Appraisal	Text	1	Not Req	Y/N (Y=X X=Blank)
83	InfoSuppApprWhen	When Appraised	Date		Not Req	MM/DD/YYYY
84	InfoSuppApprWhom	Appraised by Whom	Text	50	Not Req	
85	InfoSuppApprPurpose	Purpose of Appraisal	Text	20	Not Req	
86	InfoSuppApprValue	Appraised Value	Numeric	10	Not Req	
87	InfoSuppRemod	Information on Recent Remodeling	Text	1	Not Req	Y/N (Y=X N=Blank)
88	InfoSuppRemodYear	Year Remodeled	Numeric	4	Not Req	Four digit year
89	InfoSuppRemodStart	Date Remodeling Commenced	Date		Not Req	MM/DD/YYYY
90	InfoSuppRemodEnd	Date Remodeling Completed	Date		Not Req	MM/DD/YYYY
91	InfoSuppRemodCost	Cost of Remodeling	Numeric	10	Not Req	
92	InfoSuppInsur	Information on Insurance	Text	1	Not Req	Y/N (Y=X N=Blank)
93	InfoSuppInsurAmt	Insured Amount	Numeric	10	Not Req	
94	InfoSuppInsurName	Insurance Company Name	Text	20	Not Req	
95	InfoSuppInsurPolicy	Insurance Policy Number	Text	20	Not Req	
96	InfoSuppPurchComp	Information on Purchase Price	Text	1	Not Req	Y/N (Y=X N=Blank)
97	InfoSuppPurchCompPrice	Purchase Price of Comparable Property (ies) Recently Sold	Numeric	10	Not Req	
98	TaxDistCounty	Taxing District - County	Text	20	Not Req	
99	TaxDistTown	Taxing District - Town	Text	20	Not Req	See List for specific county
100	TaxDistVillage	Taxing District - Village	Text	25	Not Req	See List for specific county
101	TaxDistSchool	Taxing District - School District	Text	25	Not Req	See List for specific county
102	Additional_Information	Additional Information	Text	255	Not Req	
103	DesigPetitioner	Designating Petitioner	Text	50	Not Req	
104	DesigCompany	Designating Petitioner Company	Text	50	Not Req	
105	DesigYear	Designating Petitioner Year	Text	10	Not Req	

106	DesigAssessUnit	Designating Petitioner Assessing Unit	Text	20	Not Req	
107	Signing Owner Name	Signing Owner Name	Text	50	Not Req	
108	DesigDate	Date Signed	Date		Not Req	MM/DD/YYYY
109	AssessValReduc		Numeric		Not Req	(Should be blank for upload)
110	CorrectedAssessVal		Numeric		Not Req	(Should be blank for upload)
111	FinalStatus		Text	1	Not Req	Cancelled Withdrawn Judgment - should be blank for upload
112	REP-CODE		Numeric	6	Required	
113	County-City-Village Code		Numeric	3	Not Req	See list for Valid Codes
114	Arscarp_Num_Issue_Date	Date Filed / Number issued by court	Date		Not Req	Blank for Upload
115	Scarp_Year		Text	25	Required	=Roll Year / Required
116	AR/Scarp #		Text	12	Not Req	(Should be blank for upload)
117	VendorIndex		Text	25	Not Req	ID # from vendor's system (for vendor use)
118	Lot Suffix		Text	1	Not Req	
119	Building		Text	6	Not Req	use for condo
120	Unit		Numeric	5	Not Req	use for condo
121	Number of Additional Lots		Numeric	2	Not Req	Total number of additional lots
122	Additional Lots		Text	100	Not Req	For Lot grouping -may contain up to 17 lots. Separate lots by a space or hyphen
123	AdditionalInformation2		Text	255	Not Req	
124	IndivNameOfRep	Name of Owner or Representative	Text	40	Not Req	Individual Name of Representative Signing Certification
125	FirmUserId	Firm/User Additional Info	Text	40	Not Req	Not used by court



CITY COUNCIL AGENDA

NO. 18

DEPT.: City Manager

DATE September 12, 2012

CONTACT: Scott Pickup, City Manager

AGENDA ITEM: Consideration of Resolution of Support for the Safe Routes to School (SRTS) grant application.

FOR THE MEETING OF:

September 12, 2012

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council adopt the resolution of support.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: As in 2008, City staff has partnered with the Rye YMCA to submit a grant application under the Safe Routes to School (SRTS) federal funding program administered by the New York State Department of Transportation. The grant requires a supporting resolution from the Rye City Council. Attached hereto is the proposed resolution for the Council's consideration and a description of the proposed safe routes projects. The Rye City School Superintendent has submitted a letter of support for the grant and the School Board will be discussing the projects at its September 11, 2012 meeting.

SAFE ROUTES TO SCHOOL RESOLUTION

WHEREAS, the City of Rye has partnered with the Rye YMCA through its national program “Activate America - Pioneering Healthier Communities,” to develop safer walking and biking routes to schools as a way to promote physical activity and decrease health risks associated with automobile traffic; and

WHEREAS, the City of Rye has implemented several traffic and pedestrian safety projects, including the Boston Post Road Diet, by providing engineering, infrastructure and physical improvements in and around the school campus sites; and

WHEREAS, the City of Rye appointed a multi-disciplinary Temporary Trails and Traffic Safety Committee in 2007, which prioritized specific pedestrian improvements and programs and led to the creation of the Shared Roadways Committee, a citizen’s committee that studied local roadway, sidewalk and intersection conditions and developed site-specific recommendations to enhance pedestrian safety; and,

WHEREAS, the City of Rye has worked with community advocates on Complete Streets initiatives, most recently the Forest Avenue project, which involved painting "sharrows" on the road; re-striping the travel lanes to 10' in either direction; and improving crosswalk visibility, making this heavily traveled roadway safer for pedestrians and cyclists of all ages; and,

WHEREAS, all of these community efforts have contributed to the submission of a request for funding through the federal Safe Routes to School program; now therefore be it

RESOLVED, that the City Council does, herein, support the efforts of the City of Rye and its affiliated partners who have contributed to this initiative; and be it

FURTHER RESOLVED, that the projects submitted for funding will enable our community to move forward in achieving the goals of providing safe roadways for school children, reducing traffic to promote a healthier environment and encouraging physical activity by walking and biking to school.

Safe Routes To Schools Grant Projects
August 15, 2012 (Revised August 24, 2012)

Project Name	Description	Estimated Cost (Preliminary)
<i>Pedestrian Activated Rectangular Rapid Flash Beacons (RRFB)</i>	<p>This project would involve the installation of Rectangular Rapid Flash Beacons (RRFB) at existing un-signalized intersections near existing Rye City Schools. The signals are pedestrian activated and would serve to alert drivers of pedestrians within crosswalks. These intersections were specifically chosen because of they are not currently manned by school crossing guards. Each pair of signals cost approximately \$20,000 to install. The following intersections have been indentified for the installation of RRFB and the schools they would serve:</p> <p>Boston Post Road @ Old Post Road (High/Middle School and Osborn Elem. School) Hewlett Avenue @ Forest Avenue (Milton Elem. School) Apawamis Avenue @ Forest Avenue (High/Middle School) Forest Avenue @ Eve Lane (Midland Elem. School)</p>	\$80,000
<i>Theall/Osborn Road Intersection Pedestrian Improvements</i>	<p>This project would extend the existing curbs at the Theall Road/Osborn Road intersection to reduce the approximately 90-foot crossing distance by approximately 30%. Reducing the crossing distance of this street is a pedestrian safety enhancement especially for children attending Osborn Elementary School. The project would also replace deteriorated sidewalk at the intersection, providing ADA-compliant ramps and increasing the size of the landing area for pedestrian waiting to cross Osborn Road.</p>	\$25,000
<i>Grace Church Street Intersection Pedestrian Improvements</i>	<p>This project would extend the existing curbs on Grace Church Street at its intersection with Midland Avenue. The existing crossing distance of this signalized intersection is nearly 100 feet and creates a barrier to children walking from the Loudon Woods neighborhood to nearby Midland School. The intersection does not include pedestrian signals. In addition to extending the existing curb lines the project would modify the existing narrow center island in Grace Church Street to provide a pedestrian refuge area. Re-configure Center Island.</p>	\$45,000
<i>Milton School Sidewalk Safety Improvements</i>	<p>This project would elevate an existing sidewalk and install a six inch curb to better separate vehicles from the pedestrian area. Currently, approximately 450 feet of sidewalk on Hewlett Avenue adjacent to Milton Elementary School is at the same elevation as the street. There is no physical barrier to prevent vehicles in the adjacent drop-off zone from encroaching into the sidewalk, which is heavily used by children.</p>	\$75,000

Safe Routes to School

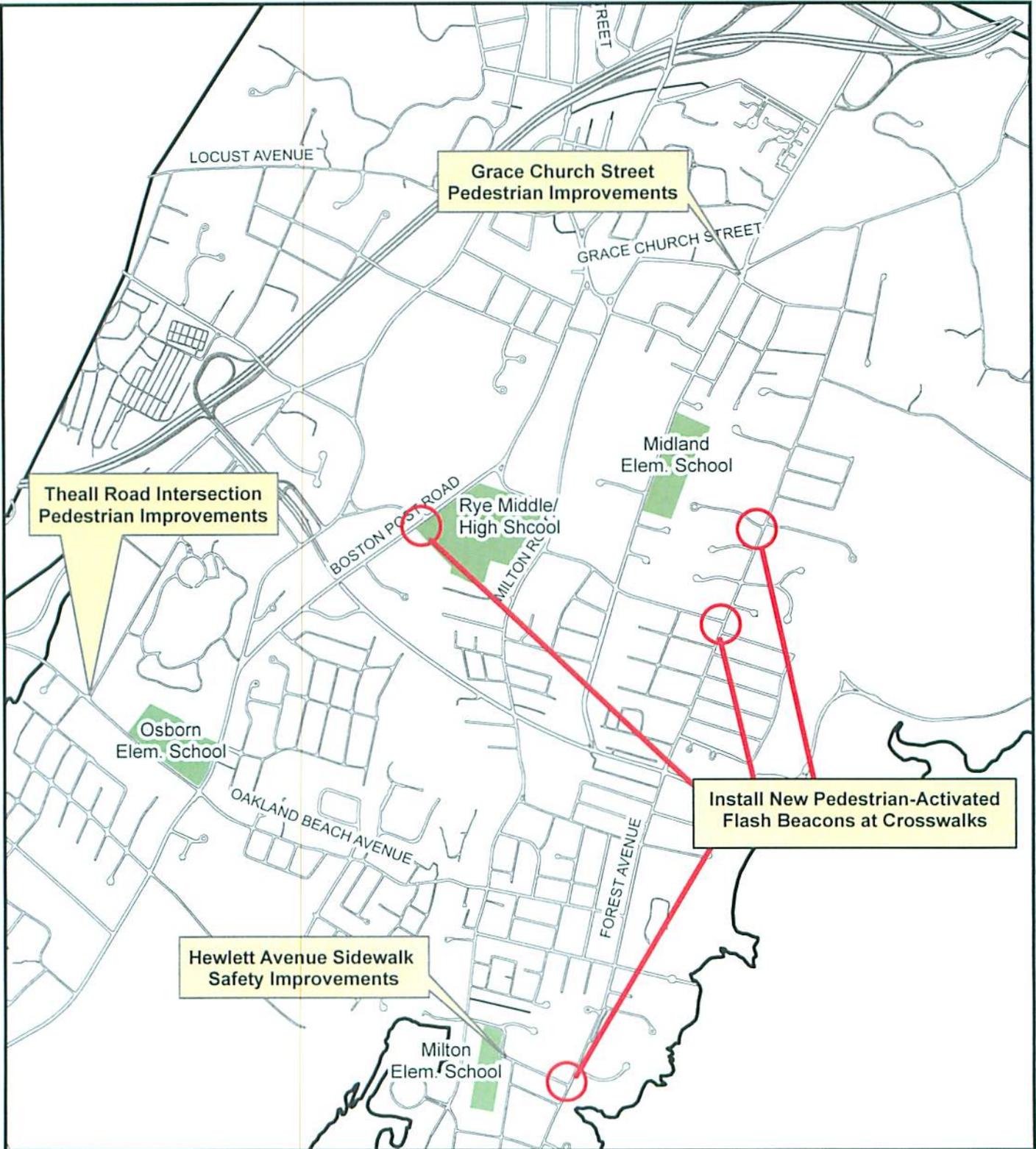
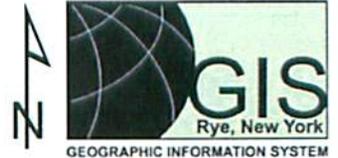


Figure:
Project Locations
City of Rye, New York

August 2012

1,000 500 0 Feet





Rectangular Rapid Flash Beacon (RRFB)

TAPCO's pedestrian activated RRFB crosswalk systems have produced 80% to 90% driver compliance in yielding to pedestrians at high-risk uncontrolled crossings. When activated, the LED arrays flash an FHWA specified, alternating 'wig-wag' pattern that lights up the approach to the crosswalk. Side-mounted LED arrays flash concurrently to advise pedestrians that the crosswalk is illuminated. This is the highest yielding rate of all devices not featuring a red display, and up to 4 times greater than standard round beacons. RRFBs cost less than other devices with similar vehicular yield rates.

- Driver yielding rates of 80-90%
- Wireless, synchronized LEDs
- Solar-powered, eco-friendly
- Up to 30 days autonomy
- Easy installation, maintenance free
- Web-based monitoring/alert option
- LED Indicators for pedestrians
- More effective than round beacons

CONTACT OUR TEAM TODAY

[Request Quote](#)

Email or call today to discuss how we can help

1-800-236-0112

[National Center for Safe Routes to School \(SRTS\)](#)[RRFB-XL \(PDF\)](#)[RRFB Standard \(PDF\)](#)

Optional offerings:

- Advance RRFB, wirelessly linked to Crossing RRFB
- Self-powered remote bollard-mounted pushbutton
- Passively activated systems: radar, infrared
- Web-based monitoring/alert option with BlinkLink

Recommended applications:

- School Crossings
- Pedestrian Crossings
- Roundabout Crossings
- High-Speed and multi-lane crossings



RRFB-XL

RRFB-XL System

The Xtra-Large 7" x 3" LED arrays on the RRFB-XL provide greater visibility than standard RRFB, exceeding Federal specifications. The increased conspicuity is ideal for multi-lane and higher-speed roadways.

[RRFB-XL \(PDF\)](#)

[Request Quote](#)



RRFB Standard System

The Standard Size RRFB features 5" x 2" LED arrays, meeting Federal specifications as stated in FHWA Memorandum IA-11.

[RRFB Standard \(PDF\)](#)

[Request Quote](#)



Boston Post Rd. + Old Post Rd. intersection



BPR+OPR Intersection + BPR Diet



Hewlett + Forest Intersection



Hawlett + Forest intersection with sharrow on Forest



Forest + Apawamis Intersection



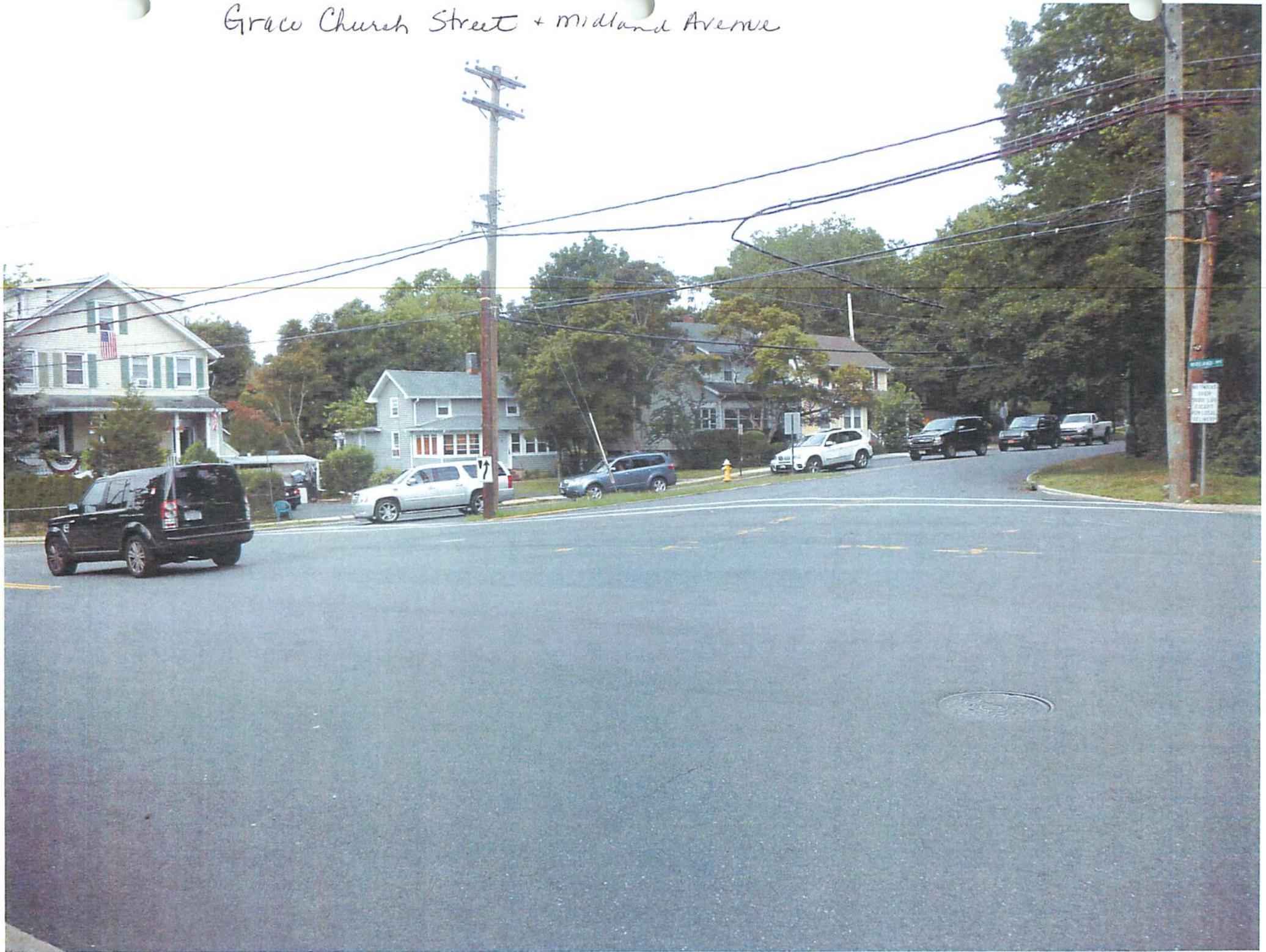
Forest & Eve Lane Intersection



Eve Lane + Forrest Ave Intersection



Grace Church Street + Midland Avenue



Grace Church Street



Theal Rd. + Osborn Rd intersection



Theal Rd + Osborn Rd Intersection



Milton School Sidewalk on Hewlett Avenue



Mr 14m School Sidewalk



milton school sidewalk





CITY COUNCIL AGENDA

NO. 20

DEPT.: Police

DATE: September 12, 2012

CONTACT: William R. Connors, Police Commissioner

AGENDA ITEM: Consideration of proposed revisions of the Rules and Regulations of the City of Rye Police Department.

FOR THE MEETING OF:

September 12, 2012

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: Approval of General Orders revised as part of a comprehensive review of the Department Manual.

IMPACT: Environmental Fiscal Neighborhood Other:
Enhancement of the operational effectiveness of the Department.

BACKGROUND: The Department Manual was published in 1998. Although it has been revised in piecemeal fashion as needed, it has not undergone a complete review.

A comprehensive review of the Department Manual has been commenced, with the goal of completing the process during 2012. The following General Orders are submitted for review and approval as the first installment of that process:

- 101.2 Mission Statement
- 101.4 Goals and Objectives
- 102.2 Order of Rank
- 102.3 Authority and Command
- 102.4 Job Classifications
- 103.2 Legislative Restrictions/Off Duty Employment
- 104.2 P.B.A. Bulletin Board
- 104.3 Uniform Classifications
- 104.4 Annual Inspection of Uniforms and Equipment
- 111.04 Processing of Recovered Firearms: "Crime Guns"
- 113.19 Confrontation Situations

- 113.20 Hate Crimes
- 114.3 Emergency Mobilization
- 114.8 Mutual Aid
- 116.2 Promotions and Appointments
- 116.9 Procedure for Determining Claims Pursuant to General Municipal Law §207-c
- 120.7 Disciplinary Matters
- 121.2 Awards and Recognition
- 103.8 Use of Mobile Notebook Computers
- 118.1 Department Records
- 118.9 Employee Personal History Form
- 119.4 Guardian Calling Program

Copies of the proposed orders are attached in "strike and replace" format. They have 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 #101.2	New <input checked="" type="checkbox"/>	Revised <input type="checkbox"/>
Supersedes:		
Subject: Mission Statement		
Date Issued 11/01/96	Date Effective 11/01/96	Page 1 of 1
Issuing Authority: William A. Pease <u>R. Connors</u> , Police Commissioner		

The principal mission of the Police Department is to preserve the rights of citizens and reduce fear in the community through the prevention of crime, protection of persons, property, and the maintenance of order in public places; to preserve the quality of life pursuant to Rye City Code statutes and to anticipate and respond to events that threaten public order and the protection of life and property.

It is essential all members remember that in the execution of their duties they act not for themselves, but for the good of the public. They shall respect and protect the rights of individuals and perform their services with honesty, zeal, courage, discretion, fidelity, and sound judgement.

Police Officers must seek and preserve public confidence by demonstrating impartial service to law, and by offering service and trust to all members of the public.

