

CITY OF RYE

NOTICE

There will be a regular meeting of the City Council of the City of Rye on Wednesday, November 8, 2017, at 7:30 p.m. in Council Chambers at City Hall.

AGENDA

1. Pledge of Allegiance.
2. Roll Call.
3. General Announcements.
4. Draft unapproved minutes of the regular meeting of the City Council held October 18, 2017.
5. Issues Update/Old Business.
6. Presentation of the FY 2018 Budget by the City Manager.
7. Consideration to set a Public Hearing on the 2018 Budget for December 6, 2017.
8. Consideration to set a Public Hearing to adopt a Local Law to override the State enacted tax levy limitation for December 6, 2017.
9. Public Hearing to amend local law Chapter 117, Landmarks Preservation, of the Rye City Code by amending Section §117-5, "Designation of Preservation Districts or Protected Sites and Structures", Subsection E, to add (10) Protected site and structures: the Milton Cemetery, Milton Road (Section 146-18, Block 4, Lot 51), the Purdy Cemetery, Milton Road (Section 146-18, Block 4, Lot 76), and Baird Square, Boston Post Road and Milton Road, as landmarks.
10. 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.
11. Residents may be heard on matters for Council consideration that do not appear on the agenda.
12. Authorization for the City Manager to enter into an Inter-municipal Agreement with Westchester County to allow the County to make certain improvements to portions of the City's sidewalks and streets as part of the County Pathway Project.
13. Resolution to transfer \$40,000 from the Contingency account to the City Manager Consultant line to fund the United Hospital Starwood Rye Park Study.
Roll Call.

14. Resolution to transfer \$36,800 from the Cable TV Unassigned Fund balance to the Cable TV Operating Budget to retain CBG Communications, Inc. to complete a technical review and evaluation of the cable systems as part of the cable franchise renewal process.
Roll Call.
15. Two appointments to the Boat Basin Commission, by the Council, for three-year terms expiring January 1, 2020.
16. Consideration of the proposed revisions to the Rules and Regulations of the City of Rye Police Department:
 - General Order #103.8 regarding the use of mobile notebook computers
 - General Order #104.3 regarding the regulations for City of Rye Police Department uniforms
 - General Order #110.1 regarding the handling, movement and treatment of persons in lawful physical custody
 - General Order #115.4 regarding qualifications for police personnel as instructors
 - General Order #117.09 regarding the deployment of All Terrain Vehicles (ATVs)
 - General Order #117.1 regarding fiscal responsibility of the Police Department
 - General Order #118.1 regarding responsibility for Police Department records
 - General Order #118.5 regarding policy and procedure for complying with Court ordered sealing of records
 - General Order #118.7 regarding compliance with NYS Freedom of Information (FOIL) Law
 - General Order #119.1 regarding community relations
17. Miscellaneous communications and reports.
18. New Business.
19. Adjournment.

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The next regular meeting of the City Council will be held on Wednesday, November 29, 2017 at 7:30 p.m. The City Council will hold a Budget Workshop on Monday, November 13, 2017 beginning at 7:30 p.m.

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

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



CITY COUNCIL AGENDA

NO. 4

DEPT.: City Clerk

DATE: November 8, 2017

CONTACT: Carolyn D'Andrea, City Clerk

AGENDA ITEM: Draft unapproved minutes of the regular meeting of the City Council held October 18, 2017.

FOR THE MEETING OF:

November 8, 2017

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council approve the draft minutes.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: Approve the minutes of the regular meeting of the City Council held October 18, 2017, as attached.

DRAFT UNAPPROVED MINUTES of
the Regular Meeting of the City Council of the
City of Rye held in City Hall on October 18,
2017, at 8:00 P.M.

PRESENT:

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

ABSENT:

None

The Council convened into executive session at 7:30 to discuss attorney/client matters. Councilman Mecca made a motion, seconded by Councilman McCartney to adjourn the executive session and convene to the regular meeting of the City Council at 7:30 P.M.

1. Pledge of Allegiance.

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

2. Roll Call.

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

3. General Announcements.

Mayor Sack announced that Rye resident Andy Bodnar has been organizing an effort for victims of the recent hurricanes, called the "Rock to Rebuild." A music fundraiser will be held at the Shenorock Shore Club from 1:00-5:00 P.M. on October 22, 2017. The cost is \$10 per student and \$40 for adults. Mayor Sack encouraged all to attend. He also announced that the Scare Fair will be held at Osborn School on October 28, 2017.

Councilwoman Tagger-Epstein reminded everyone that Rye Sustainability is encouraging the community to recycle wine corks during its "Put a Cork in It" program. Corks can be recycled at any of the participating restaurants on Purchase Street. Councilwoman Tagger-Epstein said that Rosemary & Vine had a record number of corks. She also announced that there will be a leaf mulching event at Rye Nature Center on November 3, 2017, and landscaping forum at the Jay Heritage Center on November 18, 2017. She also announced that on November 17, 2017, Rye Country Day School will be hosting a free Green Screen event, with a film called "Wasted" that will tackle the issue of food wastefulness.

Councilman McCartney was happy to announce that the Annual Halloween Window Painting event, held on October 15, 2017, was a success. There were over 1,000 children registered. He thanked the Women's Club of Rye for sponsoring the event. Councilman McCartney also announced that the annual Turkey Run will be held on Saturday of Thanksgiving weekend. There will be four different events to choose from and encouraged all to sign up. On the Rye Golf Club front, the Closing Scramble will take place on October 22, 2017. Councilman McCartney confirmed that the upcoming Glow Golf event is open to members only, but there will be music following the event available to anyone in attendance. Lastly, he said that there will be upcoming golf course improvement work, scheduled to begin promptly on Monday morning, October 23, 2017, continuing until Thanksgiving.

Councilwoman Killian announced that the Rye Town Park Commission will have its next meeting at Rye City Hall on Wednesday, October 25, 2017. The Commission has been working hard on securing a new restaurant for the park, and there are three finalists who have submitted proposals. Councilwoman Killian said she excited to see what happens.

Councilwoman Bucci announced that the Rye Free Reading Room would be hosting a Halloween Maze event from October 26 to October, 2017.

Councilwoman Hurd reported that on behalf of the Chamber of Commerce, there was a scarecrow-making activity at the Farmer's Market in coordination with the Halloween Window Painting. In addition, the upcoming Farmer's Market would feature a small petting zoo and Councilwoman Tagger-Epstein, who will be reading a story. Councilwoman Hurd was happy to announce that new businesses are opening in the Rye downtown area, including Wine at 5, which has opened in the old Smoke Shop storefront. She also stated that representatives of the Landmarks Committee would present to the Council on proposed landmarked areas. Councilwoman Hurd announced that the Jay Heritage Center would be celebrating its 25th anniversary with a Zebra Soiree on October 21, 2017. Councilwoman Hurd thanked Rosemary Zahringer and Wendy Roland, among others, for their role in preserving the Jay Heritage Center. She also reported that the Rye Nature Center had its annual Octoberfest, which was a success. She asked City Manager Serrano to follow up on the latest New York Rising report. Councilwoman Hurd lastly stated that the Boat Basin held elections to fill two vacancies. Further, she said that the Boat Basin Commission was requesting an extension to keep boats in the water, as the weather has been mild this season.

City Clerk D'Andrea announced that the deadline to renew Rye Commuter Parking Permits was October 31, 2017. She then encouraged the community to take the survey at www.ryeny.gov concerning the new website.

8. Consideration to set a Public Hearing for November 8, 2017 to amend local law Chapter 117, Landmarks Preservation, of the Rye City Code by amending Section §117-5, "Designation of Preservation Districts or Protected Sites and Structures", Subsection E, to add (10) Protected site and structures: the Milton Cemetery, Milton Road (Section 146-18, Block 4, Lot 51), the Purdy Cemetery, Milton Road (Section 146-18, Block 4, Lot 76), and Baird Square, Boston Post Road and Milton Road, as landmarks.

Jack Zahringer and Maurio Sax, Rye Residents and Chairs of the Landmarks Committee, addressed the Council. Mr. Zahringer said that the Committee was looking to landmark the Milton Cemetery, Purdy Cemetery and Baird Square. Margot Clark-Junkins, Landmarks Committee, asked the Council to set the Public Hearing.

Mayor Sack made a motion, seconded Councilwoman Hurd and unanimously carried, to set the Public Hearing for November 8, 2017 to amend local law Chapter 117, Landmarks Preservation, of the Rye City Code by amending Section §117-5, "Designation of Preservation Districts or Protected Sites and Structures", Subsection E, to add (10) Protected site and structures: the Milton Cemetery, Milton Road (Section 146-18, Block 4, Lot 51), the Purdy Cemetery, Milton Road (Section 146-18, Block 4, Lot 76), and Baird Square, Boston Post Road and Milton Road, as landmarks.

6. 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.

Mayor Sack made a motion, seconded by Councilman Mecca and unanimously carried, to adjourn this item to the next City Council meeting, scheduled for November 8, 2017.

7. Resolution to adopt a Final Scoping Document on the Crown Castle application pursuant to the New York State Environmental Quality Review Act (SEQRA).

Mayor Sack stated that the Public Hearing and record on this item had been closed at the last City Council meeting, but that he would be happy to hear comments.

Christine Groves, 195 Grace Church Street, asked the Council to delay voting of the draft document to perform a more thorough review of the draft. She said that the document should be made clear that all comments be made part of the SEQRA record.

Samantha Tollinchi, 7 Ellis Court, asked the Council to put off voting on the scoping document to allow additional public comment and consideration.

Mayor Sack asked Corporation Counsel Wilson if the comments from the public were considered in the scoping document draft. Corporation Counsel confirmed that 90 to 95% of public comments were included in the draft. She reminded the Council that it passed a resolution with a positive declaration in April 2017 regarding the SEQRA issue. The first step in that process was creating a scoping document. Although not required, Corporation Counsel Wilson had recommended the Council hold a public hearing due to heavy public interest. This document is essentially is a Table of Contents for the Draft Environmental Impact Statement. Approving the scoping document would allow the City to move forward with the actual environmental study.

Councilwoman Tagger-Epstein asked why it would be important to do this now. Corporation Counsel Wilson responded that the City cannot move forward with the environmental study until the scoping document is adopted.

There was general discussion over comments being incorporated into the scoping document. Councilwoman Hurd confirmed with Corporation Counsel Wilson that all comments included in the scoping document would apply to the actual application before the Council. Corporation Counsel Wilson further confirmed that the document can be made clear that it would consider each individual proposed site, as well as a cumulative noise effect.

Mayor Sack said that to recap, this has been an optional process but the Council wanted to get feedback from the public, in which 95% of comments were incorporated. Mayor Sack felt that this was a very good document that would allow the City to move forward to do the more intensive work associated with an environmental study. He thanked Corporation Counsel Wilson and the Council to getting to this point. He said that this has been a good and fair process which will continue going forward.

Councilman McCartney made a motion, seconded by Councilman Mecca, to adopt the Final Scoping Document on the Crown Castle application pursuant to the New York State Environmental Quality Review Act (SEQRA):

**FINAL SCOPING DOCUMENT FOR THE PREPARATION OF A DRAFT
ENVIRONMENTAL IMPACT STATEMENT**

PROPOSED ACTION:

Crown Castle's Request To Amend the Existing Right-of-Way Use Agreement and install Approximately 64 new nodes throughout the City of Rye on Existing Utility Poles and Other City Owned Infrastructure.

PROJECT LOCATION:

City of Rye, New York 10580

SEQRA CLASSIFICATION:

Unlisted

LEAD AGENCY AND CONTACT:

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

PROJECT SPONSOR/APPLICANT:

Crown Castle NG East, LLC

Description of Proposed Action:

Crown Castle NG East, LLC (“Crown” or the “Applicant”) seeks to install an additional sixty plus DAS nodes throughout the City of Rye on existing Consolidated Edison owned utility poles and other City owned infrastructure. The proposal includes an amendment to the existing Right of Way Use Agreement (“RUA”) to allow for a different size equipment box to house ions provided by the Applicant and/or the Applicant’s wireless client. In addition to the equipment box, an antenna will be located on the top or within the “communication zone” of the utility poles/infrastructure.

SEQR Process:

The basic purposes of the State Environmental Quality Review Act (SEQR) is to incorporate the consideration of environmental facts into the existing planning, review and decision-making processes of state, regional and local government agencies at the earliest possible time. To accomplish this goal, SEQR requires a determination of whether a proposed action may have a significant impact on the environment, and if it is determined that the action may have a significant adverse impact, prepare an Environmental Impact Statement (EIS). It is not intention of SEQR that environmental factors be the sole consideration in decision-making.

The public will have an opportunity to comment on the draft environmental impact statement (the “DEIS”) and all the substantive comments will be responded to as part of the final environmental impact statement (the “FEIS”). Once the FEIS is accepted as adequate and complete, the City Council, as lead agency, will have to adopt a Findings Statement which must set forth a reasoned elaboration of its determination on the application. Please note, the Findings Statement is not the substantive approval of granting permission to construct/implement the proposed action. Any additional approvals and permits that are required must still be granted by the appropriate boards.

Draft Environmental Impact Statement Content

- Introductory Material – Cover Sheet, list of consultants, Table of Contents
- Executive Summary
- Description of Proposed Action:
 - Location and sites;
 - Project Purpose;
 - Need and Benefits – including the benefit for Rye residents and businesses and an assessment of the potential use of (or inability to use) the system for emergency purposes;
 - Project Description – including, but not limited to, specific reference to sites/properties that currently are, or are eligible for, listing as a federal, state or local designated historic site;
 - Involved Agencies and Required Approvals
- Impact Issues (described below)

Potential Impacts and Mitigation

I. Areas of Study

A. Noise

Existing Conditions:

- The DEIS will describe the existing noise levels in areas where no DAS nodes are located and those areas where DAS nodes are currently located.
 - A description of the sounds levels at different existing node locations in the City at different times of the day and at different temperatures;
 - A description or table of the base line ambient noise level for each proposed location (both a.m. and p.m. levels)

Potential Impacts:

- Sound levels greater than those permitted by the City of Rye City Code
 - Single, double and triple ion boxes should be analyzed as part of the description of potential impacts, including the possibility of cumulative impacts resulting from the proximity of node locations for leaf on/leaf off conditions for all four seasons and comparison to permitted levels of noise in City Code.
 - Cumulative impacts associated with future co-location of all size boxes should also be analyzed for leaf on/leaf off conditions for all four seasons.
 - Impact of topography and surrounding structures on sound travel/noise intensity.

Mitigation Measures:

- The DEIS will discuss alternative designs that include potential buffering material that can be used to mitigate the sound from the cooling fans. In addition, cooling equipment, transmission equipment and other advancements in technology should be included as potential mitigation factors.

B. Aesthetic Impacts

Existing Conditions:

- Description of existing visual conditions throughout the City of Rye. Existing conditions will be documented using captioned photographs and an accompanying map.

Potential Impacts:

- Description and analysis of the infrastructure within the surrounding residential context and description of any change in the visual character of the area as a result of the project. This analysis will include photographs and graphic depictions showing the proposed deployments from various vantage points (street view and adjoining property), possible use of balloon tests for visual impact comparison and leaf-on/leaf-off conditions/each of the four seasons.
- Description of the new equipment, illustrating the potential height, design and overall size of the infrastructure.

- Pictorial analysis of nodes, potential co-location, and all other pole “furniture” shall be included (e.g., transmission boxes, LED lights, utility wiring) for each of the proposed locations in leaf-on/leaf off conditions/each of the four seasons.

Mitigation Measures:

- Description of measures undertaken to mitigate impacts to residential neighborhoods, historical properties and other areas of public interest (parks, schools, placement on municipal property, etc.). Discussion will include use of different architectural features, color, materials, stealth concealment techniques, etc.

C. Community Character

Existing Conditions:

- Inventory of existing land uses throughout the various areas of the City and a description of the character of the surrounding community at each potential site.

Potential Impacts:

- Description of the compatibility of the proposed development with adjacent land uses and the effect of the project on the general land use pattern and community character at each potential site within the study area.
- Consideration of the impacts during all four seasons should also be considered.
- Discussion of updated/new Comprehensive Plan.

Mitigation Measures:

- Discussion of any possible measures to mask the appearance of the infrastructure including architectural features, scale, color and use of materials.

D. Construction

- Description of extent of construction activities, including overall schedule, equipment that would be used to install infrastructure.
 - Estimate of installation time for equipment at each site.
 - Discussion of possible construction limitations during peak days/hours and proximity to sensitive locations (schools, religious institutions, etc.)

E. Socioeconomic Impacts/ Conditions

Existing Conditions:

- Describe the existing demographic and economic conditions that currently exist in the City site by site. Include the current real property valuation.

Potential Impacts

- Provide expanded information on the impact on property values for residential properties.

Mitigation Measures

- Describe any mitigation measures to address any negative economic impact on the neighborhood or specific residential properties

II. Alternatives

SEQRA mandates that environmental impact statements analyze a “range of reasonable alternatives,” including the No Action alternative, to a proposed action that are feasible, considering the objectives and capabilities of the project sponsor (6 NYCRR Part 6717.9(5)(v)).

The alternatives analysis section of the DEIS will examine a number of alternatives for the deployment of DAS, small cells, macro sites (roof top sites and towers) and other forms of infrastructure to provide capacity and coverage of wireless service within the City of Rye. Specifically, the DEIS will examine the following alternatives:

- A. No Action – no new deployments of any infrastructure takes place.
- B. DAS – Plan A deployment as submitted by Crown – with single, double and triple ion equipment boxes and any additional associated equipment.
 - a. With Co-Location impacts, including aggregation of impacts from equipment and any additional associated equipment
- C. DAS – Plan B deployment as submitted by Crown – with single, double and triple ion equipment boxes and any additional associated equipment.
 - a. With Co-Location impacts, including aggregation of impacts from equipment and any additional associated equipment
- D. DAS – Plan C deployment as submitted by Crown – with single, double and triple ion equipment boxes, including aggregation of impacts from equipment and any additional associated equipment.
 - a. With Co-Location impacts
- E. Single monopole alternatives (100’ or taller)
 - Publicly owned land
 - Disbrow Park
 - Rye Golf Club
 - Other municipally owned land (possible MTA location)
- F. Macro-site alternatives –
 - Publicly owned structures (roof top)
 - Privately owned structures (roof top)

- G. Stealth monopole alternatives (less than 100') – including scale and architectural designs (flag pole, spire, or other architectural feature)
- H. Stealth monopole alternatives (less than 70') - – including scale and architectural designs (flag pole, spire, or other architectural feature)
- I. Other alternatives: Alternatives consistent with the tariff under which Crown or its customers for which it is building the facilities claims status under New York law, which alternatives would be deemed sufficient if they show the coverage that could be obtained through placement of facilities at: the proposed monopole at the Rye MTA station.
- J. Other alternatives developed during environmental review process

III. Mitigation

This section will include a summary of all proposed mitigation for significant impacts identified in the DEIS. Because these measures, if practicable, will become part of the Proposed Action, their formulation and analysis of their effectiveness will be undertaken in coordination with the lead agency, if necessary. Any mitigation measure which the Applicant will not either undertake directly or fund should be clearly identified as such.

IV. Unavoidable Adverse Impacts

Significant adverse environmental impacts identified in the DEIS that cannot be mitigated will be designated as unavoidable environmental impacts and summarized in this section. Such impacts may be either short-term or long-term in nature.

V. Additional Impact Evaluations/Cumulative Impacts

The DEIS will include analyses of additional potential effects of the Proposed Action on:

- Growth Inducing and Cumulative Aspects – potential impacts related to the growth of the infrastructure in physical dimension and number. This analysis will include how these facilities can expand under the Telecommunications Act without any further approval or review from the City.

VI. Appendices to Accompany DEIS

The following elements will be included in the Appendices to the DEIS

All SEQRA documentation – including, but not limited to, all written submissions to the City of Rye during the review of the application, including a video of the public meetings, and all oral and written comments received during public hearings on the draft scoping document.

References

Maps

Studies

Reports

ROLL CALL

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

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

Greg Gavlick, Boat Basin Commission, asked the City council to approve the deadline extension at the Rye Marina to take the boats out of the water to December 1, 2017. Penalties would not be enforced for those wishing to keep their boats in the water until after that date.

Mayor Sack made a motion, seconded by Councilman McCartney and unanimously carried, to amend the 2017 Adopted Fees and Charges for the Rye Boat Basin Enterprise Fund, extending the deadline to remove boats from the water to December 1, 2017.

Mr. Gavlick read a letter into the record concerning the longevity and maintenance of the Boat Basin. The letter discussed funding for capital projects, repairs and dredging.

Mayor Sack stated that the Golf Club and Boat Basin are both run on enterprise funds, sustained by membership dues instead of taxpayer funds. There was discussion about meeting in the future at a public workshop so that an enterprise fund model could be continued.

Hurd suggested that the Council create a committee on Boat Basin issues, as more residents have become involved with the future of the Boat Basin operations.

Mayor Sack recommended that the Commission submit a proposal so that a public workshop could be scheduled. Councilwoman Killian asked that neighbors of the Boat Basin be noticed of any future workshop.

Councilwoman Tagger-Epstein expressed concern over longevity and maintenance with the current funds available to the Boat Basin.

Mr. Gavlick confirmed that the Commission would have a proposal together at the next Boat Basin Commission meeting.

Michael Rollman 151 Purchase Street, expressed concern over the condition of the building located at 151 Purchase Street. He explained that there had been a fire that occurred in the summer of 2017, and there were still outstanding issues regarding safety covered under City Code and the Property Maintenance Code. He reported that the roof is in disrepair and the apartments have not been repaired, resulting in mold growing. He said he had seen animals and insects in the building due to the hole in the roof. He said that the basement windows and back door to the building has been left open. He asked the City to formally step in and help the situation, as the landlord has not fixed the issue.

Corporation Counsel Wilson reported that the landlords have been in City Court pursuant to City Code violations issued to them for the building disrepair. She stated that the landlords are required to put money aside in escrow and show that the building is safe. Further, she said that they were due in court on October 19, 2017, and that the landlord's attorney was to bring an electrical inspector to perform the work. Corporation Counsel Wilson thanked Mr. Rollman for his comments and update.

4. Draft unapproved minutes of the special meeting of the City Council held September 28, 2017 and the regular meeting of the City Council held October 4, 2017.

Councilman Mecca made a motion, seconded by Councilman McCartney and unanimously carried, to adopt the minutes of the special meeting of the City Council held September 28, 2017 and the regular meeting of the City Council held October 4, 2017.

5. Issues Update/Old Business.

Councilman McCartney reported on the Recreation Commission and the recent Disbrow Park Master Plan issues. He stated that the Commission met and discussed the various options proposed by the City's consultant, Stantec. While the Commission is still in discussion and not prepared to give a formal recommendation to the Council at this time, the consensus is they favor the options in which DPW remains in Disbrow Park. He then stated that on the Thruway property issues, he has approached Rye Country Day School about the shared use agreement required in the legislation. A response will likely be forthcoming after the Rye Country Day School Board meets, which will be in November.

There was discussion of the Council concerning correspondence between the City and Rye Country Day School.

10. Resolution to transfer \$80,000 from the Contingency account to the Assessor Appraiser and Legal Services accounts to fund small claims assessment review (SCAR) proceedings.
Roll Call.

City Manager Serrano stated that since the last City Council meeting, there had been discussion with the City Assessor about possible risk without an appraiser's services. He stated that there are several risky and complex properties that would require further analysis, aside from the fact that the volume of petitions has doubled in the last year. It had been the sense of the City that utilizing extra services would help with a strong defense.

Corporation Counsel Wilson stated that if this item was approved, her firm would be overseeing the process. There was discussion over the appraiser's roles, doing work in the field and possibly testifying in court.

Mayor Sack made a motion, seconded by Councilwoman Bucci, to transfer \$80,000 from the Contingency account to the Assessor Appraiser and Legal Services accounts to fund small claims assessment review (SCAR) proceedings.

ROLL CALL

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

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

City Manager Serrano stated that the Police Department received some donations, and the Council is required to approve the expenditure of these donations. The Department has reported that it is in need of police boots and shoes.

Mayor Sack made a motion, seconded by Councilman McCartney, to adopt the following resolution:

WHEREAS, the City Manager and the Commissioner of Public Safety have approved a request of the Rye Police Association (“RPA”) dated October 2, 2017 to purchase dress boots/shoes in the amount of \$4,200 for the Rye Police Department with funds available in the police donations account, and,

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

RESOLVED, that the City Comptroller is authorized to transfer \$4,200.00 from the police donations account to increase 2017 General Fund appropriations for Police uniforms.

ROLL CALL

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

12. Miscellaneous communications and reports.
Nothing was discussed under this agenda item.
13. New Business.

Nothing was discussed under this agenda item.

14. Adjournment.

There being no further business to discuss, at 9:49 P.M., Councilman Mecca made a motion, seconded by Councilwoman Killian, to adjourn the regular meeting of the City Council.

Respectfully submitted,

Carolyn E. D'Andrea
City Clerk



CITY COUNCIL AGENDA

NO. 5 DEPT.: City Council DATE: November 8, 2017
CONTACT: Mayor Joseph A. Sack

AGENDA ITEM: Issues Update/Old Business

FOR THE MEETING OF:
November 8, 2017
RYE CITY CODE,
CHAPTER
SECTION

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

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:



CITY COUNCIL AGENDA

NO. 6

DEPT.: City Manager

DATE: November 8, 2017

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Presentation of the FY 2018 Budget by the City Manager.

FOR THE MEETING OF:

November 8, 2017

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION:

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The City Manager's Budget for 2018 will be presented by Deputy Comptroller Joseph Fazzino.



CITY COUNCIL AGENDA

NO. 7

DEPT.: City Manager's Office

DATE: November 8, 2017

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Consideration to set a Public Hearing on the 2018 Budget for December 6, 2017.

FOR THE MEETING OF:

November 8, 2017

**RYE CITY CODE,
CHAPTER
SECTION**

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

IMPACT: Environmental Fiscal Neighborhood Other:

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

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

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

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



CITY COUNCIL AGENDA

NO. 8

DEPT.: City Manager

DATE: November 8, 2017

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Consideration to set a Public Hearing to adopt a Local Law to override the State enacted tax levy limitation for December 6, 2017.

FOR THE MEETING OF:

November 8, 2017

RYE CITY CODE,

CHAPTER

SECTION

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

IMPACT: Environmental Fiscal Neighborhood Other:

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

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

See attached draft Local Law.

CITY OF RYE

LOCAL LAW NO. ___ FOR THE YEAR 2017

**A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED
IN GENERAL MUNICIPAL LAW §3-C**

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

Section 1. Legislative Intent: It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the City of Rye pursuant to General Municipal Law §3-c, and to allow the City of Rye to adopt a budget for the fiscal year beginning January 1, 2018 and ending December 31, 2018 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c.

The City Council finds that this local law would provide the City the flexibility it may need when it adopts the 2018 budget. Thus, the City Council of the City of Rye finds that it is in the best interests of the City to enact the local law.

Section 2. Authority: This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the City Council to override the tax levy limit by the adoption of a local law approved by vote of at least sixty percent (60%) of the City Council.

Section 3. Tax Levy Limit Override: The City Council of the City of Rye, County of Westchester is hereby authorized to adopt a budget for the fiscal year 2018 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Severability: If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date: This local law shall take effect immediately upon filing with the Secretary of State.

The Property Tax Cap

Guidelines for Implementation



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

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

Key Components of the Tax Cap

- ✓ **What is the property tax cap?**
The tax cap law establishes a limit on the annual growth of property taxes levied by local governments and school districts to two percent or the rate of inflation, whichever is less.
- ✓ **Who is subject to the tax cap?**
The cap applies to all independent school districts outside of the Big Five Cities (i.e. dependent school districts) and to all local governments including counties, cities, towns, villages and special districts (except those special districts noted below). The cap does not apply to New York City.
- ✓ **Are there exceptions to the tax cap?**
There are limited, narrow exclusions to the cap, including certain costs of significant judgments arising out of tort actions and unusually large year-to-year increases in pension contribution rates.
- ✓ **Is there an override mechanism to the tax cap?**
The tax levy cannot exceed the cap unless 60 percent of voters (for school districts) or 60 percent of the total voting power of the governing body (for local governments) approve such increase.
- ✓ **When is the tax cap effective?**
The cap first applies to local fiscal years beginning in 2012. Local budgets that commenced in 2011 but conclude in 2012 are not affected.

