CITY OF RYE

NOTICE

There will be a regular meeting of the City Council of the City of Rye on Wednesday, September 13, 2017, at **8:00 p.m.** in Council Chambers at City Hall.

AMENDED AGENDA

1. Pledge of Allegiance.

2. Roll Call.

3. Recognition of the Rye Golf Club Swim Coach Cathleen Ferguson.

4. General Announcements.

5. Draft unapproved minutes of the regular meeting of the City Council held August 22, 2017.

6. Issues Update/Old Business.

7. Presentation on the Rye Fire Department Safety and Staffing Practices.

8. Presentation on the New York Rising Reconstruction Program projects.

9. Presentation on the Westchester Power Community Choice Aggregation Program.

10. Presentation and request by the Landmarks Committee to landmark the City owned properties of the Purdy Family Burial Ground and Baird Square.

** **Please note that the Public Hearing to amend the Rye City Code for telecommunications devices and the Public Scoping Meeting on the Crown Castle application will be adjourned until the October 4, 2017 City Council Meeting (Agenda Items #11 & #12).**

11. Continuation of the Public Hearing to amend the Rye City Code: (a) local law Chapter 133, "Noise", by amending Section §133-4, "Points and method for measuring intensity of sound" to regulate placement and noise of telecommunication devices; (b) local law Chapter 167, "Streets and Sidewalks", to add a new 196, "Wireless Telecommunications Facilities", by amending Sections §196-3 through §196-8, §196-14, §196-17, §196-18, and §196-22 to regulate wireless facilities and structures regarding size, visual impact and permit process.

12. Continuation of the Public Scoping Meeting on the Crown Castle application pursuant to the New York State Environmental Quality Review Act (SEQRA).

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

14. Consideration of the City Council's Intent to be Lead Agency under SEQRA and referral to the Planning Commission for their advisory review and comment in connection with a proposed Zoning Code Text Amendment to change a RA-2 lot to a B-1 designation for the property located at 280 Purchase Street.

14A. Resolution to accept dedication of a new sanitary sewer system intended to serve the properties along Club Road and the beginning of Sunset Lane.

15. Authorization for the City Manager to enter into an agreement with Jackson Lewis to represent the City before the New York Public Service Commission to allow municipalities to receive water usage data.

15A. Appointments to the Commission of Human Rights for a three-year term, and the Rye Playland Advisory Committee for a three-year term by the Mayor with Council approval.

16. Authorization for the City Manager to enter into an agreement with Best Best & Krieger LLP to represent the City in cable franchise agreement negotiations.
Roll Call.

17. Resolution to transfer $88,000 from the Contingency account to the Fire Salaries Expense account to fund the hiring of new firefighters.
Roll Call.

18. Resolution to transfer $1,300 from the Cable TV Unassigned Fund balance to the Cable TV Operating Budget for the relocation of the RyeTV control room at the Rye High School.
Roll Call.

19. Consideration of the proposed changes and additions to the Rules and Regulations of the City of Rye Police Department:
- General Order #102.2 regarding the rank structure of the City of Rye Police Department
- General Order #102.3 regarding the authority and command of police officers on duty
- General Order #102.4 regarding job classifications of the City of Rye Police Department
- General Order #113.4 regarding policies and procedures for the identification, collection, and preservation of physical evidence
- General Order #116.3 regarding the performance evaluation of City of Rye Police Personnel
- General Order #117.7 regarding the use of safety belts/restraining devices in City of Rye Police Department vehicles

20. Resolution to declare certain City of Rye vehicles and equipment as surplus.
Roll Call.

21. Consideration of a request by the Jarden Corporation for use of city streets on Sunday, September 24, 2017 from 7:00 a.m. to 6:00 p.m. for their annual Westchester Triathlon.

22. Consideration of a request by the Sole Ryeders & Friends and the Rye High School Breast Cancer Awareness Club to have a TieTheTownPink breast cancer awareness campaign in the City of Rye during the month of October, 2017.

23. Consideration of a request by Rye High School student Jade Iadarola for use of city streets on Saturday, October 21, 2017 from 10:15 a.m. to 12:00 p.m. to hold a *Walk for Cancer*.

24. Consideration of a request by Christ's Church Nursery School for use of city streets on Saturday, October 21, 2017 from 9:30 a.m. to 3:30 p.m. for their *Touch a Truck/Vehicle Fair* event.

25. Consideration of a request by the Recreation Department to hold their 41st annual *Turkey Run* on Saturday, November 25, 2017 during Thanksgiving Weekend.

26. Consideration of a request by the Rye Merchants Association to close a portion of Purchase Street on Sunday, November 26, 2017 from 10:00 a.m. to 3:00 p.m. for the *Mistletoe Magic* event.

27. Miscellaneous communications and reports.

28. New Business.

29. Adjournment.

* *

The next regular meeting of the City Council will be held on Wednesday, October 4, 2017 at 7:30 p.m.

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

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

CITY COUNCIL AGENDA

NO. 3 DEPT.: City Manager DATE: September 13, 2017

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Recognition of the Rye Golf Club Swim Coach Cathleen Ferguson.

FOR THE MEETING OF:
September 13, 2017

RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION: That the Council recognize the achievements of Cathleen Ferguson.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND:

Cathleen Ferguson, the Rye Golf Club Swim Coach for 23 years, has announced that she will be retiring. Cathleen's roots at the RGC began as a swimmer herself on the team from 1973 - 1975 when RGC was the first club to win the County Championships for three consecutive years.

Cathleen starting coaching at the Rye Golf Club in the summer of 1995 and quickly began to add accolades. She was twice named Westchester Swim Conference Coach of the Year. Cathleen is the only coach to win The County Championship with two separate clubs: winning with the Orienta Beach Club in 1983 and then with the Rye Golf Club in 1995.

Before the Rye Golf Club was lucky enough to retain Cathleen, she coached with two United States swimming clubs, including the Middies from White Plains YWCA and the Badger Swim School.

The Rye Golf Club certainly benefitted from her stellar coaching as over thirty children went on from the Rye Golf Club to swim in College. One swimmer from the Rye Golf Club went on to the U.S. Olympic trials in 2004 and 2008!

Cathleen consistently challenged swimmers and the RGC Swim program itself and instituted many changes during her tenure including:

1) Establishment of the Barbara Leichtweis Spirit Award recognizing the swimmer who had made the greatest contribution to the team in and out of the pool for the current year
2) Renamed the Rye Golf Club Invitational to the Barbara Leichtweis (RGC's first coach, 17 year tenure) Memorial Invitational
3) Reorganized the practice schedule to mornings to maximize instructional time for each age group, while minimizing disruption to adult members wishing to utilize pool facilities
4) Created the 8 and under Mini-Meet to provide the younger children, always the largest age group in terms of number of children, with a greater opportunity to swim in fun races against other clubs
5) Founded "Power Breakfasts" and "Ice Cream Parties"
6) Created the practice of naming a "Swimmer of the week" to celebrate an individual swimmers hard work and accomplishments

The Rye Golf Club Commission and Rye Golf Club members celebrate Cathleen’s accomplishments and wish her well as she takes off her Coach’s whistle and retires!

Best of Luck!!

CITY COUNCIL AGENDA

NO. 5 DEPT.: City Clerk DATE: September 13, 2017

CONTACT: Carolyn D'Andrea, City Clerk

AGENDA ITEM: Draft unapproved minutes of the regular meeting of the City Council held August 22, 2017.

FOR THE MEETING OF:
September 13, 2017
RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION: That the Council approve the draft minutes.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND: Approve the minutes of regular meeting of the City Council held August 22, 2017, as attached.

DRAFT UNAPPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on August 22, 2017, at 6:00 P.M.

PRESENT:

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

ABSENT:

DANIELLE TAGGER-EPSTEIN

The regular meeting convened at 6:01 P.M.

1. Pledge of Allegiance.

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

2. Roll Call.

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

3. General Announcements.

Councilman McCartney announced that the next Recreation Commission meeting to discuss a plan for Disbrow Park will be posted to the website soon.

Councilwoman Killian announced that there will be a luncheon for "Women who make a Difference" on September 26, 2017 at 11:30 A.M. to benefit the Osborn Foundation.

Mayor Sack stated that he received notification through the City Manager's office that the City's Traffic and Pedestrian Safety Committee was responsible for the City of Rye being named the 13th Safest City in America. He congratulated the Committee Chair, Brian Dempsey, and those on the committee for their hard work. He also reminded the community that there will be a 9/11 Commemoration Ceremony on September 11, 2017 at 5:30 P.M. at the Locust Avenue Firehouse. He also announced that there will be an informational workshop on the affordable housing project on Theodore Fremd on Saturday, August 26 from 1:30 to 2:30 P.M. at the Rye Free Reading Room.

Councilwoman Hurd Rye announced that there will be a Chamber of Commerce meeting on September 6, 2017 at 8:30 A.M. She was also happy to announce that the Boat Basin has had a great season. She stated that dredging will take place in the winter of 2018, which will hopefully help with low water levels. She also announced that the Landmarks Committee was trying to get a proposal together to discuss preserving the Benjamin Franklin Mile Marker 25. She also announced that on behalf of the Flood Advisory Committee, there will be a presentation on the sluice gate at the September 13, 2017 City Council meeting.

Mayor Sack expressed his condolences for Boat Basin Supervisor George Hogben's mother, Donna Hogben, longtime Rye resident, who recently passed away. There was a moment of silence.

4. Draft unapproved minutes of the regular meeting of the City Council held July 12, 2017 and the special meeting of the City Council held July 17, 2017.

Councilwoman Killian recommended a clerical spelling change to a residents' name.

Councilman Mecca made a motion, seconded by Councilman McCartney and unanimously carried, to adopt the minutes as amended.

5. Issues Update/Old Business.

Councilwoman Killian raised the issue of people parking on Osborn to get to the train station, which can be troublesome for Osborn School. Mayor Sack asked the City Manager to follow up on the issue with the Traffic and Pedestrian Safety Committee.

Councilman McCartney discussed the lawsuit on the employees involved with the FLSA case. As part of the settlement, the City will host a party for those employees who were affected by the suit.

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

Pat Levine, former Councilwoman and Rye resident, thanked the Council for their hard work. She stated she was representing the Milton Harbor House at the meeting. She said there were rumors circulating that the City Council might not support dredging at the Marina, and she wanted to get the facts correct. Mayor Sack responded that the Council did support the dredging and has discussed it for many years. There was discussion over funding of the dredging and budgeting for the future.

7. Authorization for the City Manager to enter into an agreement with Sive, Paget & Riesel, P.C. to represent the City in an appeal proceeding against Westchester County regarding Rye Playland.
Roll Call.

Corporation Counsel Wilson explained that the appeal for the suit against the County/ Playland has been filed, but this resolution would allow Sive, Paget & Riesel, P.C. to perfect the appeal.

Councilman McCartney made a motion, seconded by Councilman Mecca, to authorize the City Manager to enter into an agreement with Sive, Paget & Riesel, P.C. to represent the City in an appeal proceeding against Westchester County regarding Rye Playland.

ROLL CALL
AYES: Mayor Sack, Councilmembers Bucci, Hurd, McCartney, Mecca
NAYS: Councilwoman Killian
ABSENT: Councilwoman Tagger-Epstein

8. Authorization for the City Manager to enter into an agreement with Best Best & Krieger LLP to represent the City in cable franchise agreement negotiations.
Roll Call.

Mayor Sack explained that the City's franchise agreements will be expiring, and negotiations will begin soon for new franchise agreements. City Manager Serrano and Corporation Counsel Wilson recommended Best, Best & Krieger LLP to represent the City's interests in negotiations. Currently, Best, Best & Krieger are representing the Village of Scarsdale in similar negotiations.

There was discussion among the Council to move forward, as all other communities will be moving forward with an attorney who specializes in franchise agreements and telecommunications. Councilwoman Hurd felt the vote would be premature.

Mayor Sack put the vote off to September 13, 2017.

9. 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.

City Manager Serrano explained that the Village of Scarsdale approached the City, asking to execute an Intermunicipal Agreement. The agreement was proposed due to a member of Scarsdale's the Board of Assessment Review filing of a grievance to her property assessment. To avoid a conflict of interest within a community, this type of agreement is routine and would allow the Scarsdale resident to be heard by the City of Rye Board of Assessment Review.

Councilman McCartney made a motion, seconded by Councilman Mecca, to authorize the following 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:

AGREEMENT PURSUANT TO SECTION 523 OF THE NEW YORK STATE REAL PROPERTY TAX LAW BETWEEN THE CITY OF RYE AND THE TOWN OF SCARSDALE FOR THE BOARD OF ASSESSMENT REVIEW OF THE CITY OF RYE TO HEAR TAX ASSESSMENT GRIEVANCE FILED BY A CURRENT MEMBER OF THE BOARD OF ASSESSMENT REVIEW OF THE TOWN OF SCARSDALE

THIS AGREEMENT (the "Agreement") is made this ____ day of _____ 2017, by and between the City of Rye ("Rye"), a municipal cooperation organized and existing under the laws of the State of New York, with its principal place of business located at 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 with regard to the hearing and determination of an assessment challenge filed by a current member of the Scarsdale Board of Assessment Review.

WHEREAS, a member of the Board of Assessment review has a direct or indirect interest in a property for which a complaint has been filed and New York State Real Property Tax Law § 523 authorizes the execution of inter-municipal agreement with another municipality in the county to permit the hearing of the complaint in the other municipality, and;

WHEREAS, Jane C. Curley, a Scarsdale resident was appointed and has served as a member of the Town of Scarsdale Board of Assessment Review since July, 2016, and;

WHEREAS, Jane C. Curley filed a complaint to challenge the 2017 tentative assessment for the property she owns, located at 7 Hamilton Road, Scarsdale, New York ("property"), and;

WHEREAS, pursuant to New York State Real Property Tax Law § 523, Jane C. Curley, in her role as a member of the Town of Scarsdale Board of Assessment Review, has a direct interest in said complaint as the owner of the property, and;

WHEREAS, to avoid a conflict of interest or the appearance of impropriety on the part of the Scarsdale's Board of Assessment Review, City of Rye's Board of Assessment Review has agreed to hear the complaint of Jane C. Curley and render a decision on such complaint which will be upheld by the Scarsdale 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 2017 designated chairman of the Scarsdale Board of Assessment Review shall refer any assessment challenge or complaint made by Jane C. Curley 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 2017 assessment complaint filed by Jane C. Curley, who has challenged the 2017 tentative assessed value of her property located at 7 Hamilton Road, 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 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 the Jane C. Curley's complaint challenging the 2017 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 Board of Assessment Review, the matter shall be defended and handled by the City of Rye Assessor until a final determination on such petition is made. If City of Rye's Board of Assessment Review deems an appraisal to be necessary, the City of Rye shall order such appraisal and the Town of Scarsdale shall reimburse the City of Rye for the cost of such appraisal. 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. Additionally, should Jane C. Curley challenge the determination made by the City of Rye's Board of Assessment Review either by small claim assessment review proceeding or a certiorari proceeding brought pursuant to Article 7 of the Real Property Tax Law, the Town of Scarsdale shall reimburse the City of Rye for any expenses incurred thereto.
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.

a. To City of Rye:

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

b. To Scarsdale:

Town/Village Manager
Town/Village of Scarsdale
1001 Post Road
Scarsdale, New York 10591

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

_____

Stephen M. Pappalardo, Village Manager Date

_____

Marcus Serrano**,** City Manager Date

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

10. Consideration of a request by the Rye Free Reading Room for use of the Village Green on select Friday mornings in the summer from 10:00 a.m. to 11:00 a.m. for *Musical Fridays with Graham Clark.*

All were in favor of this request.

11. Resolution to transfer $4,520 from the Cable TV Unassigned Fund balance to the Cable TV Operating Budget for the relocation of the RyeTV control room at the Rye High School.
Roll Call.

City Manager Serrano explained that this funding would be used for the relocation of the RyeTV control room at Rye High School. He reminded the Council that several months before, the school had a need to relocate certain rooms, and this is a result of that move.

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

12. Adoption of the 2017/2018 tax levy and tax rate for the Rye Neck Union Free School District.
Roll Call.

Mayor Sack made a motion, seconded by Councilman Mecca, to adopt the 2017/2018 tax levy and tax rate for the Rye Neck Union Free School District.

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

13. Acceptance of donation to the Rye Sustainability Committee from Sustainable CUNY in the amount of Two Hundred and Fifty ($250.00) Dollars.
Roll Call.

Councilman Mecca made a motion, seconded by Councilman McCartney, accepting a donation to the Rye Sustainability Committee from Sustainable CUNY in the amount of Two Hundred and Fifty ($250.00) Dollars.

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

14. Resolution to declare certain City of Rye equipment as surplus.
Roll Call.

City Manager Serrano explained that the City Council was required to vote to declare items as surplus. In this case, the items were mostly obsolete technological hardware.

Councilman Mecca made a motion, seconded by Councilwoman Killian, to declare the following items as surplus:

1. Yamaha 01V 96 Audio Board # 08679289140
2. Dell PC power Edge 2900 # 00089-181-720-704
3. Surge protector # 766842
4. Scan Do # CRA2000150
5. Knox Video router # CO-037254-1-004
6. Sony DVD # 44401121-2008713
7. Sony DVD # 44401121-2008707
8. Sony DVD # 6018080
9. Sony monitor # 6016615
10. Sony GV-DV000 # 332317
11. Sony GV-DV000 # 332322
12. Trendnet TK 401B # UN08224010560
13. Sony GV-HD700 # 328771
14. Sony Monitor # 2521396
15. Tightrope Carousel # 70045-558-469-437
16. JVC svhs deck # 14211096
17. Sony monitor # 6002100

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

15. Miscellaneous communications and reports.

Mayor Sack made a statement thanking those who attended the August meeting.

16. New Business.

None

17. Adjournment.

There being no further business to discuss, Councilman Mecca made a motion, seconded by Councilman McCartney, to adjourn the meeting at 6:49 P.M.

Respectfully submitted,

Carolyn E. D'Andrea
City Clerk

CITY COUNCIL AGENDA

NO. 6 DEPT.: City Council DATE: September 13, 2017

CONTACT: Mayor Joseph A. Sack

AGENDA ITEM: Issues Update/Old Business

FOR THE MEETING OF:
September 13, 2017

RYE CITY CODE,
CHAPTER
SECTION

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

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND:

CITY COUNCIL AGENDA

NO. 7 DEPT.: Fire Department DATE: September 13, 2017

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

AGENDA ITEM: Presentation on the Rye Fire Department Safety and Staffing Practices.

FOR THE MEETING OF:

September 13, 2017

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION:

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND:

A presentation will be made by Michael C. Corcoran, Jr., Commissioner of Public Safety on the Rye Fire Department.

CITY COUNCIL AGENDA

NO. 8 DEPT.: City Manager DATE: September 13, 2017

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Presentation on the New York Rising Reconstruction Program projects.

FOR THE MEETING OF:

September 13, 2017

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION:

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: A presentation will be made by the consultants from O'Brien & Gere Engineers, Inc. and the Dormitory Authority of the State of New York (DASNY) on the NY Rising Proposed Projects:

- Bowman Avenue Dam Upper Pond Resizing
- Modifications to the Sluice Gate at Bowman Avenue Dam
- Improved Milton Road Drainage to Harbor

CITY COUNCIL AGENDA

NO. 9 DEPT.: City Manager DATE: September 13, 2017

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Presentation on the Westchester Power Community Choice Aggregation Program.