It is the express policy of this department that Police Officers will use force only when the exercise of persuasion, advice and warning is found to be insufficient to obtain public cooperation to an extent necessary to secure observance of law or to restore order, and to use only the minimum degree of physical force when it is necessary upon any particular occasion for achieving a police objective.

CITY OF RYE POLICE DEPARTMENT

General Order #101.4	New [x]	Revised []
Supersedes:		
Subject: Goals and Objectives		
Date Issued 11/01/96	Date Effective 11/01/96	Page 1 of 2
Issuing Authority: William A. Pease <u>R. Connors</u> , Police Commissioner		

The greater the understanding of what the department hopes to accomplish, the greater the chances for success will be. It is important that all members of our organization be appraised of department goals and objectives, and how these goals and objectives will be accomplished.

POLICY:

It will be the policy of the City of Rye Police Department that Division Supervisors will set goals and objectives for their respective divisions, and submit them to the Police Commissioner with their annual report.

~~No later than February 1st of each year, individual~~ ~~division supervisors~~ ~~commanders~~ will meet with the Police Commissioner annually to examine and evaluate the following:

1. Annual report of division activities for the previous year.
2. An assessment on whether or not the division succeeded in obtaining their goals and objectives for the previous year.
3. Goals and objectives for the coming year, and the rationale behind how they were set. The goals and objectives may be modified by the Commissioner to more accurately reflect the global position of the department concerning all divisions.

Such goals and objectives shall include but not be limited to:

1. Identify, Investigate and Deter Criminal Activity

Accomplished by:

- a. Increased foot patrol.
- b. Respond as quickly and safely as possible to calls for service.

- c. Investigate fully all reported incidents of crime and pursue all solvability factors.
- d. Communicate with the local news media regarding crime patterns or significant incidents.

2. Increase the Level of Service to the Community by:

- a. Scheduling work shifts around the calls for service.
- b. Limit the number of officers allowed off at one time.
- c. Constant monitoring of calls for service and planning accordingly.
- d. Limited special assignment and/or details in order to maintain an adequate number of officers to answer calls for service.

3. To Continue to Maintain Standards Complying with the New York State Law Enforcement Accreditation Program

Accomplished by:

- a. Designating an accreditation officer.
- b. Continually monitoring our Department's General Orders for changes, deletions or improvements.
- c. Maintaining contact with Accreditation Council.

4. Maintain the Safe and Efficient Flow of Traffic

Accomplished by:

- a. Maintaining a yearly update of ~~the a MVA~~ pin map ~~located in the Staff Services office of motor vehicle accidents.~~
- b. Direct enforcement action against those areas or violators that are determined to be factors in the cause of accidents.
- c. Use selective enforcement techniques.

CITY OF RYE POLICE DEPARTMENT

General Order #102.2	New <input checked="" type="checkbox"/>]	Revised <input type="checkbox"/>]
Supersedes:		
Subject: Order of Rank		
Date Issued 05/16/05	Date Effective 05/16/05	Page 1 of 2
Issuing Authority: William R. Connors, Police Commissioner		

PURPOSE

To establish the rank structure of the City of Rye Police Department.

POLICY

It shall be the policy of this Department to adhere to its order of rank/chain of command in order to avoid conflicts and promote unity of command.

Police Commissioner

It shall be the duty of the Police Commissioner to administer the Police Department of said City, of which Department he/she shall be the Chief Executive Officer, and he/she shall have full control of the members thereof.

Sworn Rank Structure

1. Police Commissioner
2. Police Lieutenant
3. Detective Sergeant/Sergeant
4. Detective/Police Officer

Presence of Equal Rank

Command is exercised by virtue of office or special assignment of officers who are eligible by law to exercise command. Subject to direction from higher command, a commanding officer has direct control over all members and employees within his command. When officers of equal rank are present and in the performance of the same operation, the senior ranking officer shall be in command, except as outlined in section 102.3 of this Manual.

When two Sergeants are assigned to perform duty on a particular tour as the result of an overlap in the duty schedule, the senior Sergeant will be designated the Tour Supervisor and will be in command of that tour. If more than one Sergeant is assigned to a tour for reasons other than an overlap in the schedule, i.e., "drop down" day, training assignment, or other duties, the Sergeant assigned to the squad normally scheduled to work during that tour will be designated the Tour Supervisor, and will be in command of activities during that tour.

Seniority

Seniority is determined first by rank, then by continuous service in rank, then by date of appointment to the City of Rye Police Department and then by highest score on Civil Service list from which appointments were made.

Obedience to Laws, Ordinances, Rules and Regulations

Definition

Employees of the department will obey all Federal and State Laws. They will also obey all laws and ordinances of the department and of other municipalities in which the employees may be present. Employees will obey all rules, regulations, directives and orders as may be issued by the department. The term "employee" includes both sworn and non-sworn personnel.

Authority

Employees of the department will obey all lawful orders issued to them by competent authority.

Violation of Law

Supervisory officers of the department will not knowingly or willfully issue any order in violation of any law or ordinance or of any rule, regulation, general or special order of the department. Supervisory officers are responsible and will be held accountable for the performance of employees working on their tour.

Obedience to Orders

Employees will promptly obey any lawful order of a superior officer regardless of assignment. This will include any order relayed to them by an employee of the same or lesser rank.

No employee of the department is required to obey any order which is contrary to the laws of the United States, State of New York, or ordinances of the community; however, such refusal to obey is the responsibility of the employee and he will be required to justify his action and will be held responsible for his actions or lack of action.

CITY OF RYE POLICE DEPARTMENT

General Order #102.3	New [] Revised [x] Supersedes: 102.3 issued 7/29/98
Subject: Authority and Command	
Date Issued 12/15/03	Date Effective 12/15/03
Page 1 of 2	
Issuing Authority: William R. Connors, Police Commissioner	

General Duties

Command is exercised by virtue of office, or special assignment of officers who are eligible by law to exercise command. Subject to direction from higher command, a commanding officer has direct control, and shall issue lawful orders to all members, and employees within his command.

At the scene of a police incident, the uniformed member of the service assigned to the post concerned shall be in command, until relieved by a higher-ranking member of the service. If officers of equal rank are present at the scene, and neither is the assigned post officer, the senior officer shall be in command unless relieved by a higher-ranking member.

If more than one sergeant is present at the scene of an incident, the sergeant designated as the Tour Supervisor shall be in command unless relieved by a higher-ranking member.

Duties and Responsibilities:

A member who succeeds to any command or duty, stands in regard to his duties, in the same situation as his predecessor. The member relieved shall turn over to his successor all lawful orders relating to that position in force at the time, and all funds and properties pertaining to it. He/she shall receive, upon request, receipts showing the condition of each article so transmitted.

An officer relieving or temporarily filling the position of a superior, in an acting capacity, shall be vested with all the authority and responsibilities of the superior, but the acting officer shall not interfere with, countermand, or modify the lawful orders previously issued by the superior, except in extreme emergency. However, when such action is taken, a report shall be made to the Police Commissioner through the chain of command, in writing, stating the reasons therefore ~~in such instances~~.

Members acting in the capacity of a higher rank shall be accorded the same obedience and respect as the permanent ranking officer.

Should a lawful order conflict with any previous lawful order issued by any other ranking officer or with any department or provision of the Department Rules and Regulations, the member to whom such order is issued shall respectfully call attention to the conflict. ~~responsibility~~ Responsibility for countermanding the original order then rests with the individual issuing the second order. If so directed, the latter command shall be obeyed.

Issuance of orders to a subordinate does not relieve a ranking officer from the responsibility to see that the lawful orders are obeyed. Ranking officers shall not perform the duties regularly assigned to a subordinate when the subordinate is available to perform them.

Adherence to the chain of command shall not be by-passed except in an emergency.

A ranking officer may exercise command over subordinates not under his or her regular command when ~~ever~~ in his/her judgment such action is necessary in order not to jeopardize the police purpose or the reputation of the Department.

Ranking officers in command of the various branches of the Department shall establish methods, techniques and procedures best suited for the accomplishment of the functional objectives of their particular bureaus/divisions. Such procedures and techniques shall be subject to the approval of the Commissioner and shall not be in conflict with the law or any rule or lawful order of the Department. Whenever authority is delegated to a member of the Department, he/she shall be held accountable for the proper use of such authority.

In order to maintain a proper chain of command, a member will, as a general rule, be required to take direct orders from and be responsible to, one ranking officer. Ranking officers, however, shall exercise direct command over lower ranks outside their usual command in all situations where the police purpose or the reputation of the Department is jeopardized; or if no other provision is made for personnel temporarily unsupervised. If a ranking officer requires a subordinate, not of his command, to leave a regular assignment, the ranking officer so directing will inform the subordinate's supervisor as soon as possible.

At every level within this Department, personnel must be given the authority to make decisions necessary for the effective execution of their responsibilities.

Each department employee will be held fully accountable for the use of, or failure to use, delegated authority. Any employee who has any questions concerning his/her delegated authority should bring such questions to the attention of his/her supervisor.

Any gross improper use of authority or failure to accept authority will be reported through command channels as rapidly as possible.

CITY OF RYE POLICE DEPARTMENT

General Order #102.4	New [] Revised [x] Supersedes: 102.4 issued 11/1/96
Subject: Job Classifications	
Date Issued 07/22/98	Date Effective 07/22/98
Page 1 of 15	
Issuing Authority: William A. Pease <u>R. Connors</u> , Police Commissioner	

Duties and Responsibilities

The Police Department ~~and its Police Force have~~has the ~~power and it is their~~ duty to:

1. Protect life and property.
2. Prevent ~~c~~Crime.
3. Detect and arrest offenders.
4. Preserve the public peace.
5. Enforce all laws and ordinances over which the Police Department has jurisdiction.

Head of Department, Subordinates

1. There shall be a Department of Police, the head of which shall be the Commissioner of Police who shall be appointed by the City Manager, and he shall serve at the pleasure of the City Manager. The Commissioner of Police shall have at least the qualifications and experience specified by the Council.
2. In addition to the Commissioner of Police, the Council shall determine the number of Lieutenants, Sergeants and Patrolmen, all of whom shall be appointed by the Commissioner.
3. The Commissioner of Police shall appoint, as vacancies in the Department occur, all officers and members thereof. He/she may also appoint Bay Constables and special officers for such purposes and upon such occasions as he/she may deem proper if not in conflict with law or this chapter.
4. The Mayor and City Manager shall be ex-officio members of the Police force of the City and shall have all of the powers conferred upon police officers.

5. The Police Commissioner shall, when he/she deems it necessary for the good of the Department, suspend or remove any officer or employee whom he/she may appoint or employ, except as otherwise provided by law.

Powers and Duties

1. The Department of Police shall have all functions customarily performed by a police department, and shall exercise all powers and perform all duties pertaining to or necessarily incident thereto.
2. Under the supervision of the City Manager, the Commissioner of Police shall promulgate and enforce rules and regulations governing police discipline, practices and procedures for the administration of the Department and for the discipline and efficiency of the police force. The rules and regulations shall be approved by the Council before becoming effective. He/she shall have authority to administer oaths and take evidence, affidavits and acknowledgments in all proceedings relating to the Department.

In addition, the Commissioner of Police Shall:

- a. Exercise the powers to request and grant public assistance as provided in 209-m of the General Municipal Law.
- b. Be responsible for the administration, supervision and training of the auxiliary police and shall coordinate the same with the City Manager.
- c. Be responsible for the administration and supervision of Police Officers assigned to policing and enforcing all laws and ordinances applicable to the Rye Town Park and the maintenance of order therein.
- d. Assist the City Manager in the administration of flood, disaster and other emergency plans.
- e. Be responsible for the administration, in coordination with other municipalities, for an emergency ambulance service on behalf of the inhabitants of the City.
- f. Institute and formulate, in coordination with the heads of other Departments of the City, safety programs to reduce accidents and avoid injury or damage to persons and property.
- g. Perform such other duties as may be prescribed by law, the Council or the City Manager.

Patrol Division

The assigned activities, functions, and responsibilities of the Patrol Division are:

1. Protective patrols.
2. Control of assemblies.
3. Traffic control and direction
4. Vehicle and Traffic Law enforcement.
5. Motor vehicle accident investigation.
6. Parking control.
7. Escorts.
8. Service of arrest warrants and summonses.
9. Protection of persons and property.
10. General crime prevention.
11. Police service calls.
12. Preliminary investigations of crime.
13. Emergency services.
14. Enforcement of Revocation and Suspension Orders.
15. Radar equipment.
16. School Crossing Guards.
17. Traffic Safety.
18. Maintenance of police vehicles.
19. Traffic surveys.
20. Traffic signs, controls, devices, etc.
21. Safety equipment.

Patrol Division Commander

The Patrol Division Commander shall be responsible for all matters pertaining to the operation of the Patrol Division.

1. His/her administrative duties shall include planning, organizing and directing the activities of assigned personnel and maintenance of harmonious relationships with other police divisions and agencies.
2. He/she shall promptly obey and transmit all orders of the Commissioner, insuring uniform interpretation and full compliance.
3. He/she shall exercise authority commensurate with his/her responsibility and be held accountable for the effectiveness of the Division.
4. Ordinarily, his/her hours of duty shall be in accordance with the needs of the Division, but he/she shall be available for duty at all times in case of special need or emergency.
5. He/she shall familiarize himself/herself with administrative policy and execute effective programs for the efficient performance of the Division within his/her area of responsibility.
 - a. Prevention and suppression of crime.
 - b. Protection of life and property.
 - c. Apprehension and prosecution of offenders.
 - d. Preservation of the peace.
 - e. Enforcement of regulatory measures
6. He/she shall analyze crime and incident reports, using facilities of the Detective Division and Staff Services to determine trends as a basis for ~~practical development~~effective deployment of resources and direction of operations.
7. He/she shall examine time and activity reports to insure proper deployment and control of division personnel.
8. He/she shall be diligent in enforcing the observance of high ethical standards in the operations and conduct of division personnel.
9. He/she shall collaborate with other division heads and staff officers for the purpose of:
 - a. Organizing and conducting a progressive program of personnel training.
 - b. Improving personnel working conditions for maximum efficiency and morale.

c. Adequately recognize outstanding personnel performance.

General Order #102.4 Page 5 of 15

d. Improving efficiency and cooperation in areas of common responsibility.

e. Advancing the Public Relations Program for promoting public confidence and support.

f. Using personnel records for individual guidance and improvement.

g. Insuring the proper and economical use of Departmental property and equipment.

h. Promoting personnel and vehicle safety.

10. He/she shall systematically investigate all cases of apparent or alleged misconduct by division personnel, preparing reports and report his findings to the Police Commissioner.

11. He/she shall, when required, assist with inquiries and investigations involving members of the division.

12. He/she shall at all times keep informed of the affairs and activities of his division and be assured that he duties of his/her subordinates are properly discharged.

13. He/she shall at irregular and unannounced times visit all units and areas under his/her command, inspecting them for condition, efficiency of operation, and conformity with Rules and Regulations, initiating corrective action or disciplinary measures as required.

14. He/she shall exercise general supervision and inspection of all public places within the City and assure compliance of laws and ordinances.

15. He/she shall insure prompt reporting to proper authority all instances of negligence, violation of law or other matters falling within the jurisdiction of Federal, State or local agencies.

16. He/she shall submit required reports reflecting the problems, services and activities of the division.

17. He/she shall insure that all necessary orders, instruction and communications are available for outgoing platoons.

18. He/she shall be responsible for the safe, expeditious, movement of vehicles and the enforcement of laws, ordinances and regulations governing traffic.

19. He/she shall be diligent to prevent overt acts arising from the development of group tensions, unlawful assembles or strikes and take appropriate action.

20. He/she shall be responsible for the repression of crime and the

enforcement of laws, ordinances and regulations pertaining to criminal activities.

General Order #102.4 Page 6 of 15

21. He/she shall, with specific instructions, establish the required details and assignments necessary to carry out the functions related to his/her division. He/she shall be guided in his/her assignment by the needs of the department and assign personnel where they will be most useful and efficient.
22. He/she shall observe ~~the~~ probationary patrol officers assigned to his/her division and prior to the expiration of their probationary period, he/she shall ~~submit to the Commissioner a detailed written report describing~~ evaluate their appearance, intelligence, discipline, efficiency, initiative, general adaptability to police work and their overall ability to obtain desirable results, and advise the Police Commissioner. He/she shall ~~in his/her report include a statement~~ make recommendations as to whether or not, in his/her opinion, each individual officer should receive permanent appointment.
23. He/she shall perform such other duties as may be assigned to him/her by the Police Commissioner.
24. He/she has overall responsibility for ensuring a safe and free flow of vehicle and pedestrian traffic ~~within~~ in the City. His/her administrative duties shall include planning, organizing and directing the activities of assigned personnel and the maintenance of harmonious relationships with other police divisions and agencies.
25. He/she shall prepare ~~an~~ annual performance evaluations of all Sergeants under his/her supervision and submit them to the Police Commissioner.

Duties of Patrol Sergeant

1. Supervisory members will be responsible for the enforcement of all laws and ordinances, department rules and regulations, orders, procedures, discipline, punctuality, attendance, appearance, good order and efficiency of members within ~~his~~ their assigned jurisdiction ~~purview~~.
2. Supervisory member will:
 - a. Perform specific duties and functions as assigned by his/her superior officer.
 - b. Obey all lawful orders.
 - c. Perform assigned tasks.
 - d. Provide leadership and guidance in developing loyalty and dedication to the police profession.
 - e. Train, direct, supervise and evaluate members in their assigned duties. Recommend remedial or disciplinary actions for

inefficient, incompetent or unsuitable members.

- f. Communicate orders, information and instructions.
- g. Inform his/her relief of all necessary police matters.
- h. Be present at prescribed roll calls.

General Order #102.4 Page 7 of 15

- i. At unannounced intervals, inspect personnel, vehicles and equipment.
- j. Take appropriate action in regards to absentees and any deficiencies in patrol officers and equipment.
- k. Insure that departmental resources are used effectively.
- l. Insure that recovered property is handled in accordance with department orders.
- m. Account for all monies and valuables received, processed, and disbursed in conformance with department orders.
- n. Inquire into the circumstances of all arrests to assure that all persons are handled in conformance with department orders.
- o. Know and conform to the current bail provisions of the Criminal Procedure Law.
- p. Report promptly matters of police importance to his/her Superior Officer.
- q. Insure that all appropriate City Departments are informed of emergencies which require their attention.
- r. Direct activities of subordinate members for the purpose of achieving the objectives of ~~t-hethe~~ Police Department.
- s. Perform those duties of the members of the ~~foree-Department~~ that are applicable to him/her.
- t. When in uniform, maintain a military bearing and render military courtesy to superior officers.
- u. The Patrol Sergeant shall inspect the outgoing platoon.
- v. The Patrol Sergeant shall follow up complaints and see that they receive proper attention.
- w. The Patrol Sergeant shall patrol the entire City. He/she shall visit each Patrol Officer at irregular intervals and supervise their activities.
- x. The Patrol Sergeant shall inspect without delay, the activity

sheets of Patrol Officers presented to him/her at the expiration of their tours of duty, certify such inspection by his/her signature, record any pertinent information, and take the proper action with respect thereto.

- y. ~~Maintain proper roll~~ Serve as a role model for members under his/her command at all times, on and off duty.
- z. He/she shall prepare an annual evaluation report of each member of his/her platoon and submit them to the Patrol Commander.

General Order #102.4 Page 8 of 15

Detective Division

The assigned activities, functions and responsibilities of the Detective Division are:

1. Investigation of Crimes.
2. Identification services
3. Warrants
4. Wire-tap requests
5. Intelligence gathering
6. Vice control
7. Analyze Crime Reports and Trends.
8. Transmit and receive fingerprints
9. Conduct follow up on complaints
10. Maintenance of police vehicles and equipment assigned to the Detective Division.
11. Respond to requests for letters of good conduct.
12. Uniform Crime Reports.

Detective Division Commander

The Detective Division Commander shall be responsible for matters pertaining to the operation of the Detective Division.

1. He/she shall be responsible for ~~the solution of all major crimes and for the further~~ investigation of all felony and serious misdemeanor cases.
2. He/she will have the responsibility of planning, organizing and directing the activities of ~~the~~ assigned personnel and will maintain harmonious relationships with other divisions and allied agencies.

3. He/she shall exercise authority commensurate with his responsibility and be accountable ~~directly~~ to higher authority.
4. He/she shall promptly obey and transmit all orders from higher authority, ~~insuring uniform interpretation and full compliance.~~
5. Ordinarily his/her hours of duty shall be in accordance with the needs of the division, but he/she shall be available for duty at all times in cases of special need or emergency.
6. He/she shall examine reports for conformity with the procedure for complete investigation and reporting, referring improper or incomplete reports through channels for correction.

General Order #102.4 Page 9 of 15

7. He/she shall analyze crime and incident reports daily, using facilities of the Staff Services Division to determine trends as a basis for deployment of personnel and direction of operations.
8. He/she shall inspect time and activity reports of assigned personnel, to insure proper direction and control.
9. He/she shall be responsible for assigning vacations, holidays, overtime and leaves for personnel assigned to the Division. He/she shall maintain a sufficient working force to conform to the needs of the division.
10. He/she shall be diligent in enforcing the observance of high ethical standards in the operation and conduct of Division personnel.
11. He/she shall collaborate with other division heads and staff officers for the purpose of:
 - a. Conducting a progressive program of personnel training.
 - b. Improving personnel working conditions for maximum efficiency and morale.
 - c. Adequately recognizing outstanding performance of assigned personnel.
 - d. Improving efficiency and cooperation in areas of common responsibility.
 - e. Advancing the public relations program for promoting public confidence and support.
 - f. Using personnel records for individual guidance and improvement.
 - g. Insuring the proper and economical use of division property and equipment.
12. He/she, shall at all times, be aware of the affairs of the division and be assured that the duties of his/her subordinates are properly discharged.
13. He/she shall, at irregular and unannounced times, visit all units and areas under his/her command, inspecting them for condition, efficiency and conformity with regulations and orders, initiating corrective action as indicated.