Technical Information

I. Applicability

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

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

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

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

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

II. Quantity Change

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

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

III. Inflationary Factor

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

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

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

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

IV. Calculating the Tax Levy Limit

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

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

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

V. Filing the Levy Limit Calculation

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

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

VI. Limited Exclusions

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

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

Determining the Pension Exclusion

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

- **Adjustments and Reconciliations.** Salary reconciliations and adjustments are not to be factored into the pension exclusion.

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

- **Salary Base.** The Office of the State Comptroller will provide local governments with their estimated salary bases to calculate their ERS and PFRS pension exclusions. Local governments with TRS pension costs must use their own salary base estimates to determine their TRS pension exclusion.
 - For ERS and PFRS, local governments must use the salary base projected by the Office of the State Comptroller in the calculation of their pension exclusion.
 - For TRS, local governments must continue to use their own initial salary base projections.

- **Amortization.** Local governments utilizing amortization may not levy for the pension exclusion.

VII. Erroneous Levies

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

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

VIII. Overrides of the Tax Levy Limit

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

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

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

Example: Non-Charter Counties Budget Process

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

Example: Town Budget Process

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

IX. Budget Process: Final Adoption of a Budget

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

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

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

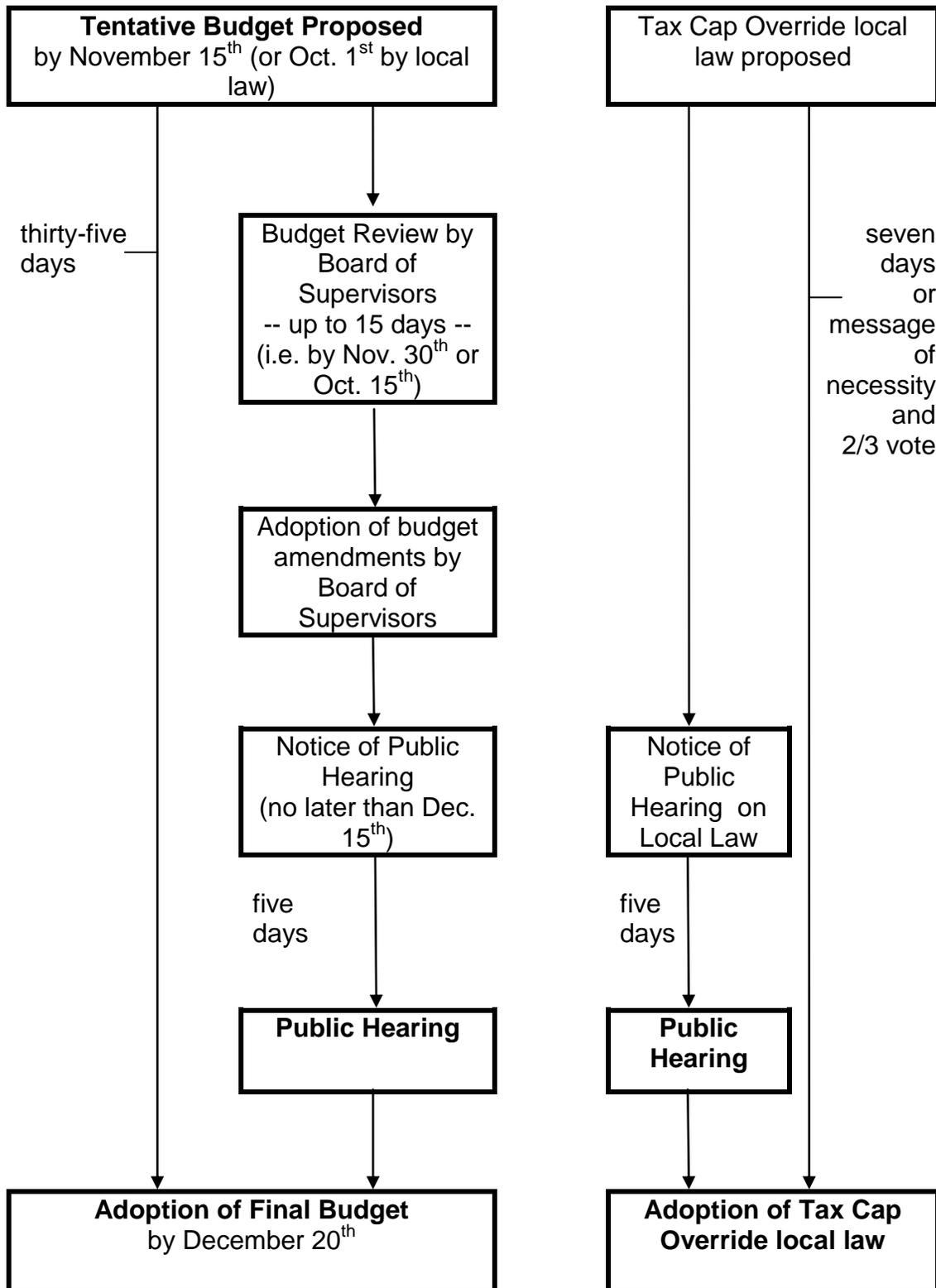
- **Consolidation.** When two or more local governments consolidate, the Office of the State Comptroller will calculate the tax levy limit for the first year after the consolidation. This calculation will be based upon the prior year tax levy limits of both local governments, but other factors pertaining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

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

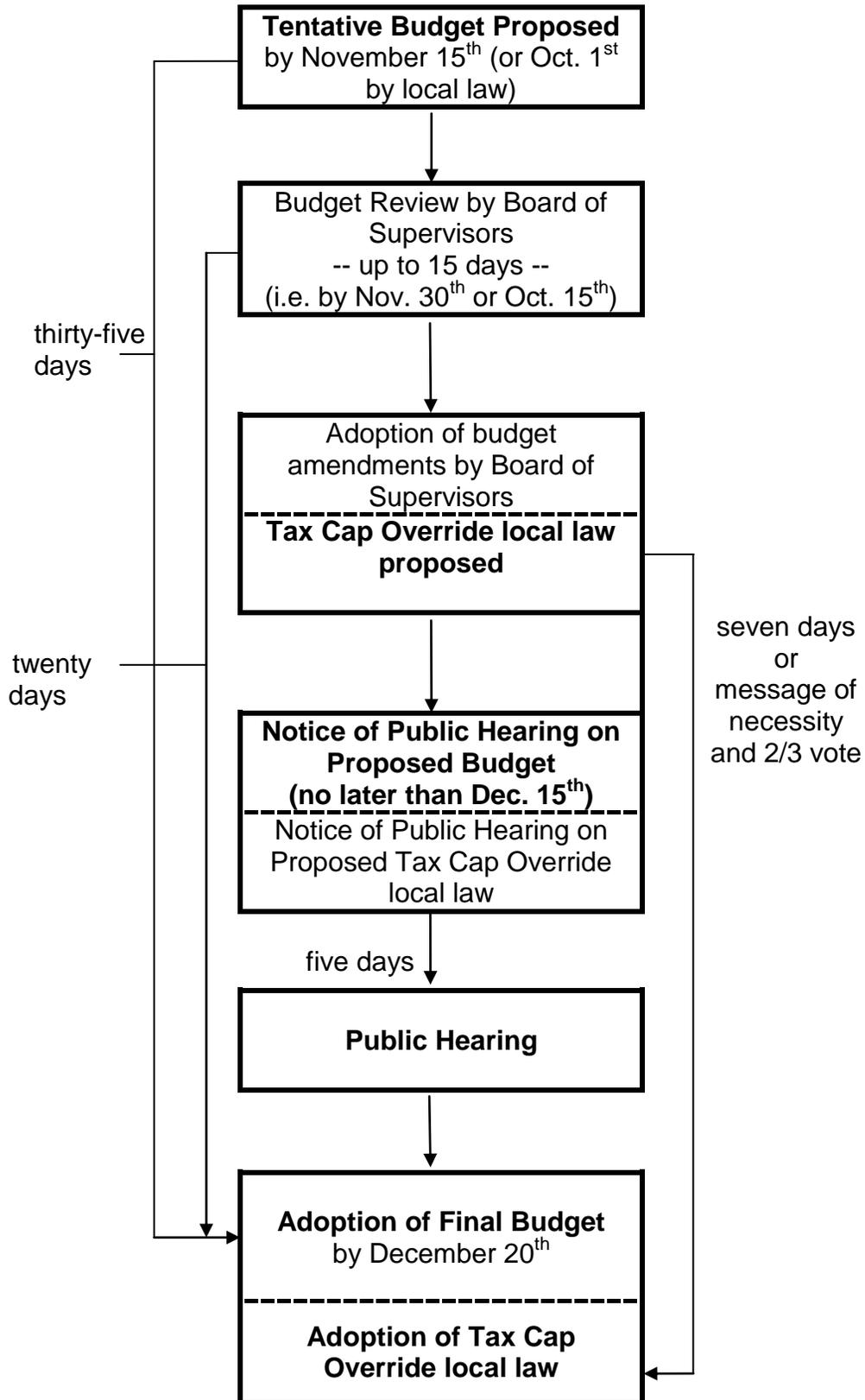
XI. Treatment of “Chargebacks” by Counties

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

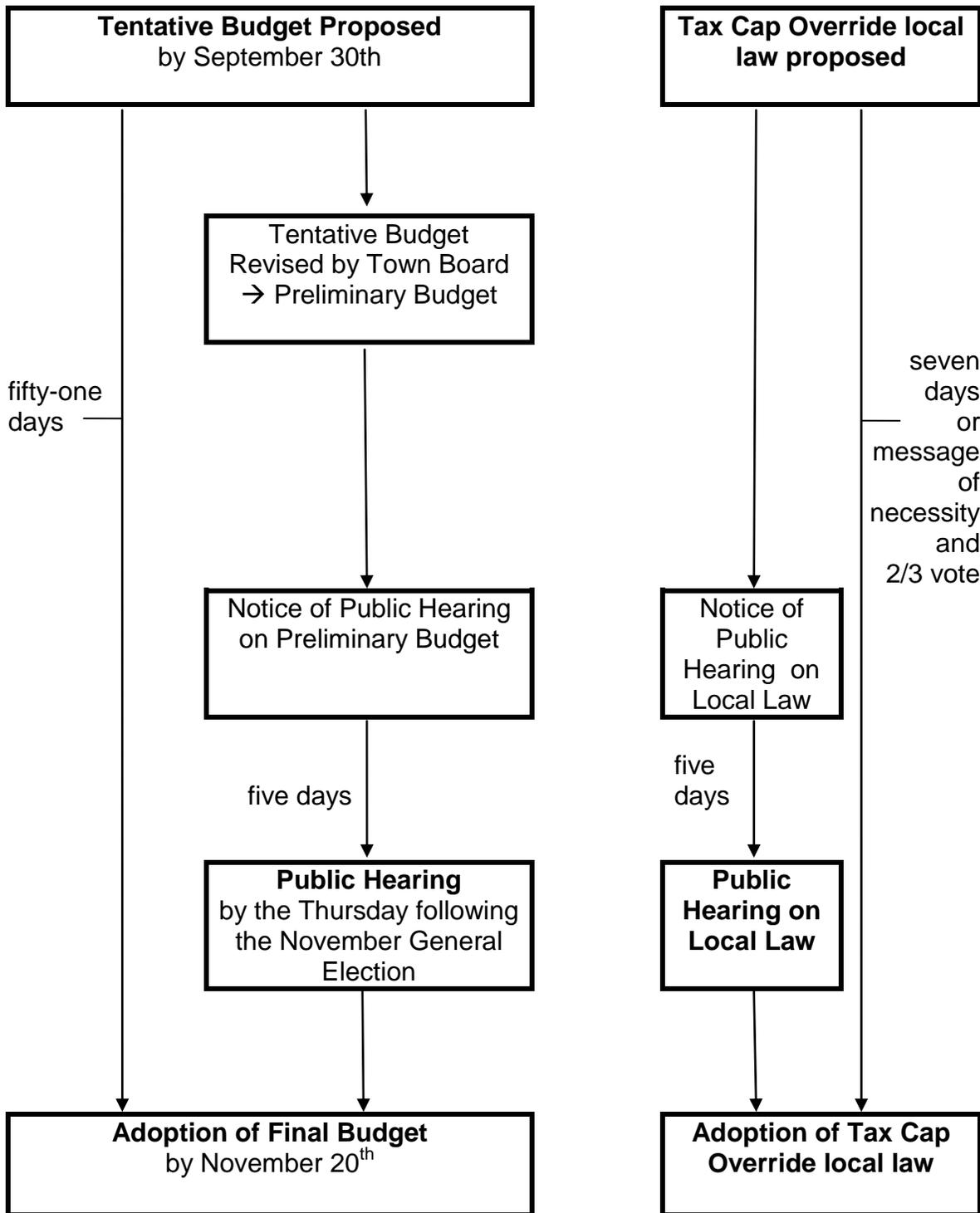
Appendix A Timeline for Tentative County Budget that Requires Tax Cap Override



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

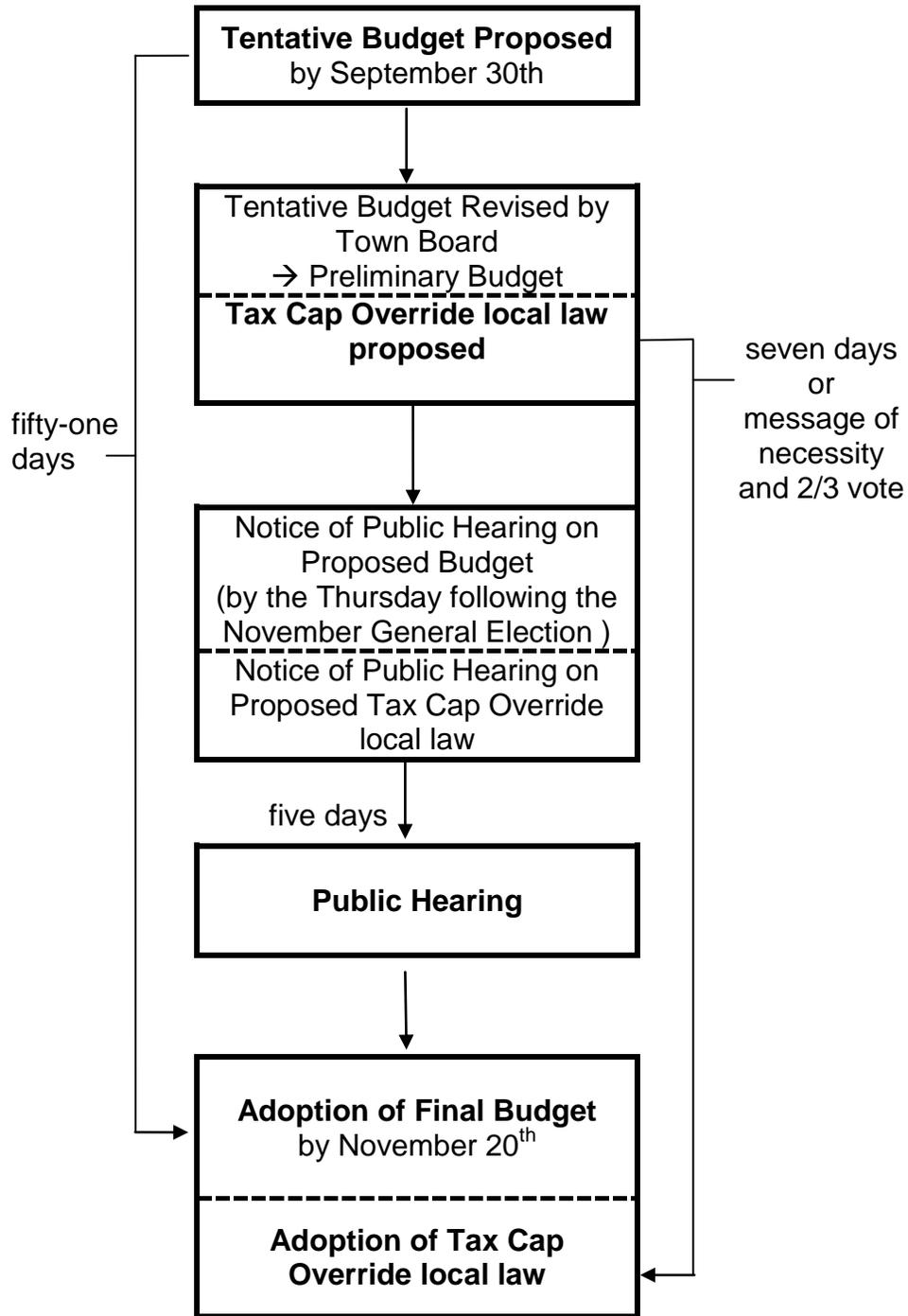


Appendix C
Timeline for Tentative Town Budget that requires Tax Cap Override*



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

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



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



CITY COUNCIL AGENDA

NO. 9

DEPT.: City Manager's Office

DATE: November 8, 2017

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Public Hearing to amend local law Chapter 117, Landmarks Preservation, of the Rye City Code by amending Section §117-5, "Designation of Preservation Districts or Protected Sites and Structures", Subsection E, to add (10) Protected site and structures: the Milton Cemetery, Milton Road (Section 146-18, Block 4, Lot 51), the Purdy Cemetery, Milton Road (Section 146-18, Block 4, Lot 76), and Baird Square, Boston Post Road and Milton Road, as landmarks.

FOR THE MEETING OF:

November 8, 2017

RYE CITY CODE,

CHAPTER	117
SECTION	5

RECOMMENDATION: That the City Council hold a Public Hearing to landmark the Milton Cemetery, the Purdy Cemetery, and Baird Square.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The Landmarks Advisory Committee is seeking approval to landmark the following City-owned properties:

- The Milton Cemetery, Milton Road (Section 146-18, Block 4, Lot 51)
- The Purdy Cemetery, Milton Road (Section 146-18, Block 4, Lot 76); the Purdy family burial ground belonged to the Purdy family and was used as the family's private burial plot.
- Baird Square, Boston Post Road and Milton Road; 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 Draft Local Law and the Landmarks Committee proposal.

Chapter 117. LANDMARKS PRESERVATION

§ 117-5. Designation of Preservation Districts or Protected Sites and Structures.

- E. The designated Preservation District and Protected Sites and Structures shall be set forth in this subsection by block and lot number, street designation and, if appropriate, by local designation.
- (1) Preservation District: Village Green, the Square House, the Rye Free Reading Room and City Hall, Boston Post Road, Rye, New York, also known as Block 2, Lot Nos. 29 and 31, on the current tax assessment map of the City of Rye, and formerly known as Block 42, Lot Nos. 14A, 14B, 20, 21, 22, 23 and 24. Specifically designated as protected within the district are: [Added 9-15-1982 by L.L. No. 8-1982]
- (a) The Square House: the exterior and the grounds surrounding, a total of 1.88 acres. On the interior: the council room; tavern room; warming kitchen; small exhibit room; ballroom; nineteenth-century bedroom; the main entrance hall and staircase; adjoining hallways between the specified rooms and the Civil War period room in the attic, all exclusive of displays, furnishings or exhibits. All areas not specifically proposed for preservation as listed above should be deemed to be excluded.
- (b) The Rye Free Reading Room:
- [1] The exterior and grounds surrounding, a total of 0.26 acre. On the interior, only that portion of the 1913 building described as: in the first floor entrance vestibule: woodwork, excluding doors; in the first and second floor foyer: staircase, stairwell and landing space, including three arches; woodwork, excluding doors to north and south second floor rooms; in the first floor circulation area: woodwork, including square and circular columns and connecting beams only; in the first floor reading rooms, north and south: woodwork, including fireplace surrounds and mantels, trim above seven feet one inch (level of mantels), window trim, including sills, and fireplaces as working fireplaces.
- [2] The following portions of the interior and exterior of the 1913 building shall be specifically excluded: second floor, north and south rooms; toilet rooms and adjacent hallway: furniture, including circulation desk and bookshelves: furnishings, including carpet, vases, artwork, signage and paint colors. Interior and exterior exclusions: lighting, heating ventilation and electric; alarm systems, including fire and security; wiring and devices for telecommunications, including cable television, computer, phone and similar installations.
- [3] The following future possible changes are also excluded: installation of ceiling and attic fans, railing in foyer, exterior sign identifying the building, storm windows, security lights and glass doors or stoves (e.g., Stovalator) in fireplaces; waterproofing terrace.

- (c) The Rye City Hall be deemed protected as to exterior.
 - (d) The Village Green be deemed protected as to walks, walls, millstones and landscaping.
- (2) Protected site and structures: Alansten, the Jay Mansion, and the Carriage House, 210 Boston Post Road, Rye, New York, also known as Sheet 153.09, Block 1, Lot 24.1, on the current Tax Assessment Map of the City of Rye. Specifically designated as protected sites and structures are: [Added 7-18-1984 by L.L. No. 10-1984]
- (a) Alansten: The entire site consisting of 22.46 acres and including a viewway, a trapezoidal area located between the Jay Mansion and the southerly property line in which there shall be no construction, except for the installation of utility services, which shall have a width of 90 feet at the rear of the building and a width of 300 feet along the southerly property line, the centers of which shall be the center of the rear facade of the building and the point at which a line extending from the rear facade and perpendicular to the rear facade intersects the southerly property line, respectively. The foregoing described orientation of the viewway to the mansion may be adjusted by the Planning Commission during site plan review if it finds that said adjustment will improve the public's view of the mansion.
 - (b) The Jay Mansion: The entire exterior.
 - (c) The Carriage House: The entire exterior.
- (3) Protected site and structure: the Hains-Robinson House, 556 Milton Road, also known as Sheet 153.06, Block 1, Lot 70, on the current Tax Map of the City of Rye. Specifically designated as protected is: [Added 1-16-1985 by L.L. No. 1-1985]
- (a) The Hains-Robinson House: the entire exterior and the entire site, including the stone walls; the interior; the entire ground floor, which includes the original kitchen and tap room containing the ship's doors and paneling from the frigate Brandywine. Also deemed protected are the stair railings and newel posts and other Brandywine doors throughout the house.
- (4) Protected site: the Jay Family Cemetery, Boston Post Road, Rye, New York, also known as Sheet 153.09, Block 1, Lot 33, on the current Tax Map of the City of Rye. Specifically designated as protected is: [Added 9-17-1986 by L.L. No. 14-1986]
- (a) The Jay Family Cemetery: the entire site comprising 2.85 acres shall be deemed protected, including walls, fences, stones, monuments, paths and the access road. This designation shall not interfere with or prevent additional burials or placement of headstones.
- (5) Protected Site and Structure: the Timothy Knapp House, 265 Rye Beach Avenue, Rye, New York, also known as Sheet 146.19, Block 5, Lot 8, on the current Tax Map of the City of Rye. Specifically designated as protected is: [Added 8-19-1987 by L.L. No. 9-1987]

- (a) The Timothy Knapp House: the entire site and entire building including interior and exterior.
- (6) Protected site and structure: the Parsons Estate, 260 Boston Post Road, Rye, New York, also known as Sheet 153.09, Block 1, Lot 34, on the current Tax Map of the City of Rye. Specifically designated as protected is: [Added 6-15-1988 by L.L. No. 11-1988]
 - (a) The Parsons Estate: the entire site; the exterior and interior of the main residence, the exterior of the gardener's cottage and the exterior of the carriage house and stables.
- (7) Protected site and structure: 235 Boston Post Road, Rye, New York, also known as Sheet 153.05, Block 1, Lot 74.1, on the Tax Map of the City of Rye. Specifically designated as protected is: [Added 10-6-2005 by L.L. No. 3-2005]
 - (a) The Stillman Residence: the entire site and the exterior of the main residence.
- (8) Protected structure: 5 Morris Court, Rye, New York, also known as Sheet 153.05, Block 1, Lot 74.3, on the Tax Map of the City of Rye. Specifically designated as protected is: [Added 10-6-2005 by L.L. No. 3-2005]
 - (a) The exterior of the one-story stone garage, including the chimney. The attached greenhouse-type structure shall be deemed to be excluded.
- (9) Protected site and structures: the Bird Homestead, 600 Milton Road, Rye, New York, also known as Sheet 153.6, Block 1, Lot 61, on the Tax Map of the City of Rye; the Rye Meeting House, 624 Milton Road, Rye, New York, also known as Sheet 153.6, Block 1, Lot 60, on the Tax Map of the City of Rye. Specifically designated as protected is:
 - (a) the Bird Homestead: the entire site and the exterior.
 - (b) the Rye Meeting House: the entire site and the exterior.

10) Protected site and structures: the Milton Cemetery, Milton Road, Rye, New York, also known as Sheet 146-18, Block 4, Lot 51, on the Tax Map of the City of Rye; the Purdy Cemetery, Milton Road, Rye, New York, also known as Sheet 146-18, Block 4, Lot 76, on the Tax Map of the City of Rye; Baird Square, Boston Post Road and Milton Road, Rye, New York. Specifically designated as protected is:

- (a) the Milton Cemetery: the entire site; this designation shall not interfere with or prevent additional burials or placement of headstones
- (b) the Purdy Cemetery: the entire site excluding the footbridge; this designation shall not interfere with or prevent additional burials or placement of headstones

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(c) Baird Square: the entire site including the greenspace encircled by hedges, the police booth, and the event sign

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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 Havalands, 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.



CITY COUNCIL AGENDA

NO. 10

DEPT.: City Manager's Office

DATE: November 8, 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:

November 8, 2017

**RYE CITY CODE,
CHAPTER
SECTION**

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.

See Attached Updated Draft Local Laws **revised as of November 3, 2017.**

CITY OF RYE
LOCAL LAW NO. ____ 2017

A local law to amend Chapter 133 “Noise” Section 3 “Permissible Intensity of Noise” and Section 4 “Points and method for measuring intensity of sound” to reflect changes in technology related to the deployment of wireless services and other supporting equipment as follows:

Section 1:

Chapter 133: Noise

§133-1 Unnecessary noise prohibited.

Subject to the provisions of this chapter, the creation of any unreasonably loud, disturbing and unnecessary noise is prohibited. Noise of such character, intensity and duration as to be detrimental to the life or health of any individual is prohibited.

§133-2 Prohibited acts. ***

§133-3 Permissible intensity of noise.

[Amended 8-21-1991 by L.L. No. 19-1991]

Except for noise emanating from the operation of motor vehicles, the permissible intensity of noise from any of the foregoing acts, whether such noise is intermittent, impulsive, sporadic or continuous, shall be limited as follows:

- A. Maximum sound pressure [db(A)] shall be as follows:
- (1) Fifty-five db(A) for stationary sources and 70 db(A) for outdoor power tools.
 - (2) Portable air compressors and their related equipment are limited to 76 db(A).
 - (3) Lawn mowers, leaf blowers, and outdoor vacuum cleaners shall have a permitted intensity of 85 db(A); use of this equipment is prohibited between the hours of 8:00 p.m. and 8:00 a.m. on weekdays and between the hours of 6:00 p.m. and 10:00 a.m. on weekends and holidays. The permitted intensity and hours described in this subsection will apply to leaf blowers during months when the use of leaf blowers is permitted.
 - (4) Air-conditioning units and pool filters are limited to 60 db(A).

§133-4 Points and method for measuring intensity of sound.

- A. Except for noise emanating from the operation of motor vehicles, the point at which the intensity of sound is to be measured shall be at a distance of 50 feet, except that noise from:
- (1) Air-conditioning units and pool filters at a distance of 10 feet.
 - (2) Stationary utility or communications facilities ~~located on public property~~ shall be measured at a distance of 50 feet, or, if less, **in areas zoned for residential use**, the distance from the facility or its supporting structure to a sidewalk or the nearest private residential property line, but no less than 10 feet. For any such facilities, the measurements should include noise from that facility and all other stationary utility

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or communications facilities proximately associated with the stationary utility or communications facility or its Supporting Structure.