FOR THE MEETING OF:
September 13, 2017

RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION:

IMPACT: ☒ Environmental ☐ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: A presentation will be made by members of Sustainable Westchester, Inc. regarding Community Choice Aggregation (CCA). In a CCA system, municipalities collectively purchase energy directly from electricity providers on the open market on behalf of local residents and businesses. Working either as singular localities or a unified combination of municipalities, municipalities operating under CCA replace Investor Owned Utilities (IOU) as the provider of energy by purchasing the electricity to be used in their communities directly from the market. The IOUs remain responsible for the generation of power from the CCA-purchased energy as well as the transmission and distribution of power to customers. With this division of labor, communities utilizing CCA are able to utilize local control of purchasing energy in order to reduce electricity costs, increase use of renewable energy sources, and create economic opportunity by ensuring the use of locally-sourced power. By leaving the tasks of generating, transmitting, and distributing power to IOU, who are also responsible for maintaining their own infrastructure and customer service operations, the benefits to local governments are not off-set by the costs and burden associated with Municipally Owned Utilities.

Sustainable Westchester petitioned the Public Service Commission in December, 2014 to allow them to implement a CCA program in Westchester County, which is served by Con Edison. The Public Service Commission approved the CCA on February 26, 2015.

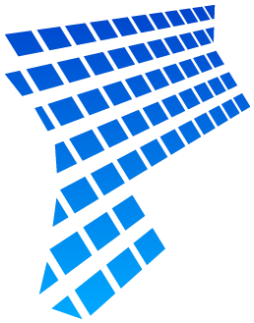
States that have passed CCA laws include California (2002), Illinois (2009), Massachusetts (1997), New Jersey (2003), Ohio (1999), and Rhode Island (1997) and New York (2014)

See attached.

WELCOME TO
WESTCHESTER POWER!

The Basics

- Westchester Power is a municipal power purchasing program administered by Sustainable Westchester.
- Founded in 2016, Westchester Power is New York's first CCA (Community Choice Aggregation).
- Our large group purchasing power enables us to bring you competitive rates, with the security of knowing that this is a municipal program, vetted by your legislators, not a private solicitation.
- Our mission: to increase local renewable energy. We plan to reach the NYS REV goal of 50% renewable energy by 2030 ahead of schedule.



Who's in the Know?

100,000 homeowners, renters, condos, coop owners and small businesses in:

Bedford	**Lewisboro**	**New Rochelle**	**Pleasantville**
Greenburgh	**Mamaroneck Town**	**North Salem**	**Rye Brook**
Hastings-on-Hudson	**Mamaroneck Village**	**Ossining Town**	**Somers**
Irvington	**Mount Kisco**	**Ossining Village**	**Tarrytown**
Larchmont	**New Castle**	**Pelham**	**White Plains**

What We've Accomplished

2 Million tons of CO_2 avoided

750 Million kilowatt-hours served

$1.6 Million saved

At Your Service

- We're LOCAL... and we are here to help!
- We have a dedicated staff in our Mount Kisco office who can to explain the Program or answer any questions about CCA or sustainable energy.
- We're happy to meet with local groups to present in person.
- Call us with any questions about your utility bill - Westchester Power-related or not.

QUESTIONS? Visit westchesterpower.org or call our Mount Kisco office at 914-242-4725!

Westchester Power OUR COMMUNITY. OUR CHOICE.

WHAT IS COMMUNITY CHOICE AGGREGATION (CCA)?

What is Community Choice Aggregation (CCA)?

Community Choice Aggregation is a program enacted in seven states, which allows municipalities to buy their electrical power as a group. In doing so, the CCA partners with the utilities and communities to buy and supply power, while the utility continues to deliver the power and maintain the power grid. The CCA gives participating communities increased leverage to negotiate and design an electricity supply program to benefit its residents.

What are the benefits of CCA?

By purchasing power as a group, municipalities, their residents and small businesses enrolled in CCA benefit in several ways:

- Receive competitively priced flat-rates through 2018/2019.
- Boost the local economy by bringing green jobs to communities and localizing energy sourcing decision-making.
- Meet climate goals by transitioning to clean energy and reducing greenhouse gas emissions.

What changes and what remains the same?

DELIVERY
(CONED, NYSEG)

Customers keep their utility company (i.e. ConEd, NYSEG). The utility continues to bill customers and maintains responsibility over the infrastructure: the power lines, poles, meters, and the transmission of energy.

SUPPLY
(CONSTELLATION)

Before CCAs, if you wanted to purchase electricity from the market, you would have to navigate and select from offerings from dozens of “ESCOs” (energy service companies).

WESTCHESTER POWER CCA

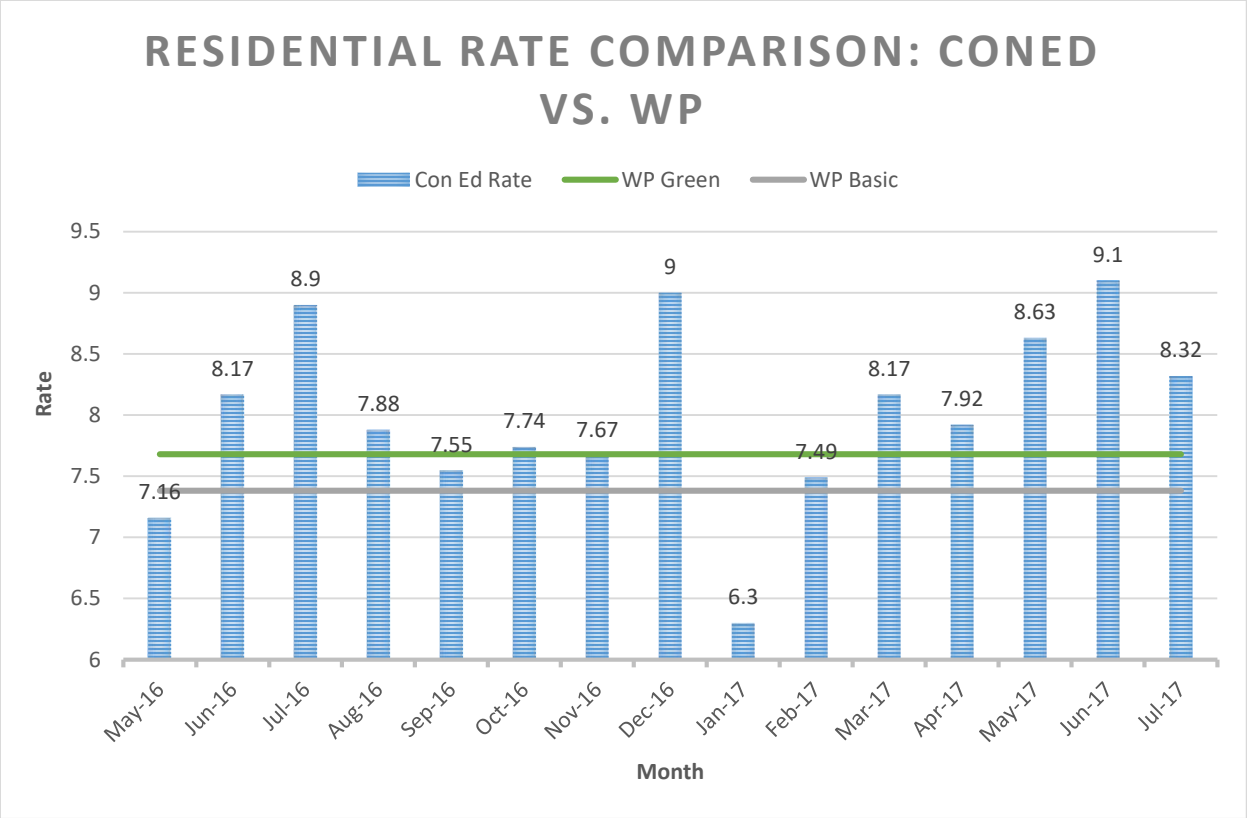
Now, the CCA acts as an administrator and advocate on behalf of participating municipalities, negotiating better prices, contract enhancements and sustainable energy options.

CUSTOMER

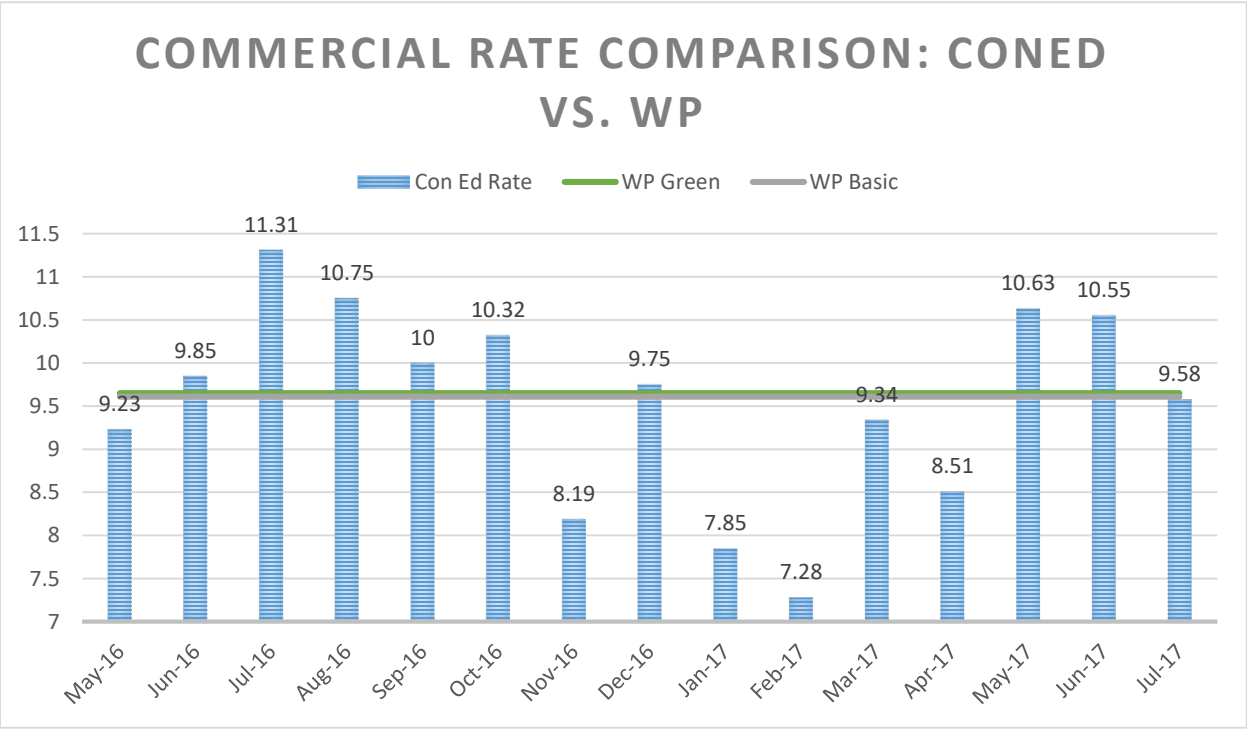
Customers don’t have to do anything to participate, and can take advantage of new programs that are designed to benefit them and advance community goals.

QUESTIONS? Visit westchesterpower.org or call our Mount Kisco office at 914-242-4725!

Westchester Power OUR COMMUNITY. OUR CHOICE.



In the City of Rye, we estimate that there would have been a total of $130,500 in savings across approximately 4,350 accounts. This breaks down to about $30 in savings per account.



Westchester Power Recent Highlights

Operations

- Customer service continues to be the beating heart of things. The addition of one new member in June brings us to 3 full-time and 2 part-time staff in our Mount Kisco office.
- Data systems contract - sounds dry perhaps, but we're very excited about this. This will bring our back office data management to industry standard level, but more than this, provide greatly enhanced reporting capabilities.

Outreach--more staff means more outreach!

- We have increased the frequency of our visits to town boards and committees - keeping our member municipalities in the loop and responding to their questions, concerns, and ideas!
- We're always available to present/explain the program to any local community organizations, senior citizens groups, condominium associations, libraries, etc.

Thought Leadership--driving ideas and engagement

- Recently organized forums on the concept of a carbon tax, which resulted in three events across Westchester County in Tarrytown, New Rochelle and Bedford Hills.
- Partnering with other organizations to link the importance of energy, human health, climate change, and vulnerable populations.

Recent and Notable Media

- Our clean energy focus has not gone unnoticed by the press, particularly as a result of "emPowering Green Energy," our consumer education campaign to help residents and muni leaders understand and take advantage of new energy options. Media who have featured Westchester Power include:
    - Westchester Biz Journal--2/17, 6/5/17, 6/12/17
    - The Bedford/Pound Ridge Record Review--4/7/17, 7/21/17
    - Rivertowns Enterprise--7/7/17
    - LoHud--7/27/17

New SW Member

Westchester County joined Sustainable Westchester in early June. This gives us more reach and exposure, including potential activity on county sites - e.g. solar at Croton Pt and/or Valhalla. The county is otherwise just one of 42 members. County Executive Rob Astorino presented the county's joining as a way to "continue to conserve and strengthen our natural resources and environment for current and future generations."

WP and SW--synergy between programs

- SW's Clean Transportation Project has secured a HUGE discount on the 2017 Nissan Leaf - anyone who lives, works or attends a higher education facility in any of SW's member municipalities are eligible for $10,000 off, plus up to $9,200 in state rebates and federal tax credits.

Westchester Power CCA - Program Enhancement Update

Under the governing order from the PSC, CCA's are encouraged to find ways to promote "Distributed Energy Resources" – generation, demand response and efficiency measures. Westchester Power has pursued several avenues to bring additional value in this area, current of which include:

Community Solar

Community solar is a subgenre of the community distributed generation (CDG) category enabled in 2015 by the PSC. It allows for people to participate in a remote solar energy facility as long as it is in the same utility zone. This is a great enabler for multi-family situations and homeowners who have too much shade or other physical obstacle.

Westchester Power has completed solicitations and identified a technology platform provider with which to partner for Community Solar. The intent is to use their tool to create projects by gathering signups from interested residents as we engage in outreach. The Community Solar platform is the connectivity for all participants – subscribers, hosts, utilities and developer and must perform many complex duties. As signups reach critical mass, we would then be in a position to attract potential host site owners, and eventually to get bids from developers.

Microgrids & Storage

These technologies can contribute to resiliency and improved economics for communities. As a follow-up to the work done under the NY Prize grants from NYSERDA, Westchester Power held a workshop in March. SW's Michele Delafontaine gave a presentation on storage at that event, and is reaching out to communities to help them sort through the opportunities. The addition of storage, and perhaps CDG or other elements, some of these projects may achieve more positive returns and become attractive enough to put out for interest from developers.

Energy Efficiency

Westchester Power is beginning to explore collaboration with Energize NY. The Energize NY residential energy efficiency program dovetails perfect with our other offerings, since it offers the most fundamental way of saving on a resident's power bill – via conservation.

SUSTAINABLE WESTCHESTER
Sharing. Saving. Solutions.

Working with and on behalf of our member local governments in Westchester County to empower communities to create a sustainable future.

Complete Streets

This initiative aims to make our roadways accessible to all modes of transportation—walking, biking, driving, public transit. Through planning and education, Sustainable Westchester aims to foster convenient, comfortable and safe travel for everyone.

Westchester Power

Westchester Power
OUR COMMUNITY. OUR CHOICE.

Westchester Power is New York State's first Community Choice Aggregation (CCA), and as such, acts as a community energy advocate, negotiating rates with energy companies to bring residents competitive flat-rates and renewable energy, while boosting the local economy.

Electric Vehicles

Sustainable Westchester's Clean Transportation Project aims to reduce greenhouse gas emissions and transportation costs for residents, businesses, and non-profits in Westchester County by connecting people with alternative transportation options and incentives.

LED Street Lights Initiative

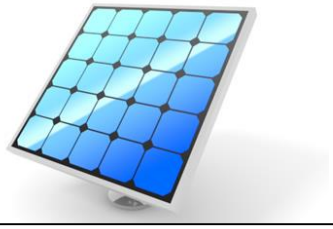
In conjunction with NYSERDA, Sustainable Westchester supports the Mid-Hudson Street Light Consortium to transition street lights to LED bulbs, which has the potential to save municipalities up to 65% of their energy costs and significantly reduce greenhouse gas emissions.

Solarize Westchester

SOLARIZE
WESTCHESTER

Solarize Westchester works with residents and businesses to increase the usage of solar energy throughout Westchester County through incentives and education. There are approximately 1,100 solar installations in Westchester County, with over 400 resulting from Solarize campaigns.

Municipal Solar Buyers Group



SW municipalities realize they need to lead the way in the clean energy transition. The Municipal Solar Buyers Group (MSBG) was formed to facilitate the installation of solar power on municipal facilities. Participating municipalities are receiving solar power offers from a collective RFP process.

55 Maple Ave
Mount Kisco NY
www.westchesterpower.org
Ph: (914)-242-4725

From Here to CCA – Checklist

(New participant)

There are two major milestones on the way to participation in the Westchester Power CCA:

1. Enacting the enabling law: exactly as it sounds – this is not yet a commitment to participate, but puts the municipality in a position to sign on if they decide to.

Timing: End October, beginning November

2. Signing the MOU: The MOU commits the municipality to execute the electricity supply agreement with the winning bidder if the "trigger" criteria are met. In the last contract this was primarily price (less than the previous 12 months average) and acceptance of the contract draft.

Timing: Latest, end of year

Optional – resolution to kick things off
To start things moving, it can be useful to declare interest via a simple resolution.

Timing: September

Outreach
The Public Service Commission requires a minimum of two months of outreach is done prior to committing to the CCA. Westchester Power will lead the efforts to connect with your residents and small businesses, educate about the program and solicit input.

Timing: Say the word and we'll start!

[More detailed task list with WP items on back]

From Here to CCA – Checklist

(New participant)

By	Task	Note	Timing
Muni	Non-Binding Resolution to explore CCA	Helps start the clock for outreach -> hearing	September would allow for desired 2 month outreach period.
WP	CCA Public Outreach & Education Events	Coordination by muni.SW presentation at hearings, community venues, provision of print and online materials.	September through November
WP	Implementation Plan Filed with PSC	WP will draft an updated plan	Deadline year end – practically, should be end of Oct/ begin Nov to be ahead of contract updating
WP	Data Protection Plan Filed with PSC	WP will update to reflect our improved data systems	Same – end Oct / begin Nov is adequate.
Muni	Local Law Authorizing CCA Approved	WP provides draft.	This could be done any time (in other words, best to get it out of the way) because it is enabling law only
Muni	MOUs Approved	Agreement to execute contract if conditions met.	By or before end of 2017
WP	Utility Data Request(s)	To provide to bidders	January 2018
WP	RFI for Supplier Issued		End Jan 2018
WP	Qualified Bidder Pool Selected		Begin Feb 2018
WP	Electricity supply contract award		Feb 2018
WP	Opt-Out Letter Mailed		April 2018
WP	CCA Service Begins		May 2018

CITY COUNCIL AGENDA

NO. 10 DEPT.: City Manager DATE: September 13, 2017

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Presentation and request by the Landmarks Committee to landmark the City owned properties of the Purdy Family Burial Ground and Baird Square.