14. He/she shall be responsible for the maintenance of proper records and reports of the division.
15. He/she shall acquire ~~all possible~~ information concerning places in the City known to be or suspected of being frequented by criminals ~~or questionable characters~~, and direct the attention of the detective force to such places. When criminals are arrested he/she shall, when possible, take ~~the~~ necessary steps to assure that personnel of the department are familiar with their appearance, history, methods and habits. He/she shall arrange for interviews with all persons held for investigation~~s~~, ~~or~~ persons charged with serious crimes and assist members of the division in preparing cases for proper presentation in court.

General Order #102.4 Page 10 of 15

16. He/she may assign any member of the division to special investigations when required. He/she shall keep higher authority informed of such special assignments.
17. He/she shall insure prompt reporting to proper authorities of any violation of law or other matter falling within the jurisdiction of such authority.
18. He/she shall maintain files on general criminal intelligence. The files will contain information on known and suspected members of criminal organizations and their activities, place of residence, associates and other pertinent data. He shall forward to proper agencies information of violations of law outside the jurisdiction of this department.
19. He/she shall be responsible for the repression of crime through the apprehension of criminals and the proper conduct~~ing~~ of investigations in order to accomplish this goal.
20. The Detective Division shall investigate and prepare a case on all felony crimes ~~as per order of the Commissioner~~, serious misdemeanors, and others investigated incidents that merit further investigation, or as directed by the Police Commissioner. Follow-up investigations shall be conducted on preliminary investigations whether instituted by the Patrol Division or otherwise.

Duties of Detectives

1. Members assigned as detectives will hold the permanent rank of ~~Patrolman~~Police Officer.
2. Members of the Detective Bureau shall be under the direction of the Detective ~~Bureau~~Division Commander. They are charged particularly with the investigation of criminal cases in the City, the arrest~~ing~~ of criminal offenders, the ~~locating~~location of missing persons, the recovery of lost or stolen property and the proper processing of fugitive requisitions. They shall have ~~the~~ responsibility ~~of~~for all conditions pertaining to or relating toward the fostering of crime.

3. They shall acquire a thorough knowledge of the penal law and code of criminal procedure and the elements that constitute criminal acts in violation of the various sections thereof; and shall have a thorough knowledge of the rules of evidence. They shall familiarize themselves with the criminal element, acquiring knowledge of their practices, hangouts, and associations, and acquaint themselves with the various methods adopted by criminals in commission of crime and evading detection.
4. They shall follow up each case assigned to them until there is a final official disposition of such case. They shall interview and advise complainants in person, at reasonable intervals, of the status of the case under investigation, in which the complainant is concerned.

General Order #102.4 Page 11 of 15

5. They shall cooperate with all members of the Department in the prevention and detection of crime, the arrest of criminals and the enforcement of all laws and ordinances.
6. They shall be assigned hours by the Detective Bureau Commander. At the completion of each tour of duty, they shall submit necessary reports of their activities and supplementary offense reports on previously assigned offenses. They shall keep their Commanding Officer advised of the progress and development of cases to which they are assigned.
7. They shall keep themselves neat and clean, properly armed and their appearance shall be businesslike and presentable, unless under specific orders of a superior officer in the line of duty.
8. The fact that a detective is detailed to special duty in the detection and prevention of crime shall not be construed as relieving him/her of the responsibility of taking prompt action in the matter of any violation of the laws, ordinances, rules and regulations, coming to his/her attention.
9. All lost, found, or stolen property coming into the hands of members of the Department shall be thoroughly checked and recorded by the Detective Division immediately, and they shall make the proper effort to locate the owner of such recovered property.
10. They shall be held accountable for the condition, care and proper use of the motor vehicles under their supervisioncontrol.
11. Members of the Department who are acting detectives shall be guided by these regulations and shall be supervised by the detective-Detective bureau-Division personnel.
12. Detectives, unless otherwise directed, will wear dress shirts, tie and jacket. These provisions will not apply to detectives on special details requiring other dress, such as uniforms or undercover plain

clothes.

| Staff Services/Records Division

The assigned activities, functions and responsibilities of the Records Division is to provide staff support to the Police Department.

1. Maintain central records file
2. Process & maintain all alarm permit applications and related records
3. Correspondence

General Order #102.4 Page 12 of 15

4. Secure training aids and equipment
5. Maintain and file departmental reports and records
6. Generate special reports
7. Provide overall planning support to the Office of the Police Commissioner
8. Conduct research projects as required.
9. Review applications for Taxi License and Registration.
10. Any such other duties as may be assigned by the Commissioner.
11. Review computer entries for accuracy.
12. Returning deficient paperwork to any tour supervisor who is responsible for immediate corrections and refiling.

| 13. Maintain the Department's Information technology systems.

Crime Prevention Unit

The function of the Crime Prevention Unit is to educate the citizens of Rye in methods of protecting their person and their property.

The Crime Prevention Officer will perform the following functions:

1. Public education regarding methods of home, business and personal security.
2. Security analysis of residents homes and business establishments.
3. Coordination of Operation I.D.

4. Coordination of neighborhood block watch groups.
5. Liaison with State Office of Crime Prevention.
6. Maintain liaison with other police departments' Crime Prevention Units for the purpose of keeping abreast of changing modes of criminal operation.
7. Keep abreast of new crime prevention techniques for dissemination to the public.

General Order #102.4 Page 13 of 15

Juvenile Aid Unit Youth Officer/Youth Division

1. Prevention of Juvenile delinquency and crime among minors
2. Enforce laws specifically relating to children.
3. Public Relations.
4. Maintain Liaison with schools.
5. Maintenance of equipment and vehicles assigned to the Division.

The assigned activities, functions and responsibilities of the Juvenile Division are:

1. To enforce the Laws, Rules and Regulations involving youth arrests and activities.
2. To develop liaison with Cultural, Civic and Religious organizations within the City of Rye which will assist the department in youth activities.
3. To develop liaison with surrounding Police Departments and Agencies other agencies involved in youth activities.
4. To develop working relationships as well as resources with Federal, State and Local-local Agencies agencies.

5. To be aware of all the youth activities in the Community by developing liaison with the Patrol ~~Force~~ Division as well as the ~~Youth~~ youth of the ~~Community~~ community on a one to one basis.
6. To assist the Police Commissioner in the application for grants in order to ~~get~~ obtain funding for youth ~~sponsored~~ programs from Federal, State and Local assistance agencies.
7. To develop within the Rye Police Department an interest in the youth of the community and to assist in youth development programs.
8. To develop an open line of communication with the Patrol ~~force~~ Division and the Patrol Lieutenant by instituting ~~weekly~~ periodic meetings and discussing youth activities and youth crime problems.
9. To develop an open line of communication with the Detective Division in order for the formal/informal exchange of information along mutual interest lines and establishing ~~weekly~~ periodic meetings with the Detective Commander as needed.
10. To develop ~~an open Youth Division Office in the high~~ liaison with the local schools to give the Youth Officer better access to the information that is being taken by ~~the High Schools~~ school administrators and assisting the schools with crime problems.

General Order #102.4 Page 14 of 15

11. To develop educational and enforcement activities regarding drug abuse within the City of Rye.
12. To take part in broad community activities regarding the youth program and the police department within the City of Rye.
13. To assist the Commissioner in developing:
 - a. Community service activities
 - b. Using the general obligations law in excessive cases of vandalism
14. May develop educational programs with correctional facilities for the youth of Rye who are current problems in the area of juvenile delinquency in an effort to reduce desire on the part of these youths.
15. To assist the Police Commissioner in any and all other activities as assigned.

Police Dispatcher (any Officer, Sergeant or Lieutenant assigned to desk)

1. The dispatcher's post shall ~~contain be~~ the immediate area of the desk. He/she shall not leave his/her post unless properly relieved. The Dispatcher is responsible for the interception, and timely relay of all radio, telephone and teletype information.
2. When a dispatcher leaves his/her post, he shall place a competent member of the service in charge. When the dispatcher is relieved, he/she shall notify his/her relief as to where he/she may be located during his/her time away from the desk.
3. Except as otherwise directed by a superior officer, the dispatcher shall not permit anyone behind the desk except members of the department on official business.
4. During his/her tour of duty, the dispatcher is responsible for proper receipt of all complaints and messages.
5. The dispatcher shall notify the Patrol Supervisor of any specific duty assignments and inform the patrol sergeant of any other necessary information or alarms so that they may be read to the outgoing platoon.
6. The dispatcher shall complete all necessary forms and records during his/her tour of duty.
7. Dispatchers will devote full time to the duties of the office.
8. The dispatcher will certify with his/her signature on the duty time sheet the correctness of same.
9. The dispatcher will stop all civilians at the desk and inquire as to their business. He will direct them to the proper division and announce their visit and obtain permission before the person is permitted to proceed.

General Order #102.4 Page 15 of 15

10. The dispatcher shall, at all times, in their dealing with members of the Department and the public, display ~~an example of intelligence,~~ efficiency, promptness, accuracy, trustworthiness and courtesy.
11. It shall be the duty of the dispatcher to insure that persons shall not unnecessarily congregate in the desk area.
12. He/she shall notify the patrol supervisor if a member of the department is absent from his/her post or fails to make required radio calls.
13. The dispatcher shall be observant, discreet and logical in the performance of his/her duty. The dispatcher shall obey strictly and execute promptly, all lawful orders issued by their superiors.
14. The dispatcher shall perform such other duties as may be prescribe by proper authority.
15. The dispatcher shall make prompt, accurate and necessary entries of the official business on ~~the calls for service sheets, and in~~ ether appropriate departmental records ~~and the computer~~ in the manner prescribed for making and keeping such records.

| 16. During his/her tour of duty, a dispatcher is responsible for the receipt
| of
| all telephone messages received by him/her, and ~~the~~any necessary action
| thereon. He/she shall call the attention of the patrol supervisor to
| all matters of importance, such as unusual occurrences and important
| messages, or conditions requiring his/her attention.

CITY OF RYE POLICE DEPARTMENT

General Order #103.2	New []	Revised [x]
Supersedes: 103.2 issued 05/15/00		
Subject: Legislative Restrictions/Off Duty Employment		
Date Issued 05/16/05	Date Effective 05/16/05	Page 1 of 4
Issuing Authority: William R. Connors, Police Commissioner		

POLICY

It is the policy of this department to inform officers of departmental policies and also the rules and regulations of this department. It is further the policy of this department to inform officers of existing legislative restrictions relative to their employment as a police officer.

A.B.C. Law

Members shall not have any interest, either directly or indirectly, in the manufacture or sale of alcoholic beverages or to offer for sale, or recommend to any licensee, any alcoholic beverage.

No member shall be employed in any retail licensed establishment where the consumption of alcoholic beverages is permitted on premise except when authorized by the ABC Board and Commissioner of Police.

NOTE: employment in a licensed establishment for off premise consumption (deli, etc.) is not prohibited under this procedure.

New York State Election Law, Section 17-110
Misdemeanors concerning...members of any police force

Any person who being a Police Commissioner or any officer or member of any police force in this State:

1. Uses or threatens or attempts to use his official power or authority, in any manner, directly or indirectly in aid of or against any political party, organization, association, or society, or to control, affect, influence, reward or punish, the political adherence, affiliation, action, expression or opinion of any citizen; or
2. Appoints, promotes, transfers, retires, or punishes an officer or member of a police force, or asks for aids in the promotion, transfer, retirement or punishment of an officer or member of a police force because of the party adherence or affiliation of such officer or member, or for or on the request, direct or indirect, of any political party, organization, association or society, or of any officer, member of a committee or representative official or otherwise of any political party, organization, association or society, or
3. Solicits, collects, or receives any money for any political fund, club, association, society or committee, is guilty of a misdemeanor.

Racing, Wagering, and Breeding Law

Members of the department shall not hold, directly or indirectly, any proprietary interest, stock, office or employment with any firm, association or corporation which:

1. Is licensed by the Wagering and Breeding Board to conduct pari-mutual racing.
2. Conducts its occupation, trade or business at racetracks at which pari-mutual race meets are conducted.
3. Own or leases to any enfranchised or licensed association or corporation a racetrack at which pari-mutual racing is conducted.
4. Participates in the management or any franchised holder or licensee conducting pari-mutual racing.

There are also several restrictions stated in the Public Officers Law, Article 4 and the General Municipal Law, Article 18. These sections impose restrictions on officers relative to the following:

1. Officers are not allowed to accept any type of gift or service with a value exceeding \$25.00 which may be inferred that same was accepted to influence the officers in the performance of his/her official duty.
2. Officers are forbidden to disclose any confidential information learned in the course of their employment.
3. Officers, due to a conflict of interest, are restricted relating to services they may provide to the employing government.

These sections of law also impose several affirmative duties:

1. Officers must disclose any interest in any contract the City may enter.
2. Officers must disclose any interest in any real property for which a variance is made.

As these sections of law are lengthy, it is the responsibility of the individual officer to become familiar with sections of these laws that may apply to their specific circumstances if conflicts of interest develop. Law books covering these sections are on file with the Clerk's ~~office-Officeand-Public Law Library~~.

Section 208-d of the General Municipal Law permits Police Officers to engage in outside employment for a maximum of 20 hours a week. The section reads as follows:

"Notwithstanding the provision of any general, special or local law or any rule or regulation of any Police Department or Commissioner or head thereof, any member of a Police force of a City may engage in extra work for another employer outside his/her regular hours of duty for not exceeding 20 hours per week provided that such extra work does not interfere or conflict with his/her regular duties as a member of the force or his/her availability for emergency duty nor effect his/her physical condition to the extent that it impairs his ability to efficiently perform such duties and further provided that the type of employment shall first be approved by the Police Commissioner."

Definitions: Off Duty Employment shall mean:

- a. Self-employment of any kind.
- b. Any act of employment wherein you receive any type of compensation for services provided.
- c. What has been referred to as "side jobs" - a short term, occasional job.

It is the policy of this department to permit officers to engage in outside employment within the confines of Section 208-d of the General Municipal Law and in conformance with all applicable State and Federal Laws. The following rules and regulations shall govern such outside employment by members of the Rye Police Department.

1. All Police Officers who desire to engage in outside employment shall submit a secondary employment request to the Office of the Police Commissioner. (see attached)
 - a. A separate request shall be filed for each secondary position.
 - b. Secondary employment shall be renewed annually; renewal requests are to be submitted to the office of the Police Commissioner not later than May 1st of each year.
2. That secondary employment request shall contain the position, employer, location, duties, hours of work and total hours of work per week.
3. All members of the Police Department are prohibited from performing secondary employment while on sick or injured leave or while assigned to transitional duty.
4. Such employment shall not interfere with their obligation to be called for duty at any time of day or night for emergencies, special assignment and overtime duty.
5. A Police Officer working off duty within the "City of Rye" limits and in public view, such as working traffic or in the business district, shall wear the full police uniform with badge and firearm.
6. No officer will work either "inside" a private business or private property side job while wearing a police uniform.
7. Regulation 5 & 6 above may be modified by the prior written approval of the Police Commissioner
8. A Police Officer working off duty in uniform shall be under the supervision of the Police Commissioner and on duty officers.

Reasons for Denial: Request for secondary employment may be denied for any of the following reasons:

1. Where the applicants sick time indicates secondary employment may impair his ability to discharge police obligations.

- | 2. Any officer who has had a poor sick leave record ~~will~~may be denied off duty employment, self employment, side jobs or overtime.
3. Where in the opinion of the Police Commissioner, hours of secondary employment would conflict with normal police working hours.
4. Where secondary employment obligations are such that they may possibly bring the Police Department or the applicant into disfavor or disrespect or involve the officer in violations of the Rules and Regulations of the Department.
5. When secondary employment hours would be in excess of 20 hours.
6. When secondary employment is in violation of any State or Federal Law.

SECONDARY EMPLOYMENT REQUEST

TO: Police Commissioner
FROM:
SUBJECT: Permission for Secondary Employment
DATE:

Please be advised that I request to work at a secondary position. The following information is submitted:

Position/Employer: _____

Location: _____

Duties: _____

Hours of Work: _____

Total Hours of Work per week: _____

Approved: _____

Disapproved: _____

William R. Connors
Police Commissioner

WRC/gk

REQUESTS MUST BE RENEWED PRIOR TO MAY 1ST OF EACH YEAR

CITY OF RYE POLICE DEPARTMENT

General Order #104.2	New [x]	Revised []
Supersedes:		
Subject: P.B.A. Bulletin Board		
Date Issued <u>07/22/98</u>	Date Effective <u>07/22/98</u>	Page 1 of 1
Issuing Authority: William A. Pease <u>R. Connors</u> , Police Commissioner		

It will be the policy of this Department to allow the P-B-A-Rye Police Association to maintain a bulletin board at Police Headquarters. All items posted on the bulletin board must have the prior approval of the P-B-A-Rye Police Association President.

Guidelines

It will be the Tour Supervisor's responsibility to check the PBA Bulletin Board at the start of his tour and at least once during his/her tour. Any items posted that would be viewed as inappropriate or insensitive material that constitutes contributing toward making the work place a hostile work environment shall be removed. Upon removal, a report will be written by the Tour Supervisor which will ~~contain~~include the date and time the item was removed. The report will be attached to the item and put with the daily paper work to be sent to the Police Commissioner's Office.

CITY OF RYE POLICE DEPARTMENT

General Order #104.3	New [x]	Revised []
Subject: Uniform Classifications		
Date Issued 02/17/06	Date Effective 02/17/06	Page 1 of 4
Issuing Authority: William R. Connors, Police Commissioner		

DRESS UNIFORM (CLASS A)

To be worn for ceremonies, promotions, funerals, etc., or as directed by supervisory authority:

8-point cap
Summer blouse
Long sleeved shirt with tie
~~Dress-Duty/Dress~~ Trousers
Shined shoes
White gloves
Equipment belt (leather, basketweave design) with "Sam Browne" shoulder strap. White metal buckle for police officers; yellow metal buckle for detectives and above. Worn with authorized holster, double magazine pouch on same side as holster, and handcuff case (worn on back center of belt).

PATROL UNIFORM

To be worn by members performing patrol duty in uniform:

WINTER (Class B)

Long sleeved shirt with tie or turtleneck worn beneath shirt
(Turtleneck may be work without long sleeved shirt if worn under an outer garment)
Duty jacket (heavy or light weight) or "V"-neck military-style sweater
Duty trousers
Black shoes or boots, shined
Black gloves
Full equipment belt (leather, basketweave design) without Sam Browne shoulder strap

8-point cap

Authorized concealable body armor

Optional: "Trooper" style winter hat may be worn between November and March

Optional: knit watch cap with "RYEPD" logo may be authorized by the Tour Supervisor when the temperature for the tour is expected to be below 15 degrees Fahrenheit and inclement winter weather (i.e., snow, sleet, freezing rain) is predicted by the National Weather Service

Optional: Body armor may be worn in authorized quilted cover under an outer garment (quilted vest cover will not be worn as an outermost garment).

SUMMER (Class B)

Long sleeved shirt with tie

Duty jacket or V-neck military-style sweater

Duty trousers

Black shoes or boots, shined

Black gloves

Equipment belt (leather, basketweave design) without Sam Browne shoulder strap

8-point cap

Authorized concealable body armor

Optional: Summer cap (with perforated frame)

SUMMER (Class C)

Members of the Department are authorized to wear the short sleeved uniform shirt at their option between May 1st and November 1st, and may be authorized to wear the short sleeved uniform shirt by the Tour Supervisor during other periods when the outdoor temperature, as forecast by the National Weather Service, is predicted to be above 65 degrees Fahrenheit during a given tour.

Short-sleeved shirt without tie

Duty trousers

Black shoes or boots, shined

Black gloves

Equipment belt (leather, basketweave design) without Sam Browne shoulder strap

8-point cap

Authorized concealable body armor

Optional: Summer cap (with perforated frame)

ADMINISTRATIVE UNIFORM (Class D)

To be worn by members performing administrative duties in uniform:

WINTER:

No cap
Long sleeved shirt and tie or turtleneck
Duty trousers
Black shoes or boots
Optional: equipment belt (leather, basketweave design) without Sam
Browne shoulder strap
Optional: "V"-neck military-style sweater

SUMMER

No cap
Short-sleeved shirt without tie
Duty trousers
Black shoes or boots
Equipment belt (leather, basketweave design) without Sam Browne
shoulder strap (optional)
Optional: "V"-neck military-style sweater

Specialized Units:

Because of the specialized nature of the duties performed by members of certain units, members assigned may wear the authorized golf-type shirt, navy blue in color, with Department patches on both sleeves, City of Rye Police Department shield embroidered on the left breast, "City of Rye Police" embroidered or silk-screened on back, and the member's name and rank embroidered on the right breast. They will be worn by members assigned to the following units, when specifically authorized for a specific tour for duties being performed during that tour. Shirts will not be worn off duty.

Bicycle Unit: Golf shirt/black bicycle pants or shorts, authorized navy/royal blue outer garment, nylon duty belt, black sneakers.

Firearms and Tactics Unit: Golf Shirt/Tan BDU-style trousers

Car Seat Technicians: Golf shirt/tan BDU-style trousers.
Equipment belt optional.

Marine Unit: Golf shirt/blue BDU-style trousers or shorts, personal flotation devices (when on vessel), nylon duty belt, embroidered baseball cap, black sneakers or appropriate footwear.
Optional: tan golf shirt and tan BDU-style trousers or shorts during hot weather; navy blue windbreaker jacket; "firefighter"-style sweatshirt with regulation patches and embroidery.