- B.** Measurement shall be made using a meter capable of measuring decibels and of a type meeting ANSI S1.4-1971, Type 2 standard. The measurement is to be made using a free-field microphone directed at the noise source.

Section 2: Severability.

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

Section 3: Effective date.

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

CITY OF RYE
LOCAL LAW NO. ____ 2017

A local law to amend Chapter 167 “Streets and Sidewalks” by adding a new Section VI “Placement of permanent facilities in the rights of way” to regulate certain infrastructure placed within the City’s rights of way as follows:

Section 1:

Chapter 167 – Street and Sidewalks

§ 167-66. Definitions.

ACCESSORY FACILITY or STRUCTURE — An accessory facility or structure serving or being used in conjunction with a Base Station and located on the same property or lot as the Base Station, whether or not owned by the person who owns or controls the Base Station, including but not limited to utility or transmission equipment storage sheds or cabinets; electric meters; and fencing or shielding.

ANTENNA — A device, dish, array, or similar device used for sending and/or receiving electromagnetic waves for FCC licensed or authorized wireless communications.

BASE STATION – - A facility or equipment at a fixed location that enables FCC licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a Tower as defined herein or Accessory Facility or Structure associated with a Tower. The term Base Station includes, without limitation:

- (1) Equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.**
- (2) Radio transceivers, Antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems (“DAS”) and small-cell networks); provided that, wireline connections in the rights of way linking Antennas to other elements of a small cell, DAS or similar network will not be treated as part of the Wireless Facility and instead their placement shall be subject to review consistent with applicable provisions of the Rye City Code, the applicable franchise; and New York law.**
- (3) Any Supporting Structure, other than a Tower, that at the time the relevant application is filed with the City under this section, supports or houses equipment described in paragraphs (1)-(2) that has been reviewed and approved for placement of such equipment under this Chapter, or under another State or local regulatory review process, even if the Supporting Structure was not built for the sole or primary purpose of providing that support. For Supporting Structures that support equipment described in paragraphs (1)-(2), including but not limited to the sides of**

buildings, water towers, or utility poles, the term includes only that portion of a Supporting Structure specifically approved to support the wireless equipment described in paragraphs (1)-(2), and only relates to activities necessary to permit the installation, maintenance, replacement or collocation of wireless equipment described in the preceding paragraph. The exemption of a Supporting Structure from review is not an approval.

SUPPORTING STRUCTURE - Any building, mast, pole, Utility Pole or other facility capable of supporting or housing a Base Station. Except as used in the definition of the term "Tower", the term "Supporting Structure" does not include and is not used to refer to a Tower.

TOWER – Any supporting structure built for the sole or primary purpose of supporting any FCC-licensed or authorized Antennas (and related Base Station and Accessory Facilities or Structures), including supporting structures that are constructed for FCC-licensed or authorized wireless communications including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. This definition does not include Utility Poles.

UTILITY POLE - A Supporting Structure owned and/or operated by a public utility, and regulated by the New York State Department of Public Service, which is primarily built to support lines, cables, or wires for telephone, cable television, or electricity, or to provide lighting.

§ 167-67. Consent required for placement of permanent facilities.

Except as specifically provided in this Code, or where a consent has been granted by the State and no consent may be required by the City: any person that wishes to place permanent facilities in the rights of way must have consent from the City, which consent, if issued after the date of the ordinance, must take the form of a franchise or license. Persons who own or control facilities in the rights of way used to provide cable services to end users must obtain a video franchise from the City as provided in Section 185. A video franchise under Chapter 185 is not in lieu of the franchise or license required herein for the occupation of the rights of way for the provision of services beyond those authorized by the video franchise. The grant of a right to use or occupy rights of way is not a waiver of the City's authority to control the time, place or manner of placement of the facilities or equipment of a licensee or franchisee, or the right to prohibit the placement of certain types of equipment that present a hazard to persons or property, or that may incommode the public or unduly interfere with use of the rights of way

167-68. No waiver of police powers.

No franchise or license may waive or restrict the City's exercise of its police powers.

167-69. Effect of loss of utility status.

A person that claims the right to use the rights of way as a utility pursuant to New York law loses its franchise if the status of the company changes, or the particular facility installed is not covered by the relevant provision of New York law.

167-70. Consent indivisible.

No person may subdivide, sublease or grant any other person the right to install facilities in the rights of way, including, without limitation, where the other person's facilities are enclosed entirely within the facilities of a person authorized to occupy the rights of way

167-71. Exceptions to requirement for franchise or license for Wireless Facilities

Notwithstanding the foregoing, City may permit a person holding a license or franchise issued by the City under this Section to allow another person who does not hold a franchise or license to place facilities in the rights of way within a Base Station (as defined in Chapter 196) after the effective date of this provision where:

- A. The Base Station is the same as it was previously approved by the City as part of the initial authorization under Chapter 196, and the placement does not involve an increase in the size or total volume of the Base Station;
- B. The Base Station is wholly under the control and management of a person holding a license or franchise, and that person is liable for all acts or omissions, and all harms associated with the Base Station and all its components whether the same are its acts or omissions, or the acts or omissions of an owner of any component of the Base Station;
- C. The person holding the franchise or license must warrant and agree that it will not permit the other person to take any action in the rights of way with respect to the Base Station or its components, including but not limited to, installing, physically modifying, maintaining the facilities such person owns; all such activities shall be the sole responsibility of the person holding the franchise or license.
- D. The person for on whose behalf equipment has been installed must acknowledge and agree, in a form acceptable to the City Attorney:
 - (1) That the City has not granted it a franchise or consent to be in the Rights of Way for any purpose;
 - (2) That it understands and is bound by Franchisee's representations in the Section 167.70(1)-(3);
 - (3) That it shall have no rights or claims against the City of any sort related to its facilities, but shall be jointly and severally liable for any acts or omission of the holder of the license or franchise, or its own acts and omissions that result in any harms to the City or to the public;
 - (4) that City may treat any equipment owned by such entity as if it were owned by the person holding the franchise or license for all purposes (including but not limited to removal and relocation).

- (5). That if its equipment is in the rights of way, in lieu of a franchise or consent fee, it will pay the fee required by Section 167.71, or cause the person holding the franchise or license to pay on its behalf.

167-72. Compensation for use of the rights of way.

- A. Unless a franchise or license provides otherwise: for a person that has facilities in the rights of way, except where compensation for that use is provided for under a franchise or license with another person, or is prohibited by New York State law:
 - (1) For lines or conduit occupying the rights of way, and supporting structures and associated equipment cabinets for the lines or conduit that may be permitted in the rights of way, a percentage of gross revenues derived from the operation of the facilities within the City as defined by the fee schedule;
 - (2) For Wireless Facilities as defined in Chapter 196, a fee per annum for each Wireless Facility as defined by the fee schedule. Where a Wireless Facility contains more than one radio unit, the fee will be assigned per radio unit per Wireless Facility. Where a Wireless Facility includes a new Supporting Structure as defined in Chapter 196 or ground-mounted equipment, an additional rent equal to the square footage affected by the Supporting Structure (taking into account separation distances required from other structures, and including footage occupied by guy wires) times the average value of unimproved property in the City, as determined by the Assessor, except for Supporting Structures subject to the special state franchise tax.
- B. For an entity which holds a franchise or license authorizing the use of the rights of way to provide that service, the amount specified in the franchise or license, or if no amount is specified, and a fee may be imposed, the amount specified in Section 167.71(A)(1).
- C. The fee specified in this section is not in lieu of any other tax, fee or assessment. Without limitation, an applicant shall bear costs associated with negotiating and issuing a franchise or license.
- D. City may waive the fee or impose a different fee where the fee provided under Section 167.71(A)(1) cannot reasonably be applied or is not reasonable in light of the right of way use.

167-73. Registration Requirement.

- A. Whether or not a franchise or license is required, any person placing permanent facilities in the rights of way shall be required to register with the City beginning on January 1, 2018, identifying the nature and location of its facilities in the rights of way, and the location, by section block and lot, of major components associated with those facilities. Wireless Facilities are considered major components, and any powered facility is considered a major component. In addition, by January 1, 2018, any person that is required to register under Chapter 196 must identify the nature and location of its facilities and the location of major components associated with those facilities.

- B. A permanent facility is defined as any structure or equipment, other than a structure or equipment owned by the municipality or an agency or subdivision of the federal or state government, that is (a) physically affixed to the ground, or to any structure affixed to the ground in the rights of way; and (b) intended to remain in place for more than one year.
- C. This provision does not require any person to disclose information it is prohibited from disclosing under state or federal law. However, a person that would otherwise be subject to this provision, but who may not disclose the location or nature of its facilities consistent with state or federal law must register, and shall note the provisions of law which it claims restrict disclosure.
- D. The City shall develop registration forms by January 1, 2018 and may establish requirements for the submission of information in a form that permits the City to locate and identify facilities in its rights of way.
- E. **Where the location of underground facilities cannot be determined by a registrant without disruption to the rights of way (for example, where location can only be determined by potholing or similar methods), it is sufficient if the registrant provides its best available information regarding the facilities.**
- F. Each registrant shall pay such fees as the City may establish from time to time to recover the cost of the registration system.

Section 2: Severability.

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

Section 3: Effective date.

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

CITY OF RYE
LOCAL LAW NO. ____ 2017

A local law to amend Chapter 196 “Wireless Telecommunications Facilities” to reflect changes in technology related to the deployment of wireless services, to update the permitting process regarding new technology, and to update the City’s land use provisions governing the time, place and manner of these facilities as follows:

Section 1

Chapter 196 - “Wireless Telecommunications Facilities”

§ 196-1. Purpose and legislative intent.

The Telecommunications Act of 1996 affirmed the City of Rye’s authority concerning the placement, construction and modification of wireless telecommunications facilities. The City Council finds that wireless telecommunications facilities and related equipment may pose a unique hazard to the health, safety, public welfare and environment of the City and its inhabitants, and may also have an adverse visual impact on the community, its character and thus the quality of life in the City. The intent of this chapter is to ensure that the placement, construction or modification of wireless telecommunications facilities and related equipment is consistent with the City’s land use policies and Zoning Code¹; to minimize the negative and adverse visual impact of wireless telecommunications facilities; to assure a comprehensive review of environmental impacts of such facilities; to protect the health, safety and welfare of the City of Rye; and to encourage shared use of wireless telecommunication facilities.

§ 196-2. Title.

This chapter may be known and cited as the “Wireless Telecommunications Facilities Siting and Special Use Permit Law for the City of Rye,” or may otherwise be known as the “Wireless Facilities Law.”

§ 196-3. Definitions; word usage.

For purposes of this chapter, and where not inconsistent with the context of a particular section, the defined terms, phrases, words, abbreviations and their derivations shall have the meanings given in this section. When not inconsistent with the context, words in the present tense include the future tense, words used in the plural number include words in the singular number and words in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

ACCESSORY FACILITY OR STRUCTURE — An accessory facility or structure serving or being used in conjunction with a Base Station and located on the same property or lot as the Base Station, whether or not owned by the person who owns or controls the Base Station, including but

¹ 1. Editor’s Note: See Ch. 197, Zoning.

not limited to utility or transmission equipment storage sheds or cabinets; electric meters; and fencing or shielding.

APPLICANT — Includes any individual, corporation, estate, trust partnership, joint-stock company, association of two or more persons, limited liability company or entity submitting an application to the City of Rye for a Special Use Permit for a Wireless Facility.

APPLICATION — The form as may be amended from time to time, together with all necessary and appropriate documentation that an applicant must submit in order to receive a Special Use Permit for a Wireless Facility.

ANTENNA — A device, dish, array, or similar device used for sending and/or receiving electromagnetic waves for FCC licensed or authorized wireless communications.

BASE STATION - A facility or equipment at a fixed location that enables FCC licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a Tower as defined herein or Accessory Facility or Structure associated with a Tower. The term Base Station includes, without limitation:

- (1) Equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
- (2) Radio transceivers, Antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems (“DAS”) and small-cell networks); provided that, wireline connections in the rights of way linking Antennas to other elements of a small cell, DAS or similar network will not be treated as part of the Wireless Facility and instead their placement shall be subject to review consistent with applicable provisions of the Rye City Code, the applicable franchise; and New York law.
- (3) Any Supporting Structure, other than a Tower, that at the time the relevant application is filed with the City under this section, supports or houses equipment described in paragraphs (1)-(2) that has been reviewed and approved for placement of such equipment under this Chapter, or under another State or local regulatory review process, even if the Supporting Structure was not built for the sole or primary purpose of providing that support. For Supporting Structures that support equipment described in paragraphs (1)-(2), including but not limited to the sides of buildings, water Towers, or utility poles, the term includes only that portion of a Supporting Structure specifically approved to support the wireless equipment described in paragraphs (1)-(2), and only relates to activities necessary to permit the installation, maintenance, replacement or collocation of wireless equipment described in the preceding paragraph. The exemption of a Supporting Structure from review is not an approval.

BREAK POINT — The location on a Tower which, in the event of a failure of the Tower, would result in the Tower falling or collapsing within the boundaries of the property on which the Tower is placed.

CARRIER ON WHEELS or CELL ON WHEELS (“COW”) - A portable self-contained facility that can be moved to a location and set up to provide Personal Wireless Services. A COW is normally vehicle-mounted and contains a telescoping boom to support the Antenna.

CITY — The City of Rye, New York.

COLLOCATION — The use of an Existing Tower or Base Station to install additional transmission equipment or Antennas for the provision of wireless services.

COMMERCIAL IMPRACTICABILITY or COMMERCIALLY IMPRACTICABLE — The meaning in this chapter and any Special Use Permit granted hereunder as is defined and applied under the United States Uniform Commercial Code (UCC).

COMPLETED APPLICATION — An application that contains all information and/or data required by the City on application forms, by ordinance or by written practice.

CONCEALMENT ELEMENT - Any design feature, including but not limited to painting, landscaping, shielding requirements and restrictions on location, proportions, or physical dimensions in relation to the surrounding area or Supporting Structures that are intended to make a Wireless Facility or any Supporting Structure supporting it less visible to the casual observer.

COUNCIL — The City Council of the City of Rye, which is the officially designated agency or body of the community to whom applications for a Special Use Permit for a Wireless Facility must be made, and that is authorized to review, analyze, evaluate and make decisions with respect to granting or revoking Special Use Permits for Wireless Facilities. The Council may, at its discretion, delegate or designate other official agencies of the City to accept, review, analyze, evaluate and make recommendations to the Council with respect to the granting or not granting, recertifying or not recertifying or revoking Special Use Permits for Wireless Facilities.

EAF — The Environmental Assessment Form approved by the New York Department of Environmental Conservation.

ELIGIBLE FACILITY PERMIT – The official document or permit by which an applicant meets the criteria for administrative review of a Wireless Facility as granted by the City Engineer and Corporation Counsel.

ENVIRONMENTALLY SENSITIVE AREA (“ESA”) – An area that has an exceptional or unique character with respect to one or more of the following: a) a benefit (or threat) to human health; b) a benefit (or threat) to wildlife; c) a natural setting (e.g. fish/wildlife habitat open space, area of important aesthetics or scenic quality); d) agricultural, social cultural, archeological, recreational or educational values. The City Council shall determine what areas qualify as an ESA.

EXISTING - In place as of the date an application is received for installation or modification of a Wireless Facility.

FAA — The Federal Aviation Administration or its duly designated and authorized successor agency.

FCC — The Federal Communications Commission or its duly designated and authorized successor agency.

HEIGHT — When referring to a Tower or Supporting Structure, the distance measured from the preexisting grade level to the highest point on the Tower or Supporting Structure, even if said highest point is an Antenna.

NIER — Nonionizing electromagnetic radiation.

PERSON — Any individual, corporation, estate, trust, partnership, joint-stock company, association of two or more persons having a joint common interest or governmental entity.

PERSONAL WIRELESS SERVICES — Shall have the same meaning as defined and used in the 1996 Federal Telecommunications Act and associated regulations.

SPECIAL USE PERMIT — The official document or permit by which an applicant is allowed to construct and use a Wireless Facility, as granted by the City.

STEALTH FACILITY - Any Wireless Facility that is integrated as an architectural feature of an Existing Supporting Structure or any new Wireless Facility that is camouflaged or concealed so that the presence of the Wireless Facility is either: (1) virtually invisible to the casual observer, such as an Antenna behind louvers on a building, or inside a steeple or similar structure; or (2) camouflaged, through stealth design, so as to blend in with its surroundings to such an extent that it is indistinguishable by the casual observer from the structure on which it is placed or the surrounding in which it is located. Examples of Stealth Facilities include Wireless Facilities which are disguised as flagpoles, as indigenous trees, as rocks, or as architectural elements such as dormers, steeples and chimneys. To qualify as “stealth” design, the item in question must match the type of item that it is mimicking in size, scale, shape, dimensions, color, materials, function and other attributes as closely as possible. The elements that make a facility a Stealth Facility are Concealment Elements.

SUPPORTING STRUCTURE – Any building, mast, pole, Utility Pole or other facility capable of supporting or housing a Base Station. Except as used in the definition of the term “Tower,” the term “Supporting Structure” does not include and is not used to refer to a Tower.

SUBSTANTIAL CHANGE - Substantial change has the same meaning the term “Substantial Change” as defined by Federal Communications Commission regulations, 47 C.F.R. §1.40001(b)(7).

TELECOMMUNICATIONS — The transmission and reception of audio, video, data and other information by wire, radio frequency, light and other electronic or electromagnetic systems.

TEMPORARY — In relation to all aspects and components of this chapter fewer than 90 days.

TOWER – Any supporting structure built for the sole or primary purpose of supporting any FCC-licensed or authorized Antennas (and related Base Station and Accessory Facilities or Structures), including supporting structures that are constructed for FCC-licensed or authorized wireless communications including, but not limited to, private, broadcast, and public safety services, as

well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. This definition does not include Utility Poles.

UTILITY POLE - A Supporting Structure owned and/or operated by a public utility, and regulated by the New York State Department of Public Service, which is primarily built to support lines, cables, or wires for telephone, cable television, or electricity, or to provide lighting.

WIRELESS FACILITY — All elements of a facility at a fixed location used in connection with the provision of any FCC-licensed or authorized wireless communications, including the Base Station (but excluding any Existing Supporting Structure to which the Base Station is attached or within which it is enclosed), Tower, if any, and Accessory Facilities or Structures serving that Base Station. The definition does not include facilities used for governmental communications, including public safety.

§ 196-4. Policy and goals for Special Use Permits.

In order to ensure that the placement, construction and modification of Wireless Facilities conforms to the City's purpose and intent of this chapter, the Council creates a Special Use Permit for Wireless Facilities for the purpose of achieving the following goals:

- A.** Implementing an application process for person(s) seeking a Special Use Permit for a Wireless Facility.
- B.** Establishing a policy for examining an application for and issuing a Special Use Permit for a Wireless Facility that is both fair and consistent.
- C.** Establishing reasonable time frames for granting or not granting a Special Use Permit for a Wireless Facility, or recertifying or revoking the Special Use Permit granted under this chapter.
- D.** Promoting and encouraging, wherever possible, and where it will result in the least overall visual impact for residential dwelling units, the collocation of Wireless Facilities.
- E.** Promoting and encouraging, wherever possible, the placement of a Wireless Facility in such a manner as to cause minimal disruption to the land, property, buildings and other facilities adjacent to, surrounding and in generally the same area as the requested location of such a Wireless Facility and to minimize adverse aesthetic impacts to the community.

§ 196-5. Special Use Permit.

- A.** A person who installs Wireless Facilities pursuant to this section must comply with all safety codes; comply with requirements for RF emissions; and must utilize Concealment Elements and maintain facilities to minimize visibility of the Wireless Facilities. Wireless Facilities that require a Special Use Permit or are subject to an exemption under Section 196-2 or 195-4 (or if existing on January 1, 2018 would have required a Special Use Permit or would have been exempt if installed after January 1, 2018); and Wireless Facilities in the rights of way are subject to the registration requirements of Section 167.72.

- B.** This Chapter does not apply to any device designed for end-user over-the-air reception, not transmission, of television broadcast signals, multi-channel multi-point distribution service, or direct broadcast satellite service; or for end user reception of signals from an Internet service provider and end user transmission of signals to an Internet service provider.
- C.** The following Wireless Facilities do not require a Special Use Permit, except where the same are on or affect a historic property, or an environmentally sensitive area. Requirements that may apply to the underlying Supporting Structure to which a Base Station is to be attached, as well as all other applicable laws and regulations continue to apply.
- (1) Wireless Facilities that are less than 1 cu ft. in size, placed on Existing Supporting Structures without increasing the physical dimensions of the Existing Supporting Structures. The “cubic footage” takes into account all the elements of the Wireless Facility (including Accessory Facilities or Structures).
 - (2) Wireless Facilities placed on the rooftop of non-residential buildings; that are at least 30 feet from any residential unit; and that includes Concealment Elements so that the Wireless Facilities are not visible from the street.
 - (3) Wireless Facilities within Existing Supporting Structures (other than historical properties) that are not visible from outside the Supporting Structure and do not change the physical dimensions or appearance of the Supporting Structure within which they are placed.
 - (4) Carriers on Wheels where the placement is permitted, and complies with, applicable FCC regulations for temporary placement of Wireless Facilities.
 - (5) Routine maintenance, or replacement of elements of a Wireless Facility or Supporting Structure that do not change the dimensions or visibility of a Wireless Facility or Supporting Structure.
- D.** The City Engineer or his/her designee shall prepare application forms that must be used by persons seeking to place Wireless Facilities in the City and which shall require submission of at least the information required by the City Code, and may require information that the City may consider in acting upon an application. Prior to completion of those forms, persons seeking a Special Use Permit must submit at least the information required by the City Code. The City may seek additional information from a person seeking to place Wireless Facilities in the City even is not required by the application form.
- E.** For eligible facilities requests, as defined in the Federal Communications regulation 47 C.F.R. §1.40001(b)(3), implementing federal law, 47 U.S.C. §1455, a Eligible Facility Permit is required prior to installation (including modifications), of Wireless Facilities or modification of Existing Support Structures in connection with the installation of Wireless Facilities.

- (1) An Eligible Facility Permit may be issued administratively by the City Engineer and Corporation Counsel jointly. The Eligible Facility Permit shall specifically provide that it is being issued at the direction of the federal government and without the consent of the City, and shall be of no further force and effect when the permit for the underlying facility expires, or the federal law changes so that the permit as issued is no longer required.
- (2) The application for any permit must contain at least the information required to permit the City Manager and Corporation Counsel to determine whether the application is an eligible facilities request, including (i) the underlying approval for the existing Tower and Base Station; (ii) any approved modifications to the same where the modifications were approved prior to February 22, 2012; and (iii) detailed information about the physical dimensions of Tower and Base Station as the same exist on the date of the application, and as proposed to be modified.
- (3) The application shall be denied if it is not an eligible facilities request. If an application is denied because it is determined that it is not an eligible facilities request, the applicant may request that the application be treated as a request for special permit by submitting all the information required for a special permit within ten (10) days of the denial of application.

F. All other Wireless Facility installations (including modifications), or construction, modification or replacement of Support Structures in connection with the installation of Wireless Facilities require a Special Use Permit.

- (1) Special Use Permits may be granted where applicant shows:
 - (a) The Wireless Facility proposed is not being built speculatively (that is, there is a customer for the Wireless Facility), and it will be built promptly upon approval.
 - (b) The applicant and any entity whose equipment would be included in the installations has all the authorizations required to place the Wireless Facilities from the state, or the City, or the owner of the property, and to modify, replace or attach to a Supporting Structure.
 - (c) The Wireless Facility is designed and placed to minimize the visual impact on the community.
 - (d) The Wireless Facility does not significantly impact the site upon which it will be located or the properties that will be disturbed as a result of its installation.
 - (e) If Applicant claims the status of a utility under New York law, it must demonstrate that the Wireless Facility is necessary for the provision of services. As part of that demonstration, the Applicant must show that the proposed installation is the least intrusive alternative for providing service. If the applicant claims a right as a provider of wireless services or facilities

under 47 U.S.C. § 332(c)(7), it must show that absent approval, there will be a prohibition in the provision of wireless services within the meaning of federal law.

- (2) City may approve a Special Use Permit without the showing required by Section F(1)(e) where the facility is not located in or does not affect historic properties or environmentally sensitive areas and the Wireless Facility:
 - (a) Is a Stealth Facility that otherwise satisfies the provisions of this ordinance.
 - (b) Contains Concealment Elements, and is to be placed or shielded on an Existing Supporting Structure in such a way such that the Wireless Facility is not readily visible to surrounding properties, and is not subject to modification except at the discretion of the City.
- (3) Notwithstanding the foregoing, City may require the showing under Section F(1)(e) where the City determines installation or modification of the Wireless Facility substantially alters the size, proportions or dimensions of an Existing Supporting Structure.

G. Demonstration of least intrusive alternative.

- (1) As part of showing that it has proposed the least intrusive alternative for placement, an applicant is required:
 - (a) To show that it is installing Stealth Facilities to the extent possible;
 - (b) To show that it is otherwise installing facilities in the highest priority locations that are available and necessary to the provision of service or to avoid a prohibition. As part of its application, an applicant must describe in detail its efforts to place a Wireless Facility at a higher priority location, including what properties were contacted, and the reasons why applicant claims the Wireless Facility cannot be placed at a higher priority location.
 - (c) To submit RF engineering data identifying areas where a Wireless Facility could be placed that would serve the areas where applicant believes that service is required, and describing the Wireless Facility required to provide such services;
 - (d) To submit a written explanation as to why it claims its proposed Wireless Facility is the least intrusive alternative, considered individually, and as part of any project of which it is a part that involves installation of more than one Wireless Facility.
- (2) The highest priority locations are, in order of priority:
 - (a) Existing Towers serving Rye.

- (b) Rooftops or building exteriors that support Existing Wireless Facilities approved under Chapter 196, including municipally-owned Supporting Structures.
 - (c) Zoning Areas B-4, B-5 and B-6, where service can be provided using an existing Supporting Structure or a replacement Supporting Structure of similar height and design; or a new Supporting Structure whose height does not exceed 50 feet above ground level provided that the Wireless Facility is at least 50 feet from the nearest residential unit.
 - (d) Other municipally-owned property (other than the rights of way) where service can be provided using an existing Supporting Structure or a replacement Supporting Structure of similar height and design; or a new Supporting Structure whose height does not exceed 40 feet above ground level.
- (3) An applicant is further required to show that its proposed installation or modification:
- (a) Minimizes the visual impact of the Wireless Facilities and associated Supporting Structures upon the community, and in particular upon residential units, as proposed and under any modification that could be made to that installation as of right; and
 - (b) Is designed to be consistent with the overall characteristics of the area where the facilities are located; and
 - (c) Has minimized the new Supporting Structures proposed, and the impact of those Supporting Structures.
 - (d) In considering the visibility of Wireless Facilities, City may consider the mass and size of the facilities, the scale of the facilities (or the effect of the placement on the mass, size and scale of Supporting Structures to which or within which the Wireless Facilities may be attached or concealed) , and any other factor that may affect the impact on the community. It may consider the elements of a Wireless Facility separately, or collectively, and may require a showing the visibility of each element of the Wireless Facility, and the effect on any Supporting Structure to which the Wireless Facility will be attached, has been minimized.
- (4) The City may approve or require placement in a location that is not the highest priority where the record shows a proposed installation at a different location will result in less impact on the community, considering the specific installation that is proposed and any project of which it is a part that involves installation of more than one Wireless Facility.

- (5) In considering whether a proposal represents the least intrusive alternative, the City will consider the impact of a planned project as a whole, taking into account the factors specified above, and the rights granted by virtue of approval.