FOR THE MEETING OF:
September 13, 2017

RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION: That the Council consider the request from the Landmarks Committee.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND: The Landmarks Committee has a proposal to landmark the City owned properties of the Purdy Family Burial Ground and Baird Square. The Purdy family burial ground belonged to the Purdy family and was used as the family's private burial plot. Baird Square is a small triangle of land at the intersection of Milton Road, Boston Post Road and Purchase Street (just below the Citibank building). It was gifted to the City of Rye by Reverend Charles Washington Baird.

See attached proposal.

Proposal to designate as historic:

Purdy Family Burying Ground & Baird Square

Purdy Family Burying Ground belonged to the Purdy family and was used as the family's private burial plot.

There are many references to the Purdy family in historical documents and history books; but there are few references to the Purdy family's cemetery. One reference is contained in the will of Daniel Purdy, dated May 15th, 1761:

"I will and order that the burying place on the neck shall be and remain as a burying place forever for the use of our family and relations, with full liberty to go to and from the same, to bury their dead."

During the Revolutionary War, Joseph Purdy—like the Havilands, Browns, Gedneys, Hortons, Halsteads, and Thealls—was imprisoned for being a Tory by Patriots in 1776. All were farmers, so they were released to conduct necessary duties. Many moved to Nova Scotia after the war in 1783.

According to Charles Baird's "History of Rye, 1660-1870" (1870's), Purdy Cemetery is situated on the "western Bank of Blind Brook creek, opposite the public cemetery." (p.198)

In 1922 & 1946, a text entitled "A Compilation of Graves in the Purdy Family Burying Ground (Across Blind Brook from the Milton Cemetery)" was transcribed by Henry Bird (of Bird Homestead), listing a number of named graves.

According to "Fifty Years of Rye, 1904-54" (M. Dalphin, 1955), the footbridge to the Purdy Cemetery was a gift from former Mayor J. Motley Morehead in Oct. 1950. Mayor Livingston Platt told how "Mr. Morehead had bought the land on Oakland Beach Avenue years ago, had given it to the city in order to make the park accessible and had built the entrance there as well."

In 2000, Rye resident Anita Schwarz created a map of Milton Cemetery with 8 graves in Purdy Family Burying Ground. All date between 1720 and 1825.

Rye's current Assessor says PFBG is city-owned and is part of the same parcel as Milton Cemetery (9/26/16).

Baird Square is a small triangle of land just below the Citibank building, at the intersection of Milton Road, the Post Road/Route 1 and Purchase Street. It was gifted to the City of Rye by a beloved pastor, Reverend Charles Washington Baird.

According to Rye historian Paul Hicks, Baird was "one of the longest serving and most respected ministers of the Rye Presbyterian Church, serving from 1861 until his death in 1887." Baird published "Chronicle of a Border Town, History of Rye, Harrison and White Plains, Westchester County, New York 1660-1870" in 1871, "…a detailed record of the first two centuries of colonization and development in this area [that] is an invaluable resource for students of history at all levels."

The land is encircled by a low hedge and edged on one side with a sidewalk leading uphill to Christ's Church. A tall evergreen tree stands at the center, next to a City-owned sign post (rented by local organizations to promote their events), and an old wooden octagonal structure intended for crossing guards.

The LAC would like to propose that Baird Square be landmarked. The property serves the City well as 1. a pedestrian-safe zone at a busy intersection, 2. as an aesthetically-pleasing parcel of open space, and 3. an historic reminder of one of our finest citizens. We would like to protect the space from potential road development projects.

REASON TO LANDMARK a Site or Structure

In 1977, "Chapter 117: "Landmarks Preservation" was added to Rye's City Code. The rules set forth were designed to encourage the protection of historic structures:

- To provide for the protection, enhancement, perpetuation, and use of those districts, sites, and structures which are illustrative of the growth and development of the City of Rye and which are of particular historic or aesthetic value to the City.

- To recognize and ensure the preservation of those elements of the City's past which represent many and varied architectural, artistic, and cultural achievements which cannot be duplicated or otherwise replaced.

- To promote the use of Preservation District and Protected Sites and Structures as a means of providing enjoyment and unique educational benefit by perpetuating the physical evidence of Rye's past.

- To stabilize and improve property values of such districts, sites and structures and otherwise promote their rescue.

- To protect and enhance the City's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided.

- To provide an educative role in the community with regard to historic structures and landmarks preservation.

Purdy Family Cemetery

Purdy Family Cemetery

Baird Square

CITY COUNCIL AGENDA

NO. 11 DEPT.: City Manager's Office DATE: September 13, 2017

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Continuation of the Public Hearing to amend the Rye City Code: (a) local law Chapter 133, "Noise", by amending Section §133-4, "Points and method for measuring intensity of sound" to regulate placement and noise of telecommunication devices; (b) local law Chapter 167, "Streets and Sidewalks", to add a new Article IV "Placement of Permanent Facilities in the Rights of Way", Sections §167-66 through §167-71, to regulate placement of devices in the right of way; and (c) local law Chapter 196, "Wireless Telecommunications Facilities", by amending Sections §196-3 through §196-8, §196-14, §196-17, §196-18, and §196-22 to regulate wireless facilities and structures regarding size, visual impact and permit process.

FOR THE MEETING OF:

September 13, 2017

RYE CITY CODE,

CHAPTER

SECTION

NOTE: this item will be adjourned until the October 4, 2017 City Council Meeting.

RECOMMENDATION: That the City Council continue the Public Hearing to approve the changes in the City Code regarding telecommunications devices.

IMPACT: ☐ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

BACKGROUND: Local law Chapter 196, "Wireless Telecommunications Facilities was adopted in 1997 with modifications in 2003. Due to the continuing evolution of telecommunications technology and demands, the recommendation is to make changes to Chapters 133, 167 and 196 of the Rye City Code to address telecommunications devices regarding size, visual impact, placement and permit process.

Draft Local Laws revised as of April 3, 2017 are available on the City website.

CITY COUNCIL AGENDA

NO. 12 DEPT.: City Manager DATE: September 13, 2017

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Public Scoping Meeting on the Crown Castle application pursuant to the New York State Environmental Quality Review Act (SEQRA).

NOTE: this item will be adjourned until the October 4, 2017 City Council Meeting.

FOR THE MEETING OF:
September 13, 2017

RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION: That the City Council hold a Public Scoping Meeting on the Crown Castle application pursuant to the New York State Environmental Quality Review Act (SEQRA).

IMPACT: ☒ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

BACKGROUND: The City Council issued the SEQRA Notice of Intent to serve as Lead Agency for Crown Castle's request to amend the Right of Way Use Agreement at their at their October 5, 2016 City Council meeting. Crown Castle submitted the Full Environmental Assessment Form (EAF) at the City Council meeting on October 19, 2016. The City Council issued a Positive Determination of Significance under SEQRA relating to Crown Castle's request to modify the existing Right of Way Use Agreement at their April 19, 2017 meeting citing the following reasons: (1) the potential for significant aesthetic/design/visual resource impacts and neighborhood character impacts, (2) the potential for significant impacts related to noise associated with the two and three ion boxes and (3) the potential for significant impacts to the community character and locally designated historic districts and landmarks. A Public Scoping meeting will be held to review these issues and identify mitigation measures and provide the public with an opportunity to participate in the discussion of the impacts.

See attached Draft Scoping document.

CITY COUNCIL AGENDA

NO. 14 DEPT.: City Manager DATE: September 13, 2017

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Consideration of the City Council's Intent to be Lead Agency under SEQRA and referral to the Planning Commission for their advisory review and comment in connection with a proposed Zoning Code Text Amendment to change a RA-2 lot to a B-1 designation for the property located at 280 Purchase Street.

FOR THE MEETING OF:
September 13, 2017
RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION: The City Council should review the information submitted by the applicant, refer the matter to the Planning Commission for its advisory recommendation and discuss whether it desires lead agency status under SEQRA.

IMPACT: ☒ Environmental ☐ Fiscal ☒ Neighborhood ☒ Other:

BACKGROUND: The subject application involves a request to amend the zoning designation of a property located at 280 Purchase Street from RA-2, Apartment Districts, to B-1, Neighborhood Business District. The applicant owns the properties located at Tax Map ID 139.19, Block 3, Lot 5.1 and Lot 5.2 and seeks to erect two new structures on lot 5.2. The current designation of RA-2 on Lot 5.2 would prohibit this. An amendment of the zoning designation on Lot 5.2 from RA-2 to B-1 will allow the applicants to build as requested. The City Council is asked to declare themselves as Lead Agency under SEQRA and refer the matter to the Planning Commission for an advisory recommendation.

See attached request from the applicant.

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

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

Joseph S. Malara, Esq.

Of Counsel
Vincent N. Amato, Esq.

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

August 22, 2017

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

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

Re: Rezoning request, Rocco and Gemma Lagana

Dear Mayor Sack and City Manager Serrano:

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

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

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

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

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

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

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

Very truly yours,

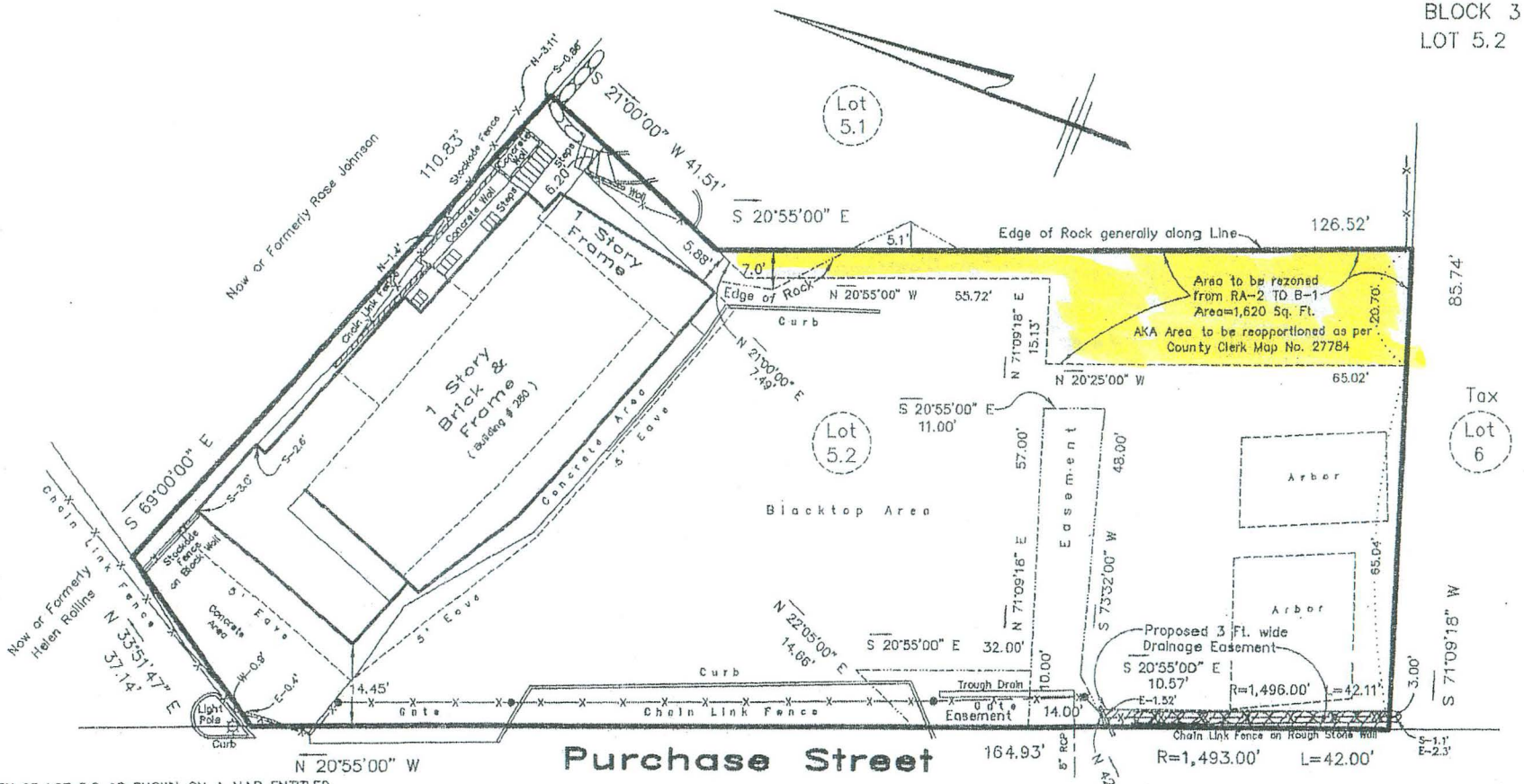
Joseph S. Malara

Cc: Rocco and Gemma Lagana

Enc.

CITY OF RYE

SECTION 139.19
BLOCK 3
LOT 5.2



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

July 12, 2017

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

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

N.Y.S. License 50054-2

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

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

J-9472B FOL-24

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

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

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

Containing 1,620 Square feet or 0.0372 Acre.

CITY COUNCIL AGENDA

NO. 14A DEPT.: Sewer DATE: September 13, 2017

CONTACT: Ryan Coyne, City Engineer and Kristen Kelly Wilson, Corporation Counsel

AGENDA ITEMS: Resolution to accept dedication of a new sanitary sewer system intended to serve the properties along Club Road, and the beginning of Sunset Lane.	**FOR MEETING OF:** September 13, 2017

RECOMMENDATION: That the City Council adopt the following resolution:

WHEREAS, the City Council has been requested to accept an offer of dedication of a new sanitary sewer system intended to serve the properties along Club Road and the beginning of Sunset Lane, and;

WHEREAS, the Corporation Council and City Engineer have reviewed the request of dedication, and;

WHEREAS the Corporation Council and City Engineer believe that the new sanitary sewer system is in the best interest of the City, now therefore be it,

RESOLVED, that the City Council accept dedication of the new sanitary sewer system as presented.

IMPACT: ☑ Environmental ☐Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND:

Letter and plans submitted for the record:

HKP | HARFENIST KRAUT & PERLSTEIN LLP

JONATHAN D. KRAUT

DIRECT TEL.: 914-701-0800
MAIN FAX: 914-701-0808
JKRAUT@HKPLAW.COM

September 8, 2017
VIA HAND

Marcus A. Serrano
Rye City Manager
1051 Boston Post Road
Rye, New York 10580

Re: ***Club Road Sewer Dedication***

Dear Mr. Serrano:

We represent the owner of 3 Club Road, Steven Hash, and write on behalf of our client who (in addition to other property owners on Club Road and Sunset Lane) requests that the City Council accept an offer of dedication for a new sanitary sewer system intended to serve the properties along Club Road and the beginning of Sunset Lane. A copy of the plans and details is submitted herewith.

The new sewer extension runs from Locust Avenue down Club Road and up a portion of Sunset Lane. The property owners, in addition to our client, who we understand expressed interest in tapping into the new sewer at this time and therefore join in this request are:

- Maria and Sandy Ogg – 1 Club Road
- Triple Shamrock, LLC (Stephanie and Eric Geveda) – 25 Club Road
- Katherine and John Doyle – 4 Sunset Lane

The sewer extension has been designed to accommodate additional connections by properties it passes that are not currently joining in this request. The sewer installation will provide an environmental benefit by allowing these properties to cease using septic systems for sanitary wastewater.

The design of the sewer has been previously reviewed by the City Engineer and has also been reviewed and approved by the Westchester County Department of Health.

HKP

We respectfully request that the City Council consider this offer at the meeting scheduled for September 13, 2017. We will arrange to have the design engineer attend the meeting in order to address any questions or comments of the Council.

Thank you for your attention to this matter.

Very Truly Yours,

HARFENIST KRAUT & PERLSTEIN LLP

By: _____
Jonathan D. Kraut

cc: Ryan Coyne, City Engineer
Christian Miller, City Planner
Linda Whitehead, Esq. o/b/o Triple Shamrock, LLC
Maria & Sandy Ogg
Katherine & John Doyle

CITY COUNCIL AGENDA

NO. 15 DEPT.: City Manager DATE: September 13, 2017

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Authorization for the City Manager to enter into an agreement with the law firm of Jackson Lewis to represent the City before the New York Public Service Commission to allow municipalities to receive water usage data.

FOR THE MEETING OF:
September 13, 2017
RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION: That the Council authorize the City Manager to engage an attorney to represent the City before the New York Public Service Commission.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: Rye, along with other municipalities, seeks to secure water usage data of customers in their community from Suez Water in order to develop a rate structure for a sewer use fee and billing procedures. Suez Water has refused to release this information to the requesting municipalities. The City of New Rochelle, Village of Pelham Manor, Village of Bronxville, Village of Hastings, Village of Ardsley, Village of Rye Brook, and the Village of Tuckahoe have agreed to retain an attorney to petition the PSC to allow the data to be provided to these Municipalities. The estimated cost for the attorney is $41,000 which will be shared evenly by all of the participating Municipalities. The City Council is asked to authorize the City Manager to execute the agreement with Jackson Lewis Attorneys at Law, Albany, New York, to intervene with the Public Service Commission to allow municipalities to receive water usage data from Suez Water.

See attached.

jackson|lewis
Attorneys at Law

Jackson Lewis P.C.
677 Broadway,
Ninth Floor
Albany NY 12207
Tel 518 512-8700
Fax 518 242-7730
www.jacksonlewis.com

ALBANY NY
ALBUQUERQUE NM
ATLANTA GA
AUSTIN TX
BALTIMORE MD
BIRMINGHAM AL
BOSTON MA
CHICAGO IL
CINCINNATI OH
CLEVELAND OH
DALLAS TX
DAYTON OH
DENVER CO
DETROIT MI
GRAND RAPIDS MI
GREENVILLE SC
HARTFORD CT
HONOLULU HI*
HOUSTON TX
INDIANAPOLIS IN
JACKSONVILLE FL
KANSAS CITY REGION
LAS VEGAS NV
LONG ISLAND NY
LOS ANGELES CA
MADISON, WI
MEMPHIS TN
MIAMI FL
MILWAUKEE WI
MINNEAPOLIS MN
MONMOUTH COUNTY NJ
MORRISTOWN NJ
NEW ORLEANS LA
NEW YORK NY
NORFOLK VA
OMAHA NE
ORANGE COUNTY CA
ORLANDO FL
PHILADELPHIA PA
PHOENIX AZ
PITTSBURGH PA
PORTLAND OR
PORTSMOUTH NH
PROVIDENCE RI
RALEIGH NC
RAPID CITY SD
RICHMOND VA
SACRAMENTO
SALT LAKE CITY
SAN DIEGO CA
SAN FRANCISCO
SAN JUAN PR
SEATTLE WA
ST. LOUIS MO
STAMFORD CT
TAMPA FL
WASHINGTON
WHITE PLAINS

*through an affiliation with Jackson Lewis P.C., a Law Corporation

November 22, 2016

Kathleen E. Gill, Esq.
Chief of Staff for Policy and Government Affairs/
Corporation Counsel
City of New Rochelle
515 North Avenue

RE: **Federal Tax ID #: 46-3862389**

Dear Ms. Gill:

This letter of Engagement confirms the terms of our engagement, and is furnished in accordance with Part 1215 of Title 22 of the Official Compilation of Codes, Rules and Regulations of the Supreme Court of the State of New York.