Training Uniform

For attendance at training or other events, as directed, uniformed members of the service may be authorized to wear the following:

Training Uniform: Authorized golf-type shirt, navy blue in color, with City of Rye Police Department shield embroidered on the left breast, "City of Rye Police" on back, and the member's name and rank embroidered on the right breast; tan BDU-style trousers. Shirts will not be worn off duty. Equipment belt is optional, unless specified for the type of training being conducted.

CITY OF RYE POLICE DEPARTMENT

General Order #104.4	New [<input checked="" type="checkbox"/>]	Revised [<input type="checkbox"/>]
Subject: Annual Inspection of Uniforms and Equipment		
Date Issued 03/31/08	Date Effective 03/31/08	Page 1 of 2
Issuing Authority: William R. Connors, Police Commissioner		

Purpose:

To ensure that uniformed members of the Department are properly equipped and that their uniforms and equipment are serviceable and maintained in accordance with Department standards.

Procedure:

1. Annually, prior to February 15th of each year, sergeants will inspect the uniforms and equipment of uniformed members of the Department under their supervision to verify that each member is in possession of at least the minimum equipment listed below, and that it is in serviceable condition:

3 long-sleeved shirts	1 uniform tie
3 short-sleeved shirts	1 all-purpose helmet
2 pairs BDU trousers	1 set Personal Protective Equipment (PPE)
2 pairs dress trousers	1 duty rig with holster
1 dress blouse	1 reflective traffic vest
1 winter "Cruiser" jacket	1 bullet resistant vest
1 lightweight "Bomber" jacket	1 portable radio with case
1 raincoat	Department-issued firearm
1 cap cover	
1 8-point uniform cap	

2. Sergeants will ensure that each member is in possession of a valid New York State driver's license.

3. Sergeants will inspect each member's Department Manual to ensure that it is updated, and will verify the inspection on the attached sheet, which will be inserted in each member's Department Manual immediately following the index.

4. The Patrol Lieutenant will conduct these inspections for Sergeants. The Commanding officer, Detective Division will conduct inspections for members assigned to the Detective Division
5. Deficiencies will be brought to the attention of the members concerned and they will be directed to correct them within ten (10) days of the inspection.
6. Supervisors will forward a Supplementary report to the Patrol Lieutenant prior to March 1st of each year verifying that the inspections have been completed, listing any deficiencies, and noting corrective action taken.



CITY OF RYE

POLICE DEPARTMENT

DEPARTMENT MANUAL RECORD OF INSPECTION

Issued to: Rank: _____ Name: _____

Inspected by: Rank: _____ Name: _____ Date: _____

CITY OF RYE POLICE DEPARTMENT

General Order #111.04	New [x] Supersedes:	Revised [x]
Subject: Processing of Recovered Firearms: "Crime Guns"		
Date Issued 06/15/09	Date Effective 06/15/09	Page 1 of 3
Issuing Authority: William R. Connors, Police Commissioner		

I. PURPOSE: UCR Crime Statistics show that the use of firearms in the commission of violent crimes continues to be a challenge faced by all law enforcement agencies.

There are several important procedures that should be strictly followed by law enforcement agencies every time a crime gun is recovered. This procedure is designed to clarify exactly what constitutes a firearm classified as a "crime gun" and the process that every law enforcement agency should complete, without exception, whenever a crime gun is recovered.

II. POLICY: In order to enhance both local and global law enforcement efforts, the City of Rye Police Department will ensure that recovered firearms classified as "crime guns" are processed in a manner that maximizes their investigative value.

III. DEFINITIONS:

DCJS: The New York State Division of Criminal Justice Services.

Department: The City of Rye Police Department.

Crime Gun: Any firearm (handgun or long gun) seized that was unlawfully possessed; used in a crime; suspected to have been used in a crime; or recovered under circumstances requiring investigation.

IV. PROCEDURE: The following three-step procedure is to be completed without delay in every instance in which a firearm classified as a crime gun comes into the possession of this Department.

STEP ONE – GINQ Check:

Conduct an NCIC/NYSPIN **GINQ** check to determine if the recovered crime gun may have been reported lost or stolen.

1. If a positive response is received, member will follow NYSPIN hit confirmation procedures for stolen guns.

- a. Send a **GLOC** (Stolen/Lost Gun Locate message). The **GLOC** will send a message to the agency who reported the gun as lost or stolen that the firearm has now been located or seized (Ref: NYSPIN Operating Manual – Chapter 2 – Section 4.3.1)
2. If a negative response is received, make a NYSPIN Recovered Gun Entry.
 - a. Utilize the **GREC** message Entry Screen to create a record in NYSPIN and NCIC against which a later entry will hit in the event the gun is reported lost or stolen at a later date. (Ref: NYSPIN Operating Manual – Chapter 2 – Section 4.4.1)

STEP TWO – GGUN Entry:

Send the formatted NYSPIN **GGUN** message to the NYS Criminal Gun Clearinghouse (Ref: NYSPIN Operating Manual – Chapter 2 – Section 4.4.1). NOTE: Submitting agencies should ensure that their correct ORI is included to expedite the delivery of information. Agencies should also make every effort to ensure that complete and accurate firearm descriptive information is provided.

- a) Sending the **GGUN** message satisfies legislatively mandated reporting requirements and adds critical information to the Criminal Gun Clearinghouse database. **GGUN** submissions automatically generate a legislatively mandated trace request through the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Tracing Center; trace results are returned to the submitting agency by ATF personnel via U.S. mail.
- b) **GGUN** submissions are analyzed and checked against existing databases; an acknowledgement of receipt and any pertinent information regarding the crime gun is returned to the submitting agency by Criminal Gun Clearinghouse personnel via NYSPIN.

Information regarding defaced firearms (handguns and long guns) can and should be submitted using the GGUN teletype message. If the serial number on a defaced firearm is subsequently restored by the crime lab, the agency should notify the Criminal Gun Clearinghouse of the change by calling (518) 786-2194. Notifying the CGCH will serve two purposes: (1) the original **GGUN** entry will be updated with the restored serial number by CGCH staff, and (2) ATF will be notified so that a trace of the weapon can be initiated. (Note: **Do not make another entry into GGUN as it will result in a duplicate entry.**)

STEP THREE – Submit to Firearms Laboratory:

- a) Submit the recovered crime gun to the appropriate firearms laboratory in a timely manner. Also submit any recovered unfired ammunition for laboratory test fire purposes. As appropriate, recovered weapons should be preserved for latent prints and possible DNA testing.

- b) Submitting a recovered firearm (handgun or long gun) to the lab for processing may provide law enforcement agencies with information that can:
1. Link Violent Crimes
 2. Link Violent Crimes to Weapons
 3. Identify the Sources of Weapons
- c) All recovered crime guns should be submitted to the appropriate firearms lab so that other testing can take place, with particular attention being paid to auto-loading weapons. Lab testing includes the identification and testing of firearms (handguns and long guns), microscopic comparisons of projectiles and cartridge casings, and serial number restorations. Appropriate items will result in a NIBIN (National Integrated Ballistic Information Network) entry.

It is important to note that failing to submit a gun to the lab for testing is a lost opportunity to determine if the gun recovered by an agency was used in the commission of another crime either in this jurisdiction or in another jurisdiction. For this reason alone, it is critical that all recovered crime guns, whether a handgun or a long gun, be submitted to the appropriate crime lab for complete testing in a timely manner. It is a critical component of solving cases and having a statewide database of recovered crime guns.

DCJS reviews the information submitted by each agency in the Monthly Gun Data Report. **The expectation is that for every crime gun recovered, there will be a corresponding GGUN entry and lab submission.**

CITY OF RYE POLICE DEPARTMENT

General Order #113.19	New [x]	Revised []
Subject: Confrontation Situations		
Date Issued 03/31/08	Date Effective 03/31/08	Page 1 of 3
Issuing Authority: William R. Connors, Police Commissioner		

I. PURPOSE:

To safely resolve confrontations between members of the service, both on and off duty, in which a Police Officer's identity is not apparent.

II. SCOPE:

The type and circumstances of encounters between members of the service - whether in uniform or civilian clothes, both on and off duty - are so varied that the encounters defy all-encompassing guidelines. In such encounters, the actions of the members in the first few seconds are of vital importance. It must be absolutely clear in the minds of all members of the service that in any confrontation, the burden of proving identity rests on the CONFRONTED OFFICER, whether on or off duty. The CHALLENGING OFFICER, however, also has a responsibility to use sound tactics and judgment in approaching the situation.

III. DEFINITIONS:

CHALLENGING OFFICER - For the purpose of this procedure, the sworn member of the Department who comes upon the scene where an unidentified armed person is observed will be called the challenging officer.

CONFRONTED OFFICER - The uniformed member of the service (usually civilian clothed) either on or off duty, who may be armed and taking police action and whose identity and objectives are not immediately apparent to the challenging officer.

IV. PROCEDURE:

When on duty sworn personnel, whether uniformed or civilian clothed, respond to a scene and challenge an unidentified armed person, who may be an on duty or off duty sworn member of the service or an enforcement officer from an outside criminal justice agency, uniformed members of the Department shall comport themselves in accordance with the protocols contained herein.

CHALLENGING OFFICER

1. Immediately take cover to the rear, not to the side, of the person being challenged, if possible.

NOTE: A challenge from the rear allows more time for the challenging officer to evaluate the subject's reactions and also give the challenging officer a tactical advantage. A challenge from the side reduces response time. Utilize any cover available (car, garbage can, lamppost, mailbox, etc.). Any object is a form of protection, even though its value might be only of a concealment nature.

2. Identify self in a loud clear voice, stating "Police Don't Move."

NOTE: Avoid using directives that are contradictory such as, "Don't move and raise your hands." This will only confuse the person. Avoid using slang terms such as "Freeze" or "Hold It."

CONFRONTED OFFICER

3. Remain motionless even if it means a fleeing suspect may escape.
 - a. Do not turn body, especially if holding a firearm.
4. Inform the challenging officer that he/she is a police officer and obey all directions from the officer making the challenge.

CHALLENGING OFFICER

5. Request person to give exact location of identification and to produce identification slowly, in a controlled manner, if person states he/she is a police officer.

NOTE Civilian clothed sworn members of the service should make it a practice to carry their shields in a pocket opposite their shooting hands. The IDENTIFICATION CARD is the primary form of identification and must always be carried, but the shield need not be carried when an officer is not armed.

CONFRONTED OFFICER

6. Inform challenging officer of exact location of identification before moving.
7. Produce identification slowly, in a controlled manner, without unnecessary movement.

CHALLENGING OFFICER

8. Examine credentials to insure:
 - a. Validity, and
 - b. Photo or description (if any) fits individual.
9. Remain alert until you are completely satisfied as to the person's identity.
10. Return credentials, if satisfied with identification.
11. Prepare Supplementary Report.

CHALLENGING OFFICER

12. Request tour supervisor and/or supervisory officer of on duty member to respond if there is concern about the manner in which the situation was handled.

RESPONDING SUPERVISOR

13. Have members involved report to Headquarters.

DIVISION COMMANDER - CHALLENGING OFFICER

14. Determine duty status of members involved.
15. Confer with commanding officer of confronted member(s) involved, and conduct an investigation.
16. Interview members involved.
17. Interview supervisory officers and witnesses, if appropriate.
18. Inform member involved of results of investigation and counsel member on weaknesses and corrective measures taken, if appropriate.
19. Prepare a report of findings and recommendations and forward to Police Commissioner.

CITY OF RYE POLICE DEPARTMENT

General Order #113.20		New [x]	Revised [x]
Supersedes:			
Subject: Hate Crimes			
Date Issued	Date Effective	Page 1 of 9	
11/09/11	11/09/11		
Issuing Authority: William R. Connors, Police Commissioner			

I. PURPOSE

This policy is established to assist employees in identifying and investigating hate crimes and assisting victimized individuals and communities.

II. POLICY

Any acts or threats of violence, property damage, harassment, intimidation, or other crimes motivated by hate and bias and designed to infringe upon the rights of individuals are viewed very seriously by this agency and will be given high priority. This Department shall employ necessary resources and vigorous law enforcement action to identify and arrest hate crime perpetrators. Also, recognizing the particular fears and distress typically suffered by victims, the potential for reprisal and escalation of violence, and the far-reaching negative consequences of these crimes on the community, this Department shall be mindful of and responsive to the security concerns of victims and their families.

III. DEFINITIONS

A. New York State Penal Law §485.05 Hate Crimes.

1. A person commits a hate crime when he or she commits a specified offense and either:

- (a) intentionally selects the person against whom the offense is committed or intended to be committed in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct, or
- (b) intentionally commits the act or acts constituting the offense in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is

correct.

2. Proof of race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of the defendant, the victim or of both the defendant and the victim does not, by itself, constitute legally sufficient evidence satisfying the people's burden under paragraph (a) or (b) of subdivision one of this section.

For purposes of this section:

- (a) the term "age" means sixty years old or more;
- (b) the term "disability" means a physical or mental impairment that substantially limits a major life activity.

A. Specified Crimes Pursuant To Penal Law §485.05, "Hate Crimes"

The crimes that can be charged under the Hate Crime statute are listed in Attachment A.

B. Penal Law § 240.31 Aggravated harassment in the first degree.

A person is guilty of aggravated harassment in the first degree when with intent to harass, annoy, threaten or alarm another person, because of a belief or perception regarding such person's race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation, regardless of whether the belief or perception is correct, he or she:

- 1. Damages premises primarily used for religious purposes, or acquired pursuant to section six of the religious corporation law and maintained for purposes of religious instruction, and the damage to the premises exceeds fifty dollars; or
- 2. Commits the crime of aggravated harassment in the second degree in the manner proscribed by the provisions of subdivision three of section 240.30 of this article and has been previously convicted of the crime of aggravated harassment in the second degree for the commission of conduct proscribed by the provisions of subdivision three of section 240.30 or he or she has been previously convicted of the crime of aggravated harassment in the first degree within the preceding ten years; or
- 3. Etches, paints, draws upon or otherwise places a swastika, commonly exhibited as the emblem of Nazi Germany, on any building or other real property, public or private, owned by any person, firm or corporation or any public agency or instrumentality, without express permission of the owner or operator of such building or real property;
- 4. Sets on fire a cross in public view; or
- 5. Etches, paints, draws upon or otherwise places or displays a noose, commonly exhibited as a symbol of racism and intimidation, on any building or other real property, public or private, owned by any person, firm or corporation or any public agency or instrumentality, without express permission of the

owner or operator of such building or real property.

Aggravated harassment in the first degree is a class E felony.

C. Penal Law § 240.30(3) Aggravated harassment in the second degree.

A person is guilty of aggravated harassment in the first degree when with intent to harass, annoy, threaten or alarm another person, he or she:

(3) Strikes, shoves, kicks, or otherwise subjects another person to physical contact, or attempts or threatens to do the same because of a belief or perception regarding such person's race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation, regardless of whether the belief or perception is correct.

Aggravated harassment in the second degree is a class A misdemeanor. The additional crimes that can be charged under the Hate Crime statute are listed in Attachment A.

IV. PROCEDURES

A. Goals

1. Responding personnel shall conduct a thorough and complete investigation in all suspected and/or confirmed hate crime incidents.
2. Officers should make every effort to become familiar with organized hate groups operating in the community and police contacts should be documented.

B. Initial Response Procedures

Initial responding officers at the scene of a suspected hate crime shall take preliminary actions deemed necessary, including, but not limited to, the following:

1. Secure the scene. Steps should be taken so that the initial situation does not escalate. This includes but is not limited to:
 - a. Stabilizing injured victims and requesting medical aid.
 - b. Providing protection to victims and witnesses by increased police presence.
 - c. Securing the crime scene and ensuring the collection and photographing of physical evidence such as hate literature, spray paint cans, and symbolic objects used by hate groups, such as swastikas and crosses.
2. Identify criminal evidence on the victim if applicable.
3. Request the assistance of a translator or counselor when necessary.
4. Request the assistance of an investigator and supervisor.
5. Conduct a preliminary investigation and record information on:
 - a. the identity of suspected perpetrators,

- b. the identity of witnesses, including those no longer at the scene,
 - c. prior bias-motivated occurrences in the immediate area or against the same victim. (confer with Detective Division, NYSIC (518) 786-2100 and/or the Westchester Intelligence Center #####),
 - d. statements made by suspects; exact language is critical.
6. Arrest suspected perpetrators if probable cause exists.
- a. Conduct interview and attempt to establish motive
 - b. Consult with prosecutor if there is a question as to proper criminal charges
7. Ensure that necessary preliminary actions have been taken and brief the responding supervisor as to those actions. During the investigation, responding personnel should look for possible signs that the incident may be a hate crime, such as:
- The motivation of the perpetrator or lack of motive.
 - Statements made by the perpetrator.
 - The presence of multiple perpetrators.
 - The display of offensive symbols, words or acts.
 - Was any hate literature found in the possession of the suspect?
 - Is the victim the only person of a particular group at a park or facility?
 - Is the victim from a different racial, ethnic, religious group than the perpetrator?
 - The absence of any motive. The brutal nature of a particular incident could denote a hate crime, particularly when the perpetrator and victim do not know each other.
 - The perpetrator's perception of the victim, whether accurate or not.
 - The date, time or circumstances of the occurrence, such as on a religious holiday, or an event occurring at a gathering of a group of people affiliated by ethnicity, religion, sexual orientation, etc.
 - Multiple incidents occurring in a short time period and all the victims were of the same identifiable group.
 - Were the real intentions of the perpetrator racial, color, religious or ethnic oriented, or were there other reasons such as pranks, unrelated vandalism, or a dispute arising out of a non-bias related disagreement?
 - Incident occurred in proximity to an establishment that could be associated with one of the protected classes.
 - The perpetrator targeted a particular portion of the victim's body; i.e. Sikh victim forcibly having his hair cut, or a victim targeted for his/her sexual orientation being attacked near or around his or her genitalia.
 - The victim's perception that he/she was selected because he/she was a member of an identifiable group.
8. Note that the mere mention of a bias remark does not make an incident bias motivated, just as the absence of a remark does not make an incident without bias.
9. Be cognizant of dual motivation by some suspects. Example: A suspect may be looking to commit robberies but specifically targets elderly victims.

C. Supervisory Responsibilities

The Tour Supervisor shall confer with the initial responding officer(s), ensure that necessary preliminary actions have been taken, and make appropriate notifications. The supervisor shall request any additional personnel necessary to accomplish the following:

- 1. Provide immediate assistance to the crime victim.**
 - a. Express the law enforcement agency's official position on the importance of these cases, and describe the measures that will be taken to apprehend the perpetrators.**
 - b. Express the department's interest in protecting victims' anonymity whenever possible.**
 - c. Allow the victim a period in which to express his or her immediate concerns and express his or her feelings.**
 - d. Communicate with concerned community-based organizations, civic groups, and religious institutions regarding the suspected or confirmed bias incident.**
 - e. Identify individuals or agencies that may provide support and assistance. These may include family members or close acquaintances, a family clergyman or departmental chaplain, as well as community service agencies that provide victim assistance, shelter, food, clothing, child care, or other related services. Provide information regarding New York State Crime Victims Board.**
 - f. Tell the victim about the probable sequence of events in the investigation and prosecution.**
 - g. Explain security measures and precautions to the victim.**
- 2. Ensure that officers and investigator conduct a thorough preliminary investigation.**
- 3. Ensure that all relevant facts are documented on an incident or arrest report or both and make an initial determination as to whether the incident should be classified as a hate crime.**
- 4. Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.**
- 5. Implement measures to ensure the safety of the victim.**

D. Investigators' Responsibilities

Investigators shall conduct a complete and thorough follow-up investigation and recommend to Commanding Officer whether the incident should be classified as a hate crime. They shall ensure that appropriate assistance is being provided to hate crime victims, to include the following measures when appropriate:

- a. Contact the victim periodically to determine whether he or she is receiving adequate and appropriate assistance.**
- b. Provide ongoing information to the victim about the status of the criminal**

investigation.

c. Attempt, whenever possible, to conduct all interviews with victims at their convenience and minimize, to the degree possible, interactions in which victims have to relate the incident.

E. Incident Report Preparation

Incident reports should clearly indicate the following information:

- Offense – Hate Crime designated Penal Law
- Victim age, gender, race, and ethnicity (when victim(s) is an individual(s))
- Offender age, gender, race, and ethnicity (when available)

The narrative portion of the Incident report should document that the victim(s) was intentionally selected or that the act was intentionally committed because of a belief or perception regarding such victim's race, color, national origin, ancestry, gender, religion, religious practice, age, disability, or sexual orientation. The specific bias motivation of the perpetrator should be documented (Ex: selected victim because he was Hispanic, Jewish, Muslim, etc...)

Arrest Processing

The Hate Crimes law is a sentencing enhancement statute. Thus, when the specified crime is a misdemeanor or a class C, D, or E, felony, the hate crime shall be deemed to be one category higher. For example, if a defendant is alleged to have committed an Assault in the second degree, which is a "D" felony and it is alleged that the assault was a hate crime, then upon a conviction the assault is deemed to be a "C" felony and the sentence imposed will be based upon the sentencing range for a "C" felony. "A" and "B" felonies charged as hate crimes stay the same but are subject to higher penalties.

It is important to realize that a class A misdemeanor charged as a hate crime is deemed a class E felony. This may affect the manner in which the case is handled (e.g., arraignment, bail, grand jury).

Reporting of hate crime arrests is statutorily required. It is essential that if an individual is being charged with a hate crime, the arrest is properly coded.

When an arrest is being processed for a hate crime, the Arresting Officer is required to use the Penal Law code with the letter "H" to highlight and make the distinction. The letter "H" is applied to the subdivision of the PL section. In those cases where no subdivision exists, a double zero is used with the letter "H". Use caution when using the automated booking system to ensure that the correct offense is selected.