H. Demonstration of need.

As part of its showing of necessity or effective prohibition applicant shall:

- (1) Submit information verified by the wireless providers that have agreed to utilize the proposed Wireless Facility with respect to necessity or effective prohibition, as applicable.
- (2) Specifically identify the geographic areas that are to be served by the proposed installation, and explain why the proposed installation is necessary.
- (3) Describe any deficiencies in service it claims exists in the area to be served; and the signal levels across all frequencies used by the wireless providers identified in subsection H(1) for the geographic area. Without limiting the obligation under subsection H(2), if there is coverage within the area to be served, applicant must explain what wireless services, if any, cannot be provided given the existing coverage.

§ 196-6. Special Use Permit, and Special Eligible Facility Permit Application Requirements.

- A.** All applicants for a Special Use Permit for a Wireless Facility or any modification of such facility shall comply with the requirements set forth in this section. In addition to the information required by Section 196-5(E), an applicant for a special conditional use permit must comply with the requirements of subsections 196-6(B-D; E (2)-(6),(10), (14)-(18) and (22); G; H); and where the Wireless Facilities that are being modified are Stealth Facilities or subject to Concealment Elements, the visual impact analysis required by subsections I-J so that the City may determine whether the Concealment Elements or Stealth Facility characteristics are defeated.
- B.** An application shall be signed on behalf of the applicant by the person preparing the same and with knowledge of the contents and representations made therein and attesting to the truth and completeness of the information. The landowner, if different than the applicant, shall also sign the application. At the discretion of the Council, any false or misleading statement in the application may subject the applicant to denial of the application without further consideration or opportunity for correction, or to revocation of the permit if the permit is issued.
- C.** Applications not meeting the requirements stated herein or which are otherwise incomplete may be rejected by the Council.
- D.** The applicant shall include a statement in writing that:

- (1) The applicant's proposed Wireless Facility will be maintained in a safe manner and in compliance with all conditions of the Special Use Permit, without exception, unless specifically granted relief by the Council in writing, as well as all applicable and permissible local codes, ordinances and regulations, including any and all applicable county, state and federal laws, rules and regulations.
- (2) The construction of the Wireless Facility is legally permissible, including but not limited to the fact that the applicant is authorized to do business in New York State.

E. Each application shall include a complete plan for the site proposed, and if the application is submitted as part of a larger project that will include multiple sites, a description of that project, and the number and type of installations required. For Special Use Permits, the site plan shall be reviewed and approved by the Council prior to issuance of the permit. Where a certification is required, the certification shall be in the form of a report containing the information hereinafter set forth, signed by a licensed professional engineer registered in the state and acceptable to the City, unless otherwise noted. The application shall include, in addition to the other requirements for the Special Use Permit, the following information:

- (1) Documentation that shows applicant satisfies the requirements of Section 196-5€ (H), as applicable.
- (2) Name and address of the engineer or engineers submitting any certifications, and to whom questions regarding the certification should be submitted.
- (3) Name and address of the property owner, operator and applicant, to include the legal form of the applicant. Name and address of any person who will own equipment associated with the Wireless Facility.
- (4) Postal address and Tax Map parcel number of the property.
- (5) Zoning district or designation in which the property is situated.
- (6) Size of the property stated both in square feet and lot line dimensions and a diagram showing the location of all lot lines where the facility is proposed to be located outside of the right of way, and within the rights of way, the location of the proposed facility in relation to the right of way, pedestrian and non-motorized vehicle pathways and cross-walks, and the location in relation to driveways on the same right of way and within 750 feet.
- (7) Location of all residential structures within 750 feet.
- (8) Location of all habitable structures within 750 feet.
- (9) Location of all structures on the property which is the subject of the application, or for the right of way, within 250 feet of the proposed facility.

- (10) Location, size and height of all proposed and Existing Wireless Facilities and Supporting Structures at the proposed site.
- (11) Type, size and location of all proposed and existing landscaping.
- (12) The number, type and design of the Wireless Facility(s) proposed and the basis for the calculations of the Wireless Facility's capacity to accommodate multiple users.
- (13) The make, model and manufacturer of each of the elements of the Wireless Facility.
- (14) A detailed description of each element of the proposed Wireless Facility and any Existing Support Structure which will be utilized, which description shall include, but not be limited to, a description of the Supporting Structures, appurtenances and apparatus, including height above preexisting grade, materials, color and lighting. For a modification to a facility, applicant must describe precisely any change in physical dimensions to any portion of the Wireless Facility or and describe in detail any additional equipment installed as part of the modification and any modifications required to the Supporting Structure (including, but not limited to, modifications to meters, powers supplies, cabling, and guys).
- (15) The frequency, modulation and class of service of radio or other transmitting equipment.
- (16) Transmission and maximum effective radiated power of the Antenna(s).
- (17) Direction of maximum lobes and associated radiation of the Antenna(s).
- (18) Certification by a qualified RF engineer that NIER levels at the proposed site are within the threshold levels adopted by the FCC.
- (19) A copy of the FCC license applicable for the use of the Wireless Facility, if any, and a copy of any certificate issued by the State of New York for the facility; and proof that applicant and any person who will own facilities associated with the proposed Wireless Facility are authorized to place the facilities at the location proposed.
- (20) For a Tower, certification that a topographic and geomorphologic study and analysis has been conducted and that taking into account the subsurface and substrata, and the proposed drainage plan, that the site is adequate to assure the stability of the proposed s Tower on the proposed site. The certifying engineer need not be approved by the City.
- (21) Propagation studies of the proposed site and all adjoining proposed or in-service or existing sites.
- (22) The applicant shall disclose, in writing, any agreement in existence prior to submission of the application that would limit or preclude the ability of the applicant to share any new Wireless Facility that it constructs.

- (24) The applicant shall provide a notarized affidavit that either the proposed installation meets all laws, codes and ordinances or that it meets the same except as specifically listed on said affidavit.
- F.** In the case of a new Wireless Facility, the applicant shall be required to submit a report demonstrating its efforts to secure shared use of existing Wireless Facility(s). Copies of written requests and responses for shared use shall be provided to the Council.
- G.** Certification that the Wireless Facility and, if applicable, the Existing Supporting Structure both are designed and constructed (“as built”) to meet all county, state and federal structural requirements for loads, including wind and ice loads.
- H.** After construction and prior to receiving a certificate of compliance, certification that the Wireless Facility and related facilities are grounded and bonded so as to protect persons and property and installed with appropriate surge protectors.
- I.** The applicant shall submit a completed long form EAF and a completed Visual EAF addendum. The Council may require submission of a more detailed visual analysis based on the results of the Visual EAF addendum. Applicants are encouraged to seek pre-application meetings with the City Council to address the scope of the required visual assessment.
- J.** A visual impact assessment shall be provided with each application which shall include:
- (1) A Zone of Visibility Map, which shall be provided in order to determine locations where the facility may be seen.
 - (2) Pictorial representations of before and after views from key viewpoints, including but not limited to state highways and other major roads; state and local parks; other public lands; historic districts; environmentally sensitive areas; preserves and historic sites normally open to the public; and from any other location where the site is visible to a large number of visitors or travelers. The City will provide guidance concerning the appropriate key sites at a pre-application meeting.
 - (3) An assessment of the visual impact of the facility base, guy wires and accessory buildings from abutting and adjacent properties and streets.
 - (4) Scaled and dimensioned photo simulations of the before and after images of the project and project site from at least three different angles and showing the maximum silhouette, viewshed analysis, color and finish palette and proposed screening for the Wireless Facility.
- K.** The applicant shall identify any Concealment Elements proposed for the Wireless Facility, and for a Stealth Facility, shall specifically show that the proposed Wireless Facility qualifies as a Stealth Facility.
- L.** Where possible, for Wireless Facilities located outside of the rights of way wiring and other components shall be located within buildings. Wireless Facilities installed on the exterior

of Existing buildings/Supporting Structures shall be integrated into the design of such buildings/Supporting Structures. The intent of this provision is to make the installation invisible or indistinguishable from other existing architectural features. Both the Wireless Facility and any and all accessory or associated facilities shall maximize the use of building materials, colors and textures designed to blend with the Existing Supporting Structure to which it may be affixed and with the natural surroundings. Where possible, for facilities in the rights of way, when existing Utility Poles are replaced, the Wireless Facility will be placed within a pole approved by the City and the utility.

- M.** An access road and parking to assure adequate emergency and service access shall be provided, should such be deemed necessary by the Council. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and vegetation cutting. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential.
- N.** Every Wireless Facility, and the Existing Support Structures to which Wireless Facilities are attached shall be constructed, operated, maintained, repaired, modified or restored in strict compliance with the then-current version of all technical, safety and safety-related codes adopted by the City, county, state or United States, including but not limited to the most recent editions of the National Electrical Safety Code and the National Electrical Code, as well as accepted and responsibly workmanlike industry practices and recommended practices of the National Association of Tower Erectors. The codes referred to are codes that include, but are not limited to, construction, building, electrical, fire, safety, health and land use codes. The applicant is responsible for ensuring compliance with the foregoing for the Wireless Facility and any portion of an Existing Supporting Structure affected by the Wireless Facility. In the event of a conflict between or among any of the preceding, the more stringent shall apply.
- O.** Every person constructing or owning a Wireless Facility shall obtain, at its own expense, all permits and licenses required by applicable law, rule, regulation or law and must maintain the same, in full force and effect, for as long as required by the City or other governmental entity or agency having jurisdiction over the applicant.
- P.** The Council intends to be the lead agency, pursuant to SEQRA. The Council shall conduct a review of the proposed project in combination with its review of the application under this chapter.
- Q.** An applicant shall submit to the City Engineer the number of completed applications determined to be needed at the pre-application meeting. A copy of the notification of application shall be provided to the legislative body of all adjacent municipalities and to the Westchester County Planning Board.
- R.** If the applicant is proposing the construction of a Tower or installation on an Existing Tower or building, the applicant shall examine the feasibility of designing the installation to accommodate future demand for at least two additional commercial applications, e.g., future collocations. The scope of this examination shall be determined by the Council. The

Wireless Facility shall be structurally designed to accommodate at least two additional Antenna arrays equal to those of the applicant and located as close to the applicant's Antenna as possible without causing interference. This requirement may be waived, provided that the applicant, in writing, demonstrates that the provisions of future shared usage of the Wireless Facility is not technologically feasible, or is commercially impracticable and creates an unnecessary and unreasonable burden, based upon:

- (1) The number of FCC licenses foreseeably available for the area.
 - (2) The kind of Wireless Facility proposed, or Existing Supporting Structure that would be utilized.
 - (3) Available space on existing and approved Towers.
- S.** Unless waived by the Council, there shall be a pre-application meeting required for every Special Use Permit. The purpose of the pre-application meeting will be to address issues which will help to expedite the review and permitting process. Where the application is for the shared use of an Existing Tower or Supporting Structure, the applicant can seek to waive any application requirements that may not be applicable. At the pre-application meeting, the waiver requests, if appropriate, will be decided by the City. Costs of the City's consultants to prepare for and attend the pre-application meeting will be borne by the applicant.
- T.** Without limiting the foregoing, except where it is demonstrated that denial would result in a prohibition of the provision of wireless services within the meaning of federal law:
- (1) In the rights of way, no Towers are permitted except as part of a Stealth Facility.
 - (2) No Wireless Facilities are permitted within underground areas except Stealth Facilities.
 - (3) A new or replacement Supporting Structure, other than a Stealth Facility, street lighting or traffic control structure may not be approved that is greater in height from ground level than the average height of existing distribution utility poles in the same area. No extension of an existing Supporting Structure (other than street lighting or traffic control structures) to permit installation of a Wireless Facility may be approved that unless the addition complies with subsection 5 and increases the height of the supporting structure by the lesser of 20% or six feet.
 - (4) Except for cabling within a conduit, the lowest edge of any component of the Wireless Facility (including meters) on a Utility Pole must be 8 feet above the ground unless concealed within the pole.
 - (5) All Wireless Facilities mounted to the side of a Supporting Structure in the right of way, other than in the communications space, must be flush-mounted, sized and painted so that the facility to the extent possible the facility is concealed;

- (6) All Wireless Facilities mounted to the top of a pole must be designed so that the facilities form a continuous line with the pole, and as a Concealment Element, are no more than 10% greater in diameter than the pole itself.
- (7) Any indicator lights should be recessed or otherwise designed so that they present no hazard to traffic or interfere with enjoyment of properties from which the lights may be visible.
- (8) In placing Wireless Facilities, following rules apply:
 - (a) Wireless Facilities should be at least 30 feet from any residential structure, and located so that the facilities are not directly in front of any front window or door of a residential structure.
 - (b) Locations that are less visible from a residential structure are preferred over locations that are more visible.

§ 196-7. Failure to pursue an application.

Applicants shall respond to all requests or notices from the City with respect to an application promptly, so that City may meet any applicable deadlines for action on an application. Where an applicant fails to promptly respond, the Corporation Counsel is authorized to notify an applicant that its application is denied for failure to pursue that application, without prejudice to resubmittal of an application. Without limiting the foregoing, if an applicant is notified that its application is incomplete, and there is fails to complete the application within sixty (60) days of the date of the notice, the Corporation Counsel is authorized to notify an applicant that its application is denied for failure to pursue that application, without prejudice to resubmittal of an application even if there is no deadline applicable to action on the application.

§ 196-8. Height of wireless telecommunications facilities.

- A. Wireless Facilities shall be no higher than the minimum height necessary. Unless an area variance for height is granted by the Board of Appeals, the maximum height of Wireless Facilities located outside the rights of way shall be 90 feet, based on three collocated Antenna arrays and ambient tree height of 70 feet. Height shall be measured from ground level, to the highest point on the Wireless Facility, or if higher, the highest point on any extension to an Existing Supporting Structure required to support the Wireless Facility.
- B. The maximum height of any Wireless Facility constructed after the effective date of this chapter shall not exceed that which shall permit operation without artificial lighting of any kind in accordance with municipal, county, state and/or any federal law and/or regulation.

§ 196-9. Visibility of facilities.

- A. Excluding indicator lights satisfying the requirements of Section 196-6, Wireless Facilities shall not be artificially lighted or marked, except as required by law.

- B. Except where inconsistent with concealment elements, Towers shall be of a galvanized finish, or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings as approved by the Council and the Board of Architectural Review, and shall be maintained in accordance with the requirements of this chapter.
- C. Excluding indicator lights satisfying the requirements of Section 196-6, if lighting is required, the applicant shall provide a detailed plan for sufficient lighting of as unobtrusive and inoffensive an effect as is permissible under state and federal regulations, and an artist's rendering or other visual representation showing the effect of light emanating from the site on neighboring habitable structures within 1,500 feet of all property lines of the parcel on which the Wireless Facility is located.

§ 196-10. Security of facilities.

All Wireless Facilities shall be secured in a manner which prevents unauthorized access to hazardous components. Specifically:

- A. Where possible, Wireless Facilities and modifications to Existing Supporting Structures, including guy wires, shall be made inaccessible to individuals and constructed or shielded in such a manner that they cannot be climbed or run into; Towers will be fenced and shielded to prevent unauthorized access to the structure unless the Tower is a Stealth Facility or the fencing or shielding is inconsistent with required Concealment elements; and
- B. To the extent possible, Wireless Facilities shall be installed so that powered elements are readily accessible only to persons authorized to operate or service them.

§ 196-11. Signage

For Towers, unless the City determines that the signage required under this section would be inconsistent with minimizing visual impact, Wireless Facilities shall contain a sign no larger than four square feet to provide adequate notification to persons in the immediate area of the presence of an Antenna that has transmission capabilities. The sign shall contain the name(s) of the owner(s) and operator(s) of the Antenna(s) as well as emergency phone number(s). The sign shall be located so as to be visible from the access point of the site. No other signage, including advertising, shall be permitted on any Wireless Facilities, unless required by law, or unless the signage is part of a concealment element. Signs shall be approved by the Board of Architectural Review. Nothing in this section affects rules with respect to signage that may apply to Existing Support Structures.

§ 196-12. Lot size and setbacks. [Amended 10-1-2003 by L.L. No. 7-2003]

- A. All proposed Towers shall be set back from abutting parcels, recorded rights-of-way and road and street lines a distance sufficient to substantially contain on site all ice-fall or debris from a Tower or Tower failure and to preserve the privacy and sanctity of any adjoining properties.
- B. Towers, other than Towers placed on an existing Supporting Structure shall be setback from any property line at least a distance equal to the height of the facility plus 10 feet, or

the existing setback requirement of the underlying zoning district, whichever is greater. Further, any Accessory Facility or Structure shall be located so as to comply with the minimum zoning setback requirements for the principal building on the property on which it is situated.

- C. Where a Wireless Facility involves an attachment to an Existing building or Supporting Structure other than a Supporting Structure in the rights of way, the facility, including but not limited to Antennas, accessory Supporting Structures, and/or other appurtenances, shall be setback from any property line the distance of the setback requirement of the underlying zoning district.

§ 196-13. Retention of expert assistance and reimbursement by applicant.

- A. The Council may hire any consultant and/or expert necessary to assist the Council in reviewing and evaluating the application and any requests for recertification.
- B. An applicant shall deposit with the City funds sufficient to reimburse the City for all reasonable costs of consultant and expert evaluation and consultation to the Council in connection with the review of any application. The initial deposit shall be \$7,500 for a facility application and \$5,000 in the case of collocation. These funds shall accompany the filing of an application, and the City will maintain a separate escrow account for all such funds. The City's consultants/experts shall bill or invoice the City no less frequently than monthly for its services in reviewing the application and performing its duties. If at any time during the review process the balance of this account falls below \$2,500, additional funds must be submitted to the City to bring the balance of the account to \$5,000, or in the case of collocation, \$5,000, or upon request from the applicant, a lesser amount to be set by the City Council, before any further action or consideration is taken on the application. In the event that the amount held in escrow by the City is more than the amount of the actual billing or invoicing, the difference shall be promptly refunded to the applicant.
- C. The total amount of the funds set forth in Subsection B of this section may vary with the scope and complexity of the project, the completeness of the application and other information as may be needed by the Council or its consultant/expert to complete the necessary review and analysis. Additional funds, as required, shall be paid by the applicant. The initial amount of the escrow deposit shall be established at a pre-application meeting with the City. Notice of the hiring of a consultant/expert shall be given to the applicant at or before this meeting.

§ 196-14. Existing Facilities.

All wireless telecommunications facilities existing on or before the effective date of this chapter shall be allowed to continue as they presently exist; provided, however, that any modification to existing facilities must comply with this chapter.

§ 196-15. Public hearing required for Special Use Permit.

- A. Public hearing and public notification by applicant. Before the City Council acts on any application for a Special Use Permit, it shall hold a public hearing thereon in accordance

with the General City Law. To facilitate notification of the public, a public notification list shall be prepared by the applicant, using the most current City of Rye Tax Maps and Tax Assessment Roll, showing the Tax Map sheet, block and lot number, the owners name and owner's mailing address for each property located wholly or partially within 300 feet of the perimeter of the property linearly measured along the right of way. If a property on the public notification list is also listed as a cooperative or an apartment on a list entitled "Apartment List City of Rye," maintained by the City Assessor's office, the notice shall only be mailed to the property owner of record. When the public hearing is required by the City Council, the applicant shall deliver a copy of the public notice provided by the City Planner to all of the property owners contained on the public notification list by certified mail with certificate of mailing.

The above mailing and posting notice requirements must be performed in accordance with the following requirements:

- (1) The delivery of mailing shall be limited solely to the public notice provided by the City Planner.
 - (2) The public notice shall be mailed to all property owners with a certificate of mailing (no return receipt necessary) at a post office or official depository of the Postal Service, at least 14 calendar days prior to the date of the public hearing.
 - (3) At least five business days prior to the public hearing, the applicant shall provide to the City Planner all certificates of mailing.
 - (4) For Towers, at least one week preceding the date of the public hearing, at least one sign, a minimum of two feet by three feet in size and carrying a legend prescribed by the City Council announcing the public hearing, shall be posted on the property. The height of the lettering on the sign shall be no less than two inches, except that the words "PUBLIC NOTICE" appearing at the top of the sign shall have no less than five-inch-high lettering. The sign shall be in full public view from the street and not more than 30 feet therefrom. The sign shall be removed from the property within two days after the public hearing.
- B.** The Council shall schedule the public hearing referred to in Subsection A of this section once it finds the application is complete. The Council, at any stage prior to issuing a Special Use Permit, may require such additional information as it deems necessary.
- C.** Council may waive any requirement hereof and of Section 196-16 as required to comply with state or federal law.

§ 196-16. Action on application for Special Use Permit.

- A.** The Council will undertake a review of an application pursuant to this chapter in a timely fashion and shall act within a reasonable period of time given the relative complexity of the application and the circumstances, with due regard for the public's interest and need to be involved, and the applicant's desire for a timely resolution.

- B. The Council shall refer any application or part thereof to the Board of Architectural Review (BAR) and may refer any application or part thereof to the Planning Commission for their advisory review and comment prior to the public hearing. This referral shall not preclude any final approvals of these or other City boards or departments required by this chapter or other law.
- C. After the public hearing and after formally considering the application, the Council may approve and issue or deny a Special Use Permit. Its decision shall be in writing and shall be based on substantial evidence in the record. The burden of proof for the grant of the permit shall always be upon the applicant.
- D. If the Council approves the Special Use Permit for a Wireless Facility, then the applicant shall be notified of such approval, in writing, within 10 calendar days of the Council's action, and the Special Use Permit shall be issued within 30 days after such approval.
- E. If the Council denies the Special Use Permit for a Wireless Facility, then the applicant shall be notified of such denial, in writing, within 10 calendar days of the Council's action.
- F. The City's decision on an application for a Special Use Permit for a Wireless Facility shall be supported by substantial evidence contained in a written record.

§ 196-17. Recertification of Special Use Permit.

- A. At any time between 12 months and six months prior to the five-year anniversary date after the effective date of the permit and all subsequent fifth anniversaries of the original Special Use Permit for a Wireless Facility, the holder of a Special Use Permit for such Tower shall submit a written request for recertification. In the written request for recertification, the holder of such Special Use Permit shall note the following:
 - (1) The name of the holder of the Special Use Permit for the Wireless Facility.
 - (2) If applicable, the number or title of the Special Use Permit.
 - (3) The date of the original granting of the Special Use Permit.
 - (4) Whether the Wireless Facility has been moved, relocated, rebuilt, repaired or otherwise modified since the issuance of the Special Use Permit.
 - (5) If the Wireless Facility has been moved, relocated, rebuilt, repaired or otherwise modified, then whether the Council approved such action, and under what terms and conditions, and whether those terms and conditions were complied with and abided by.
 - (6) Any requests for waivers or relief of any kind whatsoever from the requirements of this chapter and any requirements for a Special Use Permit.

- (7) That the Wireless Facility is in compliance with the Special Use Permit and compliance with all applicable codes, laws, rules and regulations.
 - (8) Whether the facility is still being used; and whether it can be reduced in sized, combined with or replaced by other facilities or otherwise altered to make it less visible.
 - (9) Whether it complies with then applicable requirements of the City Code for placement of Wireless Facilities.
 - (10) Whether there have been any changes in the legal status of the applicant or any entity whose facilities are part of the Wireless Facility; and whether all required authorizations and consents are still in full force and effect.
- B.** If, after such review, the Council determines that the permitted Wireless Facility is in compliance with the Special Use Permit and all applicable codes, laws and rules; that it continues to be used in the provision of wireless services; that all relevant entities continue to have all necessary authorizations; and that the facility cannot be modified or replaced so that it is less visible, then the Council shall issue a recertification Special Use Permit for the Wireless Facility, which may include any new provisions or conditions that may be lawfully imposed, or that are required by codes, law or regulation.
- C.** If the Council does not complete its review, as noted in Subsection B of this section, prior to the five-year anniversary date of the Special Use Permit, or subsequent fifth anniversaries, then the applicant for the permitted Wireless Facility shall receive an extension of the Special Use Permit for up to six months, in order for the Council to complete its review.
- D.** If the holder of a Special Use Permit for a Wireless Facility does not submit a request for recertification of such Special Use Permit within the time frame noted in Subsection A of this section, or if the Council finds that the Wireless Facility has been moved, relocated, rebuilt, or otherwise modified without approval of such having been granted by the Council under this chapter, or that the conditions for recertification have not been met, then such Special Use Permit and any authorizations granted thereunder shall cease to exist on the date of the fifth anniversary of the original granting of the Special Use Permit, or subsequent fifth anniversaries, unless the holder of the Special Use Permit adequately demonstrates to the Council that extenuating circumstances prevented a timely recertification request. If the Council agrees that there were legitimately extenuating circumstances, then the holder of the Special Use Permit may submit a late recertification request. Council may also recertify subject to additional conditions that it establishes, and contingent on satisfaction of those conditions.

§ 196-18. Extent and parameters of Special Use Permit and Eligible Facility Permit.

The extent and parameters of a Special Use Permit or an Eligible Facility Permit for a Wireless Facility shall be as follows:

- A. Such permit shall be nonexclusive.
- B. Such permit shall not be assignable or transferable without the express written consent of the Council.
- C. Such permit may be revoked, canceled or terminated for a violation of the conditions and provisions of the Special Use Permit for a Wireless Facility, or for a material violation of this chapter or applicable law.
- D. Such permit shall be valid for a period of five (5) years, or such longer period as is required by state law, but the permit may be recertified upon application, which application must demonstrate:
 - (1) The Wireless Facility is still in use; and for facilities where a demonstration of need or effective prohibition was required, that the facility remains necessary or that recertification is required to avoid an effective prohibition; and
 - (2) The impact of the Wireless Facility cannot reasonably be further minimized.

§ 196-19. Application fee.

- A. At the time that a person submits an application for a Special Use Permit for a new Wireless Facility, such person shall pay an application fee to the City of Rye as set forth in the fee schedule. If the application is for a Special Use Permit for collocating on an Existing Wireless Facility, the applicant shall also pay a fee as set forth in the fee schedule.
- B. No application fee is required in order to recertify a Special Use Permit for a Wireless Facility, unless there has been a modification of the Wireless Facility since the date of the issuance of the existing Special Use Permit for which the conditions of the Special Use Permit have not previously been modified. In the case of any modification, the fees provided in Subsection A shall apply.

§ 196-20. Performance security.

The applicant and the owner of record of any portion of a Wireless Facility, and the owner of real property on which the Wireless Facility is located (unless the property is publicly owned) shall be jointly required to execute and file with the City a bond, or other form of security acceptable to the City as to type of security and the form and manner of execution, in an amount and with such sureties as are deemed sufficient by the Council to assure the faithful performance of the terms and conditions of this chapter and conditions of any Special Use Permit issued pursuant to this chapter. The full amount of the bond or security shall remain in full force and effect throughout the term of the Special Use Permit and/or until the removal of the Wireless Facility and any necessary site restoration is completed. The failure to pay any annual premium for the renewal of any such security shall be a violation of the provisions of the Special Use Permit and shall entitle the Council to revoke the Special Use Permit after prior written notice to the applicant and holder of the permit.

§ 196-21. Reservation of authority to inspect Wireless Facilities.

- A.** In order to verify that the holder of a Special Use Permit for a Wireless Facility and any and all lessees, renters and/or licensees of a Wireless Facility place and construct such facilities, including Towers and Antennas, in accordance with all applicable technical, safety, fire, building and zoning codes, laws, ordinances and regulations and other applicable requirements, the City may inspect all facets of said permit holder's, renter's, lessee's or licensee's placement, construction, modification and maintenance of such facilities, including but not limited to Towers, Antennas and buildings or other Supporting Structures constructed or located on the permitted site.
- B.** The City shall pay for costs associated with such an inspection, except for those circumstances occasioned by said holder's, lessee's or licensee's refusal to provide necessary information, or necessary access to such facilities, including Towers, Supporting Structures, Antennas and Accessory Facilities and Structures, or refusal to otherwise cooperate with the City with respect to an inspection, or if violations of this chapter are found to exist, in which case the holder, lessee or licensee shall reimburse the City for the cost of the inspection.
- C.** Payment of such costs shall be made to the City within 30 days from the date of the invoice or other demand for reimbursement. In the event that the finding(s) of violation is (are) appealed in accordance with the procedures set forth in this chapter, said reimbursement payment must still be paid to the City, and the reimbursement shall be placed in an escrow account established by the City specifically for this purpose, pending the final decision on appeal.