Please review the Statement of Client's Rights.

SCOPE OF ENGAGEMENT

Jackson Lewis P.C. ("Jackson Lewis") will provide legal services to City of New Rochelle ("Client").

FEES, EXPENSES AND BILLING PRACTICE

We will submit invoices on a monthly basis. Compensation for legal services provided by Jackson Lewis shall be $400.00 per hour for all attorneys. These fees will be shared equally among all municipalities that have agreed and executed this engagement letter. In addition, Client will be responsible for payment of any disbursements that our firm may incur in connection with the scope of our representation, such as expenses for overnight mailing, large or external photocopying jobs, or other expenses incurred as a sole and direct result of our representation to Client. Such disbursements and expenses may be included on our regular invoice or submitted separately.

Client will be responsible for remitting payment promptly after receiving our invoice. We reserve the right to withdraw as counsel and terminate our representation if any bill remains outstanding for more than thirty (30) days.

RIGHT TO ARBITRATION

In the event that a dispute arises between us relating to our fees, Client may have the right to arbitration of the dispute pursuant to Part 137 of the Rules of the Chief Administrator of the Courts, a copy of which shall be provided to Client upon request.

This Agreement will be terminable by either party without cause upon thirty (30) days prior written notice to the other. Please sign indicating your acknowledgement of and agreement to the terms of this letter and the scope of our representation; keep a copy for your files and return the original to us. Should you have any questions regarding our engagement, please do not hesitate to call us.

Very truly yours,

JACKSON LEWIS P.C.

Alexander L. Betke II

AGREED:

By: Meredith S Robson

Title: Village Manager

Date: 12/19/16

AGREED:

By: C. B.

Title: City MANAGER

Date: 1/4/17

Client will be responsible for remitting payment promptly after receiving our invoice. We reserve the right to withdraw as counsel and terminate our representation if any bill remains outstanding for more than thirty (30) days.

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In the event that a dispute arises between us relating to our fees, Client may have the right to arbitration of the dispute pursuant to Part 137 of the Rules of the Chief Administrator of the Courts, a copy of which shall be provided to Client upon request.

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Very truly yours,

JACKSON LEWIS P.C.

Alexander L. Betke II

AGREED:

By: JAMES M. PACKER

Title: VILLAGE ADMINISTRATOR, VILLAGE OF BRONXVILLE

Date: 1-4-17

AGREED:

By:

Title:

Date:

Client will be responsible for remitting payment promptly after receiving our invoice. We reserve the right to withdraw as counsel and terminate our representation if any bill remains outstanding for more than thirty (30) days.

RIGHT TO ARBITRATION

In the event that a dispute arises between us relating to our fees, Client may have the right to arbitration of the dispute pursuant to Part 137 of the Rules of the Chief Administrator of the Courts, a copy of which shall be provided to Client upon request.

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Very truly yours,

JACKSON LEWIS P.C.

Alexander L. Betke II

AGREED:

By: Meredith S Robson

Title: Village Manager

Date: 12 Dec 16

AGREED:

By:

Title: Village Manager Pelham Manor

Date: 3 Jan 17

CITY COUNCIL AGENDA

NO. 15A DEPT.: City Council DATE: September 13, 2017
CONTACT: Mayor Joseph A. Sack

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

FOR THE MEETING OF:
September 13, 2017
RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION: that the City Council approve the appointments.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND:

A) One appointment to the Commission of Human Rights for a three-year term
B) One appointment to the Playland advisory committee for a three-year term

CITY COUNCIL AGENDA

NO. 16 DEPT.: City Manager's Office DATE: September 13, 2017

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Authorization for the City Manager to enter into an agreement with Best, Best & Krieger LLP to represent the City in cable franchise agreement negotiations.

FOR THE MEETING OF:

September 13, 2017

RYE CITY CODE,

CHAPTER

SECTION

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

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood Other: ☐

BACKGROUND: The City will begin negotiations with Altice (Cablevision) and Verizon regarding the cable franchise agreements. The franchise agreement with Verizon expires in December, 2017 and the franchise agreement with Altice (Cablevision) expires in February, 2018. The City Council is asked to approve the firm of Best, Best & Krieger LLP to represent the City in the cable franchise agreement negotiations with Cablevision and Verizon for an amount not to exceed $20,000.

See attached Agreement.

Indian Wells
(760) 568-2611
Irvine
(949) 263-2600
Los Angeles
(213) 617-8100
Ontario
(909) 989-8584

BEST BEST & KRIEGER LLP
ATTORNEYS AT LAW

2000 Pennsylvania Avenue N.W., Suite 5300, Washington, D.C. 20006
Phone: (202) 785-0600 | Fax: (202) 785-1234 | www.bbklaw.com

Riverside
(951) 686-1450
Sacramento
(916) 325-4000
San Diego
(619) 525-1300
Walnut Creek
(925) 977-3300

Joseph Van Eaton
(202) 370-5306
Joseph.vaneaton@bbklaw.com

August 17, 2017

Marcus Serrano
City Manager
1051 Boston Post Road
Rye, New York 10580

Dear Mr. Serrano:

ABOUT OUR REPRESENTATION

Best Best & Krieger LLP would be pleased to represent the City of Rye, New York (the "City") in connection with the renewal of cable franchises held by Verizon and by Altice (formerly Cablevision). If retained, this letter would be included as an addendum to our current contract for work on wireless facilities, and the fees and general terms and conditions for this work would be the same as the general terms and conditions governing that work.

The renewal process can be expensive, and may involve both legal and technical questions. Costs can exceed $100,000, depending on what studies (if any) the City wishes to commission, and the position taken by the companies with respect to the franchise. For example, as part of the renewal process, some communities undertake audits to ensure that the full franchise fee owed has been paid. Other communities study the need for public, educational and government channels, and requirements for financial support for those channels, or for improvements to the channels (high definition, for example). Others require providers to offer capacity on "dark fiber" for government or educational use. What you can and should request is a function of community, cable-related needs and interests.

We propose to perform work for the City in two phases. In Phase I, we would

- Review the current franchise and code, and identify major issues, if any, raised by those documents

- Brief the City, either by telephone or in person as to options for moving the formal process forward. As part of that process, we would expect to discuss the City's concerns with cable services; and what can and cannot be obtained through the formal process. Based on that briefing, we can outline a strategy for moving forward (options could range from extension of the franchise as is; or conducting comprehensive analyses of cable-related needs and interests).

- Provide any necessary resolutions required to ensure that the renewal process is proceeding in accordance with federal and state law.

The cost of this initial work would be between $3,000-$6,000, representing between 10-20 hours of work.

In Phase II, we would work with the City to identify any other outside consultants (auditors, for example) that may be required to conduct studies the City determines it wishes to conduct before proceeding with renewal negotiations. We would then work with the City to identify renewal goals, and assist the City in negotiations. Should those negotiations fail, we would be prepared to work with the City to bring the proceeding to a close, and to assist the City in navigating the federal renewal process. A two-page summary of that process is attached. While it is impossible to predict the cost of the process at this stage, we will of course keep you apprised of those costs and provide estimates for particular tasks as the matter moves forward, as you may request.

We note that none of the lawyers currently in or associated with the firm is a member of the bar of the State of New York. Accordingly, the scope of representation by the firm's lawyers under this retainer is limited to matters as to which we are permitted to represent you by law, regulations or custom.

CONFIDENTIALITY AND ABSENCE OF CONFLICTS

In our initial retention letter, we advised you that we maintain a conflict of interest index, and that the City's name was included in our list of clients to ensure we comply with the Rules of Professional Conduct.

We have checked the following names against our client index: Altice, Cablevision and Verizon. Based on that check, we can represent your City on renewal issues. Please review the list to see if any other persons or entities should be included. If you do not tell us to the contrary, we will assume that this list is complete and accurate. We request that you update this list for us if there are any changes in the future.

THANK YOU

On a personal note, we look forward to continuing to work with the City of Rye. If this proposal is acceptable to you as an addendum to our existing agreement, please countersign it below and return it to me. If you have any questions at any time about our services or billings, please do not hesitate to call me.

Sincerely,

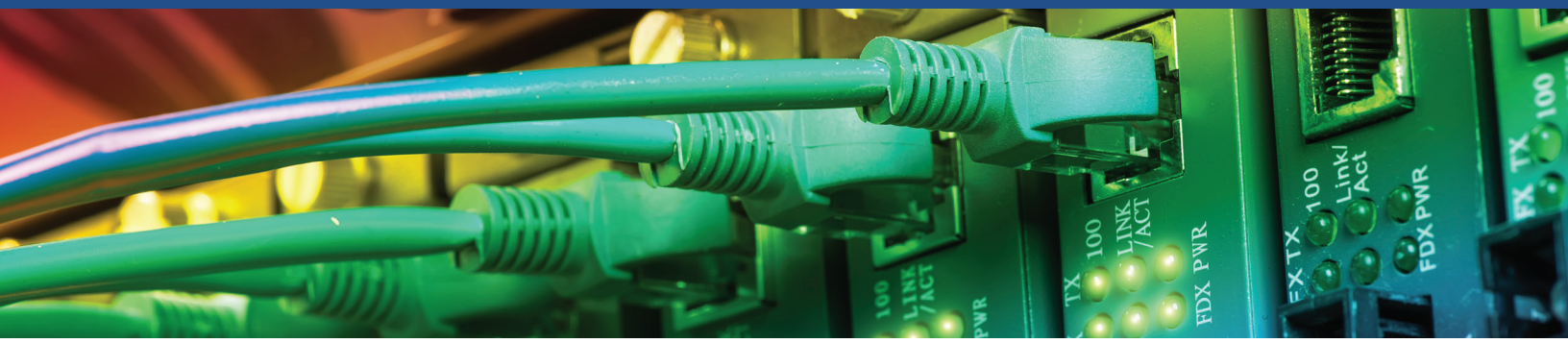
Joseph Van Eaton
of BEST BEST & KRIEGER LLP

AGREED AND ACCEPTED:

By: _____
Dated: _____

AGREED AND ACCEPTED:

By: _____
Dated: _____



Federal Law and Cable Renewals

Communities can obtain valuable benefits through the cable renewal process, including:

- Cable system upgrades to support advanced cable services
- Service quality improvements
- Public, educational and governmental channels, facilities and funding
- Low-cost broadband facilities that enable schools, libraries and government buildings to communicate more efficiently
- A franchise fee equal to 5 percent of gross revenues derived from the operation of the cable system to provide cable service

A successful cable franchise renewal is never a matter of chance. The key for many communities is to carefully develop and implement a process that reviews the cable operator's past performance; and identifies the community's future cable-related needs and interests.

In recent years, several states have adopted cable franchising laws that limit local authority to negotiate cable franchise terms. Communities in these states must carefully analyze the state laws and should consider the possibility that portions of the laws – particularly those related to renewal -- are preempted by the federal Cable Act.

The Cable Act and the Renewal Process

The federal Cable Act allows communities and cable operators to renew a cable franchise informally — through negotiations — or through a formal process. The formal and informal processes can, and often do, go forward at the same time. The formal process only begins if the community or the cable operator activates it during the six-month period 30-36 months before the scheduled date for franchise expiration. If the process is not activated, the operator loses the formal Cable Act protections. Communities will rarely want to start the process on their own in states where state law does not dictate franchise terms.

Once the formal process starts, the community must review the operator's past performance and identify its future cable-related needs and interests. The community can then require the operator to submit a proposal for renewal that satisfies the community's identified needs and interests. Should the community not be satisfied with the proposal, it can issue a preliminary assessment that it intends to deny renewal, and must then conduct an administrative proceeding to make a final decision to deny or grant renewal. The operator can appeal the decision to a court, but the court decides the appeal based on the record before the local government—and the burden is on the operator to show that the local government's decision was wrong.

While that process is moving forward, the community and the operator can negotiate. If negotiations are successful, the formal process ends. But the two processes work together: The information obtained through the formal process often bolsters the community's negotiating position by helping it support demands and identify past errors for which damages may be owed.

The Law

The key renewal provision is 47 U.S.C. § 546, which defines a four-step formal process for renewal. Very few communities go through the whole process - usually the community and operator settle. But cities that have gone

continued

continued

through the process have successfully denied renewal. See *Union CATV, Inc. v. City of Sturgis*, 107 F.3d 434 (6th Cir. 1997)).

Other provisions of the Cable Act establish substantive limits on a community's franchising authority. For example, a community cannot require that an operator provide specific programs, and it does not have unlimited authority to regulate a cable operator's rates.

The FCC has issued rules that interpret the Cable Act. The rules are not well-written and often misrepresented by operators, but they must be reviewed.

- Report and Order and Further Notice of Proposed Rulemaking, 22 FCC Rcd. 5101 (2007)
- Second Report and Order, 22 FCC Rcd. 19,633 (2007)
- BB&K attorneys successfully challenged portions of the Second Report and Order in the 6th Circuit, preserving critical local franchising power. See Montgomery County v. FCC, 863 F.3d 485 (6th Cir., 2017)

State law, including state franchising laws, may affect the renewal process or limit what can be included in a franchise agreement. The expiring franchise agreement or local law may also establish some renewal requirements.

What to Watch Out For

To be successful in the renewal process, communities must ask:

- Does my community have a plan? The operator will often try to benefit by delaying. The community should adopt a schedule and a franchising strategy, and stick to it.
- Have I involved key groups within the community, accurately identified the community's cable-related needs and interests, and evaluated those needs in light of my legal rights? Don't rely on the operator for information about the law, or what your community needs. Consider conducting surveys, focus groups, engineering analyses, and financial audit.
- Did the operator comply with its obligations in the past? A community often will be more successful at the negotiating table if it holds the operator responsible for past non-compliance
- Does the franchise agreement protect the community? A cable franchise is worth thousands of dollars per subscriber to the operator, and is often one of the most valuable long-term deals a community negotiates. The franchise agreement's phrasing may determine whether a community can continue to receive franchise fees when technology changes.

Where franchising has moved to the state, ask:

- Has the operator complied with state law requirements? If not, the community may have valuable contract or tort claims against an operator.
- Is the state law consistent with the federal renewal requirements? Note that under the federal law, even informal renewals must provide an opportunity for public participation.

About Us

Best Best & Krieger attorneys represent local governments on telecommunications, cable television and rights-of-way issues before state and federal legislators and regulators, and in the courts. In the area of Cable Television Law, we provide services including regulatory ordinances, franchise agreements, negotiation and award of franchises, overbuilds, municipal ownership, transfers, operator bankruptcy, "informal" renewal negotiation, "formal" renewal proceedings, hearings and court reviews.

For more information, visit

www.bbklaw.com/telecommunications

CITY COUNCIL AGENDA

NO. 17 DEPT.: Finance DATE: September 13, 2017

CONTACT: Joseph S. Fazzino, Deputy City Comptroller

AGENDA ITEM: Resolution to transfer $88,000 from the Contingency Account to the Fire Salaries Expense account to fund the hiring of new firefighters.

FOR THE MEETING OF:
September 13, 2017

RECOMMENDATION: That the City Council adopt the following resolution:

WHEREAS, City staff has determined that the amounts required for the hiring of three additional firefighters was not anticipated and were not provided for in the adopted 2017 budget, and;

WHEREAS, the General Fund Contingent Account has a balance of $233,559, now therefore be it;

RESOLVED, that the City Comptroller is authorized to transfer $88,000 from the General Fund Contingent Account to the Fire Salaries Expense Account.

IMPACT: ☐ Environmental ☑ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND:

Use and status of the Contingent Account:

01/01/2017 Beginning balance	$523,559
01/25/2017 Transfer to Capital Projects Fund, Dearborn Ave Seawall	(40,000)
06/07/2017 Transfer to Administrative Pay Group	(200,000)
07/12/2017 Transfer to Legal Fees	(50,000)
09/13/2017 Transfer to Fire Salaries Expense Account	(88,000)
09/13/2017 Balance	$145,559

CITY COUNCIL AGENDA

NO. 18 DEPT.: City Manager DATE: September 13, 2017

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Resolution to transfer $1,300 from the Cable TV Unassigned Fund balance to the Cable TV Operating Budget for the relocation of the RyeTV control room at the Rye High School.

FOR THE MEETING OF:
September 13, 2017

RECOMMENDATION: That the City Council adopt the following resolution:

WHEREAS, City staff has determined that the amounts required for the relocation of the RyeTV control room at the Rye High School were not anticipated and were not provided for in the adopted 2017 budget by $1,300, and;

WHEREAS, the Cable TV Unassigned Fund balance has enough funds to be appropriated for the relocation of the RyeTV control room at the Rye High School, now, therefore be it;

RESOLVED, that the City Comptroller is authorized to transfer $1,300 from the Cable TV Unassigned Fund balance to the Cable TV Operating Budget for the relocation of the RyeTV control room at the Rye High School.

IMPACT: ☐ Environmental ☑ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: Due to Rye City School District requirements for ADA compliance, RyeTV had to relocate their control room to within the existing classroom space. The requested transfer is to cover the cost of $1,300 for Thompson Lock & Supply Corp. to run CAT-6 wiring and install jacks, plates and modular ends for the RTV studio. The total cost for all vendors for the relocation is $23,880 approved at the City Council meetings listed below. One additional bill for IT services has yet to be received.

● June, 2017: Unique Media Systems	$18,060
● August, 2017: Crozier Gedney Architects	$3,080
Unique Media Systems	$1,440
● September, 2017: Thompson Lock & Supply Corp.	$1,300
	$23,880

CITY COUNCIL AGENDA

NO. 19 DEPT.: Police DATE: September 13, 2017

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

AGENDA ITEM: Consideration of the proposed changes and additions to the Rules and Regulations of the City of Rye Police Department: General Order #102.2, General Order #102.3, General Order #102.4, General Order #113.4, General Order #116.3, and General Order #117.7.

FOR THE MEETING OF:
September 13, 2017

RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION: Approval of a revision to five (5) General Orders and the addition of one (1) new General Orders.

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

BACKGROUND:

- Revision of General Order #102.2 regarding the rank structure of the City of Rye Police Department
- Revision of General Order #102.3 regarding the authority and command of police officers on duty
- Revision of General Order #102.4 regarding job classifications of the City of Rye Police Department
- Revision of General Order #113.4 regarding policies and procedures for the identification, collection, and preservation of physical evidence
- Addition of General Order #116.3 regarding the performance evaluation of City of Rye Police Personnel
- Revision of General Order #117.7 regarding the use of safety belts/restraining devices in City of Rye Police Department vehicles

The General Orders 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 #102.2	New [ ] Revised [x] Supersedes: 102.2 issued 08/01/13
Subject: Order of Rank	
Date Issued Date Effective	Page 1 of 2
Issuing Authority: Michael C. Corcoran Jr., Commissioner of Public Safety	

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.

Commissioner of Public Safety

It shall be the duty of the 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 Lieutenant
2. Detective Sergeant/Sergeant
3. 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/she will be required to justify his/her action and will be held responsible for his/her actions or lack of action.