Examples:

PL section 120.00, subdivision 1 – Assault 3rd

- 120.00(01H), when it is a Hate Crime

PL Section 140.15 – Criminal Trespass 2nd

- 140.15 (00H), when it is a Hate Crime

Note: Do not use the letter H when not charging a hate crime or the arrest will be

reported as a hate crime arrest by DCJS.

Accusatory Instrument

1. As the Legislature made clear in the language of Penal Law section 485.00, the victim of a hate crime is society as a whole. It is apparently for that reason that the hate crime statute does not require specification of any particular person, only "a person." It is the attribute of the protected class (i.e., sex, race, sexual orientation, etc.), not the name of any particular individual member or members of that class which is of importance. Accordingly, the manner in which to allege a hate crime is to set forth the particular attribute of the protected class which is claimed to have motivated the defendant, and not name any particular person or persons. The indictment can simply allege that the defendant committed the underlying crime in whole or in substantial part because of a belief or perception of the race, or sex, or sexual orientation, etc, of "a person." Likewise, when alleging aggravated harassment in the first degree, the accusatory instrument need only allege prohibited conduct directed toward a class of individuals.

2. The accusatory paperwork filed with the court should also list the "H" designator. The narrative portion of the accusatory incident must include the elements and facts of the crime that demonstrate that the victim was intentionally selected or the act was intentionally committed because of a belief or perception regarding such person's race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation.

Records Management Section

1. Assist department in complying with state hate crime reporting requirements.
 - a. Submit all incidents of reported hate crimes to DCJS each month using the State form 3294. Forms must be submitted each month. If no hate crimes were reported, departments must complete the form by checking the "Nothing to Report (NTR)" box.
 - b. Report monthly, by submitting a duplicate copy of form 3294, to the Regional or County Crime Analysis Center in accordance with any county or local laws.

G. Community Relations and Crime Prevention

Hate crimes are viewed in the community not only as a crime against the targeted victim(s), but also as a crime against the victim's identification group as a whole. Working constructively with segments of this larger community after such crimes is essential to help reduce fears, stem possible retaliation, prevent additional hate crimes, and encourage any other previously victimized individuals to step forward and report those crimes. This is particularly important if an upward trend has been identified in these crimes. Towards this end, this agency's community relations function, or officers so assigned, shall perform the following:

1. Provide victim(s) with a point of contact in the department to whom they can

- direct questions or concerns, and keep them informed of the case progress including the end result of the investigation or prosecution.
2. Protect the privacy of the victim and their families as much as possible.
 3. Provide any direct assistance reasonably possible and referral assistance to the victim and the family of the victim.
 4. Meet with neighborhood groups, residents in target communities and other identified groups, to allay fears, emphasize the agency's concern over this and related incidents, reduce the potential for counter-violence and reprisals, and provide safety, security, and crime prevention information.
 5. Engage the media as partners in restoring victimized communities through sensitive and accurate reporting. Information regarding hate crimes should be prepared for the media in an accurate and timely manner.
 6. Conduct public meetings or forums designed to address the community-wide impact of hate crime and violence in general.
 7. Establish liaisons with formal community-based organizations and leaders to mobilize resources that can be used to assist victims and prevent future hate incidents and crimes.
 8. Expand, where appropriate, preventive programs such as hate, bias, and crime reduction seminars for school children.

Sources: International Association of Chiefs of Police (IACP) Model Policy
New York State Police Policy
Clinton County Sheriff's Department General Order
State of New York Attorney General's Hate Crime: Manual for Prosecutors
Nassau County Police Department Procedure
New York City Police Department Hate Crimes Task Force
Westchester County Department of Public Safety Crime Analysis Unit Section
273.01 (3) of the Laws of Westchester County
New York City Anti-Violence Project
Westchester District Attorney's Office

ATTACHMENT "A"**SPECIFIED CRIMES PURSUANT TO PENAL LAW §485.05, "HATE CRIMES"**

A "specified offense" is an offense defined by any of the following provisions of this chapter: section 120.00 (assault in the third degree); section 120.05 (assault in the second degree); section 120.10 (assault in the first degree); section 120.12 (aggravated assault upon a person less than eleven years old); section 120.13 (menacing in the first degree); section 120.14 (menacing in the second degree); section 120.15 (menacing in the third degree); section 120.20 (reckless endangerment in the second degree); section 120.25 (reckless endangerment in the first degree); section 121.12 (strangulation in the second degree); section 121.13 (strangulation in the first degree); subdivision one of section 125.15 (manslaughter in the second degree); subdivision one, two or four of section 125.20 (manslaughter in the first degree); section 125.25 (murder in the second degree); section 120.45 (stalking in the fourth degree); section 120.50 (stalking in the third degree); section 120.55 (stalking in the second degree); section 120.60 (stalking in the first degree); subdivision one of section 130.35 (rape in the first degree); subdivision one of section 130.50 (criminal sexual act in the first degree); subdivision one of section 130.65 (sexual abuse in the first degree); paragraph (a) of subdivision one of section 130.67 (aggravated sexual abuse in the second degree); paragraph (a) of subdivision one of section 130.70 (aggravated sexual abuse in the first degree); section 135.05 (unlawful imprisonment in the second degree); section 135.10 (unlawful imprisonment in the first degree); section 135.20 (kidnapping in the second degree); section 135.25 (kidnapping in the first degree); section 135.60 (coercion in the second degree); section 135.65 (coercion in the first degree); section 140.10 (criminal trespass in the third degree); section 140.15 (criminal trespass in the second degree); section 140.17 (criminal trespass in the first degree); section 140.20 (burglary in the third degree); section 140.25 (burglary in the second degree); section 140.30 (burglary in the first degree); section 145.00 (criminal mischief in the fourth degree); section 145.05 (criminal mischief in the third degree); section 145.10 (criminal mischief in the second degree); section 145.12 (criminal mischief in the first degree); section 150.05 (arson in the fourth degree); section 150.10 (arson in the third degree); section 150.15 (arson in the second degree); section 150.20 (arson in the first degree); section 155.25 (petit larceny); section 155.30 (grand larceny in the fourth degree); section 155.35 (grand larceny in the third degree); section 155.40 (grand larceny in the second degree); section 155.42 (grand larceny in the first degree); section 160.05 (robbery in the third degree); section 160.10 (robbery in the second degree); section 160.15 (robbery in the first degree); section 240.25 (harassment in the first degree); subdivision one, two or four of section 240.30 (aggravated harassment in the second degree); or any attempt or conspiracy to commit any of the foregoing offenses.

4. For purposes of this section:

- (a) the term "age" means sixty years old or more;
- (b) the term "disability" means a physical or mental impairment that substantially limits a major life activity.

CITY OF RYE POLICE DEPARTMENT

General Order #114.3	New [x]	Revised []
Supersedes:		
Subject: Emergency Mobilization		
Date Issued 11/01/96	Date Effective 11/01/96	Page 1 of 2
Issuing Authority: William A. Pease <u>R. Connors</u> , Police Commissioner		

Police Emergency Mobilization Plan

The City of Rye Police Department Emergency Mobilization Plan consists of three (3) phases.

1. Phase I, the hold-over of a current shift.
2. Phase II, Phase I expanded to include the personnel of selected sections/units, and the call-in of the next scheduled shift.
3. Phase III, Phase II expanded to include the call in of all sworn and non sworn staff and the notification of extra departmental officials and resources; i.e., City Manager, other Police Agencies, etc.

Authorization:

1. A Phase I Emergency Mobilization may be authorized by the Commanding Officer of the Patrol Division or the on duty Sergeant. A Phase I Mobilization requires the immediate notification of the Patrol Lieutenant ~~on-call~~. Whenever possible, the Lieutenant ~~on-call~~ should be consulted prior to the implementation of a Phase I.
2. A Phase II and III Emergency Mobilization may be authorized by the Police Commissioner or a Lieutenant ~~on-call~~.
3. The Commissioner or his designee authorizing a Phase III shall arrange for broadcast of the EMP on local news media when appropriate.

Procedures:

1. In the event of a phase II or III Mobilization, the ~~Duty Sergeant~~Tour Supervisor will:
 - a. Direct headquarters personnel that complainants be informed that the police department is presently only available to respond to critical service requests; and suspend calls for service not involving danger to life and property.

b. Insure that all off duty personnel are notified and advised that an EMP is in effect ~~-, and to-~~ To report for duty in uniform and ready for assignment.

NOTE: Personnel will report to headquarters unless directed otherwise by headquarters personnel or by standing orders.

c. Off duty personnel will also be notified of specific areas to avoid while in transit.

The EMP plan shall be tested ~~at least annually~~ periodically.

EMERGENCY MOBILIZATION: Telephone Instructions

Use only the following message format. Make sure the recipient of the call understands that this is an emergency call and that the officer is to report to his/her office. (NOTE: Certain officers have specialized duties which may require that they report to locations other than their normal assignment. If an officer questions his/her reporting location, instruct him/her to report as previously directed.

"This is (give your name) of the Rye Police Department. An emergency mobilization has been ordered. _

Is this Officer _____?" (if not, can he be reached? Where? (telephone number). If unable to locate or you get an answering machine, leave message to have officer report to his office as follows:

"The Police Commissioner has ordered an emergency mobilization. Report to the Rye Police Department immediately, for your assignment." (IF instructed, add "It is recommended that you avoid the _____ area of the City.")

Operators are to record the answer on the roster as follows:

1. If answer is received properly, note "OK".
2. If no answer, note "NA".
3. If message left, note "ML".
4. If wrong number, note "WN".

CITY OF RYE POLICE DEPARTMENT

General Order #114.8	New []	Revised [x]
Supersedes: 114.8 issued 05/16/05		
Subject: Mutual Aid		
Date Issued 07/19/11	Date Effective 07/19/11	Page 1 of 23
Issuing Authority: William R. Connors, Police Commissioner		

PURPOSE:

To establish guidelines for requesting or providing police assistance to or from other law enforcement agencies.

BACKGROUND:

From time to time, other law enforcement agencies such as neighboring police departments, county, state and federal law enforcement agencies, call upon each other for assistance. Sometimes the assistance needed is within the City of Rye, such as when an accident occurs on the New York State Thruway, Cross Westchester Expressway or Playland Parkway, while in other cases, the assistance is needed outside the City, such as when a neighboring police agency requires support during a response to an accident.

POLICY:

The policy of this Department is to provide assistance to another law enforcement ~~agency~~ agencies whenever possible, taking into consideration the following factors:

- Whether the situation for which assistance is being requested is life threatening;
- Whether providing assistance will result in a reduction in the number of officers available for calls for service within the City to a level that may be considered hazardous to the public or other members of the Department ~~-i~~;
- Whether the department is able to provide the assistance being requested.

When it is necessary for this department to request assistance from another law enforcement agency, members shall take into consideration the following factors:

1. Location
2. Number of personnel needed
3. Seriousness of the incident

Agency Jurisdiction

Several law enforcement agencies have jurisdiction within the confines of the City of Rye. When another law enforcement agency has jurisdiction over a particular location in the City of Rye, e.g., an occurrence on the Metro North Railroad tracks, such other law enforcement agencies shall have the primary responsibility for response and investigation of any incidents within their jurisdiction.

The following law enforcement agencies have primary jurisdiction in the following areas:

1. Westchester County Department of Public Safety on Playland Parkway, Playland Amusement Park, Marshland Conservancy and parts of the John Jay Property.
2. The Metropolitan Transportation Authority (MTA) Police Department on the property of the Metro North Commuter Railroad.
3. New York State Police on Interstate 287, Interstate 95 and all adjacent state land.

PROCEDURE:

Providing Assistance Within the City

1. The tour supervisor is authorized to approve a request for assistance when he/she determines that providing such assistance may help to mitigate the effects of the incident or prevent the situation from deteriorating, when without such assistance the requesting law enforcement agency could not provide sufficient resources in time to mitigate the effects of the incident or prevent it from deteriorating.
2. If the request for assistance involves a non-emergency situation, such as investigative assistance, the tour supervisor shall contact the appropriate division commander depending on the assistance being sought.

Providing Assistance Outside the City

1. Upon receipt of a request for assistance, the Department member receiving such request shall determine if the situation involves life and death, or may deteriorate to a life and death situation if assistance is not immediately provided. If so, the tour supervisor shall determine if the department can actually provide the assistance, or whether some other agency can provide the assistance needed in less time than this Department.
2. If, after evaluating all available information, the Tour Supervisor receiving the request for assistance determines that the Department can provide the assistance being requested, and do so faster than some other agency, the tour supervisor may provide the assistance, or authorize providing assistance.

3. If, after evaluating all available information, the Department member receiving the request for assistance determines that the Department cannot provide the assistance, or should not provide the assistance, the Department member shall deny the request and immediately notify his/her supervisor.
4. If the situation is not one ~~of life and death~~ life threatening and is not likely to deteriorate to ~~a life and death situation~~ that level, the department member receiving the request shall gather the following information and notify the tour supervisor:
 - a. Name of the requesting jurisdiction.
 - b. Name and return phone number of person making the request.
 - c. Nature of the request.
 - d. Location where assistance is needed, and
 - e. What assistance is being requested.
5. The tour supervisor is authorized to approve such a request when he/she determines that providing such assistance may help to mitigate the effects of the incident or prevent the situation from deteriorating, when without such assistance, the requesting law enforcement agency or some other law enforcement agency, could not provide sufficient resources in time to mitigate the effects of the incident or prevent it from deteriorating.

~~The If the~~ assistance to be provided is of a minor nature, such as traffic assistance at an accident scene on a street that borders the City of Rye and some other jurisdiction. ~~While providing such assistance,~~ the officer providing such assistance shall remain available to respond to a call ~~for~~ service within the City of Rye, if required.

Requesting Assistance From Other Agencies

1. Requests for assistance from other police agencies regarding minor incidents (e.g., traffic, response to the area of a crime, notifications, etc.) shall be handled by the desk officer and/or tour supervisor. Consider the following resources and their location and proximity to the location of the incident.
 - a. Port Chester Police Department - 939-1000
 - b. Harrison Police Department - 967-5111
 - c. Rye Brook Police Department - 937-1020
 - d. Mamaroneck Village Police Department - 698-2400
 - e. NYSP Dispatch - 524-0200 or 518-436-2823
 - f. Westchester County Police - 864-7700
 - g. New York State Police (Hawthorne) - 769-2600
 - h. MTA Police - 212-340-2723
2. In the event of major emergencies, serious incidents, mass processing and transportation of prisoners or any other event beyond the scope of the department's resources, the tour supervisor shall be guided by General Order #114.1, "Unusual Occurrences/Major Incident Response". He/she shall cause notification in accordance with General Order 114.2, "Supervisory Notification and Response". Upon the tour supervisor's

authorizing the request for mutual aid, the communications officer shall follow the operational procedures for the use of the HOT LINE in activating the Police Mutual Aid and Rapid Response Plan.

General Order #114.8 Page 4 of 23

- a. All personnel should familiarize themselves with the Westchester County Police Mutual Aid and Rapid Response Plan.
3. State and/or militia assistance will be summoned as directed by the Westchester County Police Mutual Aid and Rapid Response Plan.
4. Federal assistance will be summoned when it has been determined necessary by a superior officer (i.e., Part I crimes committed in a federal institution).

Routine Police Operations Outside City of Rye

1. To ensure members' safety when conducting police operations such as surveillance or the service of search or arrest warrants outside the city limits, the following procedures will be ~~standard practice~~ followed.
 - a. When it is possible to do so without compromising the investigation, personnel performing a police function outside the City of Rye will notify the local law enforcement agency in that jurisdiction of the following:
 1. Nature of operation.
 2. Number of officers involved.
 3. Whether the officers involved are uniformed or non-uniformed.
 4. Vehicles involved.
 5. Duration of the operation.
If warranted, inter-agency communications should be established prior to the beginning of the operation.

Concurrent Jurisdiction Involving Other Law Enforcement Agencies

1. It is the policy of this Department to work in cooperation with other law enforcement agencies, particularly in situations where concurrent jurisdiction exists, ensuring that the rights and responsibilities of all agencies are kept in appropriate perspective.
2. In situations involving federal and local concurrent jurisdiction such as banking institutions or post office installations, federal authority will be considered ~~to be the primary authorization~~. This authority can be conceded at the discretion of the federal officials.

Westchester County Mutual Aid and Rapid Response Plan

1. If a request for assistance involves activation of the Westchester County Mutual Aid and Rapid Response Plan, Zone C, which includes City of Rye, this Department is obligated to respond. Zone C includes the following municipalities:
 - a. New Rochelle
 - b. Larchmont
 - c. City of Rye
 - d. Rye Brook

- e. Port Chester
- f. Harrison
- g. Mamaroneck Village

General Order #114.8 Page 5 of 23

- h. Mamaroneck Town
- i. Pelham
- j. Pelham Manor
- k. Scarsdale
- l. Eastchester
- m. Tuckahoe
- n. Bronxville

- 2. Any requests for mutual aid to or from the City of Rye Police Department shall be granted in conformance with the Mutual Aid and Rapid Response Plan, which is referenced in an Inter-Municipal Agreement executed by all participating entities. Authority for mutual aid response originates in §209-m of the New York State General Municipal Law.

This agreement (unsigned copy attached) entered into by all police agencies in Westchester County and is made available here for review.

Deployment of personnel to a situation that has the potential to involve the long term usage of City of Rye Police Department personnel must be approved by the Police Commissioner. Additionally, in such a long term event, the situation must be reviewed at least twice daily by the Commissioner or his designee. The Police Commissioner will decide at what point to adjust this department's level of assistance.

Any member of the City of Rye Police Department who is assigned to another jurisdiction under this agreement will continue to abide by all rules, regulations and procedures of the Rye Police Department. A Rye Police Officer will, however, follow all lawful commands from any superior officer designated to give such under this agreement.

Reporting

- 1. In all instances where this department provides or requests assistance from an outside law enforcement agency, the action of member(s) of this department will be fully and promptly documented in an Incident/Complaint Report.

APPENDIX "A"

TERMS OF INTERMUNICIPAL AGREEMENT REGARDING THE WESTCHESTER COUNTY
MUTUAL AID/RAPID RESPONSE PLAN

AGREEMENT made this _____ day of _____
, 2010 by and between:

THE COUNTY OF WESTCHESTER, a municipal corporation of the State of
New York, having an office and place of business in the
Michaelian Office Building, 148 Martine Avenue, White Plains,
New York, 10601

(hereinafter referred to as the "County")

and

THE «MUNICIPALITY», a municipal corporation of
the State of New York having an office and place of business
at
«Address», «City», New York, «Zip_Code»

(hereinafter referred to as a "City, Town or Village," as
applicable)

WHEREAS, the purpose of the Mutual Aid and Rapid Response Plan for
the Police Departments of Westchester County, New York (the "Plan") is
to formalize operational procedures for Law enforcement assistance to
participating agencies; and

WHEREAS, the Signatory Municipalities have executed the Plan by
which each member agrees to make available its police personnel and
equipment to the others upon the occurrence of a condition which is
beyond the scope of its police resources; and

WHEREAS, due to prevailing world, national and local security situations, the ever increasing flow of intelligence, and actual threats directed against once benign sites and facilities, the parties desire

General Order 114.8 Page 7 of 23

that the Plan be flexible and subject to review and revision as necessary in a timely manner; and

WHEREAS, the Signatory Municipalities desire, inter alia, to ratify the Agreement described herein and agree on the procedures for timely review and revision of the Plan; and

WHEREAS, said Plan is governed by and liabilities and costs are apportioned pursuant to the provisions of New York State General Municipal Law ("General Municipal Law") Section 209-m which provides, inter alia, that absent agreement to the contrary, the municipality receiving police aid (the "Requesting Municipality") shall reimburse the municipality providing such aid (the "Assisting Municipality") for any money paid by it for police salaries and other expenses incurred by it including damage to, or loss of, equipment and supplies.

NOW, THEREFORE, in consideration of the terms and conditions herein contained, the parties agree as follows:

FIRST: Definitions

(1) Chief Executive Officer: The officer within a Signatory Municipality who is authorized pursuant to General Municipal Law Section 209-m to request or grant a request for police assistance from another Signatory Municipality.

(2) Department Head: Any police chief, Commissioner or other official in command or acting command of the police department or police force of a Signatory Municipality.

General Order 114.8 Page 8 of 23

(3) Requesting Municipality: Any Signatory Municipality requesting the assistance of the police force of another Signatory Municipality pursuant to the terms of this Agreement.

(4) Assisting Municipality: Any Signatory Municipality providing assistance to a Requesting Municipality pursuant to the terms of this Agreement.

(5) Emergency: Shall have its common dictionary definition.

(6) Signatory Municipality: All municipalities that have signed this Agreement, including the County.

SECOND: The Mutual Aid and Rapid Response Plan for the Police Departments of Westchester County, New York and the Westchester County Arson Zone Plan (collectively the "Plan"), are annexed hereto and incorporated herein as Schedule "A". The Parties further agree to the Plan, as same may be amended from time to time in accordance with the review and revision procedures set forth in said Plan.

THIRD: This Agreement shall commence on July 31, 2010 (the "Commencement Date") and terminate on July 30, 2015, unless terminated sooner in accordance with the provisions hereof. Any prior agreement signed by a party for this purpose shall be deemed terminated upon the commencement of this Agreement.

FOURTH: The Signatory Municipalities hereby agree to render appropriate police services to any Requesting Municipality whenever the Chief Executive Officer of that municipality deems the general public interest requires it. All such requests for assistance shall be made by the Chief Executive Officer or Department Head of the Requesting

General Order 114.8 Page 9 of 23

Municipality and granted by the Chief Executive Officer or Department Head of each Assisting Municipality as set forth in the Plan.