§ 196-22. NIER certification.

- A.** Every Wireless Facility must meet FCC RF emission standards as the same may be amended from time to time.
- B.** Except as prohibited by law, City may require any person controlling a Wireless Facility to provide proof that the Wireless Facility satisfies FCC RF emission standards.
- C.** An applicant for a special use or Eligible Facility Permit, shall:

 - (1) At the time of an application provide information sufficient to show that the facility will comply with FCC RF standards; and
 - (2) Immediately after installation, submit field test measurements sufficient to show compliance with FCC RF standards at full operational power. Measurements should be cumulative, and not just based on facilities that a particular person may own or install at a location.

§ 196-23. Liability insurance.

- A. A holder of a Special Use Permit for a Wireless Facility shall secure and at all times maintain public liability insurance, property damage insurance and umbrella insurance coverage for the duration of the Special Use Permit in amounts as set forth below:
 - (1) Commercial general liability: \$1,000,000 per occurrence, \$2,000,000 aggregate.
 - (2) Automobile coverage: \$1,000,000 per occurrence, \$2,000,000 aggregate.
- B. The commercial general liability insurance policy shall specifically include the City and its officials, employees and agents as additional insureds.
- C. The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in the state.
- D. The insurance policies shall contain an endorsement obligating the insurance company to furnish the City with at least 30 days' written notice in advance of the cancellation of the insurance.
- E. Renewal or replacement policies or certificates shall be delivered to the City at least 15 days before the expiration of the insurance which such policies are to renew or replace.
- F. Before construction of a permitted Wireless Facility is initiated, but in no case later than 15 days after the grant of the Special Use Permit, the holder of the Special Use Permit shall deliver to the City a copy of each of the policies or certificates representing the insurance in the required amounts.

§ 196-24. Indemnification.

Any Special Use Permit issued pursuant to this chapter shall contain a provision with respect to indemnification. Such provision shall require the holder of the Special Use Permit, to the extent permitted by the law, to at all times defend, indemnify, protect, save, hold harmless and exempt the City, officials of the City, its officers, agents, servants, and employees from any and all penalties, damage or charges arising out of any and all claims, suits, demands, causes of action, or award of damages, whether compensatory or punitive, or expenses arising therefrom, either at law or in equity, which might arise out of, or are caused by, the construction, erection, modification, location, products performance, operation, maintenance, repair, installation, replacement, removal or restoration of a Wireless Facility within the City (including, by way of example and not limitation, the same resulting from modification to an Existing Supporting Structure). With respect to the penalties, damages or charges referenced herein, reasonable attorneys' fees, consultants' fees, and expert witness fees are included in those costs that are recoverable by the City.

§ 196-25. Penalties for offenses.

- A. Civil sanctions. Any person who violates any of the provisions of this chapter shall be liable for a civil penalty of not more than \$3,000 for every such violation. Each consecutive day of violation will be considered a separate offense. Such civil penalty may be released or compromised by the City Council. In addition, the City Council shall have power, following a hearing, to direct the violator to comply with the provisions of this chapter.

- B. Criminal sanctions. Any person, firm or corporation who or which willfully violates any of the provisions of this chapter or permits promulgated thereunder, excluding provisions set forth in the rules and regulations promulgated thereunder, upon conviction thereof of the first offense, shall be guilty of a violation punishable by a fine of not less than \$500 and not more than \$1,000 and, for a second offense and each subsequent offense, shall be guilty of a violation punishable by a fine of not less than \$1,000 nor more than \$2,000 or a term of imprisonment of not more than 15 days, or both. Each consecutive day of violation will be considered a separate offense.
- C. Notwithstanding anything in this chapter, the holder of the Special Use Permit for a Wireless Facility may not use the payment of fines, liquidated damages or other penalties to evade or avoid compliance with this chapter or any section of this chapter. An attempt to do so shall subject the holder of the Special Use Permit to termination and revocation of the Special Use Permit. The City may also seek injunctive relief to prevent the continued violation of this chapter.

§ 196-26. Default and/or revocation.

- A. If a Wireless Facility is repaired, rebuilt, placed, moved, relocated, modified or maintained in a way that is inconsistent or not in compliance with the provisions of this chapter or of the Special Use Permit, then the Council shall notify the holder of the Special Use Permit, in writing, of such violation. Such notice shall specify the nature of the violation or noncompliance and that the violations must be corrected within seven days of the date of the postmark of the notice, or of the date of personal service of the notice, whichever is earlier. Notwithstanding anything to the contrary in this subsection or any other section of this chapter, if the violation causes, creates or presents an imminent danger or threat to the health or safety of lives or property, the Council may, at its sole discretion, order the violation remedied within 24 hours.
- B. If within the period set forth in Subsection A above the Wireless Facility is not brought into compliance with the provisions of this chapter, or of the Special Use Permit, or substantial steps are not taken in order to bring the affected Wireless Facility into compliance, then the Council may revoke such Special Use Permit for a Wireless Facility and shall notify the holder of the Special Use Permit within 48 hours of such action.
- C. Without limiting the foregoing, if a Supporting Structure or Tower no longer complies with applicable codes, and may no longer be safely used to support other elements of a Wireless Facility, the City may require removal of those elements, in addition to taking any action against the owner of the Supporting Structure or Tower.

§ 196-27. Removal of Wireless Facilities.

- A. Under the following circumstances, the Council may determine that the health, safety and welfare interests of the City warrant and require the removal of a Wireless Facility:
 - (1) A Wireless Facility with a permit has been abandoned (i.e., not used as a Wireless Facility) for a period exceeding 90 days or a total of 180 days in any three-hundred-sixty-five-day period, except for periods caused by force majeure or acts of God.

- (2) A permitted Wireless Facility falls into such a state of disrepair that it creates a health or safety hazard.
 - (3) A Wireless Facility has been located, constructed or modified without first obtaining the required Special Use Permit, or any other necessary authorization.
- B.** If the Council makes such a determination as noted in Subsection A of this section, then the Council shall notify the holder of the Special Use Permit for the Wireless Facility within 48 hours that said Wireless Facility is to be removed. The Council may approve an interim temporary use agreement/permit, such as to enable the sale of the Wireless Facility.
 - C.** The holder of the Special Use Permit, or its successors or assigns, shall dismantle and remove such Wireless Facility, and all associated Supporting Structures or portions of Supporting Structures and Accessory Facilities and Structures used solely by it, from the site and restore the site to as close to its original condition as is possible, such restoration being limited only by physical or commercial impracticability, within 90 days of receipt of written notice from the Council. However, if the owner of the property upon which the Wireless Facility is located wishes to retain any access roadway to the Wireless Facility, the owner may do so with the approval of the Council.
 - D.** If removal, or substantial progress to complete removal has not occurred within 90 days after the permit holder has received notice, then the Council may order officials or representatives of the City to remove the Wireless Facility and associated structures at the sole expense of the owner or permit holder.
 - E.** If the owner of property that is removed does not claim the property and remove the property from the site to a lawful location within 10 days, then the City may take steps to declare the property abandoned and sell it and its components.
 - F.** Notwithstanding anything in this section to the contrary, the Council may approve a temporary use agreement/permit for the Wireless Facility, for no more 90 days, during which time a suitable plan for removal, conversion or relocation of the affected Wireless Facility shall be developed by the holder of the permit, subject to the approval of the Council, and an agreement to such plan shall be executed by the holder of the permit and the City. If such a plan is not developed, approved and executed within the ninety-day time period, then the City may take possession of and dispose of the affected Wireless Facility in the manner provided in this section.

§ 196-28. Applicability of application requirements and permit conditions.

- A.** Any applicant can request the waiver of application requirements that are inapplicable to their permit application. Such request shall be in writing. Requests should be discussed at the pre-application meeting. The applicant shall have the burden of supporting such requests. Determinations as to applicability of application requirements shall be made by the City.
- B.** In determining permit conditions, the City Council can waive inapplicable permit requirements, consistent with the policy goals and priorities of this chapter. The applicant shall

have the burden of supporting such requests. Determinations as to applicability of permit condition requirements shall be made by the City Council.

§ 196-29. Adherence to state and/or federal rules and regulations.

A. To the extent that the holder of a Special Use Permit for a Wireless Facility has not received relief, or is otherwise exempt, from appropriate state and/or federal agency rules or regulations, then the holder of such a Special Use Permit shall adhere to and comply with all applicable rules, regulations, standards and provisions of any state or federal agency, including but not limited to the FAA and the FCC. Specifically included in this requirement are any rules and regulations regarding height, lighting, security, electrical and RF emission standards.

B. To the extent that applicable rules, regulations, standards and provisions of any state or federal agency, including but not limited to the FAA and the FCC, and specifically including any rules and regulations regarding height, lighting and security, are changed and/or are modified during the duration of a Special Use Permit for a Wireless Facility, then the holder of such a Special Use Permit shall conform the permitted Wireless Facility to the applicable changed and/or modified rule, regulation, standard or provision within a maximum of 24 months of the effective date of the applicable changed and/or modified rule, regulation, standard or provision, or earlier as may be required by the issuing entity.

§ 196-30. Conflict with other laws.

Where this chapter differs or conflicts with other laws, rules and regulations, unless the right to do so is preempted or prohibited by the county, state or federal government, the more restrictive or protective of the City and the public shall apply.

§ 196-31. Severability.

If any phrase, sentence, part, section, subsection or other portion of this chapter or any application thereof to any person or circumstance is declared void, unconstitutional or invalid for any reason, then such word, phrase, sentence, part, section, subsection or other portion, or the proscribed application thereof, shall be severable, and the remaining provisions of this chapter, and all applications thereof, not having been declared void, unconstitutional or invalid, shall remain in full force and effect.

§ 196-32. Enforcement.

This chapter shall be enforced by the Building Inspector or the City Engineer in the same manner as provided in Chapter 197, Zoning, and subject to the same penalties as set forth therein.

§ 196-33. Authority.

This chapter is enacted pursuant to the Municipal Home Rule Law. This chapter shall supersede the provisions of City law to the extent it is inconsistent with the same, and to the extent permitted by the New York State Constitution, the Municipal Home Rule Law or any other applicable statute.

Section 2: Severability.

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

Section 3: **Effective date.**

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



CITY COUNCIL AGENDA

NO. 12

DEPT.: City Manager

DATE: November 8, 2017

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Authorization for the City Manager to enter into an Inter-municipal Agreement with Westchester County to allow the County to make certain improvements to portions of the City's sidewalks and streets as part of the County Pathway Project.

FOR THE MEETING OF:

November 8, 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:

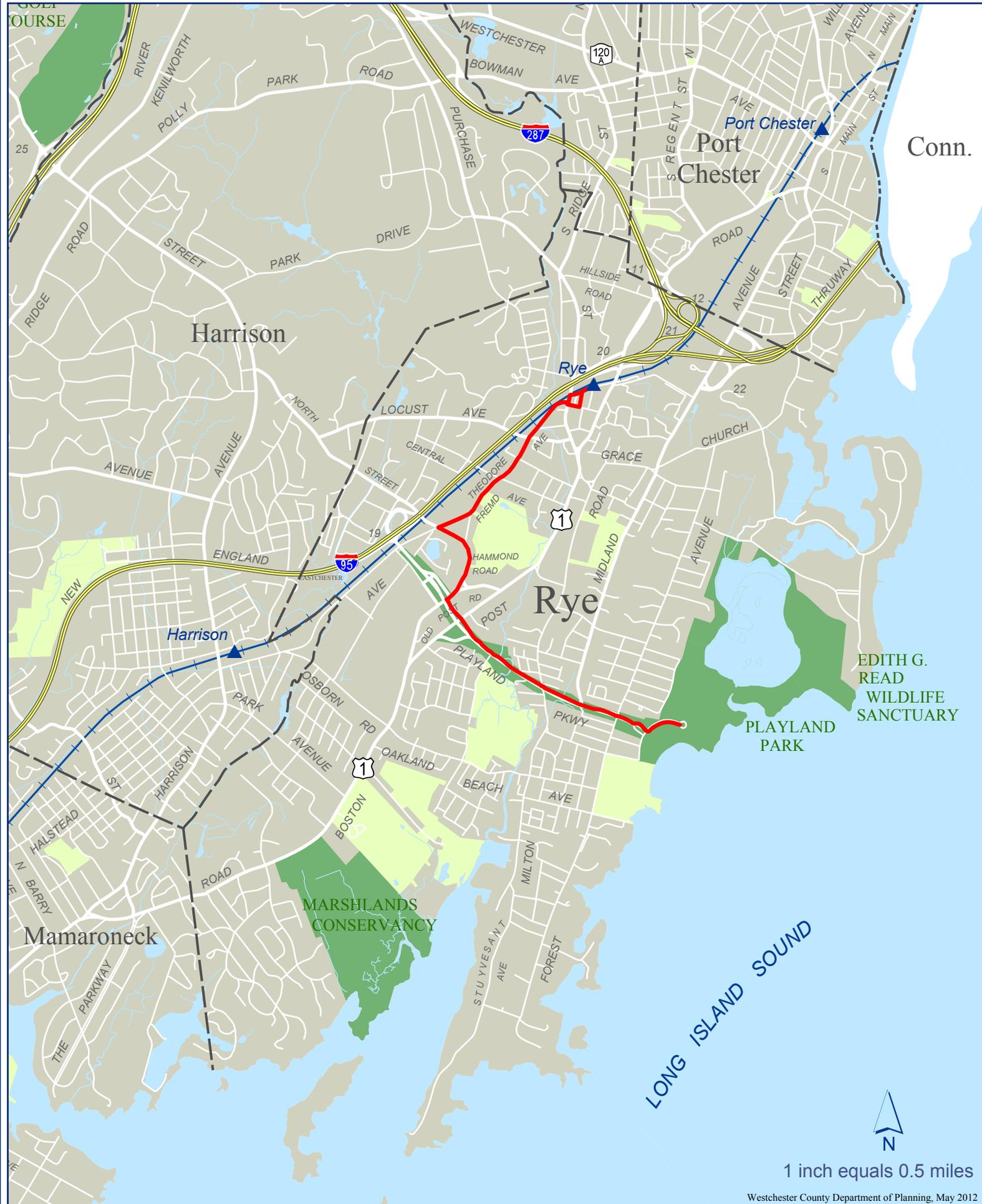
BACKGROUND: The Agreement between Westchester County and the City of Rye allows the County to make certain improvements to portions of the City's sidewalks and streets as part of the County Pathway Project. The Rye Playland Parkway Pathway project includes a continuous 2.65 mile long bicycle and pedestrian route which will connect the City of Rye's downtown district to the Rye Playland Amusement Park. This project will include roadway and sidewalk improvements, signage, pedestrian amenities, plantings, and significant upgrades to the existing pathway. Construction is anticipated to start in the third quarter of 2018 and be complete in the third quarter of 2019. The County was awarded a \$2 million grant from NYS Department of Transportation to cover 80 percent of the planning and construction of the trail. The County previously held a Public Meeting at Rye City Hall regarding the proposed project on March 27, 2012.

See attached:

- Link to plan presented at the March 27, 2012 meeting

<https://planning.westchestergov.com/images/stories/pdfs/playlandpkwypathwaypres.pdf>

- Agreement between Westchester County and the City of Rye



Conn.

EDITH G. READ
WILDLIFE
SANCTUARY

PLAYLAND
PARK

LONG ISLAND SOUND



1 inch equals 0.5 miles

Westchester County Department of Planning, May 2012

Playland Parkway Pathway Expansion

Project Location Map

**INTER-MUNICIPAL AGREEMENT PLAYLAND
PARKWAY PATHWAY**

THIS AGREEMENT made this _____ day of _____, 20____, by and between:

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

and

CITY OF RYE, a municipal corporation of the State of New York, having an office and place of business at 1051 Boston Post Road, Rye, New York, 10580 (the “Municipality” or the “City”).

WHEREAS, the County is desirous of constructing a pedestrian and bicycle pathway (the “Pathway Project”) in the City of Rye from the Metro North train station to Playland Amusement Park, a County-owned park; and

WHEREAS, portions of the Pathway Project will cross over City sidewalks and streets; and

WHEREAS, as part of the Pathway Project, the County is desirous of making certain improvements to portions of the City’s sidewalks and streets, including but not limited to, the reconstruction of sidewalks and curbs and striping, all as more fully set forth in the plans attached hereto and made a part hereof as Schedule “A” (the “Improvements”); and

WHEREAS, the Improvements shall be constructed on those portions of City-owned sidewalks and streets as depicted on the map contained in Schedule “B”, attached hereto and made a part hereof (the “City Property”); and

WHEREAS, the County and City are desirous of entering into an Inter-Municipal Agreement (the “Agreement”) to allow the County to make such Improvements on City Property; and

WHEREAS, the County proposes to fund the cost of the construction of the City Improvements;

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

1. **RECITALS**: The above recitals are hereby incorporated by reference into the body of this Agreement.

2. **PERFORMANCE OF WORK**: The County will cause the Improvements necessary in support of the Pathway Project to be constructed on City Property in accordance with the provisions as set forth in this Agreement, including but not limited to, Schedule "A". The Improvements will be constructed in accordance with the plans set forth in Schedule "A".

a) **Commencement of Construction**. The County and the City expect that the construction of the Improvements will commence within 365 days from execution of this Agreement, and the County funds made available hereunder will be expended for costs of constructing the Improvements necessary for the Pathway Project. The County agrees to notify the City in the event of changes in the expected schedule for completion of the Improvements.

b) **Extensions**. Notwithstanding anything to the contrary contained in this Agreement, the County will use reasonable best efforts and good faith to meet any and all time periods provided for in this Agreement and in any schedule annexed hereto in connection with any obligation hereunder. If, despite the use of reasonable best efforts and good faith, the County is unable to meet any stated time period, then the County may request an extension of such time period and all subsequent time periods affected thereby, subject to the consent of the City, which shall not be unreasonably withheld.

3. **GRANT OF EASEMENT**: Prior to the County's commencement of work on the Improvements, the City shall convey to the County and its successors, assigns, invitees, contractors and agents, a non-exclusive easement in, upon, under and over the City Property (the "Easement") to allow the County to construct the Improvements as well as for the purpose of allowing the County to bond for the Improvements (the "County Bonds"). Said Easement shall be in effect for so long as the County Bonds are outstanding. Upon maturity or redemption of the County Bonds, the County's Easement will automatically terminate. Upon request the County will provide notification of such maturity or redemption in recordable form.

4. OWNERSHIP OF INFRASTRUCTURE IMPROVEMENTS: The County acknowledges that the Improvements shall be owned by the City and the City shall have the right to utilize the Improvements in such manner as they may deem necessary or desirable so long as those uses do not adversely impact the Pathway Project.

All of the provisions of this Section “4” will survive the expiration or other termination of this Agreement until and for so long as the Bonds are outstanding.

5. MAINTENANCE AND REPAIRS: The Improvements located on the City Property shall be kept in good order and repair by the City at the City’s sole cost and expense, and the City shall make all repairs and replacements, ordinary as well as extraordinary, foreseen and unforeseen, structural or otherwise, which may be necessary or required so that at all times the Improvements shall be in thorough good order, condition and repair.

6. MAINTENANCE OF RECORDS: The parties will, each at their sole cost and expense, keep, maintain, and preserve at their respective principal offices throughout the term of this Agreement, full and detailed books, accounts, and records pertaining to its performance pursuant to this Agreement. Such books, accounts and records will include, without limitation, all bills, invoices, payrolls and other data evidencing, or in any material way relating to, the direct and indirect costs and expenses incurred in connection herewith. The County will have the right to inspect and audit, at reasonable times and upon reasonable notice, any and all such books, accounts and records at the office or offices where they are then being kept, maintained and preserved.

All of the provisions of this Section “6” will survive the expiration or other termination of this Agreement.

7. REPRESENTATIONS, WARRANTIES AND GUARANTEES:

The City expressly represents, warrants and guarantees to the County that:
it is a municipal corporation duly organized, validly existing and in good standing under the laws of the State of New York; the execution and performance of this Agreement by

the City has been duly authorized by its governing body; this Agreement, and any other documents required in connection herewith, including but not limited to the grant of Easement, when so delivered, will constitute legal, valid and binding obligations of the City enforceable against the City in accordance with their respective terms; and the City will deliver to the County at the time of execution of this Agreement a resolution adopted by its governing body authorizing the execution of this Agreement, and any other documents required to be delivered by the City;

(a) the person signing this Agreement on behalf of the City has full authority to bind the City to all of the terms and conditions of this Agreement;

(b) it is financially and technically qualified to perform its obligations hereunder, pursuant to this Agreement;

(c) construction of the Improvements is necessary to support the Pathway Project.

8. INSURANCE; INDEMNIFICATION: In addition to, and not in limitation of the insurance requirements contained in Schedule "C" entitled "Standard Insurance Provisions, Municipality", attached hereto and made a part hereof, the City agrees:

(a) that except for the amount, if any, of damage contributed to, caused by or resulting from the negligence, or intentional conduct of the County, the City will indemnify and hold harmless the County, its officers, elected officials, employees and agents from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorneys' fees or loss arising directly or indirectly out of the acts or omissions hereunder by the City and contractors or third parties under the control of the City; and

(b) that except for the County's wrongful conduct as described above, to provide defense for and defend, at its sole expense, any and all claims, demands or causes of action against the County directly or indirectly arising out of this Agreement and to bear all other costs and expenses related thereto.

(c) The aforementioned defense and indemnification of the County by the City, as detailed above, shall apply only to any and all liability, damage, claims, demands, costs, judgments,

fees, attorneys' fees or loss arising directly or indirectly out of this Agreement including but not limited to, the construction work, contractor payments and the completed Improvements contemplated under this Agreement in accordance with Schedule "A" herein.

The Municipality may provide proof of self-insurance in lieu of the required insurance policies.

This Paragraph "8" shall survive termination or expiration of this Agreement.

9. ASSIGNMENT OF RIGHTS: Neither party may assign any rights under this Agreement without the prior express written consent of the other party.

10. ENTIRE AGREEMENT; AMENDMENT: This Agreement, including without limitation all Schedules and attachments constitute the entire Agreement between the parties with respect to the funding of the Improvements and will supersede all previous negotiations, commitments and writings. It will not be released, discharged, changed or modified except by an instrument in writing signed by a duly authorized representative of each of the parties.

11. INDEPENDENT CONTRACTOR: The status of the County under this Agreement will be that an independent contractor and not that of an agent, and in accordance with such status, the County and its respective officers, agents, employees, representatives, contractors and sub-contractors, will at all times during the term of this Agreement conduct themselves in a manner consistent with such status, and by reason of this Agreement will neither hold themselves out as, nor claim to be acting in the capacity of, officers, employees, agents, representatives or servants of the City, nor make any claim, demand or application for any right or privilege applicable to the City, including without limitation, rights or privileges derived from workers' compensation coverage, unemployment insurance benefits, social security coverage and/or retirement membership or credit.

12. COMPLIANCE WITH LAW: The County and City will comply, each at their sole cost and expense, with all applicable federal, state and local laws, rules and regulations, ordinances and requirements affecting the conduct of their activities in connection with the performance of this Agreement herewith and, as applicable to the parties, as an employer.

All of the provisions of this Section "12" will survive the expiration or other termination of this Agreement.

13. NOTICES: All notices of any nature, requests, approvals and other communications which may be given by either party to the other under this Agreement will be in writing and sent by registered or certified mail postage pre-paid, or sent by hand or overnight courier or sent by facsimile (with acknowledgement received and a copy of the notice sent by overnight courier) to the respective addresses set forth below or to such other addresses as the respective parties hereto may designate in writing. Notice will be effective on the date of receipt:

To the County:

Commissioner of Planning
148 Martine Avenue Room 432
White Plains, New York 10601

with a copy to:

County Attorney
Michaelian Office Building, Room 600
148 Martine Avenue
White Plains, New York 10601

To the City:

City of Rye
1051 Boston Post Rd
Rye, New York 10580

with a copy to:

Office of the City Attorney
1051 Boston Post Rd
Rye, New York 10580

14. TERM OF AGREEMENT: The term of this Agreement shall commence upon execution of this Agreement, and shall continue for the life of the County Bonds issued by the County for the construction of the Improvements, unless the Agreement is terminated sooner in accordance with the term of this Agreement.

15. VALIDITY: If any term or provision of this Agreement is held by a court of competent jurisdiction to be invalid or void or unenforceable, the remainder of the terms and provisions of this Agreement will in no way be affected, impaired, or invalidated, and to the extent permitted by applicable law, any such term, or provision will be restricted in applicability

or reformed to the minimum extent required for such to be enforceable. This provision will be interpreted and enforced to give effect to the original written intent of the parties prior to determination of such invalidity or unenforceability.

16. COUNTY APPROVALS: It is hereby acknowledged that any request by the County for any modification of the terms hereof which requires consent of the City will be subject to the receipt of any and all necessary City approvals. It is further acknowledged that in no event, will any delay or failure of the Westchester County Board of Legislators and/or Westchester County Board of Acquisition and Contract to appoint or approve any action be deemed to be unreasonable.

17. EXECUTION: This Agreement may be executed simultaneously in several identical copies, each of which will be an original and all of which will constitute but one and the same agreement.

18. GOVERNING LAW: This Agreement will be construed and enforced in accordance with the laws of the State of New York. In addition, the parties hereby agree that any cause of action arising out of this Agreement will be brought in the County of Westchester.

19. NO WAIVER: Failure of the County to insist, in any one or more instances, upon strict performance of any term or condition herein contained will not be deemed a waiver or relinquishment for the future of such term or condition, but the same will remain in full force and effect.

20. THIRD PARTIES: Nothing herein is intended or will be construed to confer upon or give to any third party or its successors and assigns any rights, remedies or basis for reliance upon, under or by reason of this Agreement, except in the event that specific third party rights are expressly granted herein.

21. ENFORCEMENT: This Agreement shall not be enforceable until signed by all parties and approved by the Office of the County Attorney.

22. CAPTIONS: The captions are inserted only as a matter of convenience and for reference and in no way define, limit or describe the scope of this Agreement nor the intent of any provision thereof.

IN WITNESS WHEREOF, the County of Westchester and the City have caused this Agreement to be executed.

THE COUNTY OF WESTCHESTER

By: _____

Name: Eileen Mildenberger
Title: Acting Commissioner of Planning

CITY OF RYE

By: _____

Name: _____
Title: _____

Approved by the Board of Legislators on by Act No.

Approved by the Westchester County Board of Acquisition & Contract at a meeting duly held on the _____ day of, 2017.