CITY OF RYE POLICE DEPARTMENT

General Order #102.3	New [ ] Revised [x] Supersedes: 102.3 issued 8/01/13
Subject: Authority and Command	
Date Issued Date Effective	Page 1 of 2
Issuing Authority: Michael C. Corcoran Jr., Commissioner of Public Safety	

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 Commissioner of Public Safety through the chain of command, in writing, stating the reasons therefore.

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 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 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 procedure best suited for the accomplishment of the functional objectives of their particular 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 8/1/13	
Subject: Job Classifications		
Date Issued XXXX	Date Effective XXXX	Page 1 of 15
Issuing Authority: Michael C. Corcoran, Jr., Commissioner of Public Safety		

PURPOSE

To clearly state the various roles and responsibilities of members of the City of Rye Police Department.

Duties and Responsibilities

The City of Rye Police Department has the duty to:

1. Protect life and property

2. Prevent 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 and Subordinates

1. The head of the Police Department will be the Commissioner of Public Safety. He/she will be appointed by the City Manager and will serve at the pleasure of the City Manager. The Commissioner will have at least the qualifications and experience specified by the Council.

2. In addition to the Commissioner of Public Safety, the Council will determine the number of Lieutenants, Sergeants and Patrolmen as recommended by the Commissioner, all of whom will be appointed by the Commissioner.

3. The Commissioner will appoint, as vacancies in the Department occur, all officers and members thereof. He/she will 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 will be ex-officio members of the City of Rye Police Department.

5. The Commissioner will, 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 City of Rye Police Department will have all functions customarily performed by a police department, and will exercise all powers and perform all duties pertaining or necessarily incident thereto.

2. Under the supervision of the City Manager, the Commissioner will promote 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 Department. The rules and regulations will be approved by the Council before becoming effective. He/she will have authority to administer oaths and take evidence, affidavits and acknowledgements in all proceedings relating to the Department.

   In addition, the Commissioner of Public Safety will:

   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 will 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.
   d. Assist the City Manager in the administration of flood, disaster and other emergency plans.
   e. Work in coordination with other municipalities, or agencies, 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 services 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 will be responsible for all matters pertaining to the operation of the Patrol Division.

1. His/her administrative duties will include planning, organizing and directing the activities of assigned personnel and maintenance of harmonious relationships with other police divisions and agencies.

2. He/she will promptly obey and transmit all orders of the Commissioner, ensuring uniform interpretation and full compliance.

3. He/she will exercise authority in proportion to his/her responsibility and be held accountable for the effectiveness of the Division.

4. Ordinarily, his/her hours of duty will be in accordance with the needs of the Division, but he/she will be available for duty at all times in case of special need or emergency.

5. He/she will familiarize himself/herself with administrative policy and execute effective programs for the efficient performance of the Division including:

    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 will analyze crime and incident reports, using facilities of the Detective Division and Staff Services to determine trends as a basis for effective deployment of resources and direction of operations.

7. He/she will examine time and activity reports to insure proper deployment and control of division personnel.

8. He/she will be diligent in enforcing the observance of high ethical standards in the operations and conduct of division personnel.

9. He/she will 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
    d. Improving efficiency and cooperation in areas of common responsibility
    e. Advancing public relations programs for promoting public confidence and support
    f. Using personnel records for individual guidance and improvement
    g. Insuring the proper economical use of Departmental property and equipment
    h. Promoting personnel and vehicle safety

10. He/she will systematically investigate all cases of apparent or alleged misconduct by division personnel, preparing reports and reporting his/her findings to the Commissioner of Public Safety.

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

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

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

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

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

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

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

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

20. He/she will be responsible for the repression of crime and the enforcement of laws, ordinances and regulations pertaining to criminal activities.

21. He/she will, with specific instructions, establish the required details and assignments necessary to carry out the functions related to his/her division. He/she will 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 will observe probationary patrol officers assigned to his/her division. Prior to the expiration of their probationary period, he/she will evaluate their appearance, intelligence, discipline, efficiency, initiative, general adaptability to police work and their overall ability to obtain desirable results, and advise the Commissioner. He/she will make recommendations as to whether or not, in his/her opinion, each individual officer should receive permanent appointment.

23. He/she will perform such other duties as may be assigned to him/her by the Commissioner of Public Safety.

24. He/she has overall responsibility for ensuring a safe and free flow of vehicle and pedestrian traffic **in** the City.

25. He/she will prepare annual performance evaluations of all ranking officers under his/her supervision and submit them to the Commissioner.

26. He/she will assist with payroll, budgeting, and acquisition/ maintenance of Patrol equipment (i.e. vehicles, radios, weapons, uniforms, first aid supplies, etc.).

27. He/she will review reports for accuracy and any necessary follow up.

28. He/she will serve as a point of contact for other departments within the City of Rye, other agencies, outside contractors and news agencies.

29. He/she will directly supervise the Parking Enforcement Officers and any Patrol Officer that is not under the supervision of a Sergeant.

30. He/she will oversee the 1033 Federal Excess Property Program.

Duties of Patrol Sergeant

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 their purview.

Supervisory members will:

1. Perform specific duties and functions as assigned by his/her superior officer.

2. Obey all lawful orders.

3. Perform assigned tasks.

4. Provide leadership and guidance in developing loyalty and dedication to the police profession.

5. Train, direct, supervise and evaluate members in their assigned duties. Recommend remedial or disciplinary actions for inefficient, incompetent or unsuitable members.

6. Communicate orders, information and instructions.

7. Inform his/her relief of all necessary police matters.

8. Be present at prescribed roll calls.

9. At unannounced intervals, inspect personnel, vehicles and equipment.

10. Take appropriate action in regards to absentees and any deficiencies in patrol officers and equipment.

11. Insure that departmental resources are used effectively.

12. Insure that recovered property is handled in accordance with department orders.

13. Account for all monies and valuables received, processed and disbursed in conformance with department orders.

14. Inquire into the circumstances of all arrests to assure that all persons are handled in conformance with department order.

15. Know and conform to the current bail provisions of the Criminal Procedure Law.

16. Report promptly matters of police importance to his/her superior officer.

17. Insure that all appropriate City Departments are informed of emergencies which require their attention.

18. Direct activities of subordinate members for the purpose of achieving the objectives of the Police Department.

19. Perform those duties of the members of the Department that are applicable to him/her.

20. When in uniform maintain a military bearing and render military courtesy to superior officers.

21. The Patrol Sergeant will inspect the outgoing squad when acting as the Tour Supervisor.

22. The Patrol Sergeant will follow up complaints and see that they receive proper attention.

23. The Patrol Sergeant will patrol the entire City. He/she will visit each Patrol Officer at irregular intervals and supervise their activities.

24. The Patrol Sergeant will 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.

25. He/she will review and approve or reject all reports and arrests generated during that tour for conformity with procedure, attention to detail and completion of pertinent information.

26. Serve as a role model for members under his/her command at all times, on and off duty.

27. He/she will prepare and annual evaluation report of each member of his/her squad and submit them to the Patrol Commander.

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 and reports

6. Analyze crime reports and trends

7. Transmit and receive fingerprints

8. Conduct follow up on complaints

9. Maintenance of police vehicles and equipment assigned to the Detective Division

10. Respond to requests for letters of good conduct

11. Any additional functions specified in G.O. 118.1

Detective Division Commander

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

1. He/she will be responsible for investigation of all felony and serious misdemeanor cases, as well as any other incidents that merit further investigation, or as directed by the Commissioner.

2. He/she will have the responsibility of planning, organizing and directing the activities of assigned personnel and will maintain harmonious relationships with other divisions and allied agencies.

3. He/she will exercise authority in proportion to his/her responsibility and be accountable to higher authority.

4. He/she will promptly obey and transmit all orders from higher authority.

5. Ordinarily his/her hours of duty will be in accordance with the needs of the division, but he/she will be available for duty at all times in cases of special need or emergency.

6. He/she will examine reports for conformity with the procedure for complete investigation and reporting, referring improper or incomplete reports through channels for correction.

7. He/she will 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 will inspect time and activity reports of assigned personnel to insure proper direction and control.

9. He/she will be responsible for assigning vacations, holidays, overtime and leaves for personnel assigned to the Division. He/she will maintain a sufficient working force to conform to the needs of the division.

10. He/she will be diligent in enforcing the observance of high ethical standards in the operation and conduct of Division personnel.

11. He/she will 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 public relations programs 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 will, 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 will, 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 will be responsible for the maintenance of proper records and reports of the division.

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

16. He/she may assign any member of the Division to special investigations when required. He/she will keep higher authority informed of such special assignments.

17. He/she will insure prompt reporting to proper authorities of any violation of law or other matter failing within the jurisdiction of such authority.

18. He/she will 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/she will forward to proper agencies information of violations of law outside the jurisdiction of this department.

19. He/she will be responsible for the repression of crime through the apprehension of criminals and the proper conduct of investigations in order to accomplish this goal.

20. He/she will be responsible for all evidence and property control for the department.

Duties of Detectives

1. Members assigned as detectives will hold the permanent rank of Police Officer.

2. Members of the Detective Division will be under the direction of the Detective Division Commander. They are charged particularly with the investigation of criminal cases in the City, the arrest of criminal offenders, the location of missing persons, the recovery of lost or stolen property and the proper processing of fugitive requisitions. They will have responsibility for all conditions pertaining to or relating toward the fostering of crime.

3. They will 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 will have a thorough knowledge of the rules of evidence. They will familiarize themselves with the criminal element, acquiring knowledge of their practices, hangouts and associates, and acquaint themselves with the various methods adopted by criminals in the commission of crime and evading detection.

4. They will follow up each case assigned to them until there is a final official disposition of such case. They will interview and advise complainants in person, at reasonable intervals, of the status of the case under investigation, in which the complainant is concerned.

5. They will 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 will be assigned hours by the Detective Commander. At the completion of each tour of duty, they will submit necessary reports of their activities and supplementary offense reports on previously assigned offenses. They will keep their Commanding Officer advised of the progress and development of cases to which they are assigned.

7. They will keep themselves neat and clean, properly armed and their appearance will be businesslike and presentable (dress shirts, tie and jacket), unless under specific orders of a superior officer in the line of duty or on a detail that requires other dress, such as a uniform.

8. The fact that a Detective is detailed to special duty in the detection and prevention of crime will 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 will be thoroughly checked and recorded by the Detective Division immediately, and they will make the proper effort to locate the owner of such recovered property.

10. They will be held accountable for the condition, care and proper use of the motor vehicles under their control.

11. Members of the Department who are acting detectives will be guided by these regulations and will be supervised by Detective Division personnel.

Records Division / Staff Services

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

1. Maintain computerized record management system

2. Assist with department IT issues on software

3. Scan in all report paperwork into incidents

4. Accreditation manager

5. RICI Administrator

6. Oversee and maintain all alarm permit applications and related records

7. Taxi permit applications and inspections

8. Returning deficient paperwork to any tour supervisor who is responsible for immediate corrections and refiling

9. NIBRS reporting

10. Management of department forms

Crime Prevention Unit

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

The Crime Prevention Unit 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 neighborhood block watch groups

4. Liaison with State Office of Crime Prevention

5. Maintain liaison with other police departments' Crime Prevention Units for the purpose of keeping abreast of changing modes of criminal operation.

6. Keep abreast of new crime prevention techniques for dissemination to the public

Juvenile Aid Unit

The function of the Juvenile Aid Unit is to educate citizens of Rye in public safety, prevent juvenile delinquency and crime among minors, enforce laws specifically relating to children, public relations and maintain liaison with schools.

The assigned activities, functions and responsibilities of the Juvenile Aid Unit 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 working relationships with surrounding Police Departments and other agencies involved in youth activities.

4. To develop an open line of communication with the Patrol and Detective Divisions for the formal/informal exchange of information concerning the shared interest of youth activity.

5. To assist the Commissioner of Public Safety in any and all activities as assigned.

6. To develop within the Rye Police Department an interest in the youth of the community and to assist in youth development programs as well as the Adopt a School program.

7. To develop a liaison with the local schools to give Adopt a School/youth officers better access to the information that is being taken by school administrators and assisting the school with police matters.

8. To develop educational and enforcement activities regarding drug abuse within the City of Rye.

Police Dispatcher

1. The dispatcher's post is the immediate area of the desk. He/she will not leave the post unless properly relieved and will notify relief of where he/she can be reached.

2. The dispatcher is responsible for the interception and timely relay of all radio, telephone, walk in and electronic information received.

3. Except as otherwise directed by a superior officer, the dispatcher will 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 will notify the Tour Supervisor of any specific duty assignments and inform him/her of any other necessary information or bulletins so they may be read to the outgoing squad.

6. The dispatcher will complete all necessary forms and records during his/her tour of duty.

7. The dispatcher will stop all civilians at the desk and inquire as to their business. He/she will direct them to the proper division after obtaining photo identification, making a log entry and providing a guest pass. The dispatcher will announce their visit and obtain an escort if necessary.

8. The dispatcher will, at all times, in their dealing with members of the Department and public, display efficiency, promptness, accuracy, trustworthiness and courtesy.

9. It will be the duty of the dispatcher to insure that persons will not unnecessarily congregate in the desk area.

10. He/she will notify the Tour Supervisor if a member of the department is absent from his/her post or fails to make required radio calls.

11. The dispatcher will be observant, discreet and logical in the performance of his/her duty. The dispatcher will obey and execute promptly all lawful orders issued by their superiors.

Special Investigations Unit

The Special Investigations Unit Commander will be responsible for matters pertaining to the operation of the Special Investigations Unit.

He/she will oversee Narcotics Enforcement, Internal Affairs and any other investigations deemed appropriate by the Commissioner of Public Safety.

CITY OF RYE POLICE DEPARTMENT

General Order # 113.4	New [ ] Revised [X] Supersedes: 113.4 Issued 7/22/98
Subject: Evidence	
Date Issued Date Effective	Page 1 of 7
Issuing Authority: Michael C. Corcoran, Jr., Commissioner of Public Safety	

PURPOSE:

The purpose of this order is to establish policies and procedures for the identification, collection and preservation of physical evidence at the scene of a crime, traffic accident or other major incident, and to establish the role and authority of the crime scene processor in the investigation of a crime scene.

POLICY:

It shall be the policy of this department to search crime scenes in order to identify, collect and preserve evidentiary items, and to maintain the chain of custody for presentation of the collected evidence in court.

PROCEDURE:

EVIDENCE

Where an officer investigates an offense and takes possession of any physical evidence which might have value in a later prosecution, they will mark the items for identification and personally retain the evidence up to the point where it is turned over to the evidence locker or Duty Detective.

1. Evidence/Property collected should be labeled with but not limited to:

    a. Date.
    b. Time of collection.
    c. Description.
    d. Where located.
    e. Serial numbers, if applicable and incident number.
    f. Officer’s signature.
    g. Offenses charged.

2. Items collected will be properly packaged, using containers that will preserve the evidence in its original form and will withstand transportation. Caution should be used to separate items which could contaminate one another.

3. In general, if an object or surface known to bear physical evidence can be submitted, it should be submitted in lieu of attempting to remove the evidence from the object, i.e., object too large or fragile to risk removal. If a question occurs a Detective should be contacted.

4. All evidence gathered should be placed in the designated evidence lockers in the "Safe" area. It shall then be removed by first available Duty Detective. If the Duty Detective or Detective Commander deems the collected items to in fact be evidence, it will be placed in a heat sealed evidence bag. It will be placed in the Department's evidence room located in the Detective Division and logged into the evidence book noting case number, who retrieved items, who logged in items, evidence room location, time and date. The items will also be added to Case Management by the Detective so their report will reflect the chain of custody for corresponding evidence.

5. The Detective Division Commander or his/her designee has the right of refusal (see G.O. #111.1) of any evidence or property not meeting department standards.

6. A purge will be conducted by an employee review system in which a designated Detective will review property/evidence on a quarterly basis to combat overcrowding.

INVESTIGATIONS

The preliminary phase of an investigation begins with the discovery or report of a crime or other circumstance requiring police action. In most instances, patrol officers respond to and make preliminary investigations as far as it is possible up to and including arrest of the offender. However, in many cases, the follow through to the point of arrest will not be possible. It is at this stage of the investigation that the Detective Division will begin a follow-up. When investigating felonies the Duty Detective will be notified. In the event there is no Duty Detective, the Tour Supervisor will contact the Detective Commander in accordance with General Order #114.2.

The Tour Supervisor will be responsible for overseeing the preliminary investigation. Upon the arrival of a detective, the investigation will be his/her responsibility.

Preliminary investigations will ordinarily include the following activities:

1. Initial detection of a crime, or response to the scene of a reported incident.

2. Inquiry to determine if an offense has been committed, and, if so, its nature and severity.

3. Assistance to injured, if any.

4. Searches for victims and perpetrators.

5. Furnish headquarters with descriptions, method of travel and direction of suspects and other relevant information as may be necessary.

6. Analysis of the situation to determine what departmental resources will be required to properly address the incident.

7. Identification and marking of the perimeter of a crime.

8. Arrangements for securing and protecting the integrity of the crime scene.

9. Identification of witnesses, victims and suspects.

10. Interviews or interrogations of any parties who witnessed or were involved in the incident.

11. The limitation of access to the crime scene to law enforcement officials with an authorized purpose for entering the scene.

12. Recording the identities, missions, and times of entry and exit for all persons who enter the crime scene.

13. A search for items of evidence.

14. The recovery of evidence if the officers at the scene possess sufficient expertise to properly recognize, preserve, recover, package, and store the evidentiary materials present.

15. The completion of required notifications.

16. The arrest of offenders.

17. Enter investigation notes, images, and documents into case management.

18. The preparation of reports and prosecutorial information.

19. The completion of a complaint report.

The preliminary investigation will end when the patrol officer has exhausted all police action at his immediate disposal. Considerations should be given to such factors as expertise (knowledge and skills), time (sufficient staffing is available) and the degree of seriousness of the offense. The preliminary investigation will also end when the Duty Detective arrives on the scene and assumes responsibility for the investigation. The patrol officer at the request of the detective in charge of the scene will be required to assist in the investigation.

The second phase of the investigation will be the follow up. This occurs when specialized skills and equipment are needed to bring the case to a successful conclusion. The follow up investigation shall include but not be limited to:

1. Review and analyze all previous reports prepared during the preliminary investigation.

2. Conduct additional interviews and/or interrogation of victims, witnesses or suspects.

3. Review departmental and other such records for possible leads to the case. Seek additional information from other sources such as other officers or informants.

4. Collect physical evidence.

5. Taking necessary photographs.

6. Identify and apprehend suspects.

7. Determine involvement of suspect(s) in other crimes.

8. Check suspects criminal history.

9. Prepare case for court presentation by consulting with the ADA, etc.

10. Assist in the case preparation and testify in court.

Equipment for Crime Scene Processing

1. It is the policy of this department that the Detective Division will have at their disposal the following:

    a. Digital/Video Camera

    b. Latent fingerprint field kit.

    c. Tape measure

    d. Crime Scene Kit

    e. Evidence Tape

    f. Buccal Swabs

    g. Faraday Bags

    h. Evidence collection containers, including bags (plastic and paper) and other assorted containers for collection.

    i. Department Forms (i.e. civilian statements, owner’s depositions, etc.)

EVIDENCE PRELOG

A. All officers requesting that evidence be submitted to the Westchester County Medical Examiner's Office and Forensic Science Lab must log the evidence in the IMC Property Inventory module and indicate that it is to be sent to the Westchester County Lab for processing.