FIFTH: The cost of police services provided pursuant to this Agreement shall be paid by the Requesting Municipality subject to the following exceptions:

(a) The police services provided by the County shall be without cost to the Requesting Municipality.

(b) The police services provided by each Assisting Municipality shall be reimbursed as provided in Section 209-m of the General Municipal Law, as same may be amended, except as provided above in Paragraph (a).

(c) The Requesting Municipality shall reimburse the County and each Assisting Municipality for all liability for damages arising out of acts performed by the Assisting Municipality in rendering aid. In addition, the Requesting Municipality shall provide defense for and defend, at its sole expense, any and all claims, demands or causes of action directly or indirectly resulting from the rendering of aid by the County and each Assisting Municipality. Notwithstanding the foregoing, the Requesting Municipality shall not be liable for any damages resulting from any intentional wrongs or reckless conduct by the police force of the Assisting Municipality.

(d) The requesting Municipality shall reimburse the County and each Assisting Municipality for all expenses incurred pursuant to the provisions of Section 207-c of the General Municipal Law, as same may be amended, and for any award of compensation made pursuant to the Workers' Compensation Law for salaries and expenses paid to officers of the

General Order 114.8 Page 10 of 23

County and each Assisting Municipality who are injured while rendering assistance to the Requesting Municipality pursuant to the Agreement.

SIXTH: Any party to this agreement may withdraw at any time, upon thirty (30) days written notice to each of the other parties, and thereafter such withdrawing party shall no longer be a party to this Agreement; but this Agreement shall continue to exist among the remaining parties.

SEVENTH: (a) The Westchester County Chiefs of Police Association ("WCCOPA") shall be responsible for the administration and future amendments or revision of the Plan. Administration shall entail, but not be limited to, the development of an organized effort, identification of county-wide special equipment, and interface with auxiliary services and agencies for the development of protocols and assumed responsibilities.

(b) A sub-committee of the WCCOPA will review the Plan at least once a year and formulate recommendations for amendments or revisions as necessary.

EIGHTH: The rights and obligations set forth in this Agreement shall be binding upon and shall inure to the benefit of each municipality which has executed this Agreement with the County.

NINTH: As to any signatory municipality, this Agreement shall not be enforceable until signed by both parties and all applicable legal approvals have been obtained.

TENTH: If any term or provision of this Agreement is held by a court of competent jurisdiction to be invalid or void or unenforceable,

General Order 114.8 Page 11 of 23

the remainder of the terms and provisions of this Agreement shall in no way be affected, impaired, or invalidated, and to the extent permitted by applicable law, any such term, or provision shall be restricted in applicability or reformed to the minimum extent required for such to be enforceable. This provision shall be interpreted and enforced to give effect to the original written intent of the parties prior to the determination of such invalidity or unenforceability.

ELEVENTH: In addition to the aforementioned General Municipal Law Section 209-m, this Agreement shall be subject to any applicable laws, rules and regulations.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.

THE COUNTY OF WESTCHESTER

By _____
George N. Longworth
Commissioner - Sheriff

THE «MUNICIPALITY»

By _____
Name:
Title:

Approved by the Westchester County Board of Legislators on the 6th day of June, 2005.

Approved by the Board of Acquisition and Contract of the County of Westchester on the 25th day of February, 2010.

Approved as to form and manner of execution:

Sr. Assistant County Attorney
County of Westchester
S/Altschil/DPS/Mutual Aid/Police IMA 2010.doc

MUNICIPALITY'S ACKNOWLEDGEMENT

STATE OF NEW YORK)

) ss.:

COUNTY OF WESTCHESTER)

On this _____ day of _____, 2010, before me personally came _____, to me known, and known to me to be the _____ of _____, the municipal corporation described in and which executed the within instrument, who being by me duly sworn did depose and say that he/she, the said _____ resides at _____ and that he/she is the _____ of said municipal corporation.

Notary Public County

CERTIFICATE OF AUTHORITY
(Municipality)

I, _____, certify that I am the
(Officer other than officer signing contract)

_____ of the _____
(Title) (Name of Municipality)

(the "Municipality") a corporation duly organized in good standing under the _

(Law under which organized, e.g., the New York Village Law, Town Law, General
Municipal Law)

named in the foregoing agreement that _____ who signed said
(Person executing agreement)

agreement on behalf of the Municipality was, at the time of execution _____
_____ of _____ (Title of
such person),

the Municipality, that said agreement was duly signed for on behalf of said
Municipality by

authority of its _____ thereunto duly
authorized,
(Town Board, Village Board, City Council)

and that such authority is in full force and effect at the date hereof.

(Signature)

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

On this ____ day of _____, 2010, before me personally
came _____ whose signature appears above, to me known, and know
to be the _____ of _____

(Title)

the municipal corporation described in and which executed the above certificate, who being by me duly sworn did depose and say that he, the said _
resides at _____,
he/she is the _____ of said municipal
corporation.

(Title)

Notary Public County

APPENDIX B

THE MUTUAL AID AND RAPID RESPONSE PLAN
FOR THE POLICE DEPARTMENTS OF
WESTCHESTER COUNTY, NEW YORK

Formatted: Font: Times New Roman, 10 pt

PURPOSE

To establish procedures for the Police Departments of Westchester County to provide the uninterrupted delivery of police service during those situations that exceed the resources of any individual Department.

BACKGROUND

It is the responsibility of the police to be prepared and guided when dealing with major incidents whether they are criminal in nature or natural disasters. rapid response and sound planning can often prevent loss of life, damage to property and prevent an incident from escalating.

POLICY

It is the policy of the Police Departments of Westchester County to promptly provide Mutual Aid and Rapid Response in the form of manpower and equipment under the County Mutual Aid and Rapid Response Plan, (hereinafter referred to as the "Plan") upon the request of any participating agency.

DEFINITIONS

1. Mutual Aid and Rapid Response Incident: An incident requiring activation of the Mutual Aid and Rapid Response is defined as a major incident or occurrence which necessitates a Police Department, within Westchester County, to summons immediate wide scale assistance.

Formatted: Bullets and Numbering

2. Major Incidents: Means any event, generally of an emergency nature, that involves actual or potential personal injury or property damage arising from a natural disaster, manmade disaster, civil disturbance or terrorist action.

Formatted: Bullets and Numbering

3. Natural Disaster: Means those incidents in which the forces of nature threaten the lives, safety or property of numerous persons; i.e., floods, hurricanes, earthquakes, explosions, tornadoes, landslides, drought, infestation or significant snowfall/blizzard.

Formatted: Bullets and Numbering

4. Manmade Disaster: Means incidents in which the forces of man threaten the lives, safety or property of numerous persons; i.e., nuclear/radiological accidents, chemical spills, major railroad accidents or aircraft crashes.

Formatted: Bullets and Numbering

5. Civil Disturbance: Means an action by any group that poses a substantial threat to peace, life or property or any tumultuous or violent activity that creates a Grave risk of causing public alarm.

Formatted: Bullets and Numbering

6. Terrorist Action: Is defined as a politically motivated, hostile action taken by a person or group whose intent is the commission of violent acts designed to instill fear, communicate a message and/or demand some governmental action.

7. Requesting Agency: A Police Department located within the geographical confines of the County of Westchester that is requesting Mutual Aid from other police agencies, which are signatories to the Mutual Aid and Rapid Response Plan for the Police Departments of Westchester County, New York.

Formatted: Bullets and Numbering

8. Responding Agency: A Police Department located within the geographical confines of the County of Westchester that is responding to a request for Mutual Aid from other police agencies, which are signatories to the Mutual Aid and Rapid Response Plan for the Police Departments of Westchester County, New York. Formatted: Bullets and Numbering
9. Zone Coordinator: Each Zone of response will designate a Zone Coordinator, who shall be responsible for coordinated Zone response; e.g., response to locations outside of Westchester County as well as coordination of mock activations of the Plan. Formatted: Bullets and Numbering
10. Incident Command System: The accepted system to be utilized to coordinate multi-agency responses to incidents. Formatted: Bullets and Numbering
11. Incident Commander: Is defined as the highest ranking member of the requesting Department at the scene, or his/her designee. Formatted: Bullets and Numbering
12. Inner Perimeter: Is defined as the immediate area of containment around an incident site. Formatted: Bullets and Numbering
13. Outer Perimeter: Is defined as the peripheral control area surrounding the inner perimeter, providing a safe zone for access to or egress from the inner perimeter as well as defining the limit of access by unauthorized persons. Formatted: Bullets and Numbering
14. Staging Area: Is defined as a location selected generally within the outer perimeter to facilitate arriving resources and personnel responding for assignments. Formatted: Bullets and Numbering
15. Command Post: Is defined as the post from which the Incident Commander and his staff coordinate the Department's response to a major emergency. Formatted: Bullets and Numbering

LEGAL CONSIDERATIONS

16. General Municipal Law §209-M. Outside service by local police: civil disturbance control. Formatted: Bullets and Numbering
 - A. (Subdivision 2) Notwithstanding the provisions of any general, special or local law, or any county, city or village charter, the Chief Executive Officer of a local government, whenever he deems that the public interest requires it, may request the Chief Executive Officer of any other local government to detail, assign and make available for duty and use in the local government for which the request is made, any part of the forces, equipment and supplies of the Police Department, police force or parkway police force of the local government of which the request is made. The Chief Executive Officer of the local government of which the request is made is hereby authorized and empowered to grant the request so made.
 - B. (Subdivision 3) A local government may, by local law, delegate to the Chief of Police of its Police Department or police force, the powers hereby granted to the Chief Executive Officer to request and grant police assistance.
 - C. (Subdivision 4) If the Chief Executive Officer of any such local government is absent or disabled, the Chief of Police of the local government may make any such request or may grant any such request, as the case may be.
 - D. (Subdivision 5) The local government receiving police aid pursuant to this Section shall assume the liability for all damages arising out of any act performed in rendering such aid and shall reimburse the assisting local government of any monies paid by it for salaries or for other expenses incurred by it including damage to or loss of equipment and supplies. As assisting local government may assume such loss, damage expenses or cost for such equipment and supplies and donate such services to the receiving local government. While engaged in duty and rendering such services in such local government, the Officers and members of such Police Department or police force shall have the same powers, duties, rights, benefits, privileges and immunities as if they were performing their duties in the local government in and by which they are normally employed.

ZONES OF RESPONSE

17. County-Wide participants shall consist of the following Departments:

Formatted: Bullets and Numbering

Department	Rapid Response	Delayed Response
A. Metropolitan Transportation Authority Police Department; Four (4)	Ten	(10)
B. New York State Police;	Eight (8)	Twelve (12)
C. New York City Department of Environmental Protection; Three (3)	Ten	(10)
D. Westchester County Department of Public Safety	Eight (8)	Twenty (20)
TOTALS:	Twenty-Three (23)	Fifty-Two (52)

Formatted: Bullets and Numbering

Formatted: Bullets and Numbering

Formatted: Bullets and Numbering

18. When a County-Wide participant requests assistance to this Plan, they will become a member of any Zone in which they have the need for assistance.

Formatted: Bullets and Numbering

A. E.g., assistance for an event at Tibbett's Brook Park, a County park, the Westchester County Department of Public Safety will be a member of Zone "B" for the purpose of requesting aid.

B. For an event at the Croton/Harmon Train Station, the Metropolitan Transportation Authority Police Department will be a member of Zone "A" for the purpose of requesting aid.

Formatted: Bullets and Numbering

19. When a County-Wide participant receives a request for assistance under this Plan, they will become a member of the Zone from which the request for assistance is being made and will respond accordingly.

Formatted: Bullets and Numbering

20. Zone "A" (ADAM) shall consist of the following Departments:

Formatted: Bullets and Numbering

Department	Rapid Response	Delayed Response
A. Bedford (Town);	One (1)	Two (2)
B. Briarcliff (Village);	One (1)	Two (2)
C. Buchanan (Village);	Zero (0)	One (1)
D. Croton-on-Hudson (Village);	One (1)	One (1)
E. Lewisboro (Town);	Zero (0)	Zero (0)
F. Mt. Kisco (Village);	One (1)	Two (2)
G. Mount Pleasant (Town);	One (1)	Three (3)
H. New Castle (Town);	One (1)	Three (3)
I. North Castle (Town);	One (1)	Two (2)
J. North Salem (Town);	Zero (0)	Zero (0)
K. Ossining (Town);	Zero (0)	Zero (0)
L. Ossining (Village);	Two (2)	Eight (8)
M. Peekskill (City);	Four (4)	Seven (7)
N. Pleasantville (Village);	One (1)	Two (2)
O. Pound Ridge (Town);	Zero (0)	Four (4)
P. Sleepy Hollow (Village);	One (1)	Three (3)
Q. Somers (Town);	Zero (0)	Zero (0)
R. Yorktown (Town);	One (1)	Five (5)

Formatted: Bullets and Numbering

21. TOTALS: Sixteen (16) Forty-five (45)

Formatted: Bullets and Numbering

22. Zone "B" (BAKER) shall consist of the following Departments:

Formatted: Bullets and Numbering

Department	Rapid Response	Delayed Response	
A. Ardsley (Village);	One (1)	Three	(3)
B. Dobbs Ferry (Village);	One (1)	Three	(3)
C. Elmsford (Village);	One (1)	Three	(3)
D. Greenburgh (Town);	Three (3)	Twelve	(12)
E. Hastings-on-Hudson (Village);	One (1)	Three	(3)
F. Irvington (Village);	Zero (0)	Three	(3)
G. Scarsdale (Village);	Two (2)	Four	(4)
H. Tarrytown (Village);	One (1)	Three	(3)
I. White Plains (City);	Five (5)	Ten	(10)
J. Yonkers (City);	Five (5)	Ten	(10)
TOTALS:	Twenty (20)	Fifty-Four (54)	

Formatted: Bullets and Numbering

23. Zone "C" (CHARLIE) shall consist of the following Departments:

Formatted: Bullets and Numbering

Department	Rapid Response	Delayed Response	
A. Bronxville (Village);	One (1)	Three	(3)
B. Eastchester (Town);	Two (2)	Five	(5)
C. Harrison (Town);	Two (2)	Eight	(8)
D. Larchmont (Village);	One (1)	Two	(2)
E. Mamaroneck (Town);	Two (2)	Two	(2)
F. Mamaroneck (Village);	Two (2)	Four	(4)
G. Mt. Vernon (City);	Four (4)	Ten	(10)
H. New Rochelle (City);	Four (4)	Six	(6)
I. Pelham (Village);	One (1)	Four	(4)
J. Pelham Manor (Village);	One (1)	Three	(3)
K. Port Chester (Village);	Three (3)	Five	(5)
L. Rye (City);	Two (2)	Four	(4)
M. Rye Brook (Village);	One (1)	Three	(3)
N. SUNY Purchase	One (1)	Two	(2)
O. Tuckahoe (Village);	One (1)	Five	(5)
TOTALS:	Twenty-eight (28)	Sixty-six (66)	

Formatted: Bullets and Numbering

LEVELS OF RESPONSE

24. Alert Notification: A situation exists of serious proportions and Departments within the Zone of Alert should prepare to send the minimum pre-arranged manpower (rapid response) to the identified location. **DO NOT RESPOND AT THIS TIME!**

25. Pre-Zone Response: (Approximately eight (8) uniformed officers). A situation exists that requires additional police resources but does not require a full Zone response. The Westchester County Department of Public Safety will respond with the minimum pre-arranged manpower for a rapid response to the identified location.

Note: The Westchester County Department of Public Safety is prepared to initiate Incident Command System protocols if requested to do so by the requesting agency.

26. Level One (1) Response: (Approximately forty five (45) uniformed officers). Departments within the Zone of Alert are requested to immediately dispatch the minimum pre-arranged manpower for a rapid response to the identified location.

27. Level Two (2) Response: (Approximately sixty five (65) uniformed officers). A second Zone is being requested to dispatch the minimum pre-arranged manpower for a rapid response to the identified location.

Note: The second Zone of response will be identified by the requesting agency.

28. Level Three (3) Response: (Approximately ninety (90) uniformed officers). Departments from all Zones are requested to dispatch the minimum pre-arranged manpower for a rapid response to the identified location.

29. Level Four (4) Response: (Approximately two hundred twenty (220) uniformed officers). Departments from all Zones are requested to dispatch the maximum number of pre-arranged manpower (delayed response) to the identified location.

ACTIVATION OF THE PLAN

30. All requests for assistance under the Plan will be made via the Westchester County Hot Line System (Hot Line).

31. The following are example announcements to be followed when activating the Plan via the Hot Line:

Alert Notification [Prepare Only];

Station (number and jurisdiction) announcing an Alert Notification. A situation exists that may require a mutual aid response. Specifically, there is a _____ (nature of the incident). Departments in Zone _____ should prepare to dispatch the pre-arranged rapid response to this jurisdiction. NO NOT RESPOND AT THIS TIME!

Pre-Zone Response:

Station (number and jurisdiction) to the Westchester County Department of Public Safety, a situation exists requiring a mutual aid Pre-Zone Response. Specifically, there is a _____ (nature of incident) we are requesting the Westchester County Department of Public Safety send its pre-arranged rapid response. The scene is located at _____ (specific address). The designated staging area is located at _____ (specific address). At this time _____ (rank & name) is in command and the Command Post is located at _____ (specific address).

Level One (1) Response [One Zone]:

Station (number and jurisdiction) to all stations on the Hot Line, a situation exists within this jurisdiction requiring a mutual aid Level One (1) Response. Specifically, there is a _____ (nature of incident) we are requesting rapid response from Zone _____. The scene is located at _____ (specific address). The designated staging area is located at _____ (specific address). At this time _____ (rank & name) is in command and the Command Post is located at _____ (specific address).

Level Two (2) Response [Two Zones]:

Station (number and jurisdiction) to all stations on the Hot Line, a situation exists within this jurisdiction requiring a mutual aid Level 2 Response. Specifically, there is a _____ (nature of incident) we are requesting rapid response from Zones _____ and _____. The scene is located at _____ (specific address). The designated staging area is located at _____ (specific address). At this time _____ (rank & name) is in command and the Command Post is located at _____ (specific address).

Level Three (3) Response [All Zones]:

Station (number and jurisdiction) to all stations on the Hot Line, A situation exists within this jurisdiction requiring a mutual aid Level 3 Response. Specifically, there is a _____ (nature of incident) we are requesting rapid response from all Zones. The scene is located at _____ (specific address). The designated staging area is located at _____ (specific address). At this time _____ (rank & name) is in command and the Command Post is located at _____ (specific address).

Level Four (4) Response [All Zones]:

Station (number and jurisdiction) to all stations on the Hot Line, A situation exists within this jurisdiction requiring a mutual aid Level 4 Response.

Specifically, there is a _____ (nature of incident) we are requesting all available uniform personnel amounting to a delayed response from all Zones. The scene is located at _____ (specific address). The designated staging area is located at _____ (specific address). At this time _____ (rank & name) is in command and the Command Post is located at _____ (specific address).

DUTIES OF REQUESTING AGENCY

32. Identify the nature and location of the incident.
33. Identify the location of the Command Post.
34. Identify the Staging Area or location of response.
35. Identify the Incident Commander or any change in command.
36. Identify any and all specialized equipment with which responding officers should be equipped.
37. Memorialize the name, rank and command of responding officers.
38. Commence internal Departmental mobilization.

DUTIES OF RESPONDING AGENCY

39. Authorize only the designated pre-arranged number of UNIFORMED officers specific to the level of alert to respond.
40. Proceed directly to the location of requested response or the Staging Area as directed.

RESPONSIBILITIES AT THE SCENE OF THE INCIDENT

41. The Incident Commander designated by the requesting agency shall be in charge at the scene of the incident.
42. Uniformed officers detailed to the incident shall follow the direction of the Incident Commander.
43. However, where the provided assistance involves the loan of a Specialized Weapons and Tacticals (SWAT), hostage negotiation, bomb disposal or canine unit, the Commander of that specialized unit shall be responsible for implementation of the specific mission, as determined by the Incident Commander of the requesting agency.
44. When taking law enforcement actions at the scene of the incident, including use of force, uniformed officers from the responding agency shall at all times adhere to their agency policies and procedures and utilize only those weapons and tactics that they have been trained and deemed qualified to use.
45. Uniformed officers on loan from the responding agency at an emergency site shall regularly apprise the Command Post concerning the continued status of the emergency, line-of-duty injuries or their need for relief.

RELEASE OF PERSONNEL

46. The Incident Commander or his/her designee shall authorize release of personnel from all responding agencies.

POST OCCURRENCE REPORTINGS

47. Within thirty (30) days of any activation of the Plan, the Chief Executive Officer of the Requesting Agency shall prepare or cause to be prepared, a memorandum including a summary of the facts and circumstances surrounding the Incident, comments related to the effectiveness of the Plan and recommendations for modification of the Plan and submit same for the review of the Executive Board of the Westchester County Chiefs of Police Association.

48. Within thirty (30) days of receipt of the aforementioned memorandum, the Executive Board of the Westchester County Chiefs of Police Association will make a determination if modification to the Plan is necessary.

ANNUAL TRAINING

49. In order to maintain an appropriate level of readiness, annual training will be conducted.

ANNUAL REVIEW AND REVISION

50. A sub-committee of the Westchester County Chiefs of Police Association will review the Plan at least once a year and formulate recommendations for revisions as the need arises.