Approved as to form and manner of execution:

Assistant County Attorney

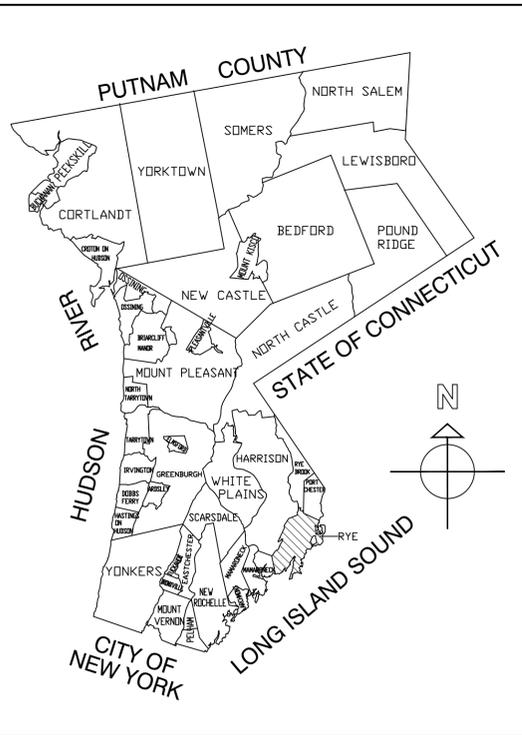
Approved as to form:

City of Rye

SCHEDULE "A"

[Plans for Improvements]

DRAFT

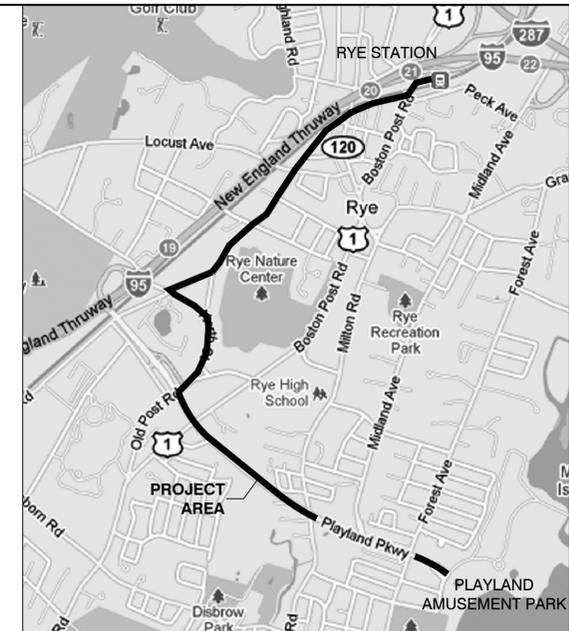


WESTCHESTER COUNTY



WESTCHESTER COUNTY, NEW YORK
 DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION
 DIVISION OF ENGINEERING

WESTCHESTER COUNTY CONTRACT NO. 16-513
 NYS DOT PROJECT ID NUMBER: 8780.25



LOCATION MAP
 SCALE: N.T.S.

RYE PLAYLAND PARKWAY PATH
 PLAYLAND PARKWAY, NORTH STREET, THEODORE FREMD AVENUE,
 PURCHASE STREET, PURDY AVENUE AND MCCULLOUGH PLACE
 CITY OF RYE, NEW YORK

FEDERAL AID PROJECT

FOR REVIEW ONLY

REVISION NUMBER	DATE	MADE BY	APP'D BY	REVISION

RECORD DRAWING CERTIFICATION
 AS BUILT -- CHANGES AS NOTED
 AS BUILT -- NO CHANGES

CONTRACTOR		PROJECT COORDINATOR	
NAME _____	NAME _____	NAME _____	NAME _____
SIGNATURE _____	SIGNATURE _____	SIGNATURE _____	SIGNATURE _____
TITLE _____	TITLE _____	TITLE _____	TITLE _____
DATE _____	DATE _____	DATE _____	DATE _____

IN CHARGE OF R. LOPANE	ENGINEERS SEAL	RECOMMENDED FOR CONSTRUCTION DATE	RECOMMENDED FOR CONSTRUCTION DATE	APPROVED FOR CONSTRUCTION DATE	APPROVED FOR CONSTRUCTION DATE
CHECKED BY R. LOPANE		PATRICK NATARELLI CHIEF PLANNER RESPONSIBLE LOCAL OFFICIAL DEPARTMENT OF PLANNING	JOSEPH J. NICOLETTI, JR., P.E. FIRST DEPUTY COMMISSIONER DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION	KATHLEEN O'CONNOR COMMISSIONER DEPARTMENT OF PARKS, RECREATION AND CONSERVATION	VINCENT F. KOPICKI, P.E. COMMISSIONER DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION
MADE BY R. LOPANE					

WESTCHESTER COUNTY, NEW YORK
 DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION
 DIVISION OF ENGINEERING

TITLE SHEET

CONTRACT NUMBER 16-513	SHEET NUMBER -
SHEET NO. 1 OF 42	
SCALE: AS SHOWN	
DATE: 10/06/2017	
DPW FILE NO. XX-XX-X-XX-0	REV. NO.

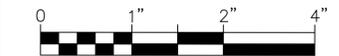
Q:\DESIGN\Playland Parkway\Detailed Design\Drawings\Title Sheet.dwg, 10/6/2017 2:47:49 PM, 1:1

INDEX		TOTAL NUMBER OF SHEETS: 41
SHEET NUMBER	SHEET TITLE	DPW FILE NO.
1	TITLE SHEET	99-99-G-1
2	DRAWING INDEX AND ITEM LIST	999-99-G-1
3	NOTES AND LEGEND	999-99-A-9
4	BASIC WORK TRAFFIC CONTROL PLANS - I	999-99-A-9
5	BASIC WORK TRAFFIC CONTROL PLANS - II	999-99-A-9
6	BASIC WORK TRAFFIC CONTROL NOTES	999-99-A-9
7	SITE PLANS STA 0+00 - STA 0+60	999-99-G-1
8	SITE PLANS STA 0+60 - STA 9+72 - I	999-99-A-9
9	SITE PLANS STA 0+60 - STA 9+72 - II	999-99-A-9
10	SITE PLANS STA 9+72 - STA 16+14	999-99-A-9
11	SITE PLANS STA 16+14 - STA 22+56	999-99-A-9
12	SITE PLANS STA 22+56 - STA 29+08	999-99-G-1
13	SITE PLANS STA 29+08 - STA 35+58	999-99-A-9
14	SITE PLANS STA 35+58 - STA 42+04	999-99-A-9
15	SITE PLANS STA 42+04 - STA 48+35	999-99-A-9
16	SITE PLANS STA 48+35 - STA 55+72 - I	999-99-A-9
17	SITE PLANS STA 48+35 - STA 55+72 - II	999-99-G-1
18	SITE PLANS STA 55+72 - STA 58+90	999-99-A-9
19	SITE PLANS STA 58+90 - STA 64+90	999-99-A-9
20	SITE PLANS STA 64+90 - STA 70+25 - I	999-99-A-9
21	SITE PLANS STA 64+90 - STA 70+25 - II	999-99-A-9
22	SITE PLANS STA 70+25 - STA 76+38 - I	999-99-A-9
23	SITE PLANS STA 70+25 - STA 76+38 - II	999-99-A-9
24	SITE PLANS STA 76+38 - STA 82+46	999-99-A-9
25	SITE PLANS STA 82+46 - STA 88+80	999-99-A-9
26	SITE PLANS STA 88+80 - STA 95+12	999-99-A-9
27	SITE PLANS STA 95+12 - STA 101+54	999-99-A-9
28	SITE PLANS STA 101+54 - STA 107+85	999-99-A-9
29	SITE PLANS STA 107+85 - STA 114+24	999-99-A-9
30	SITE PLANS STA 114+24 - STA 120+70	999-99-A-9
31	SITE PLANS STA 120+70 - STA 127+68	999-99-A-9
32	SITE PLANS STA 127+68 - STA 133+53	999-99-A-9
33	PAVEMENT AND CURB DETAILS - I	999-99-A-9
34	PAVEMENT AND CURB DETAILS - II	999-99-A-9
35	PEDESTRIAN FOOTBRIDGE DETAILS - I	999-99-A-9
36	PEDESTRIAN FOOTBRIDGE DETAILS - II	999-99-A-9
37	PEDESTRIAN FOOTBRIDGE DETAILS - III	999-99-A-9
38	STONE RETAINING WALL DETAILS	999-99-A-9
39	SIGNAGE & PAVEMENT MARKING DETAILS	999-99-A-9
40	PLANTING AND TREE PROTECTION DETAILS	999-99-A-9
41	EROSION CONTROL DETAILS	999-99-A-9
42	MISCELLANEOUS DETAILS	999-99-A-9

NYS DOT STANDARD SHEETS FOR USE IN CONTRACT:	
SHEET #	DESCRIPTION
606-04	BOX BEAM GUIDE RAIL (TOTAL OF 4 SHEETS)
608-01	SIDEWALK CURB RAMP DETAILS (TOTAL OF 4 SHEETS)

ITEM LIST			
ITEM #	DESCRIPTION	UNIT	QUANTITY
201.07	Clearing and Grubbing	Acre	0.80
203.02	Unclassified Excavation and Disposal	Cubic Yard	3,400
203.03	Embankment in Place	Cubic Yard	50
203.21	Select Structural Fill	Cubic Yard	20
W206.0101	Rock Excavation	Cubic Yard	175
W206.0501	Special Care Excavation	Cubic Yard	285
207.21	Geotextile Separation	Square Yard	300
207.24	Geotextile Stabilization	Square Yard	75
209.11010011	Temporary Catch Basin Inserts for Drainage Structures Trash, Sediment and Debris Re	Each	25
209.13	Silt Fence -Temporary	Linear Foot	2,000
209.22	Construction Entrance	Square Yard	220
304.14	Subbase Course, Type 4	Cubic Yard	1,575
555.0105	Concrete for Structures, Class A	Cubic Yard	25
555.08	Footing Concrete, Class HP	Cubic Yard	15
556.0203	Galvanized Bar Reinforcement for Structures	Pound	1,575
560.01	Dimension Stone Masonry	Square Foot	240
560.0401	Stone Masonry	Square Foot	1,550
564.80010016	Prefabricated Pedestrian-Bicycle Super structure	Each	1
606.10	Box Beam Guide Railing	Linear Foot	225
606.120201	Box Beam Guide Railing End Assembly Type IIA	Each	1
606.5920	Resetting Box Beam Guide Railing End Assembly	Linear Foot	14
606.73	Removing and Disposing Box Beam Guide Railing	Linear Foot	14
607.86000005	Temporary Snow Fence	Linear Foot	3,775
607.91110011	Pipe Rail Fence - Three Rail	Linear Foot	350
607.91120001	Steel Railing and Handrail	Linear Foot	27
607.97010003	Post and Rail Fence	Linear Foot	170
608.0101	Concrete Sidewalks and Driveways	Cubic Yard	444
608.020102	Hot Mix Asphalt (HMA) Sidewalks, Driveways, Bicycle Paths, and Vegetation Control St	Tons	1,550
608.21	Embedded Detectable Warning Strips	Square Yard	25
609.04	Cast-In-Place Concrete Curb (As Detailed)	Linear Foot	3,425
610.1101	Mulch For Planting Type A, B & D - Wood Chips and Shredded Bark	Cubic Yard	13
610.1403	Topsoil-Lawns	Cubic Yard	1,000
610.1404	Topsoil-Special Planting Mix	Cubic Yard	50
610.1602	Turf Establishment-Lawns	Square Yard	8,400
611.0111	Planting - Major Deciduous Trees - size as specified	Each	12
611.0171	Planting - Major Deciduous Trees - 3 inch Caliper	Each	4
611.0201	Planting - Minor Deciduous Trees - 2 inch Caliper	Each	8
611.0381	Planting - Coniferous Trees - 8 foot height	Each	100
611.0451	Planting - Deciduous Shrubs - 3 foot Height/Spread	Each	16
611.0461	Planting - Deciduous Shrubs - 4 foot Height/Spread	Each	17
611.0471	Planting - Deciduous Shrubs - 5 foot Height/Spread	Each	18
611.0481	Planting - Deciduous Shrubs - 6 foot Height/Spread	Each	16
611.0581	Planting - Evergreen Shrubs - 4 foot Height/Spread	Each	32
611.19	Post Planting Care	Each	223
614.060204	Tree Removal over 6" to 12" Dia. At Breast Height, Stumps Grubbed	Each	30
614.060304	Tree Removal over 12" to 18" Dia. At Breast Height, Stumps Grubbed	Each	20
614.060404	Tree Removal over 18" to 24" Dia. At Breast Height, Stumps Grubbed	Each	5
614.060504	Tree Removal over 24" to 36" Dia. At Breast Height, Stumps Grubbed	Each	5
614.0701	Pre-Existing Stump Removal up to 24" Diameter at 6" Above Grade	Each	6
614.0702	Pre-Existing Stump Removal over 24" Diameter to 48" Diameter at 6" Above Grade	Each	3
619.01	Basic Work Zone Traffic Control	Lump Sum	1
619.080102	Remove Pavement Marking Stripes	Linear Foot	6,250
620.04	Stone Fill (Medium)	Cubic Yard	40
623.12	Crushed Stone (In-Place Measure)	Cubic Yard	30
625.01	Survey Operations	Lump Sum	1
627.50140008	Cutting Pavement	Linear Foot	4,250
645.5101	Ground-Mounted Sign Panels Without Z-Bars	Square Foot	203
645.5201	Ground-Mounted Sign Panels without Z-bars, High-Visibility Sheeting	Square Foot	135
645.81	Type A Sign Posts	Each	60
647.41	Remove and Store Sign Panel, Sign Panel Assembly Size I (Under 30 Square Feet)	Each	2
660.65000801	Altering Utility Manholes and Vaults	Each	5
662.60020008	Adjust Valve Boxes for Resurfacing Work (Gas)	Each	35
663.33	Adjust Existing Valve Box Elevation	Each	25
685.07200110	White Epoxy Reflectorized Pavement Stripes - 20 mils (Wet Night Visibility Spheres)	Linear Foot	6,000
685.07200210	White Epoxy Reflectorized Pavement Letters - 20 mils (Wet Night Visibility Spheres)	Each	80
685.07200610	Yellow Epoxy Reflectorized Pavement Stripes - 20 mils (Wet Night Visibility Spheres)	Linear Foot	260
697.03	Field Change Payment	Dollars-Cents	1
698.04	Asphalt Price Adjustment	Dollars-Cents	1
699.040001	Mobilization (Not to Exceed 4%)	Lump Sum	1

FOR REVIEW ONLY



IN CHARGE OF R. LOPANE
 CHECKED BY R. LOPANE
 MADE BY R. LOPANE

REVISION NUMBER	DATE	MADE BY	APP'D BY	REVISION

RECORD DRAWING CERTIFICATION			
<input type="checkbox"/> AS BUILT - CHANGES AS NOTED		<input type="checkbox"/> AS BUILT - NO CHANGES	
CONTRACTOR		PROJECT COORDINATOR	
NAME _____	NAME _____	NAME _____	NAME _____
SIGNATURE _____	SIGNATURE _____	SIGNATURE _____	SIGNATURE _____
TITLE _____	TITLE _____	TITLE _____	TITLE _____
DATE _____	DATE _____	DATE _____	DATE _____

WESTCHESTER COUNTY, NEW YORK DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION		CONTRACT NUMBER 16-513	SHEET NUMBER -
DIVISION OF ENGINEERING RYE PLAYLAND PARKWAY PATH PLAYLAND PARKWAY, NORTH STREET, THEODORE FREMD AVE., PURCHASE STREET, PURDY AVE. AND MCCULLOUGH PLACE CITY OF RYE, NEW YORK		SHEET NO. 2 OF 42	SCALE: AS SHOWN
DRAWING INDEX AND ITEM LIST		DATE: 10/06/2017	DPW FILE NO. XX-XX-X-XX-O
		REV. NO.	

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GENERAL NOTES

- Land survey information was derived from topographic and/or property line surveys prepared by WSP SELLS, 555 Pleasantville Road, Briarcliff Manor, N.Y. dated August 17, 2009 as revised.
- Information shown on the plans is based on limited investigations made by the County for the sole purpose of its estimate of quantities, and may not indicate the true or full condition of work which will be required.
- The contractor is responsible for examining the areas of proposed work as to the actual conditions and requirements of work prior to submitting a bid. He shall check and verify all conditions and dimensions, and any discrepancies between the drawings and field conditions shall be brought to the attention of the engineer in charge in writing prior to commencement of work.
- All work shall be done and installed in compliance with all laws, rules and regulations of the local municipality and shall comply with the latest edition of the New York State fire prevention and building code, including all reference standards. All materials and equipment used in the project shall conform to and have approvals in accordance with any other public authorities or agencies having jurisdiction over the project.
- The contractor shall be responsible for securing staging areas. Staging areas and/or haul roads within project limits or anywhere on County property must be approved by engineer in charge. The contractor shall install silt fence and/or other erosion and sedimentation control measures necessary to protect any nearby waterways from soil disturbance associated with construction staging and/or haul roads. All staging areas and haul roads shall be restored to their original condition after the project is completed. The cost for restoration shall be deemed included in the various items of the contract unless separate payment is otherwise specified in the contract.
- The contractor must remain within the contract limits specified on the drawings. The contractor must conduct work in a manner that does not disrupt or impact the active operations of the adjacent roadway or any other adjacent properties.
- The contractor shall provide and maintain all necessary barricades, danger signals and other safe guards, etc., to adequately protect all workers, county employees and the public from possible injury. If necessary, temporary protection such as chain link or snow fence boundary and construction signs shall be installed to prevent unauthorized access to the project site. The contractor shall be responsible for all accidents or damages to persons or property (including any vandalism) resulting from unauthorized access to the site for the duration of the project. Unless otherwise specified in the contract, the cost of such protection shall be deemed included in the various items of the contract. No Direct Payment.
- Access to all adjoining facilities shall be maintained at all times where reasonably possible. The Engineer in Charge must be notified in advance of any temporary driveway closures. During any operation that requires an extended closure, contractor shall provide means of ingress and egress, such as temporary pavement. Any construction must be cleared off and removed from the roadway at the end of each work day.
- The contractor shall protect all existing vegetation intended to remain including but not limited to trees, shrubs, ground covers, turf, etc.... Every attempt shall be made to protect and save the vegetation that is near and, in the opinion of the construction administrator, in danger of being impacted by the construction. Any existing vegetation intended to remain that are disturbed and/or damaged by the contractor shall be replaced and/or restored by the contractor to the satisfaction of the engineer in charge at no expense to the County.
- All pay items shown on Plans refer to the latest version of the New York State Department of Transportation Standard Specifications for construction and materials and all addenda thereto, excluding pay items that begin with a "W" which are Westchester County Special Specifications (see specification book for descriptions).
- Any reference to metric units shall be replaced by the equivalent English units.
- Contractor shall obtain a "Work Within The City Right of Way" permit from the City of Rye. All costs associated with obtaining permit shall be deemed included in the various items of the contract. **No Direct Payment.**

IN CHARGE OF R. LOPANE
 CHECKED BY R. LOPANE
 MADE BY R. LOPANE

SITE PREPARATION AND REMOVALS NOTES

- The contractor shall comply with all applicable codes and regulations governing the work. The contractor shall coordinate demolition with applicable agencies, utility companies and/or subcontractors.
- Unless otherwise noted, all existing sewers, gas, water, electric utility lines and related structures within the contract area shall remain. All storm drainage pipes to be removed are noted on the contract drawings. If abandoned pipes are encountered during excavations, remove pipe in area of excavation and plug pipe at end of excavation. Cost to be included under respective excavation item.
- Unless otherwise noted, all existing pavements, perimeter curbs, fencing, structures and plant material are to remain. The contractor shall exercise care during construction to avoid disturbing or damaging any existing above grade or subgrade structures, concrete curbs, pavements, perimeter fencing, plant materials which are intended to remain. Any damage resulting from this work shall be restored by the contractor to the satisfaction of the engineer in charge at no expense to the County.
- Where new construction abuts existing pavements, curbs or walls, the existing materials shall be cleanly sawcut to provide a clean neat match and a smooth, flush transition, as directed by the construction administrator. All sawcutting shall be done to neat and straight accurate lines.
- All footings and other below grade structures to be abandoned or removed shall be excavated to a depth of 4'-0" below finished grade and backfilled with approved suitable material.
- All refuse and debris derived from demolition operations as specified in the contract drawings or as otherwise generated by the construction of this contract shall become the property of the contractor. The contractor shall provide for the legal removal and disposition of all construction refuse and debris, off site. Upon completion, the contractor shall leave the site free and clear of all refuse and debris, and in a broom swept condition.
- Unless otherwise specified in the contract, removal of all pavements, concrete curbs and concrete piers are to be paid for under unclassified excavation and disposal, Item # 203.02.
- Unless otherwise specified in the contract, removal of all vegetation, fences, gates, logs and timber structures are to be paid for under clearing and grubbing, Item # 201.07. Removal of fallen trees (trees not standing) and logs of any size and caliper shall also be paid for under clearing and grubbing, Item # 201.07.
- The contractor shall take extreme care to protect all existing trees to remain and their root systems. Bulk material, equipment or vehicles shall not be stockpiled or parked within the drip line of trees. Any excavation within drip lines shall be kept to a minimum and must be completed by hand only in the presence of the construction administrator at no additional cost to the County. The contractor shall assume responsibility for any remedial work such as root and top pruning required or necessary to prevent loss of plant material. All corrective work shall be according to standard acceptable horticultural practices and as directed by the engineer in charge.
- Unless otherwise noted, the limits of "Clearing and Grubbing" and "Invasive Species Removal-Herbicide Application" shall be the contract limit line indicated on the drawings.
- Tree removal operations for the entire project area shall be limited to the months of November to March. No tree removals shall occur between April 1st to October 31st.
- Blasting and/or use of any explosives will not be allowed.

LAYOUT NOTES

- Written dimensions shall prevail.
- All wood and metal dimensions are nominal unless otherwise specified.
- All angles are 90 degrees unless otherwise specified.
- All dimensions pertaining to layout of curbs and/or walls are from face of curb/wall unless otherwise specified.
- Locations of all existing trees shall be verified in the field.
- Changes shall not be made to the design or layout without prior approval of the Engineer in charge.



LAYOUT NOTES (Cont.)

- Any new paths, drives or roads shall be constructed to have smooth curves with indistinguishable tangents. It is the design intent to have long smooth sinuous "s" curves. All transitions between straight sections and curves shall be gentle and smooth.
- The Engineer in charge reserves the right to check any and all lines, grades and measurements of the work staked out by the contractor for their approval prior to allowing the contractor proceed with construction. The engineer in charge reserves the right to make minor modifications to the design or layout of the work as needed.

MATERIAL NOTES

- All new work shall meet existing conditions neatly and smoothly.
- All exposed finished surfaces shall be treated, cleaned, vacuumed or polished in accordance with the manufacturer's recommendations.
- All adjacent surfaces are to be protected from painting, asphaltting, installing concrete pavements or any other types of surface treatments that can cause stains or damage. Any stains or damages to adjacent surfaces shall be restored, repaired or replaced at the contractor's expense to the satisfaction of the engineer in charge.
- The contractor shall exercise care during excavation to avoid disturbing any adjacent or underground existing utility lines. Any damage resulting from this construction shall be the contractor's responsibility and shall be restored to the satisfaction of the engineer in charge.
- The plans show above-ground structures and/or utilities believed to exist within the project limits. The contractor is warned that the exact or even approximate location of pipeline, subsurface structures and/or utilities believed to exist in the project area are not warranted to be accurate.
- It is incumbent upon the contractor to verify/locate all utilities within the project area prior to commencing work. Unless separate payment is otherwise provided for in the contract, all costs associated with marking/locating underground utilities including, but not limited to hiring a utility tracing company, shall be deemed included in the various items of the contract. No Direct Payment.

GRADING AND UTILITY NOTES

- The locations of all utilities are diagrammatic. Where new utilities are to cross or connect to existing utilities, the contractor shall make preliminary investigations including but not limited to all necessary excavation to determine if the work can be completed as shown. Any changes required by field conditions shall be approved by the engineer in charge prior to commencement of work.
- All pavement shall be installed to smooth even grade with no patching or irregularities. New pavement shall meet existing pavement flush and evenly.
- All finished surfaces shall be true to grade and even, free of roller marks and free of low spots where water will puddle. The contractor shall perform a water test on the finished surfaces by applying sufficient water on all new surfaces to test the drainage patterns, as directed by the engineer in charge.
- The contractor shall prevent against low spots where water can collect, as well as any possible re-direction of runoff onto private property and shall take whatever corrective measures are necessary. The contractor shall be responsible to correct any deleterious water ponding areas at no expense to the County.
- Location of catch basins, drop inlets, surface drains, manholes and dry wells (where shown in plans) are diagrammatic only. The construction administrator may direct the contractor to shift the location of a drainage structure or adjust grading to provide positive drainage or to avoid significant tree roots.
- The contractor shall keep all roadways and access drives used for hauling of materials and equipment free from soil and debris. The contractor shall be responsible for any damage and/or spills caused by his operations and shall be required to make repairs and/or cleanup debris including but not limited to street sweeping at no expense to the County.

REVISION NUMBER	DATE	MADE BY	APP'D BY	REVISION

GRADING AND UTILITY NOTES (Cont.)

- Minimum cover of pipes shall be 2'-0" from finished grade to top of pipe, except where noted otherwise.
- All drainage pipes shall be pitched at 1% minimum except where noted otherwise.
- There shall be no discharge of runoff or other effluent over or through any bulkhead or shoreline stabilization structure or into any tidal wetland, stream or adjacent area.

CON EDISON REQUIREMENTS:

- The contractor is required to **notify Con Edison 60 days** before the start of any work. No excavation can be performed without first calling in a code 753 mark out of all facilities as well as a notification to Con Edison.
- NOTE:** Code 753 mark-out vendor **does not perform** mark-out for Con Edison gas regulator stations and associated pipes/control lines. Con Edison Survey Dept will mark-out gas regulator stations & piping from Sta 37+00 To Sta 43+00 as shown on plans. Contractor shall take extreme care to protect gas regulator stations for these locations, Sta 37+00 To Sta 43+00, & Sta 23+18 To Sta 25+58 as shown on plans.
- Prior to any excavation within 25 feet of a TM, a Con Edison representative shall meet with the excavator at the field site to explain the physical attributes of the TM, such as size, operating pressure, depth of cover, presence of special facilities or appurtenances (regulators, drips, etc.). Construction shall also discuss limits of excavation and methods and procedures for supporting and protecting the pipeline and facilities. Work shall be in accordance with the latest version of the "Construction Management Trenching Manual Excavation and Installation of Con Edison Facilities." (See Con Edison Spec G-11863). Cost for any special excavation and/or protection of utilities as described above to be included in Item # 203.02. **No Direct Payment.**
- Con Edison contractor will replace existing 2 -4" Dia X 6" Stl Bollards with 2 - 8" Dia X 36" Bollards. (See Con Edison Spec EO-6283-A).
- Contractor shall alter the elevation of gas valve boxes to meet new grade as shown on plans under Item 662.60020008.
- Contractor shall adjust/reset existing gas regulator manhole frames to meet new grade as shown on plans under Item 660.65000801.
- Con Edison must have an inspector on site at all times during the excavation process when excavating around transmission gas mains oil-o-static lines or prior to any sawcutting or other excavation of any sort that may have to be performed in the vicinity of these facilities, including the removal of trees and shrubs.

PLANTING NOTES

- Any plant substitutions must be approved by the Landscape Architect prior to delivery.
- Concrete or leachate shall not be allowed to escape or be discharged, nor shall washings from transit mix trucks, mixers, or other devices be allowed to enter wetlands and/or other natural areas of the site.
- The contractor shall be responsible for the protection and maintenance of all new plantings including but not limited to all trees, shrubs, ground covers, perennials, annuals, turf establishment, and the establishment of wildflower and native seed mixes until the completion of the whole of this contract and final acceptance by the County. The cost of such protection and maintenance shall be deemed included in the bid price for the respective planting items.
- Unless otherwise noted, all new plant material shall be warranted for a period of one year from date of final acceptance.
- The contractor shall stake out the location of all new plant material and/or position the plant material in its designed location for review by the landscape architect prior to planting. Contractor to provide Landscape Architect two days notice prior to planting operations.

PLANTING NOTES (Cont.)

- All tree/shrub groupings shall be completely encompassed within one large mulch bed at each plant grouping location. The landscape architect will review bed shapes in the field prior to plant installation upon notification by the contractor. The mulch bed shall typically extend minimally 2'-0" past the drip zone of the tree/shrub groupings.
- All trees, shrubs, groundcovers, perennials and annuals shall receive mycorrhizal fungi inoculant and slow release fertilizer tablets (see specs. for amount and types). This is included in the price per each plant.
- All deciduous trees shall also receive irrigation bags as defined in the specs. This is included in the price per each tree.