B. A member of the Support/Investigations section will pre-log the evidence utilizing the on-line web pre-log system administered by the Westchester County Division of Forensic Sciences.

C. The officer entering evidence will enter the department’s Incident Number in the Department Case field of the on-line form. Westchester County will include this number on any lab reports and it will be needed when requests are made regarding the status of any evidence examination.

Photographing Scenes

It is the policy of the City of Rye Police Department that photographs will be taken at scenes of crimes, accidents or unusual incidents consistent with the goals of the department.

A camera will be located at the front desk and may be used by the Patrol or Detective Division to conform to the guidelines of this policy.

Cameras may be used to photograph:

1. Property damage accidents involving City owned or contracted vehicles and/or property, (i.e., street sign, fire hydrant, vehicles and/or property, (i.e., street sign, fire hydrant, contract cabs, and school buses for City School District). The assigned camera may be used on police vehicle accidents when there is need to show the lack of damage to vehicles or property.

2. The scenes of miscellaneous accidents which occur in/on city owned property (i.e., sidewalks, playgrounds, etc.)

3. Attempted burglaries or burglaries where a detective is not available to respond.

4. Location of search warrant execution (per current directives).

5. Assault cases where required for prosecution.

6. In any other situation not specifically prohibited by law or current directives.

Procedure

The Detective Division Commander (or their designee) will:

1. Issue and maintain those records necessary for inventory control.

2. Assure the assigned Detective is properly downloading photographs obtained into the corresponding case utilizing Case Management.

3. Ensure that cameras which are non-functioning or damaged are scheduled for replacement or repair.

User Responsibilities

The officer assigned photographic equipment shall be responsible for:

1. The proper care and security of the camera equipment.

2. The judicious use of this equipment.

3. The digital camera will be downloaded after photographs are obtained and entered into the Case Management system and the effort will include:
    a. Date of incident
    b. Description of incident
    c. Street address or route number of incident
    d. Incident number(s)
    e. Photographer
    f. Assisting officer(s)

Photographs - when mandatory to take

With no exception, photographs will be taken at the below listed incidents. The reporting officer on the scene will take photographs regardless of the subsequent photographs that may be directed to be taken.

1. Serious crimes.

2. Fatal automobile accidents.

3. Serious personal injury automobile accidents.

4. Property damage accidents where there is serious damage or damage to personal property belonging to those uninvolved in the incident.

5. Any vehicle accident where vehicle and traffic or criminal charges are placed.

6. All suicides or suspicious deaths investigations.

7. All accidents involving City owned vehicles or equipment.

8. Any incidents where photographs will aid in an investigation, whether non-criminal or criminal.

This directive shall not relieve the Detective Division of the responsibility to deliver services required by any member upon request and consistent with current directives.

CITY OF RYE POLICE DEPARTMENT

General Order # 116.3	New [x] Revised [ ] Supersedes:
Subject: Performance Evaluation	
Date Issued Date Effective	Page 1 of 9
Issuing Authority: Michael C Corcoran, Jr., Commissioner of Public Safety	

PURPOSE

The purpose of the evaluation system is to: Foster fair and impartial personnel decisions, maintain and improve performance, provide a medium for personnel counseling, provide an objective and fair means for measurement and recognition of individual performance. It is further intended to facilitate proper decisions regarding probationary employees every month and identify training needs. Evaluations will serve as a tool to give management an objective appraisal and inventory of employee capabilities. They will also provide supervisors a means to systematically record their observations and opinions regarding the performance, behavior and conduct of employees at every level.

POLICY

It is the policy of the City of Rye Police Department that all sworn personnel will have a performance evaluation completed on an annual basis.

DEFINITIONS

a. **RATER**: means the supervisor who initially prepares the evaluation. He/She will be the rank of sergeant or above.

b. **REVIEWER**: means the immediate supervisor of the rater.

c. **EMPLOYEE**: mean the person being evaluated.

1. The evaluation of an employee's daily work activities is an important means for the department to ensure that continued high standards of performance are achieved by all employees. The department is committed to providing feedback to all employees regarding their level of performance. This feedback can be recognized by the employees in that:

a. the department recognizes good and/or outstanding performance;

b. documentation of actual performance will occur; and

c. employees will be afforded the opportunity to improve deficient performance.

2. Performance Evaluations will not be used for disciplinary purposes, but rather provides the opportunity to let employees know how they are doing and what might be expected of them in the future.

3. Performance evaluations can only be effective and of value if those doing the evaluating are sincere and objective. Personnel are normally evaluated on their overall performance during a twelve month period, and not on a single incident which may stand out in the rater's mind. Personality problems and other stumbling blocks to a good evaluation should be considered and resolved prior to the evaluation process.

4. A supervisor who observes, documents, and appraises an employee's on-the-job performance needs to be aware of a number of rater errors that can occur. Some of the more common rater errors which may occur are as follows:

a. **Halo Effect**: rating an employee excellent in one element which influences similar, though undeserved, high ratings in other elements.

b. **Horn Effect**: rating an employee low in one element, which influences similar, though undeserved low ratings in other elements.

c. **Central Tendency**: rating employee(s) "meets standard" in all elements. It provides an easy out from doing a valid appraisal.

d. **Strict (negative) or Lenient (positive) Rating**: rating employees harshly to the negative or loosely to the positive compared to other raters.

e. **Latest Behavior**: rating an employee only on significant recent performance, positive or negative. This indicates poor documentation of observation over an entire period.

f. **Initial Impression**: rating an employee on first performances without subsequent observations from the entire rating period.

g. **Spill Over Effect**: allowing past appraisals, positive or negative, to influence a current appraisal.

h. **Similar To Me Effect**: rating an employee more favorably if he/she is similar to the supervisor in any way.

i. **Contrast Effect**: rating an employee's performance relative to other employees rather than on job elements.

PROCEDURE:

A. All sworn employees will be evaluated by their immediate supervisor on an annual basis. The evaluation will be based on the positions and assignments of the employee for the one year period prior to the evaluation.

   1. Performance Evaluations: a written performance evaluation will be completed for all sworn employees. Sergeants will rate Patrol Officers, and Lieutenants will rate Sergeants. The evaluations must be filled out completely, reviewed with the employee, and be submitted for review. All employees have the right to contest their evaluation with the reviewing officer.

B. Ratings: The supervisor/rater will select the description which best represents the employee's performance for each of the eleven performance criteria. The following standards will be given to all of the criteria/statements:

1. **EXCEPTIONAL:**

   a. The performance exhibited is outstanding and rarely equaled; work is constantly excellent as quality, thoroughness, accuracy, and expertise;

b. Has an exceptional understanding of what work is to be accomplished;

c. Always initiates and completes responsibilities while adhering to standards;

d. Always exercises sound judgement;

e. Seeks additional work upon completion of normal duties;

f. Assumes responsibilities for performing job without prompting.

2. **EXCEEDS STANDARD:**

a. The performance exhibited regularly exceeds basic requirements and is above average;

b. Displays an advanced ability to apply skills to various responsibilities;

c. There is a conscientious effort to perform responsibilities and maintain adherence to standards;

d. Sound judgement is almost always exercised;

e. Is always desirous and willing to work and complete the job with almost no instruction or direction.

3. **MEETS STANDARD:**

a. The performance exhibited is efficient and acceptable;

b. Performs work beyond minimum requirements in a consistent manner with effective application of skills to various responsibilities;

c. Usually exercises sound judgement;

d. Is usually desirous and willing to do the job with minimal instruction or direction;

4. **REQUIRES IMPROVEMENT:**

   a. The performance exhibited is below standard to the degree of needing improvement;

   b. Displays a limited ability to perform the appropriate skills for a given responsibility;

   c. Performs responsibilities and adheres to standards inconsistently;

   d. Inconsistently exercises sound judgement;

   e. Is generally willing to do the job but usually requires prompting, instructions, and direction.

5. **REQUIRES SUBSTANTIAL IMPROVEMENT:**

   a. The performance exhibited is consistently poor;

   b. There is a substantial lack of skills to perform basic responsibilities;

   c. Consistently disregards responsibilities or adherence to standards;

   d. Usually does not exercise sound judgement;

   e. Is unwilling or shows no desire to work;

   f. Usually requires repeated instructions with extensive direction.

C. Performance Criteria: the criteria used to form the basis of the employee’s performance evaluation will reflect the tasks which the employee performs relative to the job description of their position. Each one should be rated in relation to the individual employee’s duties and amount of responsibility. For example, all supervisors will be rated on their ability to evaluate employees fairly and impartially based on the employee’s job description and performance.

The rater should not assume that all of the criteria are of equal importance. The degree of importance in each factor will vary according to the requirements of each employee's assignment.

1. Each performance category to be rated is followed by a brief description. Additionally, each of the five performance levels, Exceptional, Exceeds Standard, Meets Standard, Requires Improvement, Requires Substantial Improvement, cite types of conduct that would merit rating an employee at that level of performance. These examples are not meant to be an all-inclusive list of conduct that would dictate rating an employee at one of those levels of performance, nor would an employee have to have engaged in all those types of conduct to be given performance level.

2. Each category is followed by several blank lines that allow for recording of goals, improvements, or supportive comments which are required to justify a rating of Exceptional, Exceeds Standard, Requires Improvement, or Requires Substantial Improvement. The following are examples of established criteria.

   a. Personal Appearance, Maintenance and Use:

      1. Evaluates the officer's physical appearance, dress, equipment maintenance and use.

      2. Evaluates how the officer conforms to department Rules and Regulations, Policies and Procedures.

   b. Knowledge and Application of Duties, Laws, Procedures, and Rules and Regulations:

      1. Evaluates the officer's knowledge of the department's written directives, rules and regulations, Penal Law, Vehicle and Traffic Law, City Codes, etc., and their ability to apply them in their position.

   c. Attitude And Cooperation Within The Department:

1. Evaluates the officer’s ability to effectively interact with other department members of various ranks and in various capacities.

d. Response to Supervision:

1. Evaluates the officer’s ability to accept direction and carry it out to the best of their ability.

e. Support Of Department Goals and Objectives:

1. Evaluates the officer’s performance in accordance with the goals and objectives of the department.

2. Evaluates the officer’s interest in initiating police related activity in furtherance of the department’s goals and objectives.

f. Information Gathering And Analysis:

1. Evaluates the officer’s ability to use proper questioning techniques and their ability in varying those techniques to fit various persons they may interview.

2. Evaluates the officer’s ability to seek as much available information as possible.

3. Evaluates the officer’s ability to conduct a proper investigation with an emphasis on proper crime scene investigative procedures.

4. Evaluates the officer’s ability to complete department forms and reports using proper grammar, spelling, punctuation, clarity, neatness and overall accuracy.

g. Situational Effectiveness/Reasoning Ability:

1. Evaluates the officer’s ability to perform effectively in routine as well as emergency situations.

h. Attitudes And Cooperation With The Public And Outside Agencies:

1. Evaluates the officer's ability to interact in a positive and professional manner with the public, other law enforcement and non-law enforcement agencies.

i. Professionalism:

1. Evaluates the officer's ability to conduct himself/herself in a professional manner.

2. Evaluates the officer's interest in improving their professional skills, knowledge and abilities thus assisting them in their performance of their duties, career enhancement, or personal development.

j. Patrol Management and Communications (Radio And Computer) Skills:

1. Evaluates the officer's time management ability in identifying and addressing concerns in their patrol area.

2. Evaluates the officer's ability to use departmental computers and radios conforming to department rules and regulations, policies and procedures.

3. Evaluates the officer's ability as a Desk Officer.

k. Officer Safety:

1. Evaluates the officer's ability to perform police tasks in a safe manner in accordance with department policies, procedures and training while dealing with suspects, suspicious persons, violators, and in the normal course of police activity.

D. Employee Review

1. The rater will discuss the evaluation with the employee. Discussion should include performance areas that are below standards and recommendations for improvement. The rater should again insure that the employee understands the duties of the positions which he/she occupies, levels of performance expected and rating criteria in effect.

2. The employee will be asked to sign the evaluation. This signature does not indicate agreement with the evaluation, rather that the employee has had the opportunity to review it with their rater and has been furnished a copy of the evaluation. If the employee desires to add written comments, these comments will be attached to the evaluation form.

3. All employees will be afforded the opportunity to appeal/dispute the evaluation. At the employee's option they may check the box indicating a request to review the evaluation with the Division Commander. If this occurs attempts will be made to schedule the meeting at the earliest possible convenience of all parties. A supplemental report will be filed indicating the date, time, and conclusions reached at this meeting. The names of all parties in attendance should also be included in this report. Evaluations which have not been appealed shall be forwarded to the appropriate Commanding Officer for their review and signature.

E. All performance evaluation records will be maintained pursuant to General Order 118.10

CITY OF RYE POLICE DEPARTMENT

Directive: #117.7	New [ ] Revised [x] Supersedes:117.1 issued 11/01/96
Subject: Use of Safety Belts/Restraining Devices in Departmental Vehicles	
Date Issued Date Effective	Page 1 of 1
Issuing Authority: Michael C. Corcoran Jr., Commissioner of Public Safety	

PURPOSE:

To establish departmental policy in the use of safety belts and other related restraining devices to minimize the possibility of death or injury as a result of accidents involving drivers and passengers in departmental vehicles.

DISCUSSION:

There is available evidence indicating that the use of safety belts has a significant effect in reducing the number of deaths and the severity of injuries resulting from traffic crashes, and assisting officers in maintaining proper control of their vehicles in pursuit and/or emergency high speed operations.

POLICY:

All persons shall use the safety belt restraining system while operating or riding as a passenger in a departmental vehicle while the vehicle is in motion. This policy shall not apply to persons occupying a seating position that is not equipped with a safety belt assembly, or any officer possessing a written indication from a physician or the Commissioner of Public Safety that for medical or physical reasons the officer is unable to use the safety belt system.

Unless a replacement vehicle is unavailable, no person shall operate a departmental vehicle in which any belt in the front seat is inoperable.

When passengers are authorized or permitted to ride in a departmental vehicle, it is the operator's responsibility to ensure that safety belts are worn.

Members of the department must utilize rear seat safety restraints when transporting prisoners. However, situations may arise where rear seat safety belt use is not practical or feasible and good judgement on the part of the operator must prevail. (See G.O. 110.1)

CITY COUNCIL AGENDA

NO. 20 DEPT.: City Manager DATE: September 13, 2017

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Resolution to declare certain City of Rye vehicles and equipment as surplus.

FOR THE MEETING OF:
September 13, 2017
RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION: That the City Council adopt the following resolution:

WHEREAS, the City has been provided with a list of City equipment identified as being obsolete or will become obsolete during 2017, and,

WHEREAS, the City Engineer has recommended that said equipment from the departments of the Boat Basin and Recreation be declared surplus, now, therefore, be it

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

RESOLVED, that authorization is given to the City Comptroller to sell or dispose of said equipment in a manner that will serve in the best interests of the City.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other

BACKGROUND: The City Engineer has provided a list of vehicles and motorized equipment that is either currently obsolete or will become obsolete during calendar year 2017. This list is inclusive of the Departments of the Boat Basin and Recreation vehicles and equipment. The City Council is asked to approve that this equipment be declared as surplus.

See attached.

CITY OF RYE, NY
Department of Public Works
Memorandum

DATE: August 4, 2017

TO: Marcus Serrano , City Manager

FROM: Ryan Coyne, City Engineer

RE: Addendum to Surplus Vehicles and Equipment

As discussed, we have developed a list of vehicles and motorized equipment that are no longer useful to City departments. This list consists of vehicles and equipment from the Boat Basin. We are requesting that the council deem these items as "surplus" so that we can proceed to auction.

2001 Chevy Pick up 1500, vin # 1GCEK14VX1ZS88814 mileage 35,909 (marina)
Toro 345, 30789-24000 (marina)
1979 Ford tractor, Vin # 613851 (marina)

Should you need additional information, please feel free to call me.

Public Works
141 Oakland Beach Avenue
Rye, NY 10580

(914) 967-7464phone *(914) 967-4107 fax*

INTEROFFICE MEMORANDUM

TO: MARCUS SERRANO, CITY MANAGER

FROM: SALLY ROGOL, SUPERINTENDENT

SUBJECT: SURPLUS ITEMS

DATE: AUGUST 24, 2017

CC: ELEANOR MILITANA

Recreation is seeking permission to surplus the following items.

John Deere 1600T large deck lawn mower
Product # TC1600T040267
Engine Serial # CH4020T195029
Hours: 1624.6

2 Video Projectors: LC-150 Eiki LC Color

Projector Scope: PJ-768

Slide Projector: Kodak Ektagraphic III

Artograph Versatile Art Projector: AG100

Audiotronics Record Player (brown): 720SV Stereo (has 3 black speakers)

Projector (green): Bell and Howell

Sewing Machine brand name is Attachment (green)

Sewing Machine brand name is CAPRI (white)

Anchor Liberty Platinum Speaker and Mic (nonfunctioning/non repairable)

CITY COUNCIL AGENDA

NO. 21 DEPT.: City Manager DATE: September 13, 2017

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Consideration of a request by the Jarden Corporation for use of city streets on Sunday, September 24, 2017 from 7:00 a.m. to 6:00 p.m. for their annual Westchester Triathlon.

FOR THE MEETING OF:
September 13, 2017
RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION: That the Council consider granting the request.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND:

The Jarden Corporation is requesting the Council approve the use of city streets on Sunday, September 24, 2017 from 7:00 a.m. to 6:00 p.m. for their annual Westchester Triathlon. The requestor has been in contact with the Rye Police Department regarding the event and has provided the appropriate insurance certificate to the City Clerk's office.

See attached request from Eric Opdyke, Parade Coordinator.

JARDEN Westchester Triathlon
Rye NY www.jardenwestchestertri.com

Dear City/Town/Village Managers and Councils,

The Westchester Triathlon is an iconic event taking place each September for the past 30+ years. Each year this event raises over $50,000 that is donated to local and national charities for a variety of causes.

I'm writing to request formal permission for use of the roadways through The City of Rye, Rye Brook, Greenwich, Northcastle, Harrison, and Port Chester.