Updated October 5, 2011

~~THE MUTUAL AID AND RAPID RESPONSE PLAN
FOR THE POLICE DEPARTMENTS OF
WESTCHESTER COUNTY, NEW YORK~~

Formatted: Font: Times New Roman, 10 pt

~~PURPOSE~~

~~To establish procedures for the Police Departments of Westchester County to provide the uninterrupted delivery of police service during those situations that exceed the resources of any individual Department.~~

~~BACKGROUND~~

~~It is the responsibility of the police to be prepared and guided when dealing with major incidents whether they are criminal in nature or natural disasters. Rapid response and sound planning can often prevent loss of life, damage to property and prevent an incident from escalating.~~

~~POLICY~~

~~It is the policy of the Police Departments of Westchester County to promptly provide Mutual Aid and Rapid Response in the form of manpower and~~

~~equipment under the County Mutual Aid and Rapid Response Plan, (hereinafter referred to as the "Plan") upon the request of any participating agency.~~

~~DEFINITIONS~~

- ~~1. Mutual Aid and Rapid Response Incident: An incident requiring activation of the Mutual Aid and Rapid Response is defined as a major incident or occurrence which necessitates a Police Department, within Westchester County, to summons immediate wide scale assistance.~~
- ~~2. Major Incidents: Means any event, generally of an emergency nature, that involves actual or potential personal injury or property damage arising from a natural disaster, manmade disaster, civil disturbance or terrorist action.~~
- ~~3. Natural Disaster: Means those incidents in which the forces of nature threaten the lives, safety or property of numerous persons; i.e., floods, hurricanes, earthquakes, explosions, tornadoes, landslides, drought, infestation or significant snowfall/blizzard.~~
- ~~4. Manmade Disaster: Means incidents in which the forces of man threaten the lives, safety or property of numerous persons; i.e., nuclear/radiological accidents, chemical spills, major railroad accidents or aircraft crashes.~~
- ~~5. Civil Disturbance: Means an action by any group that poses a substantial threat to peace, life or property or any tumultuous or violent activity that creates a Grave risk of causing public alarm.~~
- ~~6. Terrorist Action: Is defined as a politically motivated, hostile action taken by a person or group whose intent is the commission of violent acts designed to instill fear, communicate a message and/or demand some governmental action.~~

General Order 114.8 Page 17 of 23

~~Requesting Agency: A Police Department located within the geographical confines of the County of Westchester that is requesting Mutual Aid from other police agencies, which are signatories to the Mutual Aid and Rapid Response Plan for the Police Departments of Westchester County, New York.~~

- ~~7. Responding Agency: A Police Department located within the geographical confines of the County of Westchester that is responding to a request for Mutual Aid from other police agencies, which are signatories to the Mutual Aid and Rapid Response Plan for the Police Departments of Westchester County, New York.~~
- ~~8. Zone Coordinator: Each Zone of response will designate a Zone Coordinator, who shall be responsible for coordinated Zone response, e.g., response to locations outside of Westchester County as well as coordination of mock activations of the Plan.~~
- ~~9. Incident Command System: The accepted system to be utilized to coordinate multi-agency responses to incidents.~~
- ~~10. Incident Commander: Is defined as the highest ranking member of the requesting Department at the scene, or his/her designee.~~
- ~~11. Inner Perimeter: Is defined as the immediate area of containment around an incident site.~~

~~A. Metropolitan Transportation Authority Police Department; Four (4)~~
~~Ten (10)~~
~~B. New York State Police; Eight (8)~~
~~Twelve (12)~~
~~C. New York City Department of Environmental Protection; Three (3)~~
~~Ten (10)~~
~~D. Westchester County Department of Public Safety Eight (8)~~
~~Twenty (20)~~
 TOTALS: ~~Twenty Three (23)~~ ~~Fifty Two (52)~~

~~17. When a County Wide participant requests assistance to this Plan, they will become a member of any Zone in which they have the need for assistance.~~

~~A. E.g., assistance for an event at Tibbett's Brook Park, a County park, the Westchester County Department of Public Safety will be a member of Zone "B" for the purpose of requesting aid.~~

~~B. For an event at the Croton/Harmon Train Station, the Metropolitan Transportation Authority Police Department will be a member of Zone "A" for the purpose of requesting aid.~~

~~18. When a County Wide participant receives a request for assistance under this Plan, they will become a member of the Zone from which the request for assistance is being made and will respond accordingly.~~

~~19. Zone "A" (ADAM) shall consist of the following Departments:~~

General Order 114.8 Page 19 of 23

Department	Rapid Response	Delayed Response
A. Bedford (Town);	One (1)	Two (2)
B. Briareliff (Village);	One (1)	Two (2)
C. Buchanan (Village);	Zero (0)	One (1)
D. Croton-on-Hudson (Village);	One (1)	One (1)
E. Lewisboro (Town);	Zero (0)	Zero (0)
F. Mt. Kisco (Village);	One (1)	Two (2)
G. Mount Pleasant (Town);	Two (2)	Four (4)
H. New Castle (Town);	One (1)	Three (3)
I. North Castle (Town);	Two (2)	Three (3)
J. North Salem (Town);	Zero (0)	Zero (0)
K. Ossining (Town);	Zero (0)	Zero (0)
L. Ossining (Village);	Two (2)	Eight (8)
M. Peekskill (City);	Four (4)	Seven (7)
N. Pleasantville (Village);	One (1)	Two (2)
O. Pound Ridge (Town);	Zero (0)	Four (4)
P. Sleepy Hollow (Village);	One (1)	Three (3)
Q. Somers (Town);	Zero (0)	Zero (0)
R. Yorktown (Town).	One (1)	Five (5)
(5)		
20. TOTALS:	Eighteen (18)	Forty seven (47)

21. Zone "B" (BAKER) shall consist of the following Departments:

Department	Rapid Response	Delayed Response
A. Ardsley (Village);	One (1)	Three (3)
B. Dobbs Ferry (Village);	One (1)	Three (3)
C. Elmsford (Village);	One (1)	Three (3)
D. Greenburgh (Town);	Three (3)	Twelve (12)
E. Hastings-on-Hudson (Village);	One (1)	Three (3)
F. Irvington (Village);	Zero (0)	Three (3)
G. Scarsdale (Village);	Two (2)	Four (4)
H. Tarrytown (Village);	One (1)	Three (3)
I. White Plains (City);	Five (5)	Ten (10)
J. Yonkers (City);	Five (5)	Ten (10)
TOTALS:	Twenty (20)	Fifty-Four (54)

22. Zone "C" (CHARLIE) shall consist of the following Departments:

Department	Rapid Response	Delayed Response
A. Bronxville (Village);	One (1)	Three (3)
B. Eastchester (Town);	Two (2)	Five (5)
C. Harrison (Town);	Two (2)	Eight (8)
D. Larchmont (Village);	One (1)	Two (2)
E. Mamaroneck (Town);	Two (2)	Two (2)
F. Mamaroneck (Village);	Two (2)	Four (4)
G. Mt. Vernon (City);	Four (4)	Ten (10)
H. New Rochelle (City);	Four (4)	Six (6)
I. Pelham (Village);	One (1)	Four (4)
J. Pelham Manor (Village);	One (1)	Three (3)
K. Port Chester (Village);	Three (3)	Five (5)
General Order 114.8 Page 20 of 23		
L. Rye (City);	Two (2)	Four (4)
M. Rye Brook (Village);	One (1)	Three (3)
N. SUNY Purchase	One (1)	Two (2)
O. Tuckahoe (Village);	One (1)	Five (5)
TOTALS:	Twenty eight (28)	Sixty six (66)

LEVELS OF RESPONSE

23. Green Alert: A situation exists of serious proportions and Departments within the Zone of Alert should prepare to send the minimum pre-arranged manpower (rapid response) to the identified location of response.

24. Blue Alert: Departments within the Zone of Alert are requested to immediately dispatch, the minimum pre-arranged manpower (rapid response) for a rapid response to the identified location of response.

25. Yellow Alert: A second Zone is being requested to dispatch the minimum pre-arranged manpower (rapid response) for a rapid response to the identified location of response.

Note: This second Zone of response will be identified by the requesting Department after considering the geographical location of event vis-à-vis, which zone is best situated to respond.

~~26. Orange Alert: Departments from all Zones are requested to dispatch the minimum pre-arranged manpower (rapid response) to the identified location.~~

~~27. Red Alert: Departments from all Zones are requested to dispatch the maximum number of pre-arranged manpower (delayed response) to the identified location.~~

~~ACTIVATION OF THE PLAN~~

~~28. All requests for assistance under the Plan will be made via the Westchester County Hot Line System (Hot Line).~~

~~29. The following are example announcements to be followed when activating the Plan via the Hot Line.~~

- ~~A. Code Green [Prepare Only]:
Station _____ (number), _____ (town, city, village) announcing a Green Alert within the confines of this jurisdiction and Departments in Zone _____ should prepare to dispatch immediately upon request the pre-arranged manpower to this jurisdiction.~~
- ~~B. Code Blue [Rapid Response, One Zone Only]:
Station _____ (number), _____ (town, city, village) to all stations on the Hot Line, announcing a Blue Alert within this jurisdiction. Specifically, there is a _____ (nature of incident) and we are requesting rapid response from Zone _____.
The scene is located at _____ (street/avenue) and the location of response has been designated as _____ (street/avenue). At this time, _____ (Chief, Captain, Lieutenant) is in command of the incident and the~~

General Order 114.8 Page 21 of 23

~~Command Post has been established as _____ (building/street/avenue).~~

- ~~C. Code Yellow [Rapid Response, Two Zones Only]:
Station _____ (number), _____ (town, city, village) to all stations on the Hot Line, announcing a Yellow Alert within this jurisdiction. Specifically, there is a _____ (nature of incident) and we are requesting rapid response from Zones ____ and _____.
The scene is located at _____ (street/avenue) and the location of response has been designated as _____ (street/avenue). At this time, _____ (Chief, Captain, Lieutenant) is in command of the incident and the Command Post has been established as _____ (building/street/avenue).~~
- ~~D. Code Orange [Rapid Response, All Zones]:
Station _____ (number), _____ (town, city, village) to all stations on the Hot Line, announcing an Orange Alert within this jurisdiction. Specifically, there is a _____ (nature of incident) and we are requesting rapid response from all Zones.~~

The scene is located at _____
(street/avenue) and the location of response has been
designated as _____ (street/avenue). At
this time, _____ (Chief, Captain,
Lieutenant) is in command of the incident and the
Command Post has been established as _____
(building/street/avenue).

- E. Code Red (Rapid Response, All Zones):
Station _____ (number), _____ (town, city,
village) to all stations on the Hot Line, announcing a
Red Alert within this jurisdiction. Specifically,
there is a _____ (nature of incident) and we are
requesting all available uniform personnel amounting
to a delayed response from all Zones.
The scene is located at _____
(street/avenue) and the location of response has been
designated as _____ (street/avenue). At
this time, _____ (Chief, Captain,
Lieutenant) is in command of the incident and the
Command Post has been established as _____
(building/street/avenue).

Note: The requesting Agency shall also identify any and all specialized
equipment with which responding members should be equipped.

~~DUTIES OF REQUESTING AGENCY~~

- ~~30. Identify the nature and location of the incident.~~
- ~~31. Identify the location of the Command Post.~~
- ~~32. Identify the Staging Area or location of response.~~
- ~~33. Identify the Incident Commander or any change in command.~~

_____ General Order 114.8 Page 22 of 23

- ~~34. Commence internal Departmental mobilization.~~
- ~~35. Memorialize the name, rank and command of responding members of the service.~~

~~DUTIES OF RESPONDING AGENCY~~

- ~~36. Authorize only the designated pre-arranged UNIFORMED members of the service specific to the level of alert to respond.~~
- ~~37. Proceed directly to the location of requested response or the Staging Area as directed.~~

~~RESPONSIBILITIES AT THE SCENE OF THE INCIDENT~~

- ~~38. The Incident Commander designated by the requesting agency shall be in charge at the scene of the incident.~~
- ~~39. Uniformed members of the service detailed to the incident shall follow the direction of the Incident Commander.~~

~~40. However, where the provided assistance involves the loan of a Specialized Weapons and Tacticals (SWAT), hostage negotiation, bomb disposal or canine unit, the Commander of that specialized unit shall be responsible for implementation of the specific mission, as determined by the Incident Commander of the requesting agency.~~

~~41. When taking law enforcement actions at the scene of the incident, including use of force, uniformed members of the service from the responding agency shall at all times adhere to their agency policies and procedures and utilize only those weapons and tactics that they have been trained and deemed qualified to use.~~

~~42. Uniformed members of the service on loan from the responding agency at an emergency site shall regularly apprise the Command Post concerning the continued status of the emergency, line of duty injuries, or their need for relief.~~

~~RELEASE OF PERSONNEL~~

~~43. The Incident Commander or his/her designee shall authorize release of personnel from all responding agencies.~~

~~POST OCCURRENCE REPORTINGS~~

~~44. Within thirty (30) days of any activation of the Plan, the Chief Executive Officer of the Requesting Agency shall prepare or cause to be prepared, a memorandum including a summary of the facts and circumstances surrounding the Incident, comments related to the effectiveness of the Plan and recommendations for modification of the Plan and submit same for the review of the Executive Board of the Westchester County Chiefs of Police Association.~~

~~45. Within thirty (30) days of receipt of the aforementioned memorandum, the Executive Board of the Westchester County Chiefs of Police Association will make a determination if modification to the Plan is necessary.~~

————— General Order 114.8 Page 23 of 23

~~ANNUAL DRILLING~~

~~46. In order to maintain an appropriate level of readiness, annual training will be conducted.~~

~~ANNUAL REVIEW AND REVISION~~

~~47. A sub-committee of the Westchester County Chiefs of Police Association will review the Plan at least once a year and formulate recommendations for revisions as the need arises.~~

Updated March 3, 2011

CITY OF RYE POLICE DEPARTMENT

General Order #116.2	New <input checked="" type="checkbox"/>]	Revised <input type="checkbox"/>]
Supersedes:		
Subject: Promotions and Appointments		
Date Issued 11/01/96	Date Effective 11/01/96	Page 1 of 2
Issuing Authority: William A. Pease <u>R. Connors</u> , Police Commissioner		

PURPOSE:

To explain the role of this Department in the promotion process for its members.

BACKGROUND:

This Department is guided by the New York State Civil Service Commission in its personnel selection and promotional process.

PROMOTION POLICY:

It is the policy of the City of Rye Police Department that all promotions to the position of Sergeant and Lieutenant are made in compliance with the requirements of New York State Civil Service Commission requiring the candidate to compete by written examination provided to the Department by the Civil Service Commission and administered by the Westchester County Department of Personnel.

Candidates will be ranked in descending order of their final score on the promotional list which will be established by the Westchester County Personnel Office.

When a vacancy exists within the Department which requires the promotion of a member, the Westchester County Personnel Office shall provide the Police Commissioner with a certified eligibility list of candidates.

The Police Commissioner may request recommendations for promotion from the candidate's supervisors. The Police Commissioner shall choose the best candidate using the "Rule of Three Choices", in selecting who he considers the best candidate.

All members promoted to the first line supervisory position of Sergeant shall attend a Municipal Police Training Council course in police supervision within 12 months of their appointment.

All promotions shall not be permanent until the candidate has successfully completed a probationary period of not less than 12 weeks nor more than 26 weeks.

Appointment to the position of Detective or other special assignments shall be made by the Police Commissioner.

General Order #116.2 Page 2 of 2

The Police Commissioner shall consider for appointment to position of Detective only those members who have successfully completed four years of service. Detectives will hold the Civil Service Rank of ~~Patrolman~~Police Officer.

CITY OF RYE POLICE DEPARTMENT

General Order # 116.9	New [<input checked="" type="checkbox"/>]	Revised [<input type="checkbox"/>]
Supersedes:		
Subject: Procedure for Determining Claims Pursuant to General Municipal Law § 207-c		
Date Issued 05/16/07	Date Effective 05/16/07	Page 1 of 4
Issuing Authority: William R. Connors, Police Commissioner		

In order to equitably determine claims for benefits pursuant to GML§ 207-c and ensure compliance with other provisions of law, the following is established as the City's policy and procedure effective

- A. **Notice of disability or of need for medical or hospital treatment.**
A Police Officer injured in the performance of duty or taken sick as a result of the performance of duty and who seeks any benefit afforded by § 207-C shall notify his or her superior immediately of either 1) an incident causing an injury or sickness so as to prevent the performance of duty or 2) an incident causing such an injury or sickness which gives rise to a need for medical or hospital care; provided, however, that a Police Officer taken sick allegedly as the result of the performance of duty shall provide such notice as soon as he or she concludes that the sickness is so caused, but in no event later than 2 days from the time such sickness should have been discovered to have been an alleged result of the performance of duty. In the event of an inability to do so, such notice may be made by another acting on behalf of the Police Officer. The notice shall describe the nature of the injury or sickness. To aid in the administration of this provision, the City of Rye may utilize an application form which shall be completed by a police officer seeking benefits or, in the even of an inability to do so, by another acting on his or her behalf. Such a form shall be promptly filed with the Police Commissioner by a Police Officer or his or her representative, but no later than 3 days after the incident or conclusion described above. The failure to satisfy the time limits specified above shall render a notice or filing untimely and shall preclude an award of any benefits pursuant to § 207-C; provided, however, that the City of Rye shall have the discretionary authority to excuse a failure to provide notice or file a report upon good cause shown.
- B. **Decision Making:** The City of Rye shall also have the exclusive Authority to make a determination regarding §207-c benefit approvals, benefit denials, review of benefit determinations, and light duty assignments.

- C. **Status pending determination of eligibility for benefits.** In the event a police officer asserts an inability to perform duties, he or she may request sick leave or other appropriate accrued leave, consistent with the collective bargaining agreement. Upon a determination by the City of Rye that a police officer who has been unable to work is eligible for payment of the full amount of regular salary or wages pursuant to the provisions of § 207-c, all sick leave or other paid leave which may have been utilized shall be restored in full. A police officer receiving payment of the full amount of regular salary or wages pursuant to § 207-c shall not incur any reduction or addition of accrued leave while in receipt of such payment. Any officer seeking the benefits of this section of law may be examined by a physician selected by the City of Rye to verify the existence of an injury or sickness.

In the alternative, in the sole discretion of the Police Commissioner, and pending final determination of the application for benefits in those cases where it appears to the Police Commissioner that there is a substantial likelihood that an application will be granted, the Police Commissioner shall have the authority to retain the officer on the City's payroll until that determination is made. Such preliminary grant of salary shall not be considered an entitlement to benefits pursuant to GML § 207-c and the final determination of the application shall ultimately determine entitlement, if any. If the final determination is that the officer was not entitled to the benefits of GML § 207-c, any payments made to the officer shall be deducted from past or future leave entitlements or recouped by the City. Upon a preliminary determination of eligibility for benefits, that determination shall be communicated to the City's Comptroller, who shall adjust tax adjustments accordingly.

- D. **Benefit Determination:** An application for the benefits of § 207-c shall be processed as follows. An individual seeking benefits under § 207-c must demonstrate his or her entitlement to them. The City of Rye shall promptly review an application timely made and any other pertinent documents or evidence available and, if a determination is made that the injury occurred in the performance of duty or that sickness is a result of the performance of duty, shall direct payment of the full amount of regular salary or wages and shall ensure municipal responsibility for the reasonable and customary cost of treatment and hospital care associated with the injury or illness. A written notice of such a determination by the City of Rye shall be provided to the police officer. The payment of regular salary or wages and medical expenses shall be continued until such time as they are discontinued as provided by § 207-c.

In the event a question arises as to initial eligibility for benefits or their continuation once awarded, the following procedure shall apply. The City of Rye shall promptly inquire into the applicable facts and may require the claimant to submit to one or more medical examinations as may be reasonably necessary to determine the existence of a disability and its extent. To resolve a question of initial or continued eligibility for benefits, the City of Rye shall make a decision on the basis of any medical evaluations and information available or otherwise provided by the claimant, including, but not limited to

determinations made by the Worker's Compensation Board and/or the New York State Retirement System. A claimant may produce any document, sworn statement, or other record relating to the alleged injury or sickness or the incident alleged to have caused such injury or sickness. The City of Rye shall have the authority to employ medial specialists and other appropriate individuals; may at reasonable times and on reasonable notice require the attendance of the claimant or any witness to an incident to secure information; may require the applicant to sign a release for information pertaining to his or her prior medical history relating to the injury or illness; and may undertake any other reasonable act necessary for making a determination pursuant to this procedure. The City of Rye shall make a determination as to initial or continued eligibility for benefits based upon evidence collected or obtained. A claimant shall be notified in writing of any determination made by the City of Rye. In the event a claimant is adversely affected by a determination, he or she may seek review pursuant to Article 78 of the CPLR.

- E. **Assignment to light duty:** The City of Rye may assign a Police Officer receiving benefits pursuant to § 207-c to light duty, consistent with his or her physical or mental condition. In the event of such an assignment, the individual shall receive regular salary or wages and any increases thereof and fringe benefits which would have been received had regular duties been performed. In seeking to place an individual on a light duty assignment, the City may cause a medical examination of the individual to be made at the expense of the municipality. The physician selected shall be provided with a list of the types of duties and activities associated with a proposed light duty assignment and shall make an evaluation as to the ability of the police officer to perform certain duties or activities, given the nature and extent of the injury or sickness. Upon review of the medical assessment of the police officer's ability to perform a light duty assignment, the City of Rye may make a light duty assignment.
- F. **Appeal of adverse final determinations:** Should a police officer disagree with any determination of the City of Rye regarding a proposed light duty assignment or a termination of benefits determination, he or she within 5 days of the mailing of the determination shall present a written request to the Police Commissioner for a hearing, specifying any objections to the determination and enclosing any medical determination in support of the officer's position. Subsequent to the date of the request, a hearing shall be held by the Police Commissioner or a hearing officer designated by the Police Commissioner who shall afford the police officer due process rights, including adequate notice of the hearing; a right to present evidence; a right to call and cross-examine witnesses; a right to counsel; and a record of evidence presented at the hearing. Should a proposed light duty assignment or a proposed termination of benefits be challenged, the burden of proof at the hearing shall be upon the municipality. The person conducting the hearing shall have the authority to administer oaths; to regulate the course, time and place of hearings and to fix time for filing of briefs, if any. The hearing officer, if appointed, shall make a recommendation to the Police Commissioner regarding the matter or matters at issue.