LEGEND

EXISTING	PROPOSED
⊕ Manhole	⌋ EXISTING CURB TO BE REMOVED
⊙ Sewer Manhole	▣ EXISTING PAVEMENT TO BE REMOVED
⊖ Drain Manhole	⊘ EXISTING TREE TO BE REMOVED
■ Catch Basin	⊗ REMOVE EXISTING SITE FEATURE
☁ Vegetation	— PROPOSED CURB
☎ Light Pole	○ PROPOSED DECIDUOUS TREE
⊙ Traffic Light	● PROPOSED EVERGREEN TREE
⊕ Electric Manhole	⊙ PROPOSED SHRUB
• Guy Pole	▤ PROPOSED ASPHALT PAVEMENT
⊕ Utility Pole	▥ PROPOSED CONCRETE PAVEMENT
⊕ Telephone Manhole	▧ PROPOSED TOPSOIL & ESTABLISH TURF
⊕ Gas Valve	⊙ PROPOSED SIGN
⊕ Water Valve	⊕ PROPOSED FENCE
⊕ Water Meter	⊕ PROPOSED GUIDERAIL
⊕ Hydrant	— SN — LIMIT SNOW FENCE
⊕ Sign	— SF — LIMIT SILT FENCE
⊕ Metal Cover	☁ LIMIT CLEARING AND GRUBBING
⊕ Boulder	— SC — LIMIT SAWCUT PAVEMENT/CURB
— Pathway	
--- Property Line	
--- Highway Boundary	
⊕ Stationing	

NOTE:
Also refer to other sheet specific legends on other sheets.

PERMANENT MAINTENANCE RESPONSIBILITIES:		
LOCATION	NEW IMPROVEMENTS	RESPONSIBLE ENTITY
Playland Parkway	Pathway Pavement and Markings, Sidewalks, Bike/Pedestrian Signage, Footbridge, Retaining Walls, Guiderails & Plantings.	Westchester County
Forest Ave, Midland Ave. & Milton Rd.	Street Pavement Markings, Road Signage Sidewalk and Curbs	Westchester County Adjoining Landowner per City Code.
Theodore Fremd & North St.	Bike/Pedestrian Signage and Pavement Markings, Road Signage Sidewalks and Curbs	City of Rye Adjoining Landowner per City Code.
Purdy Ave, E. Purchase St, McDougall Place	Bike/Pedestrian Signage and Pavement Markings, Road Signage Sidewalk and Curbs	City of Rye Adjoining Landowner per City Code.

FOR REVIEW ONLY

WESTCHESTER COUNTY, NEW YORK DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION DIVISION OF ENGINEERING RYE PLAYLAND PARKWAY PATH PLAYLAND PARKWAY, NORTH STREET, THEODORE FREMD AVE., PURCHASE STREET, PURDY AVE. AND MCCULLOUGH PLACE CITY OF RYE, NEW YORK		CONTRACT NUMBER 16-513	SHEET NUMBER -
		SHEET NO. 3 OF 42	SCALE: AS SHOWN
		DATE: 10/06/2017	DPW FILE NO. XX-XX-X-XX-O
		REV. NO.	

NOTES AND LEGEND

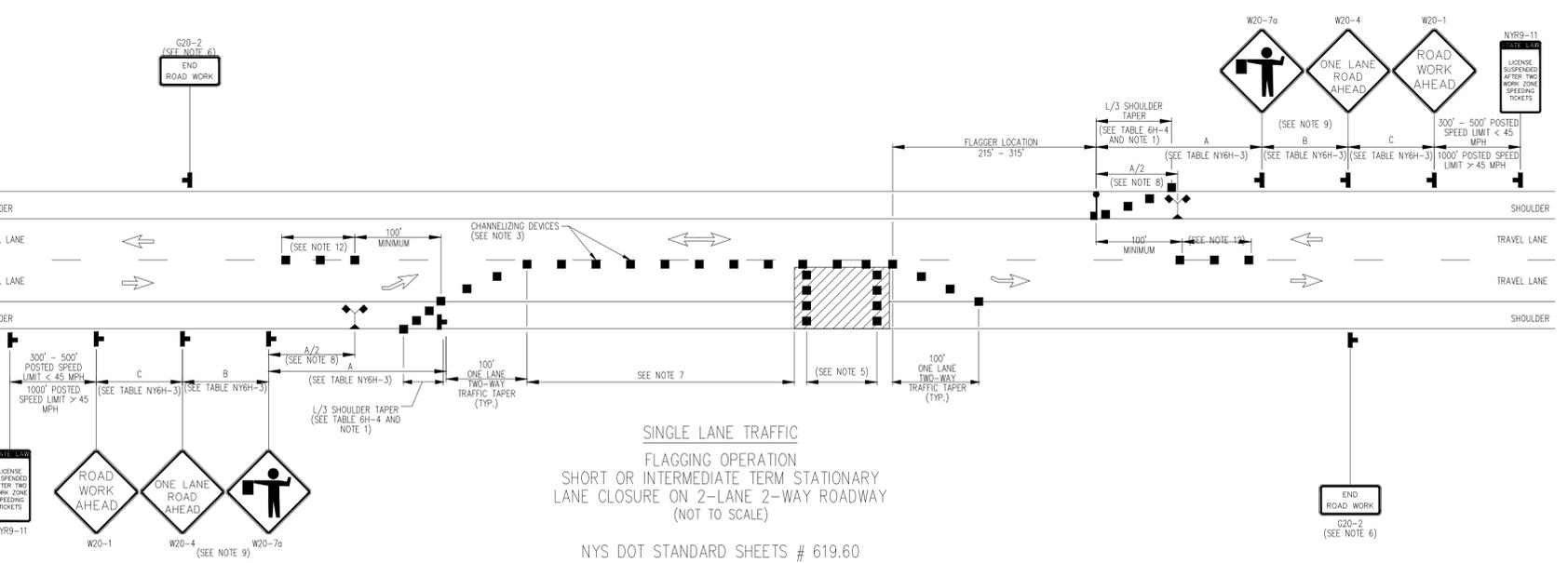
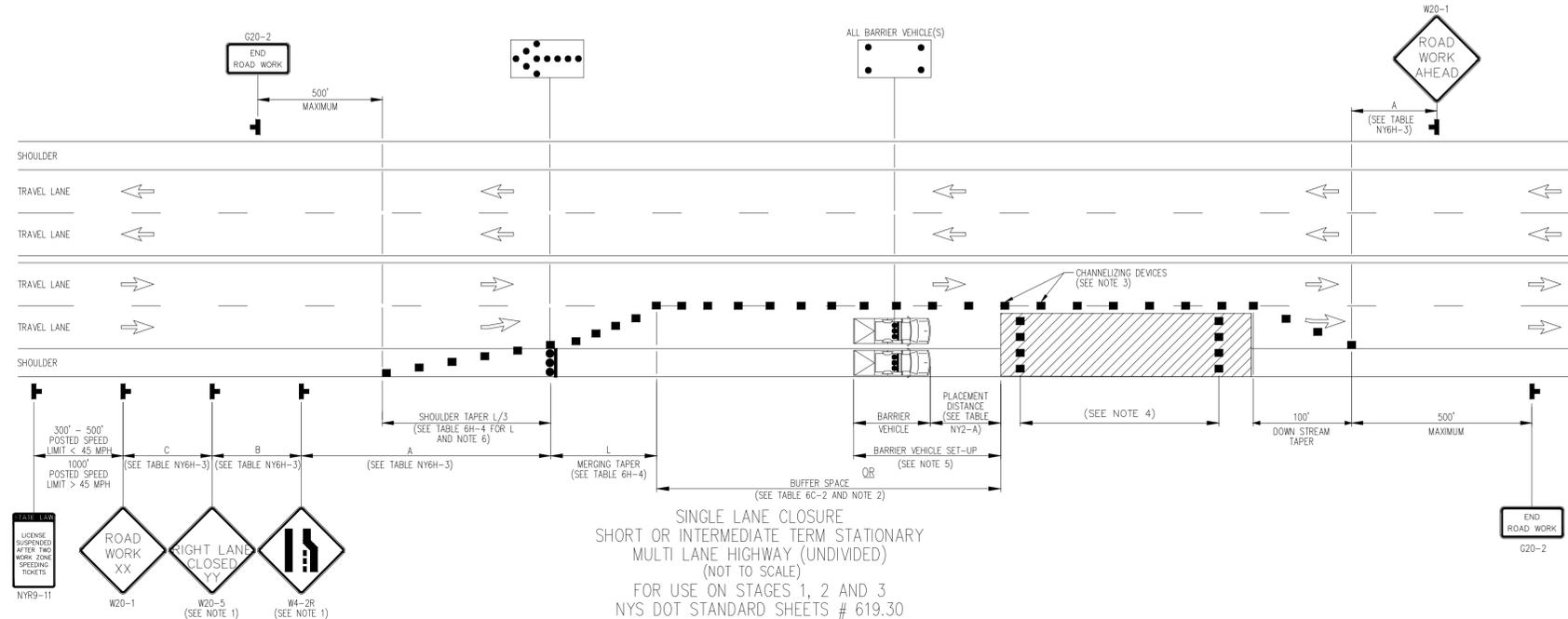
Basic Work Traffic Control

- Basic Work Traffic Control shall be provided in accordance with section 619 of the NYS Standard Specifications and the 2009 edition MUTCD (including the 2010 NYS Supplement), and subsequent addenda, and any provisions contained in the plans and/or proposal of this contract.
- The Contractor shall be responsible for all basic work zone traffic control. Maintenance of traffic schemes shall be in accordance with the plans and as approved or directed by the Engineer. Traffic schemes shown on the plans are to be considered minimum requirements. The Engineer may order additional signs, flaggers, cones, reflectorization etc., if deemed necessary at no additional cost to the County. Payment for all such work shall be included in the Series 619 items.
- Prior to the start of work, the Contractor may submit any proposed changes to the traffic control plan to the Engineer for approval. Any changes which alter the basic concept of the plan must be approved by the Engineer.
- The Contractor must notify the Engineer, and all municipalities, police department, and fire departments involved of all work that might affect the mobility or access of the fire or police department 72 hours in advance of their implementation. In addition, the contractor shall ensure that hydrants and alarm boxes are kept clear and accessible.
- The Contractor shall provide a flagger with appropriate signing whenever operations interfere with traffic. Examples include, but are not limited to: delivery and removal of materials, lift operations, restricted sight distances, impedance of normal traffic flow and other activities. Cost shall be included in item 619.01.
- All single type III construction barricades and drums shall be of like new condition and shall require type C - Low Intensity", steady lights unless otherwise noted on the plans.
- Type A flashing low intensity warning lights shall be mounted on the first three drums in a taper. Cost to be included under item 619.01.
- For nighttime work, Type B flashing high intensity warning lights shall be mounted on all warning signs ("w-series"). Cost to be included under item 619.01.
- Pedestrian access to businesses must be maintained throughout the construction process. In order to maintain access to existing building, the Contractor must provide ramps with handrails if the sidewalk is not passable.
- The maintenance of traffic for both pedestrians and vehicles shall be the responsibility of the Contractor.
- When necessary the Contractor shall construct temporary ramps, crossovers, etc. to permit safe and easy passage through the contract area. He shall provide suitable areas and locations from the loading

and unloading of passengers on roads within the contract limits that are serviced by motor buses. The Contractor shall be liable and responsible for the materials and workmanship required to provide adequate and safe crossing structures for pedestrians.

Construction Signage

- All construction signs shall have a fluorescent orange background and black letters and border unless otherwise specified. orange construction sign material requirements shall be: 1) Scotchlite durable fluorescent diamond grade sheeting (3924/g orange) as manufactured by the 3m company, or 2) Stimsomite's fluorescent orange high-performance grade retroreflective sheeting no. 4370, or approved equal. Sign materials must be in compliance with most recent version of NYS DOT specifications and MUTCD/NYS Supplement. All signs are to be in good condition with Type IV characters. Faded and deteriorated panels, as well as non-standard text will not be acceptable.
- The contractor shall erect signs to provide proper horizontal and vertical clearances.
- As per the MUTCD and NYS Supplement, the following stipulations shall apply unless otherwise specified by the Engineer:
 - Where signs are shown in both diamond and rectangular shapes, only diamond shapes will be permitted, except in median applications where the rectangular signs will be used as specified by the Engineer.
 - Where signs are shown in alternate sizes, the largest size must be used unless otherwise specified by the Engineer, or as shown on the plans.
- In addition to the signing shown on the Basic Work Traffic Control plans, the Contractor shall also erect G11-1C, "road work, next ___ miles" signs. The Contractor shall also erect W8-1D, "road work ahead" signs at intersecting cross streets within the contract limits. Payment for these signs will be made under Item 619.xx.
- The contractor shall place W4-1 "bump" signs, W4-2 "dip" signs and/or W4-4 "rough road" signs where directed by the Engineer.
- The Contractor's attention is directed to subsections 619-3.02H of the standard specifications. Existing traffic signs and construction signs within the work area which are no longer needed, even temporarily, or are conflicting, inappropriate or confusing, shall be removed (subject to the approval of the engineer) or shall be covered completely with an opaque material. the cost of this work shall be included in the price bid for the maintenance and protection of traffic item.
- Type B - High Intensity, flashing lights are required on all W20 Advance Warning Signs.



- NOTES FOR SINGLE LANE CLOSURE SHORT OR INTERMEDIATE TERM:
- LEFT LANE CLOSURES ARE SYMMETRICAL TO RIGHT LANE CLOSURES. SUBSTITUTE LEFT LANE CLOSED SIGN (W20-5) AND THE CORRESPONDING LANE ENDS SIGN (W4-2L).
 - NO WORK ACTIVITY, EQUIPMENT, OR STORAGE OF VEHICLES, OR MATERIAL SHALL OCCUR WITHIN THE BUFFER SPACE AT ANY TIME.
 - CHANNELIZING DEVICE SPACING (CENTER TO CENTER) SHALL NOT EXCEED 40' IN THE ACTIVE WORK SPACE.
 - TRANSVERSE DEVICES SHALL BE REQUIRED (AS PER 619 STANDARD SPECIFICATIONS) WHEN A PAVED SHOULDER HAVING A WIDTH OF 8' OR GREATER IS CLOSED FOR A DISTANCE GREATER THAN 1500'.
 - FOR BARRIER VEHICLE USE REQUIREMENTS SEE TABLES NY1-A AND NY2-A ON THE STANDARD SHEET TITLED "WORK ZONE TRAFFIC CONTROL LEGENDS AND NOTES".
 - WHEN PAVED SHOULDERS HAVING A WIDTH OF 8' OR MORE ARE CLOSED, CHANNELIZING DEVICES SHALL BE USED TO CLOSE THE SHOULDER IN ADVANCE TO DELINEATE THE BEGINNING OF THE WORK SPACE AND TO DIRECT VEHICULAR TRAFFIC TO REMAIN IN THE TRAVELED WAY.

- NOTES FOR SINGLE LANE TRAFFIC FLAGGING OPERATION:
- WHEN PAVED SHOULDERS HAVING A WIDTH OF 8' OR MORE ARE CLOSED, CHANNELIZING DEVICES SHALL BE USED TO CLOSE THE SHOULDER IN ADVANCE TO DELINEATE THE BEGINNING OF THE WORK AREA AND DIRECT VEHICULAR TRAFFIC TO REMAIN IN THE TRAVEL WAY.
 - WHEN A SIDE ROAD OR DRIVEWAY INTERSECTS THE ROADWAY WITHIN A WORK ZONE TRAFFIC CONTROL AREA, ADDITIONAL TEMPORARY TRAFFIC CONTROL DEVICES AND/OR FLAGGERS SHALL BE PLACED AS NEEDED. ADDITIONAL FLAGGERS SHALL BE LOCATED AT ALL INTERSECTIONS AND COMMERCIAL DRIVEWAYS LOCATED WITHIN OR NEAR THE ACTIVE WORK SPACE.
 - NO WORK ACTIVITY, EQUIPMENT, OR STORAGE OF VEHICLES, OR MATERIAL SHALL OCCUR WITHIN THE BUFFER SPACE AT ANY TIME.
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 - THE END ROAD WORK SIGN (G20-2) SHALL BE PLACED A MAXIMUM OF 500' PAST THE END OF THE WORK SPACE.
 - WHERE DIRECTED BY THE ENGINEER, A BUFFER SPACE SHALL BE PROVIDED IN ORDER TO LOCATE THE ONE-LANE, TWO-WAY TRAFFIC TAPER PRIOR TO ANY HORIZONTAL OR VERTICAL CURVE, IN ORDER TO PROVIDE ADEQUATE SIGHT DISTANCE FOR THE FLAGGERS AND/OR A QUEUE OF STOPPED VEHICLES.
 - THE FLAG TREE SHALL BE LOCATED ON THE SHOULDER, AT APPROXIMATELY THE DISTANCE BETWEEN THE FLAGGER SIGN (W20-7 a) AND THE FLAGGER.
 - FLAGGER SIGN (W20-7a) AND ONE LANE ROAD AHEAD SIGN (W20-4) SHALL BE REMOVED, COVERED OR TURNED AWAY FROM ROAD USERS WHEN FLAGGING OPERATIONS ARE NOT OCCURRING.
 - FLAGGER AND FLAG TREE SHALL BE ILLUMINATED TO LEVEL II ILLUMINATION DURING NIGHT TIME OPERATIONS.
 - ALL FLAGGERS SHALL USE 24" (MIN.) OCTAGON SHAPED STOP/SLOW PADDLES HAVING 6" STAFF.
 - CENTERLINE CHANNELIZING DEVICES ARE OPTIONAL AND MAY BE ELIMINATED WHERE SPACE CONSTRAINTS EXIST.

IN CHARGE OF R. LOPANE
 CHECKED BY R. LOPANE
 MADE BY R. LOPANE

REVISION NUMBER	DATE	MADE BY	APP'D BY	REVISION

RECORD DRAWING CERTIFICATION

AS BUILT - CHANGES AS NOTED
 AS BUILT - NO CHANGES

CONTRACTOR		PROJECT COORDINATOR	
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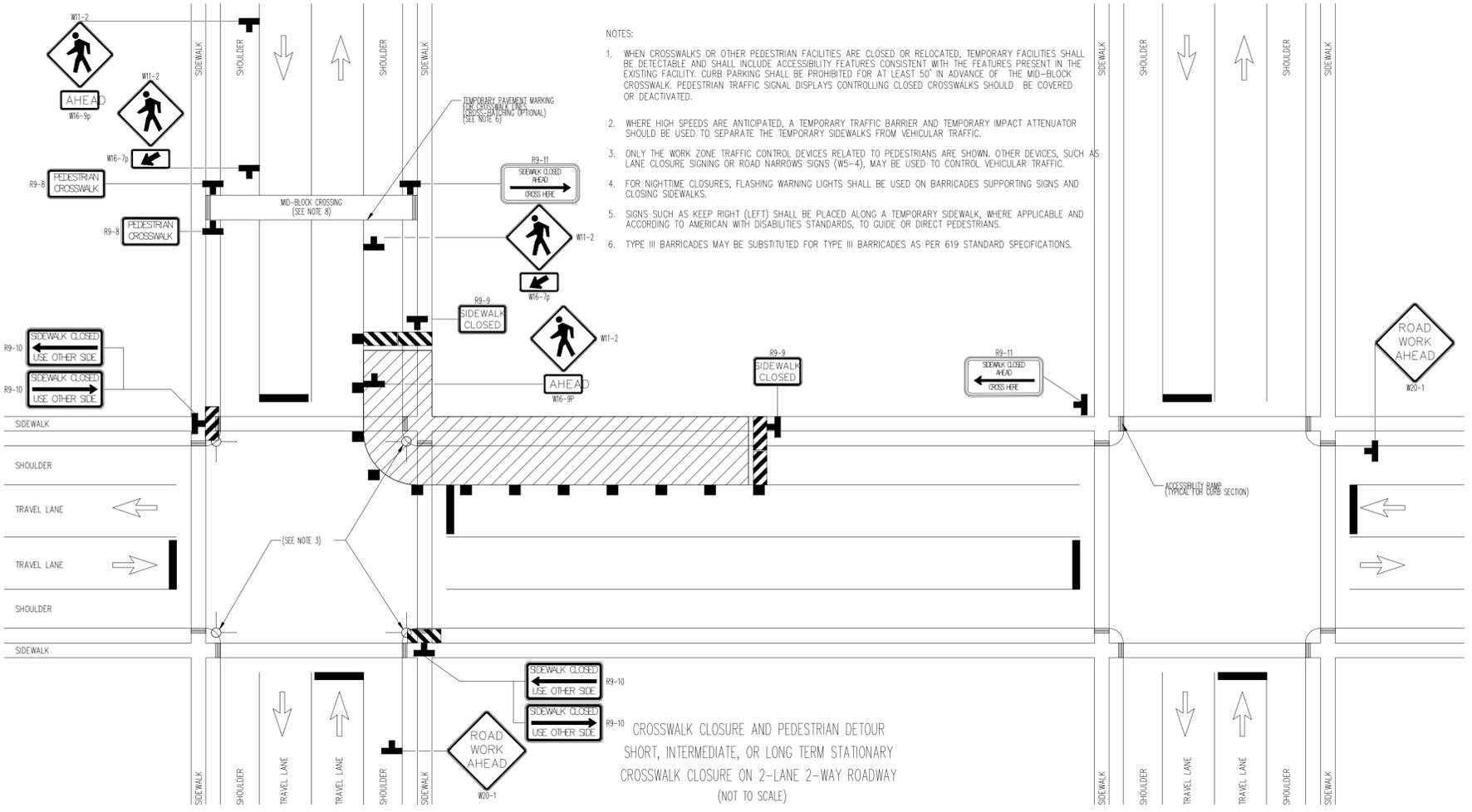
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WESTCHESTER COUNTY, NEW YORK
 DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION
 DIVISION OF ENGINEERING
 RYE PLAYLAND PARKWAY PATH
 PLAYLAND PARKWAY, NORTH STREET, THEODORE FREMD AVE.,
 PURCHASE STREET, PURDY AVE. AND MCCULLOUGH PLACE
 CITY OF RYE, NEW YORK

CONTRACT NUMBER 16-513	SHEET NUMBER -
SHEET NO. 4 OF 42	
SCALE: AS SHOWN	
DATE: 10/06/2017	
DPW FILE NO.	REV. NO.
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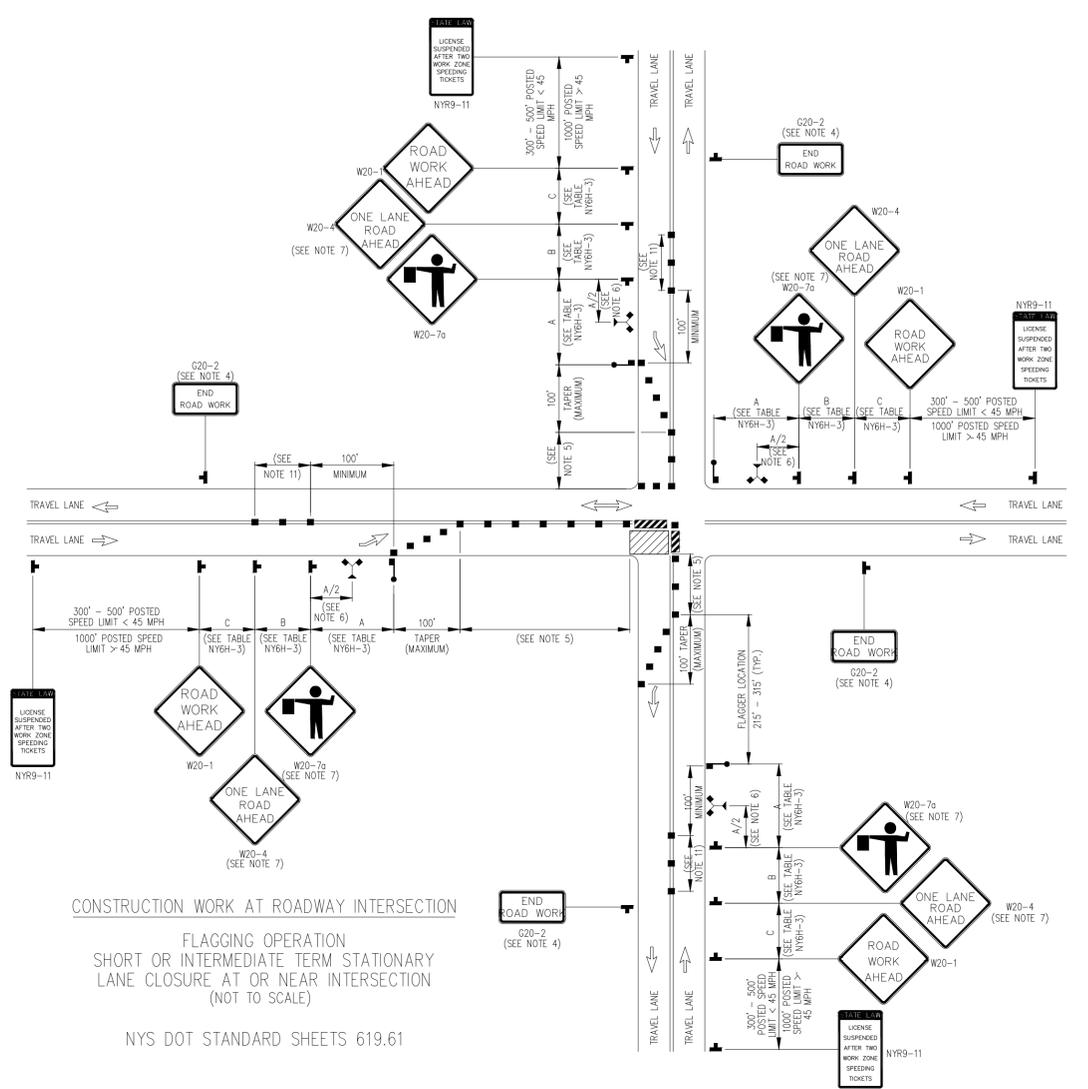
BASIC WORK TRAFFIC CONTROL PLANS - I

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- NOTES:
1. WHEN CROSSWALKS OR OTHER PEDESTRIAN FACILITIES ARE CLOSED OR RELOCATED, TEMPORARY FACILITIES SHALL BE DETECTABLE AND SHALL INCLUDE ACCESSIBILITY FEATURES CONSISTENT WITH THE FEATURES PRESENT IN THE EXISTING FACILITY. CURB PARKING SHALL BE PROHIBITED FOR AT LEAST 50' IN ADVANCE OF THE MID-BLOCK CROSSWALK. PEDESTRIAN TRAFFIC SIGNAL DISPLAYS CONTROLLING CLOSED CROSSWALKS SHOULD BE COVERED OR DEACTIVATED.
 2. WHERE HIGH SPEEDS ARE ANTICIPATED, A TEMPORARY TRAFFIC BARRIER AND TEMPORARY IMPACT ATTENUATOR SHOULD BE USED TO SEPARATE THE TEMPORARY SIDEWALKS FROM VEHICULAR TRAFFIC.
 3. ONLY THE WORK ZONE TRAFFIC CONTROL DEVICES RELATED TO PEDESTRIANS ARE SHOWN. OTHER DEVICES, SUCH AS LANE CLOSURE SIGNING OR ROAD NARROWS SIGNS (W5-4), MAY BE USED TO CONTROL VEHICULAR TRAFFIC.
 4. FOR NIGHTTIME CLOSURES, FLASHING WARNING LIGHTS SHALL BE USED ON BARRICADES SUPPORTING SIGNS AND CLOSING SIDEWALKS.
 5. SIGNS SUCH AS KEEP RIGHT (LEFT) SHALL BE PLACED ALONG A TEMPORARY SIDEWALK, WHERE APPLICABLE AND ACCORDING TO AMERICAN WITH DISABILITIES STANDARDS, TO GUIDE OR DIRECT PEDESTRIANS.
 6. TYPE III BARRICADES MAY BE SUBSTITUTED FOR TYPE III BARRICADES AS PER 619 STANDARD SPECIFICATIONS.