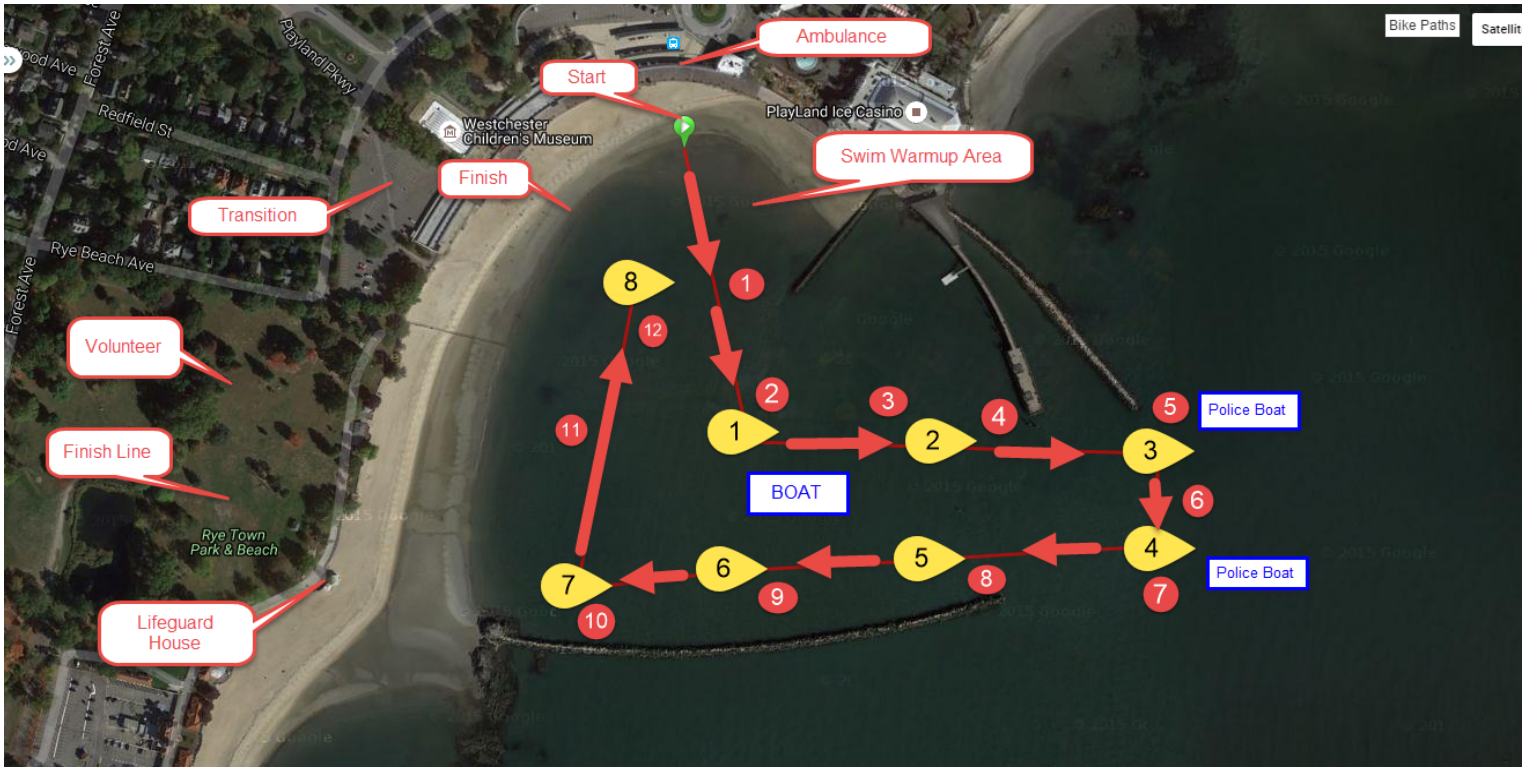
Police officers are required at various positions on the bike and run portions of the triathlon taking place on Sunday September 24, 2017.

The bike course map link is here: https://ridewithgps.com/routes/16044034

The run course map link is here (only affects Rye, Playland Park, and Rye Town Park): https://ridewithgps.com/routes/2211492

I would be honored if you would grant us permission to use the roads for the race on Sunday September 24, 2017. I look forward to working with your police and traffic departments to ensure a safe and successful event for all.
Sincerely,

Eric Opdyke
Race Director
Westchester Triathlon
P: 203-981-6340
E: eric@rev3tri.com


Ambulance
Start
Swim Warmup Area
Finish
Transition
Volunteer
Finish Line
Lifeguard House
Westchester Children's Museum
PlayLand Ice Casino
Rye Town Park & Beach
Redfield St
Rye Beach Ave
Forest Ave
Playland Pkwy
Bike Paths
Satellit
BOAT
Police Boat
Police Boat
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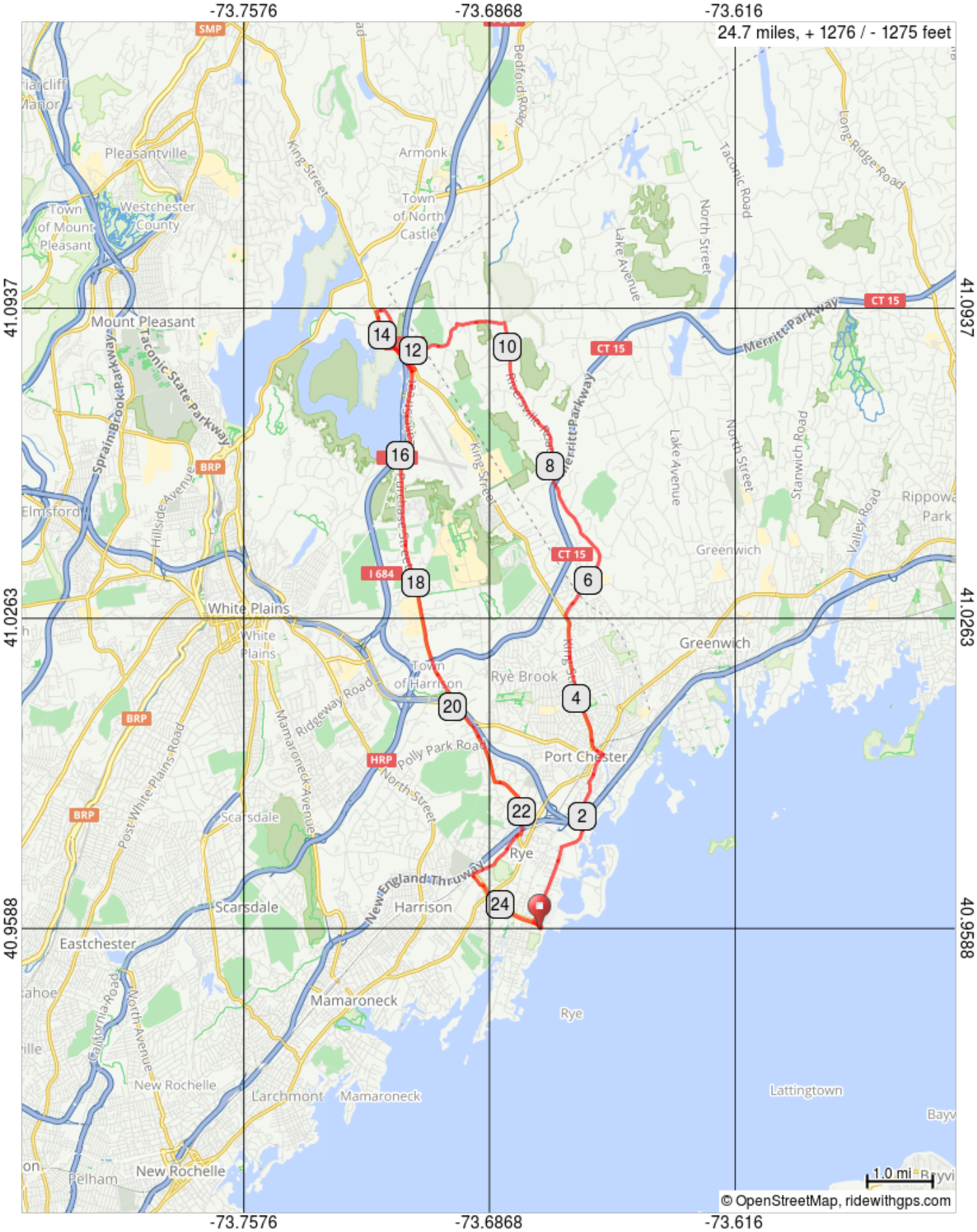
Westchester Bike 2017



2013 Westchester Run

A.	Water Station	C.	Water Station
B.	Water Station	D.	Water Station

2013 Westchester Run

Num	Dist	Type	Note	Next
1.	0.0	▶	Start of route	0.2
2.	0.2	←	L onto boardwalk	1.2
3.	1.5	←	L towards Playland Circle	0.7
4.	2.2	←	L onto Milton Rd	0.1
5.	2.3	←	L onto Hill St	0.1
6.	2.4	←	L onto Ormond Pl	0.1
7.	2.5	→	R onto Halsted Pl	0.1
8.	2.7	→	R onto Dearborn Ave	0.2
9.	2.9	←	L onto Milton Rd	0.4
10.	3.3	←	L onto Stuyvesant Ave	1.4

3.3 miles. +102/-115 feet

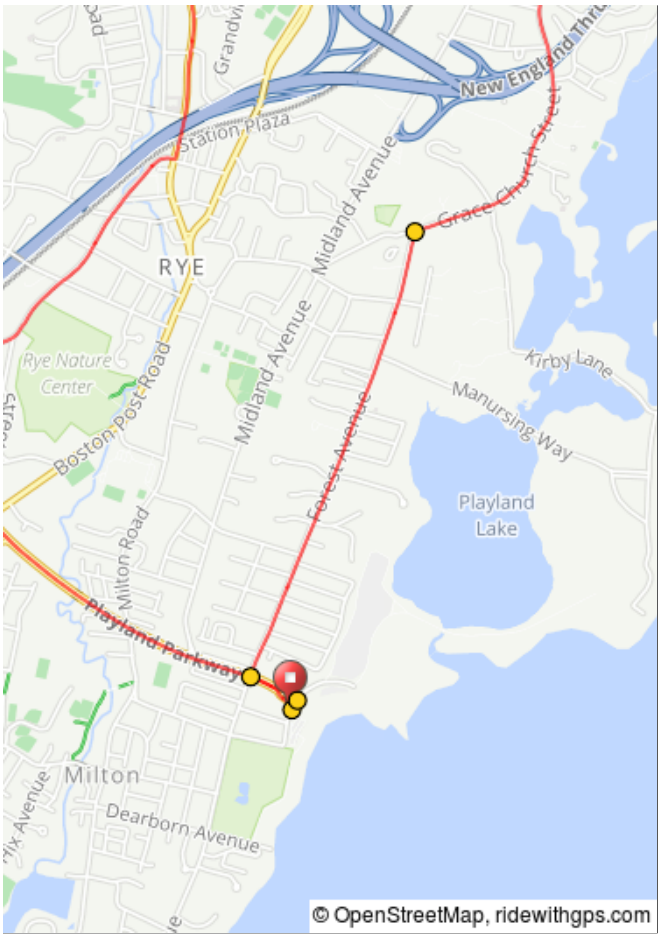
Num	Dist	Type	Note	Next
11.	4.7	→	R onto Van Wagenen Ave	0.2
12.	4.8	←	L onto Forest Ave	1.4
13.	6.2	■	End of route	0.0

2.9 miles. +32/-25 feet

Westchester Bike 2017

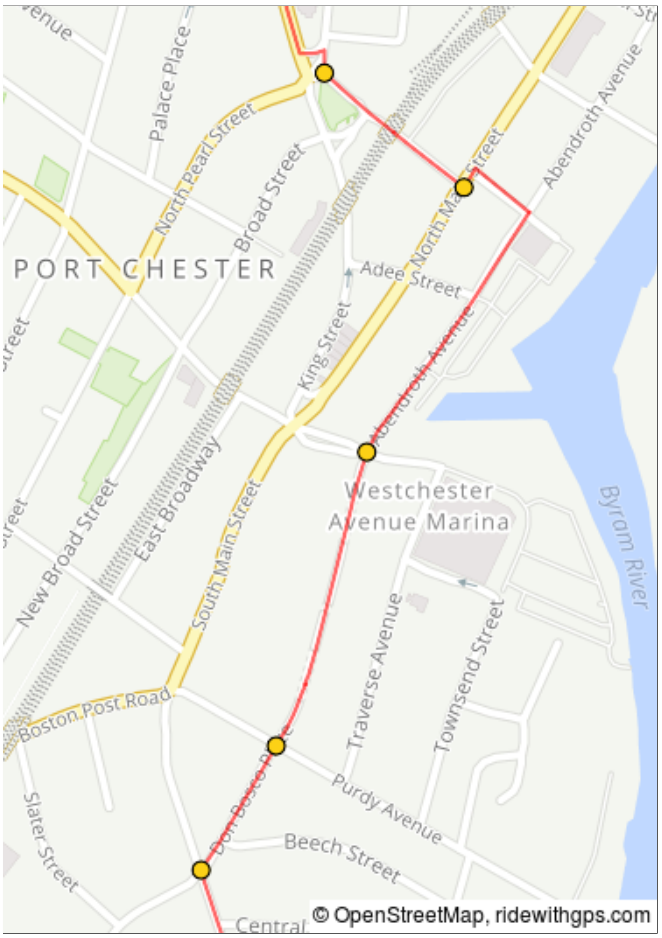
Num	Dist	Type	Note	Next
1.	0.0	▶	Start of route	0.0
2.	0.0	⬅	L to stay on Playland Pkwy	0.1
3.	0.2	➡	R at the 1st cross street onto Forest Ave	1.2
4.	1.4	➡	R onto Grace Church St	1.2

1.4 miles. +46/-23 feet



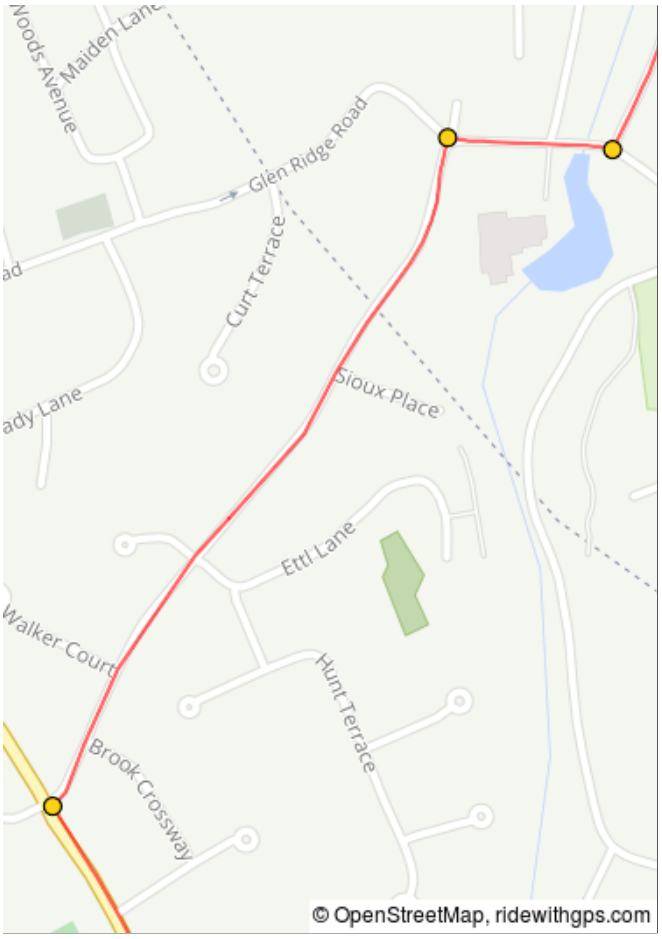
Num	Dist	Type	Note	Next
5.	2.6	➡	R onto Don Bosco Pl	0.1
6.	2.7	⬆	Continue onto Waterfront Pl	0.2
7.	2.9	⬆	Continue onto Abendroth Ave	0.2
8.	3.1	➡	R onto Willett Ave	0.1
9.	3.2	⬆	Continue straight onto King St	2.1

1.8 miles. +21/-13 feet



Num	Dist	Type	Note	Next
10.	5.3	➡	R onto Glenville St	0.5
11.	5.8	➡	R to stay on Glenville St	0.1
12.	5.9	⬅	L onto Riversville Rd	4.5

2.7 miles. +0/-67 feet



Num	Dist	Type	Note	Next
13.	10.4	⬅	L onto John St	0.7
14.	11.1	⬅	L onto Bedford Rd	0.4
15.	11.5	➡	R onto Locust Rd	0.7

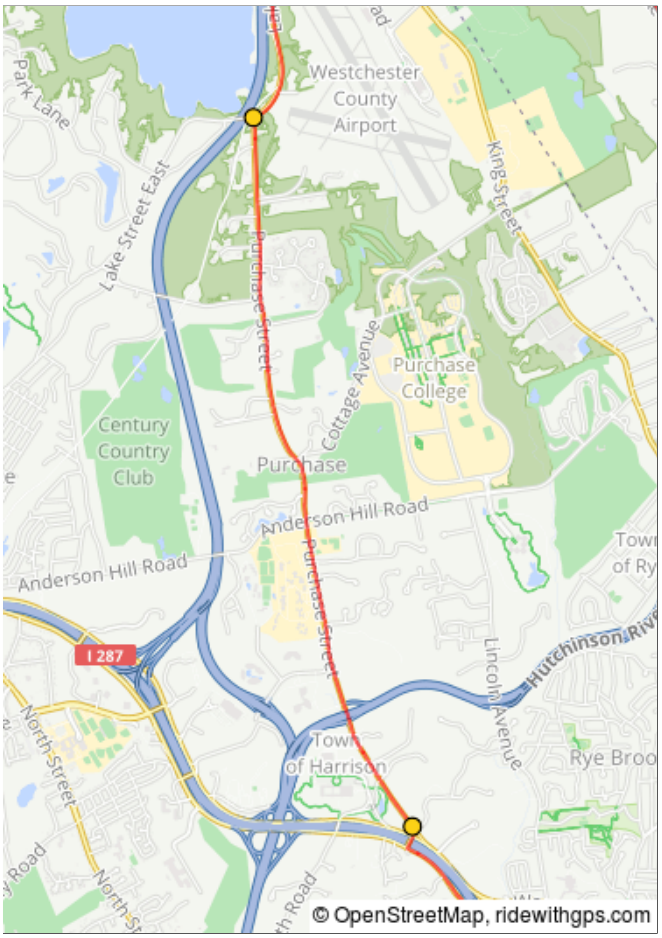
5.6 miles. +66/-138 feet

Num	Dist	Type	Note	Next
16.	12.2	⬅	Locust Rd turns L and becomes King St	0.2
17.	12.3	➡	R onto NY-120A N	0.1
18.	12.4	➡	R onto NY-120 N	0.5
19.	12.9	➡	R onto American Ln	0.6
20.	13.6	⬅	L onto NY-120 S	2.5

2.1 miles. +163/-58 feet

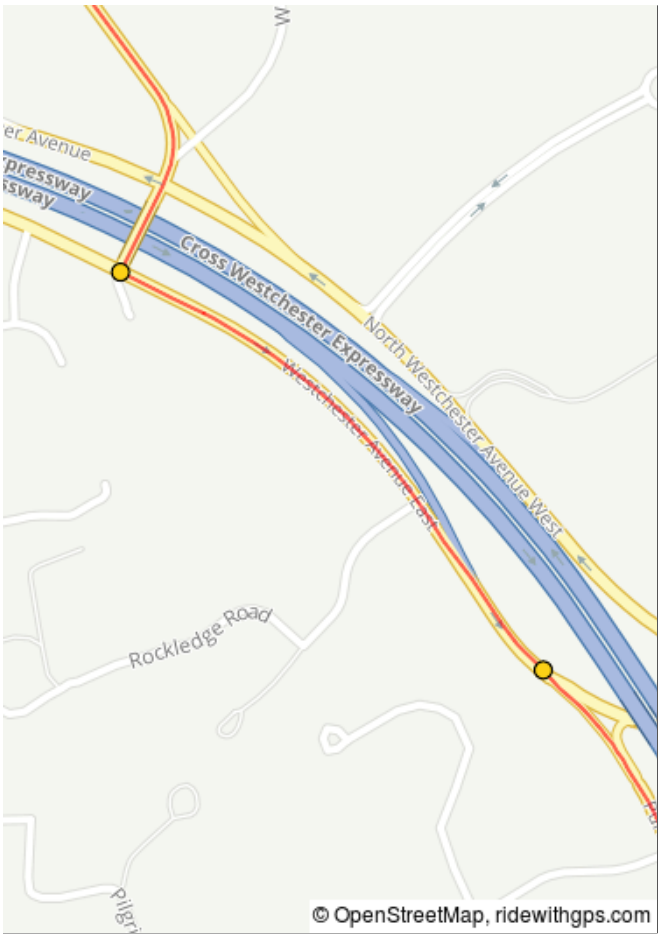
Num	Dist	Type	Note	Next
21.	16.0	⬅	L onto Purchase St	3.8
22.	19.8	➡	Purchase St turns R and becomes Westerleigh Rd	0.1