The Police Commissioner shall make a final decision which shall be in writing, a copy of which shall be provided to the individual. Any final determination made pursuant to this subdivision shall be subject to review only as provided by Article 78 of the Civil Practice Law and Rules.

- G. **Review of continued eligibility for benefit:** The City of Rye may review the continued eligibility of an individual to receive § 207-c benefits. Should a termination of benefits be proposed and should the police officer disagree, he or she shall object by initiating a hearing according to the process set forth in paragraph F of this procedure. Any such review shall occur after an assessment of the medical condition of an individual or other information raises a question where a disability may have ceased or, whether a disability may have diminished so as to permit a light duty assignment, as the case may be. The burden of proof in such a hearing shall be upon the City of Rye.
- H. **Miscellaneous:** The City of Rye reserves the right to issue or modify policies and procedures. The judicial review of any such requirements or review of a claim of misinterpretation, misapplication, or violation of the provisions of this procedure or § 207-c may be had solely upon petition presented pursuant to Article 78 of the Civil Practice Law and Rules.
- I. Upon a determination by the Police Commissioner of eligibility for GML § 207-c benefits, the determination shall be communicated to the City's Comptroller who shall cause the withholding of all taxes and FICA contributions to cease as of the date of the determination and during the continuation of entitlement to disability benefits in accordance with applicable provision of law.

CITY OF RYE POLICE DEPARTMENT

General Order #120.7	New [x]	Revised []
Supersedes:		
Subject: Disciplinary Matters		
Date Issued 11/01/96	Date Effective 11/01/96	Page 1 of 3
Issuing Authority: William A. Pease <u>R. Connors</u> , Police Commissioner		

PURPOSE:

To define the authority and responsibility delegated to departmental supervisors for the maintenance of discipline and to describe the progressive disciplinary process.

BACKGROUND:

The City of Rye Police Department promotes effective discipline and believes this to be a positive procedure. ~~Our~~The Department's rules and regulations specify rules of conduct for all employees, ~~which~~These rules of conduct are detailed in this Manual.

POLICY:

Historically the need for high standards of discipline ~~from~~for Police Department employees is well-established, and only through a well disciplined Police Department can the integrity of the agency be maintained.

Discipline with both positive and negative sanctions is vital to the effective performance and morale of ~~its~~ employees, and training is seen as an integral part of this program.

~~Furthermore, the~~The Department utilizes a progressive discipline approach that attempts to correct problems in a constructive, non-punitive manner.

Documentation of discipline (both positive and negative) shall be in the form of a Memorandum for Record and/or a supplementary report that shall detail ~~the set of facts involving or~~ circumstances deserving written recognition for exceptional performance or to document ~~a set of facts involving demonstrating~~ a breach of department rules, regulations, procedures and/or policies.

PROCEDURE:

Supervisors are responsible for ensuring that department members and employees perform their duties in accordance with policies, procedures, rules and regulations and authoritative instructions of the department.

Supervisors are required to initiate action(s) in response to the acts of commission or omission of personnel in accordance with the procedures as appropriate.

Progressive Discipline

Training

In minor disciplinary cases or where remedial training is indicated, counseling and training will be utilized as a corrective method of positive discipline and shall be recorded by the supervisor. An E mail will be filed with the Patrol Commander and a copy will be placed in the personnel folder.

Counseling

Counseling is a process most often conducted by an immediate supervisor to determine if ~~the-a~~ member is familiar with a particular issue or aware of department written directives, policies or procedures that govern his/her behavior and to determine further training needs.

1. A supplementary report will be written to the Patrol Commander.
2. A record of counseling sessions will be maintained by the Patrol Commander for further evaluation of the employee's progress.

Corrective Interviews

Corrective Interviews are often the second step in the disciplinary process after counseling has been attempted and may be conducted by the immediate supervisor or other superior officers to point out a member's unacceptable behavior or job performance or failure to comply with written directives. Depending on the severity of the incident, corrective interviews may be required in lieu of initial counseling or training or sessions described above.

1. An ~~E-mail~~ shall be forwarded from the supervisor through channels to the Police Commissioner for future reference and evaluation of the employee.

Punitive Action

All punitive actions taken by the Department in the interest of discipline, including all reprimands, written reprimands, reductions of leave, suspensions, demotions or dismissals will be pursuant to provisions of law, collective bargaining agreements and written directives.

Disciplinary Charges

Disciplinary charges in most instances will be initiated after counseling and/or corrective interviews have failed to correct the problem. When it has been determined necessary, charges will be preferred against the member pursuant to provisions of law. ~~-when~~ When appropriate, Command Discipline may be offered to the member in lieu of formal charges.

1. In those situations where the severity of the violation warrants, the Police Commissioner may find it necessary to initiate formal departmental charges against a member in lieu of training, counseling and/or corrective interviews.

2. If a member is dismissed as a result of a hearing conducted by the City, the member will be provided the following information:

- | dismissal
- (a) The ~~decision~~determination, which includes the reason for dismissal
 - (b) The effective date of the dismissal.
 - (c) A statement of the status of fringe and retirement benefits after dismissal.
 - (d) A statement as to the content of the member's employment record relating to the dismissal.

| 3. The officer may elect to appeal the ~~decision-determination~~ of the formal charges proceeding pursuant to the provisions of law.

Command Discipline

In those situations where the member and the Police Commissioner agree, command discipline may be accepted in lieu of formal charges.

- 1. Command discipline shall be commenced no more than 90 days after the discovery of the occurrence of the alleged misconduct.
 - 2. Administration of Command Discipline:
 - (a) Upon discovering a violation, the reporting supervisor shall
 - (1) Prepare all reports pursuant to personnel complaints of this manual, for each officer involved.
 - (2) Submit the original report with any documentation through the supervisor's chain of command to the Police Commissioner.
 - (b) The Police Commissioner shall
 - (1) Investigate or cause to be investigated the circumstances of the reported violation, seeking any additional information as may be required or available.
 - (2) Interview the member informing him/her of the nature of the reported violation, giving the member an opportunity to make a statement or to request the supervisor to seek additional information.
- Any member being questioned in respect to possible disciplinary charges shall have the right to representation, as described in the "Interrogation of _____ Members" section of this Mmanual.

CITY OF RYE POLICE DEPARTMENT

General Order # 121.2	New [x] Revised [] Supersedes:
Subject: Awards and Recognition	
Date Issued 3/27/00	Date Effective 3/27/00
Page 1 of 1	
Issuing Authority: Joseph A. Verille William R. Connors , Police Commissioner	

PURPOSE

To establish clear guidelines to recognize members of the City of Rye Police Department who, while in the performance of their duty, demonstrate superior abilities and dedication to the Community. Acts of heroism, excellent police work, and the saving of human life will be recognized through department awards.

POLICY

Recommendations for department recognition and awards may be made by any member of the department and forwarded to his/her supervisor. The supervisor will look into the facts of the incident and forward his/her recommendation to the Police Commissioner or his designee.

PROCEDURE

The Police Commissioner will appoint a committee on an annual basis to review all recommendations and report their findings to him/her. The committee will be made up of at least three and no more than five members of the Rye Police Department. The committee will meet ~~the first week of February annually~~ to review any award recommendation ~~for an incident that occurred from July 1 through December 31. The committee will also meet the first week of August to review any award recommendation for an incident that occurred between January 1 and June 30 for the previous year.~~ Letters of commendation can be given out by the Police Commissioner at any time. Recommendations can be made by any supervisor. After reviewing all recommendations for awards, the awards committee will submit its findings with a clear explanation of the members' commendable performance to the Police Commissioner for final action. These awards will consist of an Honor Bar and/or a certificate which will be presented by the Police Commissioner. The honor bars will be distinctively different in color to avoid confusion with the PBA honor bars. Officers will be allowed to wear both PBA and Department bars for the same meritorious actions. ~~In addition to lifesaving bars, a defibrillation honor bar will also be presented if a defibrillator was used in saving a life.~~

CITY OF RYE POLICE DEPARTMENT

General Order # 103.8	New []	Revised [x]
	Supersedes: 103.8 issued	
<u>035/3119/0898</u>		
Subject: Use of Mobile Notebook Computers		
Date Issued	Date Effective	Page 1 of
<u>003/0031/1208</u>	<u>003/0031/1208</u>	2
Issuing Authority: William R. Connors, Police Commissioner		

PURPOSE:

To establish guidelines to be followed by authorized department personnel for use of Mobile notebook computers.

GUIDELINES:

Mobile Notebook Computers are available to Patrol Personnel for use in cars 10, 11, 12, 14, 15, 16, 17, 18, 24 (Unit 2), Marine Unit 26, Patrol Boat 1 and the Mobile Command Center.

When assigned, Mobile Notebook Computer will be properly installed in the appropriate docking station and locked into place with the docking station key.

If the vehicle is not being used on the next tour of Duty it shall be the responsibility of the last user to shutdown, remove the computer and store it plugged into the appropriate battery charger in the Department Vault, or any other Department designated storage area.

In case of vehicle deadline, the computer will be moved to the replacement patrol car as specified by department policy

An AirCard equipped Mobile Computer will be available to the Detective Division Monday through Friday, 0800 - 1600 hrs and for any special details at other times. The AirCard equipped Mobile Computer will be stored on charge in the Department Vault or other Department designated area when not in use.

Users of the Mobile Computer will log the identification number of the Mobile Computer(s) they use during their tour of duty on the back of their Activity Sheet and check the computer at the start and the end of their tour, noting same on their activity sheet. The check will include the computer, computer docking station and the cellular modem components. Any damage or lack of functionality must be reported immediately to the Tour Supervisor. Upon receipt of notice of deficiency regarding the mobile computer system, the tour supervisor will exchange the defective unit with a working one if possible. They will then e-mail the Staff Services Supervisor/System Administrator noting the problem and the reporting officer.

All transactions are logged by user ID. Each user will log on to the Mobile system as themselves. No one will use another's log on ID.

Passwords are not to be changed by anyone except the System Administrator.

General Order # 103.8 Page 2 of 2

Users will not change any Mobile Computer System settings including custom views, display setting, screen saver, wall paper, background colors, sounds, power setting or any other setting other than screen brightness and the day/night mode option in the X Mobile application without authorization of the System Administrator.

All NYSPIN Rules and Regulations apply for use of mobile NYSPIN interface.

Users are not to input data while driving. All transactions are to be conducted while the vehicle is stopped.

All users will handle mobile communication equipment with due care.

When users leave computer equipped patrol cars, vehicles will be locked and the view screen placed in a closed position.

CITY OF RYE POLICE DEPARTMENT

General Order #118.1	New [] Revised [x] Supersedes: 118.1 issued
035/3145/080	
Subject: Department Records	
Date Issued 009/0034/12	Date Effective 003/0031/1208
Page 1 of 2	
Issuing Authority: William R. Connors, Police Commissioner	

PURPOSE

To assign responsibility for the receipt, review, retention, retrieval and control of all written information and documents that pertain to the Department's operations.

BACKGROUND

The integrity, effectiveness, and quality of a law enforcement agency are all heavily dependent on its control of records and documents inherent to its various operations.

POLICY AND PROCEDURE

The Detective Division is specifically responsible for the acquisition, distribution, storage and retrieval of the following records:

1. Case Arrest Reports
2. Uniform Crime Reports
3. Intelligence Reports
4. Subpoenas
5. Orders of Protection and Affidavits of Service
6. Fingerprint Cards (not juvenile)
7. Criminal History Files
8. Sealing Orders
9. Criminal Summonses and other legal processes (warrants, etc.)
10. Background Investigations of Applicants
11. Good Conduct Certificates

The Patrol Division Commander shall be responsible for the acquisition, distribution, storage and retrieval of the following records:

1. Public Relations Documentation
2. Policies, procedures, directives and regulations
3. Schedule and roll call data
4. Overtime, Compensatory Time and Leave Requests
5. Sick Reports
6. Training Records
7. Complete inventory of Department Property
8. Firearms records

9. All Freedom of Information Requests

General Order #118.1 Page 2 of 2

The Youth Division shall be responsible for the acquisition, distribution, storage and retrieval of the following records:

1. All Juvenile Records
2. Juvenile Fingerprint Cards

Records Division shall be responsible for the acquisition, distribution, storage and retrieval of the following records:

1. Incident/Complaint reports, follow up reports
2. Property Inventories/Impounds, tow log
3. Accident Reports/Witness Statements
4. Vehicle & Traffic Summonses
5. Parking Summonses
6. City Code Violations
7. Inventory and order all forms used in patrol
8. Alarm permit files
9. Taxi Permits and Inspections
10. All DMV correspondence, confiscated DLIC/REG/Destruction of plates
11. Accreditation Files

The Office of the Police Commissioner shall be responsible for the acquisition, distribution, storage and retrieval of the following records:

1. Fiscal Receipts
2. Personnel Records
3. Agency Budget Records
4. Central Correspondence Files
5. Compensation Cases

CITY OF RYE POLICE DEPARTMENT

General Order #118.9	New [x-] Revised [<u>x</u>] Supersedes: <u>118.9 Issued 11/01/96</u>	
Subject: Employee Personal History Form		
Date Issued <u>0011/0001/1296</u>	Date Effective <u>0011/001/9126-</u>	Page 1 of 2
Issuing Authority: William A. Pease, Police Commissioner <u>R Connors, Police Commissioner</u>		

PURPOSE:

To ensure that a current personal history record for each employee of this Department is prepared and maintained.

BACKGROUND:

Effective personnel administration requires the collection and availability of essential personal information.

The Department's automated computer system provides an employee personal records management system that will be kept up to date at all times and will include, but not be limited to, the following information:

- . Medical facts that may be needed in the event of a medical emergency.
- . Current family information that may be needed for notification purposes.
- . Education, technical training, job experience must be kept current in our Department files as we move toward achieving our objectives in the most efficient manner.

POLICY:

It shall be the policy of this Department to maintain complete and accurate personnel data on all members of the department within it's automated computer system. A hard copy will also be filed in the personnel records maintained in the office of the Police Commissioner.

PROCEDURE:

All members of this department will complete and submit a department personal history form within one week from the issuance of this manual section or within one week of his/her appointment to the department. The completed form will then be forwarded to the office of the Police Commissioner.

Anytime information previously recorded on a personal history form changes, e.g., address, telephone number, the member who experiences the change shall, before the completion of his/her next scheduled tour of duty fill out a new personal history form, by completing the name section and those sections in which information has changed. The new form will then be forwarded to the Police Commissioner.

Police Commissioner

The Police Commissioner shall cause entry into the computer system of all employee personal history information and any subsequent changes.

The Police Commissioner shall cause a hard copy of each employee personal history form to be added to the member's personnel folder.

Information Requests

All non-departmental requests for personnel information will be routed to the office of the Police Commissioner who will review the request and allow the release or deny the release on a case by case basis.

This information shall be utilized by members for official department purposes ONLY.

CITY OF RYE POLICE DEPARTMENT

General Order # 119.4	New []	Revised [x]
Supersedes: 119.4 issued 03/31/08		
Subject: Guardian Calling Program		
Date Issued 00/00/12	Date Effective 00/00/12	Page 1 of 2
Issuing Authority: William R. Connors, Police Commissioner		

The Guardian Calling program must be monitored each day to maintain its integrity and to ensure that the services expected are provided.

Each enrollee is called up to two (2) times. If no answer or busy signal is recorded on the first attempt, the enrollee will be recalled in 5 minute intervals. If there is no answer after the second phone call, an alert will be issued.

The Department's daily procedure will be as follows:

1. Calls will be made to subscribers as many times a day and at any time of day or night seven days a week as agreed upon by subscriber and System Administrator at time of enrollment.
2. If an alert is issued, the Desk Officer will check the Day (red) Book to verify any changes in calling schedule. If no changes are noted, the Desk Officer shall immediately call the person listed for emergency notification. He will inquire as to the whereabouts of the enrollee and advise him or her that the enrollee has failed to answer his/her daily call. If the contact person is unaware of any absence, a Police Officer will be sent to check on the status of the enrollee. In all instances where an alert is issued by the computer, the Desk Officer will generate a CAD ticket number for that alert. A follow up report will be entered into the narrative portion of the report.
3. If no contact person can be reached, an officer shall be sent to check the welfare of the resident enrollee. For some enrollees in the program information as to where a key is hidden is noted on the Alert Screen. This information should be given to the responding officer by telephone.
4. If a contact person is unreachable and there is no key information provided, the Lieutenant, Sergeant or Officer in charge shall be notified of the status. An officer shall be sent to investigate the whereabouts of the enrollee, i.e., check the house, check with neighbors, etc. The Lieutenant, Sergeant or Officer in Charge shall then determine whether to enter the home.

5. If an enrollee/subscriber calls to inform us they will be away from home and not available to receive their daily call, the receiver of this information will advise the Subscriber to call upon their return and notify the desk officer of their return and to commence the Guardian calls, record the time and date the enrollee will be leaving and the time and date the enrollee is expected to return to their home on the appropriate date pages in the Day (Red) Book at the Police Desk and then shall log into the Guardian computer and place the subscribers calls on suspend. When an Enrollee/Subscriber calls and notifies the Desk Officer of their return the receiver of the call will make an entry in the Day (Red) Book of the subscribers return and shall log into the Guardian computer and un-suspend (resume) the Guardian calls.

8. At no time will anyone use the Guardian computer for any reason other than its intended purpose without prior approval from the Police Commissioner. This computer is a stand alone computer and is not connected to our network, therefore, no one should have any need to use this machine. The phone attached to the system is only to be used to record Guardian Calling messages.

**CITY OF RYE POLICE DEPARTMENT
EMPLOYEE PERSONAL HISTORY FORM**

Name _____

Address _____

Phone _____

Social Security Number _____

Drivers License Number _____

Education _____

MEDICAL

Blood Type _____

Allergies _____

Medications _____

Other facts that may be needed in the event of an emergency _____

Emergency Contact

Name _____

Relationship _____

Telephone Number _____



CITY COUNCIL AGENDA

NO. 21

DEPT.: Boat Basin

DATE: September 12, 2012

CONTACT: Peter T. Fox, Boat Basin Supervisor

ACTION: Two appointments to the Boat Basin Commission by the Council, for two-year terms expiring January 1, 2015 and the designation of one member to the Boat Basin Nominating Committee.

FOR THE MEETING OF:
September 12, 2012
RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION: That the Council designate the individuals elected to serve on the Boat Basin Commission and Nominating Committee.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

The following individuals were elected to serve on the Boat Basin Commission for two-year terms ending January 1, 2015:

Richard Dempsey
Greg Gavlik

The following individual was elected to serve on the Boat Basin Nominating Committee:

Ford Winters

CITY OF RYE

MEMORANDUM

TO: Scott Pickup, City Manager
Peter T. Fox, Boat Basin Supervisor

FROM: Dawn F. Nodarse, City Clerk

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

DATE: August 29, 2012

The following are the results of the Boat Basin Election:

Envelopes Received	67
Ballots Cast	61
Invalid Ballots	6

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

Candidates	# of Votes Received
Richard Dempsey	58
Greg Gavlik	58

The election results for one member to the Nominating Committee:

Candidates	# of Votes Received
Ford Winters	60



Dawn F. Nodarse
City Clerk



CITY COUNCIL AGENDA

NO. 22 DEPT.: City Council DATE: September 12, 2012
CONTACT: Mayor French

AGENDA ITEM: One appointment to the Finance Committee for a three-year term expiring on January 1, 2015, by the Mayor with Council approval.

FOR THE MEETING OF:
September 12, 2012
RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION: That the Council approve the appointment of Dean Neely.

IMPACT: Environmental Fiscal Neighborhood Other:

<u>Current Committee Members</u>	<u>Expiration Date</u>
Warren Keegan, Co-Chair	1-1-15
Paula Schaefer, Co-Chair	1-1-13
Michael Caponiti	1-1-13
Frederic Dunn	1-1-13
Michael Guarnieri	1-1-13
Laura Leach	1-1-14
John Monaghan	1-1-14
David Mullane	1-1-13



CITY COUNCIL AGENDA

NO. 23

DEPT.: City Manager's Office

DATE: September 12, 2012

CONTACT: Scott D. Pickup, City Manager

AGENDA ITEM: Consideration of request by the Recreation Department to hold their annual Turkey Run on Thanksgiving Weekend.

FOR THE MEETING OF:

September 12, 2012

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the City Council approve the request.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The City Manager's Office received a request from the Recreation Department to hold their annual Turkey Run event on Saturday, November 24, 2012. The race is scheduled to run from 9:00 am to 11:30 am and will start and end at Rye Recreation on Midland Avenue.

See attached.



CITY OF RYE

Commission Chair
BART DINARDO

Department of Recreation
281 Midland Avenue
Rye, NY 10580
(914) 967-2535
Fax (914) 967-5521

Superintendent
SALLY ROGOL

September 2nd, 2012

Mr. Scott Pickup, City Manager
City of Rye
1051 Boston Post Rd.
Rye, NY 10580

Dear Mr. Pickup,

Rye Recreation is once again planning on running our annual Turkey Run event on Saturday, November 24, 2012. The Race is scheduled to run from 9- 11:30 AM, and will both start and end at Rye Recreation Park on Midland Avenue. I plan, as always, on working with Rye Police in regards to any assistance we may need from the police in regards to traffic and safety during the event.

We look forward to once again running a successful and safe event; if you have any questions regarding the race, please do not hesitate to contact me at your earliest convenience at 914-967-2125. I thank you for your support.

Sincerely,

Doug Scott

Doug Scott
Rye Recreation