6.3 miles. +87/-262 feet



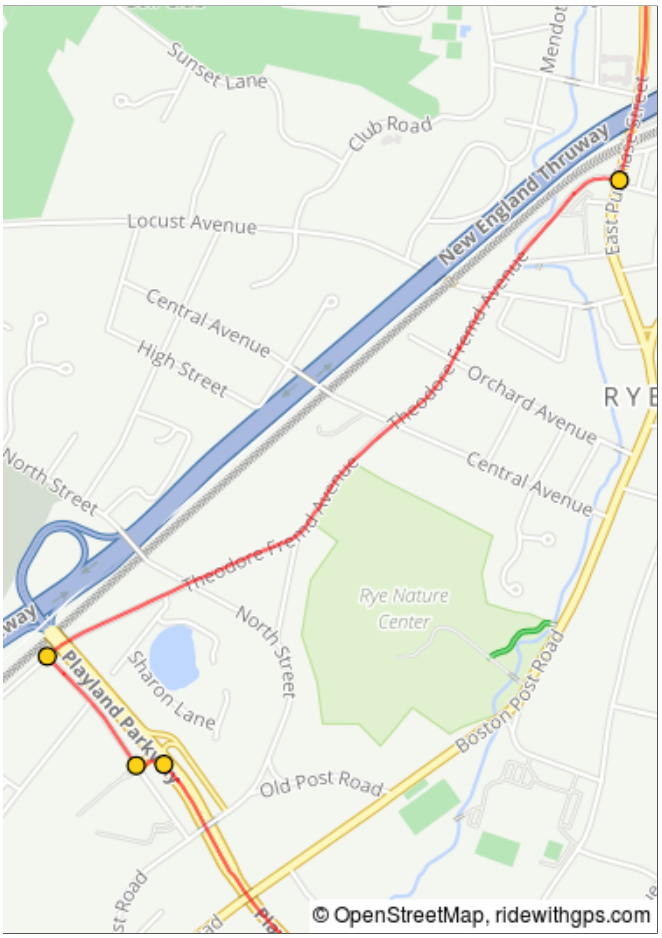
Num	Dist	Type	Note	Next
23.	20.0	⬅	L onto Westchester Ave	0.4
24.	20.3	➡	Keep R to continue on Purchase St	2.0

0.5 miles. +0/-89 feet



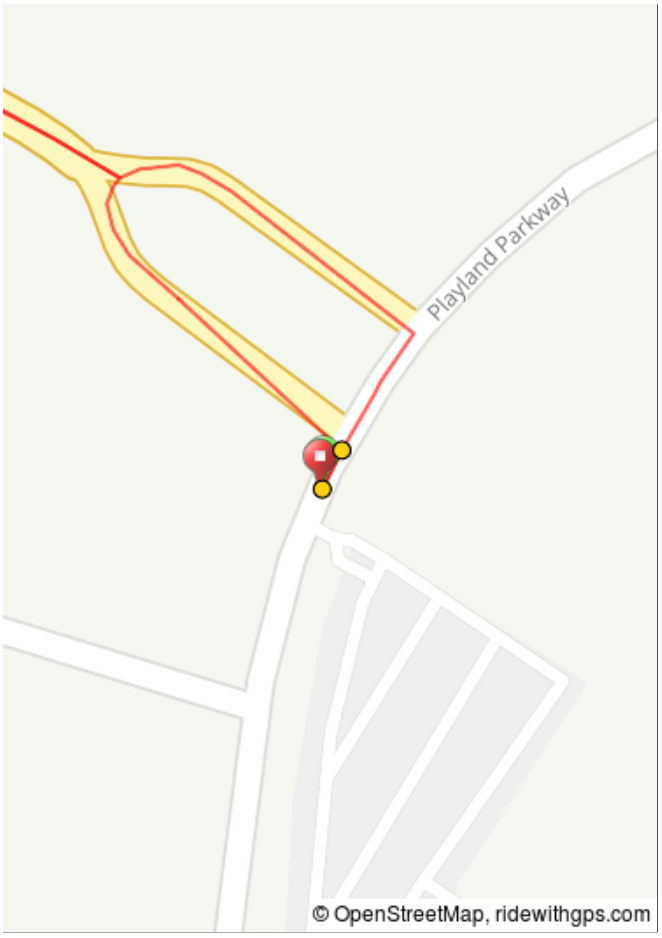
Num	Dist	Type	Note	Next
25.	22.3	➡	R onto 54/Theodore Fremd Ave	1.0
26.	23.3	⬅	L onto 147/Playland Access Dr	0.2
27.	23.5	⬅	L onto the ramp to Playland	0.0
28.	23.5	⬆	Merge onto Playland Access Dr/Playland Pkwy	1.1

3.2 miles. +59/-39 feet



Num	Dist	Type	Note	Next
29.	24.7	➡	R to stay on Playland Pkwy	0.0
30.	24.7	🏁	End of route	0.0

1.1 miles. +0/-0 feet



CITY COUNCIL AGENDA

NO. 22 DEPT.: City Manager DATE: September 13, 2017

CONTACT: Marcus Serrano

AGENDA ITEM: Consideration of a request by the Sole Ryeders & Friends and the Rye High School Breast Cancer Awareness Club to have a TieTheTownPink breast cancer awareness campaign in the City of Rye during the month of October, 2017.

FOR THE MEETING OF:
September 13, 2017
RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION: That the Council consider granting the request.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND: Sole Ryeders & Friends, together with the Rye High School Breast Cancer Awareness Club and the RHS Crew team, will launch TieTheTownPink, a breast cancer awareness campaign whose goal is to adorn hundreds of trees throughout the City of Rye with pink ribbons on the morning of October 1, 2017 to show support of people and their families who are fighting breast cancer. They seek permission from the City of Rye to tie large pink ribbons around trees and lampposts throughout the City and on downtown Purchase Street from October 1 – 31, 2017. Sole Ryeders & Friends will take responsibility for placing the ribbons around town and will take all ribbons down at the end of the campaign.

See attached.

September 1, 2017

Honorable Mayor and Council Members:

Sole Ryeders & Friends, together with the Rye High School Breast Cancer Awareness (BCA) Club and the RHS Crew team, will launch TieTheTownPink (TTTP), an awareness campaign whose goal is to adorn hundreds of trees throughout the City of Rye with pink ribbons on the morning of October 1, and to fashion the men, women and children of Rye in pink hair and wrist ties to show support of people and their families who are fighting breast cancer.

Sole Ryeders and Friends' seeks permission from the City of Rye to tie large pink ribbons around trees and lampposts throughout the City and on downtown Purchase Street as part of our **TieTheTownPink** breast cancer awareness campaign, from October 1 – 31, 2017. Sole Ryeders & Friends will take responsibility for placing the ribbons around town and will take all ribbons down at the end of the campaign as well. In addition to the ribbons tied throughout town, Sole Ryeders, the RHS Breast Cancer Awareness Club and RHS *Crew Cares* will sell **TieTheTownPink Bundles of Hope** (comprising a ribbon and two hair/wrist ties) to local residents and businesses, to wrap around their own trees, mailboxes, lamp-posts or front doors. Individuals can even pre-order a ribbon for a **TieTheTownPink** volunteer to wrap around their tree on October 1st and throughout the month. All proceeds from the campaign will benefit Sole Ryeders & Friends' local cancer-related programs and services, including The Wig Exchange and Strand Together.

"Our goal is for Sole Ryeders, the Breast Cancer Awareness Club and the Rye High School Crew team to sell so many pink ribbons and hair ties, that when the Rye community wakes up on October 1st, our City is swathed in a sea of pink," says Susan Janart, a member of Sole Ryeders who is co-chairing the campaign with Sole Ryeders Advisory Board member Lisa Dominici Faries.

"We are excited to do something meaningful to help women and their families affected by breast cancer," says Sophomore Abi Goffinet, vice-president of RHS Breast Cancer Awareness Club. "It will be so cool to see Rye parents and students – male and female – sporting our **TieTheTownPink** hair and wrist ties. We are so grateful to Citibank and Coldwell Banker/Nancy Neuman for sponsoring our hair ties."

"Breast Cancer is a horrible disease that strikes women and men. The Rye High School Crew team supports the Breast Cancer Awareness Club and Sole Ryeders via *Crew Cares*, our team's philanthropic initiative," says RHS Senior Brendan Faries, co-president of *Crew Cares.* "We are hoping that our *Crew Cares* team volunteers will have to tie pink ribbons around hundreds of trees in Rye during the early morning hours on October 1st."

Founded in 2007, Sole Ryeders & Friends is a volunteer-driven organization based in Westchester County, New York, which provides and supports local cancer-related programs. The name 'Sole Ryeders' stems from the founding members, who are residents of the City of Rye. The extensive network of over 300 dedicated individuals has used grassroots efforts to raise more than $1.75 million to help community members affected by cancer. www.soleryders.org

RHS Breast Cancer Awareness Club is an after-school club based at Rye High School, who mission is to create awareness around breast cancer and to help support people and their families who are affected by the disease.

Crew Cares is a community service program created by members of the RHS Crew team. Crew Cares philanthropic mission is to support a charity through fundraising and volunteer services.

The Wig Exchange -- The Gift of Hair from Women Who've Been There – is a Sole Ryeders' program that launched in December 2011 and provides women undergoing chemotherapy with high quality wigs and practical tips for managing the issues surrounding cancer-related hair loss. In addition, The Wig Exchange provides a meaningful way for cancer survivors to recycle their gently used wigs while helping other women facing cancer. www.theWigExchange.org

Strand Together is a Sole Ryeders program where individuals donate a minimum of 6 inches of their hair. After it's professionally cleaned, the hair is used to create a special kind of wig for women undergoing cancer treatment, called a "Hip Hat with Hair". Hip Hats with Hair have "under hair" which is attached to a soft piece of fabric that covers the top of the head and then any kind of hat can be worn on top of it. These Hip Hats with Hair offer a comfortable, chic, and versatile alternative to a full wig, and are offered to clients of The Wig Exchange.

###

Contact: Lisa Dominici Faries
Member, Sole Ryeders & Friends Advisory Board
TieTheTownPink@gmail.com

CITY COUNCIL AGENDA

NO. 23 DEPT.: City Manager DATE: September 13, 2017

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Consideration of a request by Rye High School student Jade Iadarola for use of city streets on Saturday, October 21, 2017 from 10:15 a.m. to 12:00 p.m. to hold a *Walk for Cancer*.

FOR THE MEETING OF:
September 13, 2017
RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION: That the Council consider granting the request.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND:

Rye High School student Jade Iadarola is requesting the Council approve the use of city streets on Saturday, October 21, 2017 from 10:15 a.m. to 12:00 p.m. to hold a *Walk for Cancer* with donations going to breastcancer.org. The event will include a 3-mile walk on the perimeter streets to the Rye High School campus and a carnival on the Rye High School field. The event request has been reviewed by the Rye Police Department and the appropriate insurance certificate will be provided to the City Clerk's office.

See attached request.

Dear Mayor Joseph Sack and City Manager Marcus Serrano,

My name is Jade Iadarola, I am 17 years old, and I attend Rye High School. I moved to Rye in September of 2016 from Miami, Florida where I attended Miami Country Day School. As I moved I noticed the difference between a small school in a big city and a big school in a small town. I thought by moving to Rye that I would be in more of a community with town events set to bring people together and activities set to help others; but as I learned more about the town I realized that my perception was way off. This is why I want to bring something that was important to me from Miami here to Rye. Every year my school would host the annual Walk for Cancer; I had been on the committee since 2012. As a member of the committee I helped plan, organize, and run the event; so believe me, I know just how much work is needed in order to pull this off. Although it will take a lot of time effort and extra hands I strongly believe that this is something meaningful and it is important for everyone to experience at some point in their lives.

I want to hold the walk on Saturday October 21, 2017, and I would like it to be at 10:30 am. Of course I will be at Rye High School at 6-7am to set up the events on the field and to get a registration table ready. Registration is $15 is only required for anyone who would like to receive recognition for participating. They will check in from 9 a.m. to 10 a.m. and will receive a t-shirt, and be able to make donations to breastcancer.org. Along with this, we will have students at the school have sheets to collect donations that will be collected before the walk.

As for after the walk, we will have events set up on the field (created by Rye High School students and faculty) to replicate a small carnival. We will also have entertainment (our Varsity football team will be taking on some of the varsity cheerleading routines) and we will have food (hopefully provided by some of the deli's in town).

However, through all of this, I cannot proceed to register my event as an official walk until I receive a grant for permits to use the town streets. Therefore, the permit I am looking for is one to close down Rye city streets on the perimeter of the Rye High School campus on Saturday October 21st from 10:15 a.m. to 12 p.m. We will start our 3 mile walk from the High School at 10:30-10:45 a.m. and return approximately around 11:30-11:45 (depending on how many people participate). I will confirm the route with the Rye Police Department.

If you still have any doubts about approving this event then I want to inform you that I have a very strong team of people behind this project with me. I have well over 20 students who are willing to put in the time to organizing and planning the event along with 6 administrators who are ready to help in any way possible; and of course, we can't forget all the parents who would love to have a community event like this and are ready to help fundraise and organize at any time.

I appreciate your time and consideration, I hope that together we can make this happen.

Sincerely,
Jade Iadarola
jade.iadarola@gmail.com

CITY COUNCIL AGENDA

NO. 24 DEPT.: City Manager's Office DATE: September 13, 2017

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Consideration of a request by Christ's Church Nursery School for use of city streets on Saturday, October 21, 2017 from 9:30 a.m. to 3:00 p.m. for their *Touch a Truck/Vehicle Fair* event.

FOR THE MEETING OF:
September 13, 2017
RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION: That the City Council approve the request.

BACKGROUND: The City Manager's Office received a request from Lisa Pearson, Director of the Christ's Church Nursery School, asking that traffic be restricted on Rectory Street on Saturday, October 21, 2017 from 9:30 am to 3:00 pm for their annual *Touch a Truck/Vehicle Fair* event. The majority of the event will be held in the Christ's Church parking lot with the fire truck on Rectory Street. Access for emergency vehicles will be provided.

See attached.

Christ's Church
Rye, New York

The Rev. Robert D. Flanagan, *Interim Pastor*
The Rev. Sanford A. Key, *Associate Rector*
The Rev. Dorothée R. Caulfield, *Deacon*

July 28, 2017

VIA email DMOORE@RYENY.GOV

The Mayor and the City Council
Rye City Hall
1051 Boston Post Road
Rye NY 10580

Dear Mr. Mayor and members of the City Council:

On Saturday, October 21, 2017 Christ's Church Nursery School will hold it's annual Fall Fair. This year we would like to continue the new tradition of the "Touch a Truck/Vehicle Fair" as a part of the fun. We would like to have permission to restrict traffic on Rectory Street that day between the hours of 9:30 am and 3:30 pm. We understand that in the event of an emergency the road will need to be accessible. May we assume that, as in the past, the DPW will provide the barriers to properly address the street?

We are making this request as the event will take place on both sides of Rectory Street, and we are concerned about the safety of the children who will attend. We are troubled by the limited visibility on the street coming off of Milton Avenue. I am including a certificate of insurance from our provider.

Thank you for your assistance with this request. If you have any questions, please feel free to contact me.

Faithfully,

Dorothee R. Caulfield

Dorothée R. Caulfield
Deacon & Parish Administrator
CCNS Chaplain

Rectory Street, Rye NY 10580
(914) 967-1749 ~ www.ccrye.org
(914) 967-0398 fax

CITY COUNCIL AGENDA

NO. 25 DEPT.: City Manager's Office DATE: September 13, 2017

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Consideration of request by the Recreation Department to hold their 41st annual Turkey Run on Thanksgiving Weekend.

FOR THE MEETING OF:
September 13, 2017

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 41st annual Turkey Run event on Saturday, November 25, 2017. 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

Department of Recreation
281 Midland Avenue
Rye, NY 10580
(914) 967-2535
Fax (914) 967-5521

Commission Chair
BART DINARDO

Superintendent
SALLY ROGOL

July 10 2017,

Mr. Marcus Serrano
City of Rye
1051 Boston Post Rd.
Rye, NY 10580

Dear Marcus Serrano,

Rye Recreation is planning on running our annual Turkey Run Road Race. This year the event will be on Saturday, November 25th, 2017. 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 on working with Rye Police in regards to any assistance we may need in regards to traffic and safety during the event.

Rye Recreation looks forward to once again running a successful and safe event. We get tremendous support from the community and the businesses here in Rye. If you have any questions regarding the race, please do not hesitate to contact me at 914-967-2125. I thank you for your support.

Sincerely,

Doug Scott

Doug Scott
Rye Recreation
(914)967-2125

CITY COUNCIL AGENDA

NO. 26 DEPT.: City Manager DATE: September 13, 2017

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Consideration of a request by the Rye Merchants Association to close a portion of Purchase Street on Sunday, November 26, 2017 from 10:00 a.m. to 3:00 p.m. for the *Mistletoe Magic* event.

FOR THE MEETING OF:
September 13, 2017

RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION: That the Council consider granting the request.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND:

The Merchants Association is requesting the Council authorize the closing of Purchase Street for its annual Mistletoe Magic event to be held this year on Sunday, November 26, 2017 from 10:00 a.m. to 3:00 p.m.

See attached request.

September 5, 2017

Ms. Carolyn E. D'Andrea
City Clerk
City of Rye
1051 Boston Post Road
Rye, New York 10580

Re: Rye Chamber of Commerce "Mistletoe Magic"

Dear Ms. D'Andrea;

On behalf of the Rye Chamber of Commerce, I am writing to request permission from the City for use of city streets on **Sunday, November 26, 2017** for the Mistletoe Magic event. Specifically, we are requesting that Purchase Street be closed from the Square House north to Purdy Avenue from the hours of 10 a.m. to 3 p.m.

Our members will be providing entertainment with costumed characters, Rye Art Center children's musical ensembles, strolling carolers, a horse and buggy ride and assorted refreshments and arcade games and more.

If approved, I understand we must coordinate logistics with Commission Corcoran / Lt. Craig of the Rye City Police Department. An insurance certificate will be provided upon approval.

Thank you in advance for your consideration.

Very truly yours,

Margaret Ricketts

Margaret Ann Ricketts

cc: Ms. Susan McNamee
City Manager – Marcus Serrano

Rye Chamber of Commerce, PO Box 72, Rye, NY 10580