CROSSWALK CLOSURE AND PEDESTRIAN DETOUR
SHORT, INTERMEDIATE, OR LONG TERM STATIONARY
CROSSWALK CLOSURE ON 2-LANE 2-WAY ROADWAY
(NOT TO SCALE)



CONSTRUCTION WORK AT ROADWAY INTERSECTION
FLAGGING OPERATION
SHORT OR INTERMEDIATE TERM STATIONARY
LANE CLOSURE AT OR NEAR INTERSECTION
(NOT TO SCALE)

NYS DOT STANDARD SHEETS 619.61

NOTES FOR CONSTRUCTION WORK AT ROADWAY INTERSECTION:

1. AT SIGNALIZED INTERSECTIONS, SIGNALS SHALL BE TURNED OFF FOR ANY FLAGGING OPERATIONS, UNLESS OTHERWISE AUTHORIZED BY THE ENGINEER.
2. WHEN PAVED SHOULDERS HAVING A WIDTH OF 8' OR MORE ARE CLOSED, CHANNELIZING DEVICES SHALL BE USED TO CLOSE THE SHOULDER IN ADVANCE TO DELINEATE THE BEGINNING OF THE WORK AREA AND DIRECT VEHICULAR TRAFFIC TO REMAIN IN THE TRAVEL WAY.
3. CHANNELIZING DEVICE SPACING (CENTER TO CENTER) SHALL NOT EXCEED 40' IN THE ACTIVE WORK SPACE.
4. THE END ROAD WORK SIGN (G20-2) SHALL BE PLACED A MAXIMUM OF 500' PAST THE END OF THE WORK SPACE.
5. WHERE DIRECTED BY THE ENGINEER, A BUFFER SPACE SHALL BE PROVIDED IN ORDER TO LOCATE THE ONE-LANE, TWO-WAY TRAFFIC TAPER PRIOR TO ANY HORIZONTAL OR VERTICAL CURVE, IN ORDER TO PROVIDE ADEQUATE SIGHT DISTANCE FOR THE FLAGGERS AND/OR A QUEUE OF STOPPED VEHICLES.
6. THE FLAG TREE SHALL BE LOCATED ON THE SHOULDER, AT APPROXIMATELY THE DISTANCE BETWEEN THE FLAGGER SIGN (W20-7a) AND THE FLAGGER.
7. FLAGGER SIGN (W20-7a) AND ONE LANE ROAD AHEAD SIGN (W20-4) SHALL BE REMOVED, COVERED OR TURNED AWAY FROM ROAD USERS WHEN FLAGGING OPERATIONS ARE NOT OCCURRING.
8. FLAGGER AND FLAG TREE SHALL BE ILLUMINATED TO LEVEL II ILLUMINATION DURING NIGHT TIME OPERATIONS.
9. ALL FLAGGERS SHALL USE 24" (MIN.) OCTAGON SHAPED STOP/SLOW PADDLES HAVING 6" STAFF.
10. ADDITIONAL FLAGGERS SHALL BE LOCATED AT ALL INTERSECTIONS AND COMMERCIAL DRIVEWAYS LOCATED WITHIN OR NEAR THE ACTIVE WORK AREA.
11. CENTERLINE CHANNELIZING DEVICES ARE OPTIONAL AND MAY BE ELIMINATED WHERE SPACE CONSTRAINTS EXIST.
12. NO WORK ACTIVITY, EQUIPMENT, OR STORAGE OF VEHICLES, OR MATERIAL SHALL OCCUR WITHIN THE BUFFER SPACE AT ANY TIME.
13. FOR PEDESTRIAN DETOUR ACCOMMODATIONS REFER TO THE STANDARD SHEETS TITLED "SIDEWALK DETOUR OR DIVERSION" AND "CROSSWALK CLOSURE AND PEDESTRIAN DETOUR".

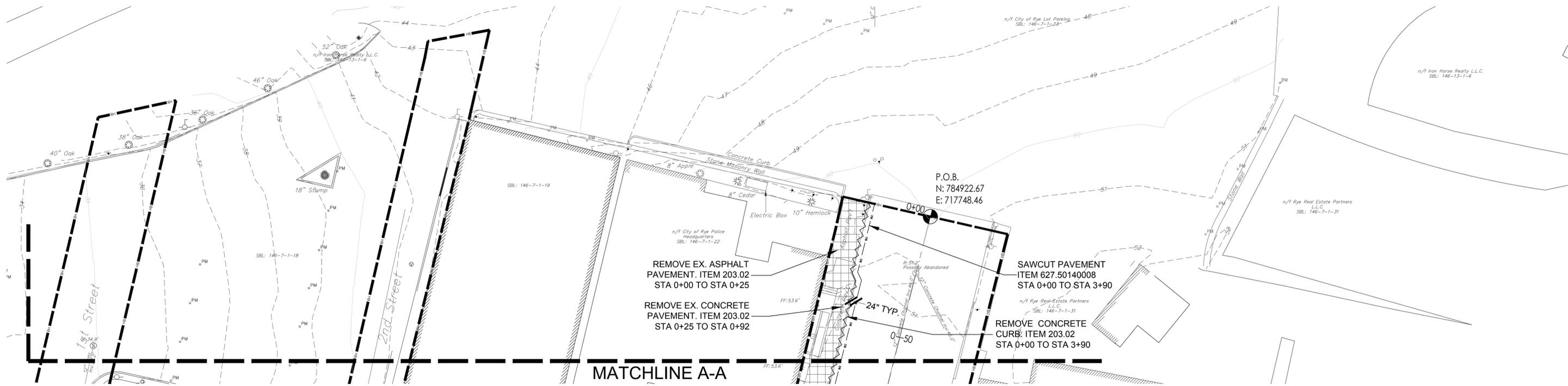
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CHECKED BY R. LOPANE
MADE BY R. LOPANE

REVISION NUMBER	DATE	MADE BY	APP'D BY	REVISION

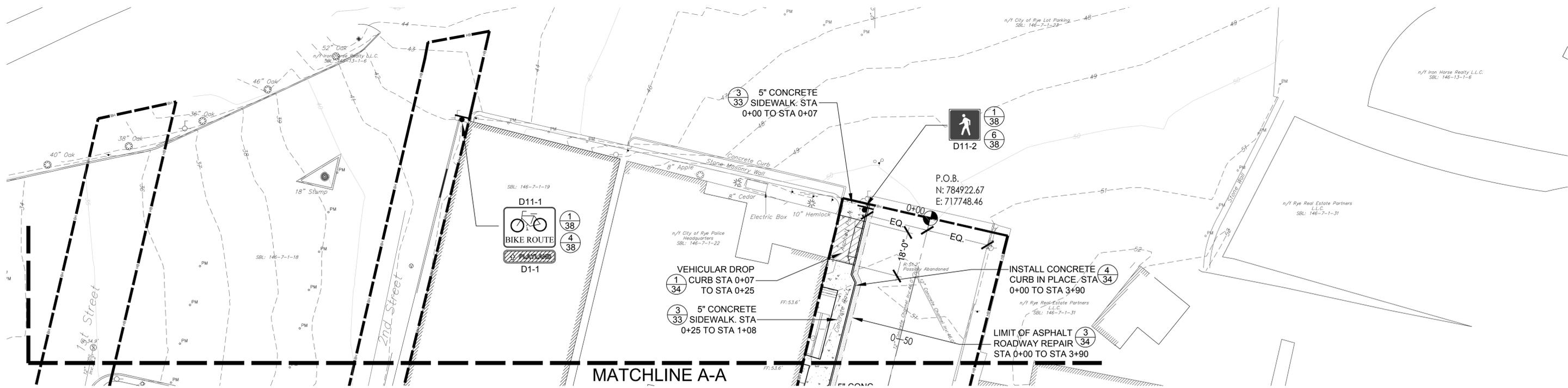
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WESTCHESTER COUNTY, NEW YORK DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION DIVISION OF ENGINEERING RYE PLAYLAND PARKWAY PATH PLAYLAND PARKWAY, NORTH STREET, THEODORE FREMID AVE., PURCHASE STREET, PURDY AVE. AND MCCULLOUGH PLACE CITY OF RYE, NEW YORK		CONTRACT NUMBER 16-513	SHEET NUMBER -
ENGINEERS SEAL		SHEET NO. 5 OF 42	SCALE: AS SHOWN
DATE: 10/06/2016		DPW FILE NO.	XX-XX-X-XXX-0
BASIC WORK TRAFFIC CONTROL PLANS - II			

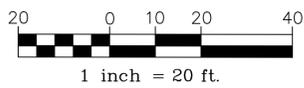
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1 SITE PREPARATION AND REMOVALS PLAN



2 LAYOUT AND MATERIALS PLAN



IN CHARGE OF R. LOPANE
 CHECKED BY R. LOPANE
 MADE BY R. LOPANE

ENGINEERS SEAL				
REVISION NUMBER	DATE	MADE BY	APP'D BY	REVISION

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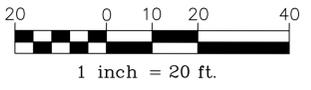
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SHEET NO. 7 OF 42	
SCALE: AS SHOWN	
DATE: 10/06/2017	
DPW FILE NO. XX-XX-X-XX-O	REV. NO.

SITE PLANS STA 0+00 - STA 0+60

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1 LAYOUT AND MATERIALS PLAN



IN CHARGE OF R. LOPANE
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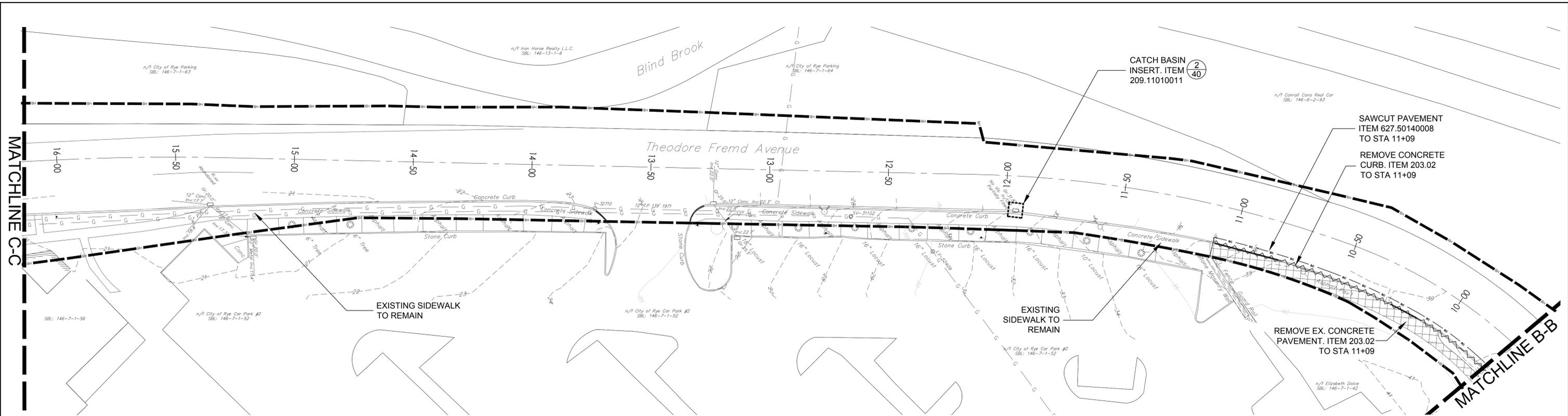
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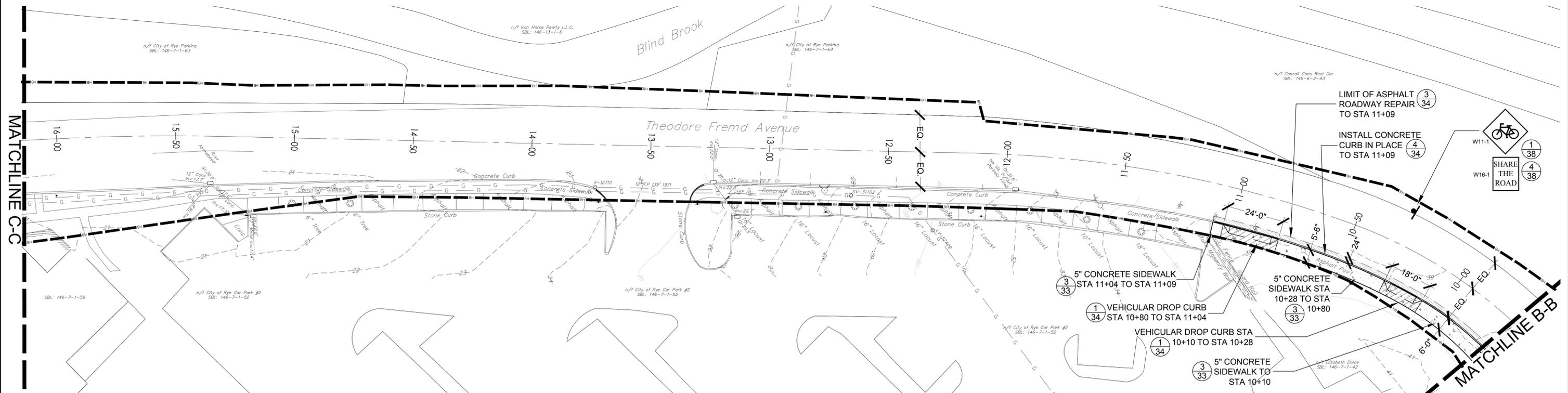
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SHEET NO. 9 OF 42	SCALE: AS SHOWN
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XX-XX-X-XX-O	REV. NO. _____

SITE PLANS STA 0+60 - STA 9+72 - II

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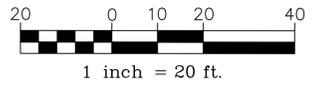


1 SITE PREPARATION AND REMOVALS PLAN



2 LAYOUT AND MATERIALS PLAN

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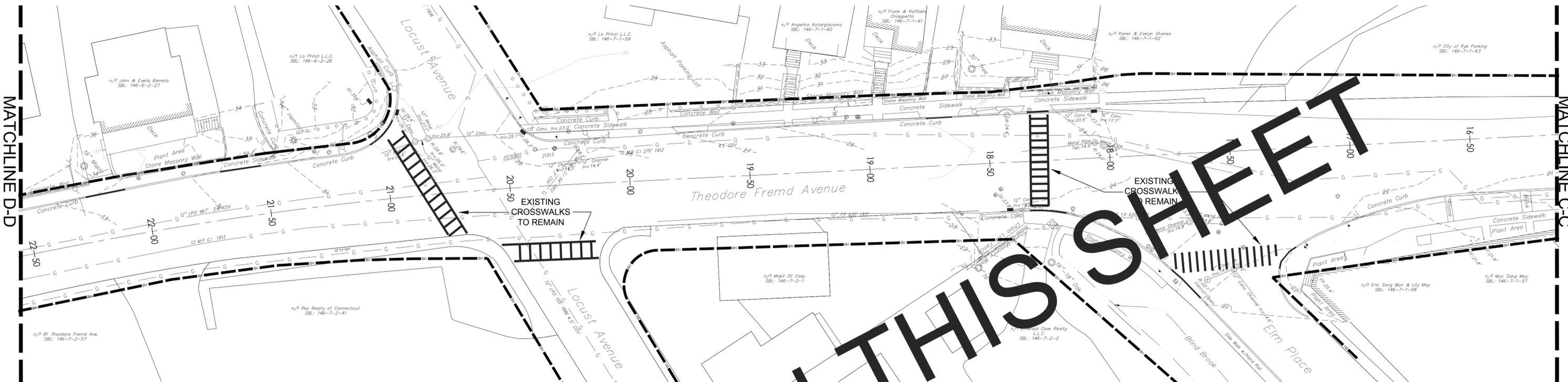
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NAME _____	NAME _____	NAME _____	NAME _____
SIGNATURE _____	SIGNATURE _____	SIGNATURE _____	SIGNATURE _____
TITLE _____	TITLE _____	TITLE _____	TITLE _____
DATE _____	DATE _____	DATE _____	DATE _____

WESTCHESTER COUNTY, NEW YORK
 DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION
 DIVISION OF ENGINEERING
 RYE PLAYLAND PARKWAY PATH
 PLAYLAND PARKWAY, NORTH STREET, THEODORE FREM'D AVE.,
 PURCHASE STREET, PURDY AVE. AND MCCULLOUGH PLACE
 CITY OF RYE, NEW YORK

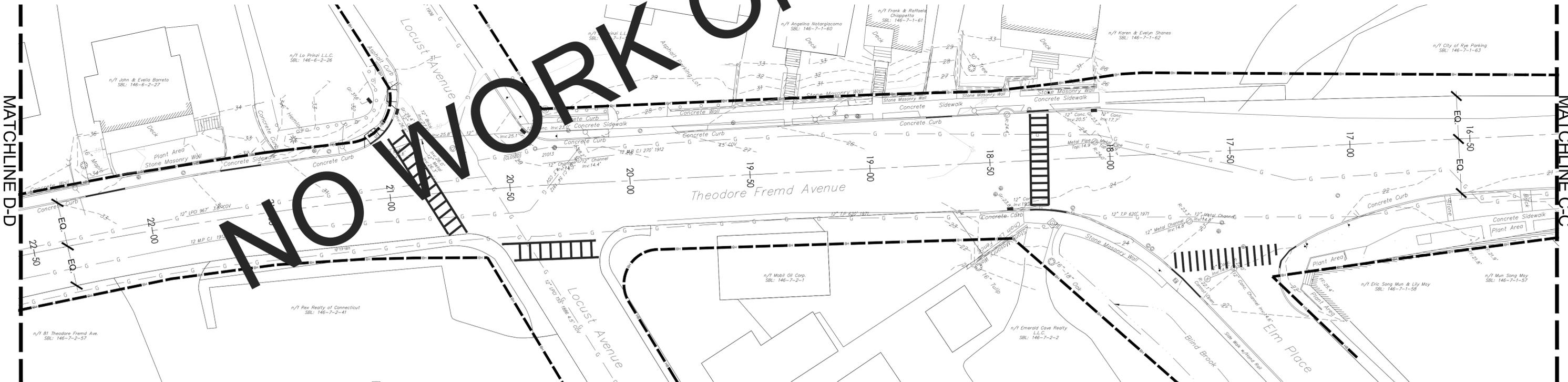
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SHEET NO. 10 OF 42	SCALE: AS SHOWN
DATE: 10/06/2017	DPW FILE NO. _____
XX-XX-XX-XX-O	REV. NO. _____

SITE PLANS STA 9+72 - STA 16+14

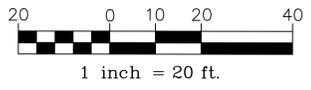
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1 SITE PREPARATION AND REMOVALS PLAN



2 LAYOUT AND MATERIALS PLAN



IN CHARGE OF R. LOPANE
 CHECKED BY R. LOPANE
 MADE BY R. LOPANE

ENGINEERS SEAL				
REVISION NUMBER	DATE	MADE BY	APP'D BY	REVISION

RECORD DRAWING CERTIFICATION			
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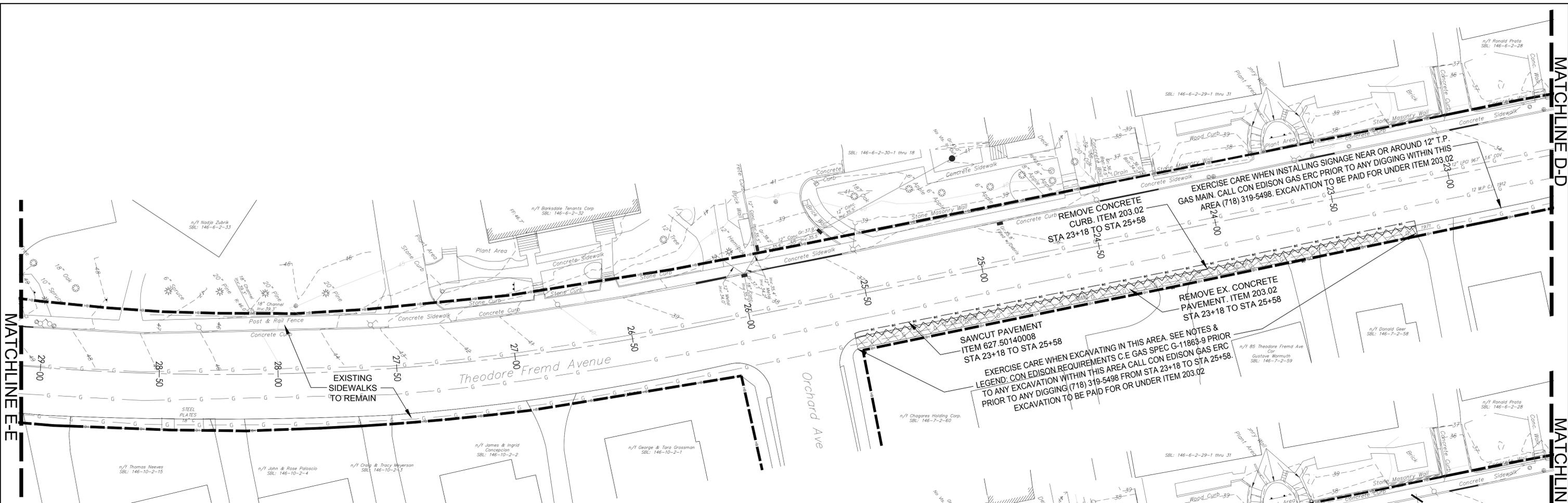
FOR REVIEW ONLY

WESTCHESTER COUNTY, NEW YORK
 DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION
 DIVISION OF ENGINEERING
 RYE PLAYLAND PARKWAY PATH
 PLAYLAND PARKWAY, NORTH STREET, THEODORE FREM D AVE.,
 PURCHASE STREET, PURDY AVE. AND MCCULLOUGH PLACE
 CITY OF RYE, NEW YORK

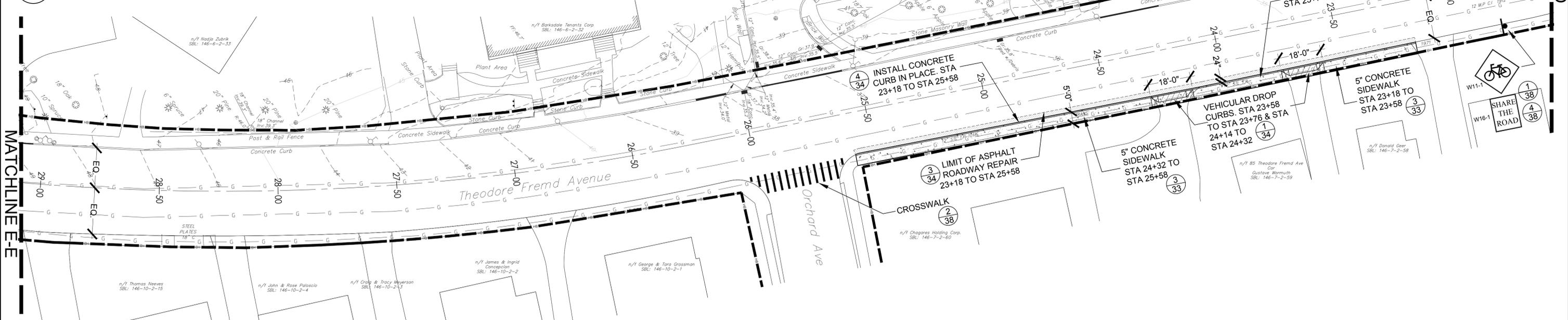
SITE PLANS STA 16+14 - STA 22+56

CONTRACT NUMBER 16-513	SHEET NUMBER -
SHEET NO. 11 OF 42	SCALE: AS SHOWN
DATE: 10/06/2017	DPW FILE NO.
XX-XX-X-XX-O	REV. NO.

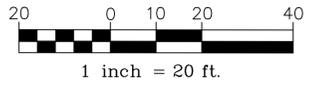
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1 SITE PREPARATION AND REMOVALS PLAN



2 LAYOUT AND MATERIALS PLAN



IN CHARGE OF R. LOPANE
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 MADE BY R. LOPANE

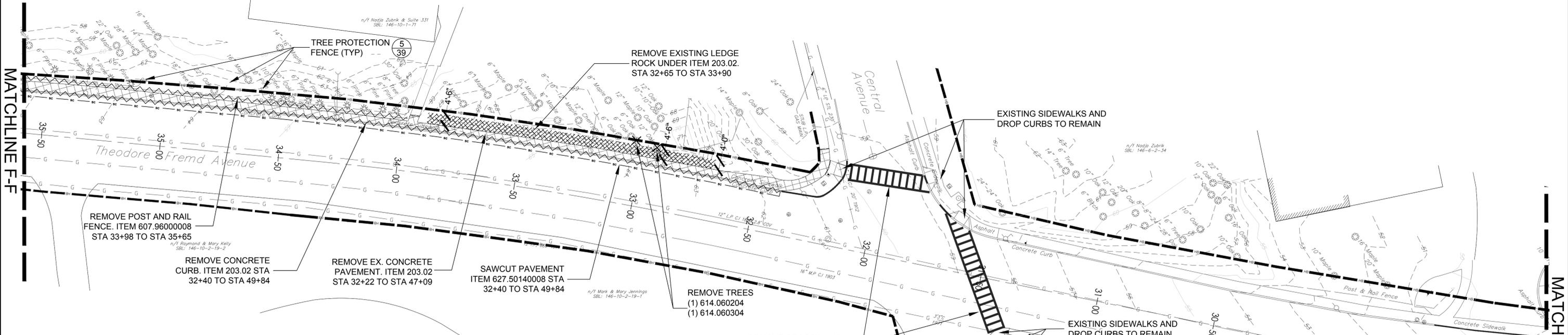
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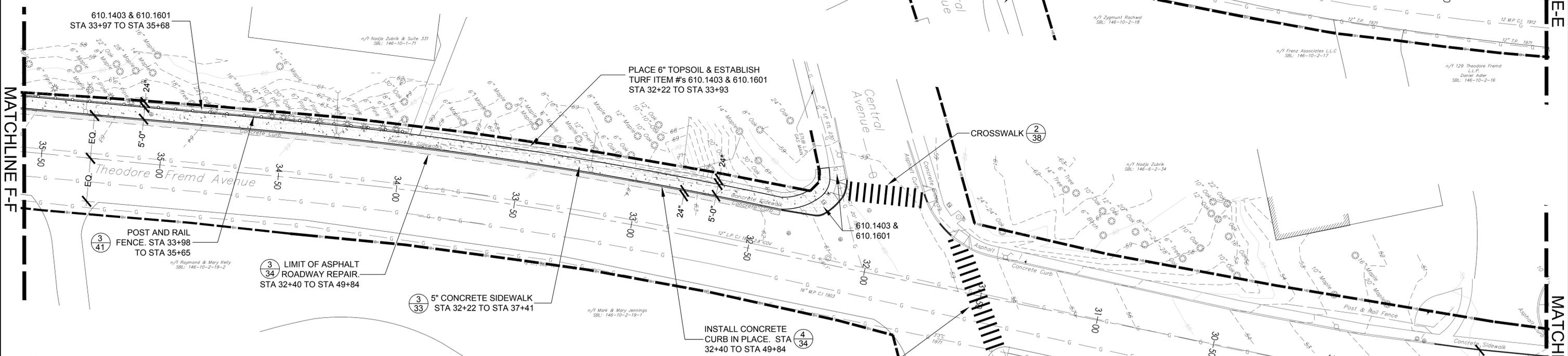
WESTCHESTER COUNTY, NEW YORK DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION		CONTRACT NUMBER 16-513	SHEET NUMBER -
DIVISION OF ENGINEERING RYE PLAYLAND PARKWAY PATH PLAYLAND PARKWAY, NORTH STREET, THEODORE FREM'D AVE., PURCHASE STREET, PURDY AVE. AND MCCULLOUGH PLACE CITY OF RYE, NEW YORK		SHEET NO. 12 OF 42	SCALE: AS SHOWN
SITE PLANS STA 22+56 - STA 29+08		DATE: 10/06/2017	REV. NO. _____
		DPW FILE NO. _____	XX-XX-X-XX-O

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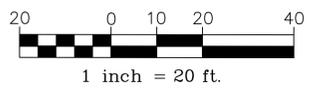


1 SITE PREPARATION AND REMOVALS PLAN



2 LAYOUT AND MATERIALS PLAN

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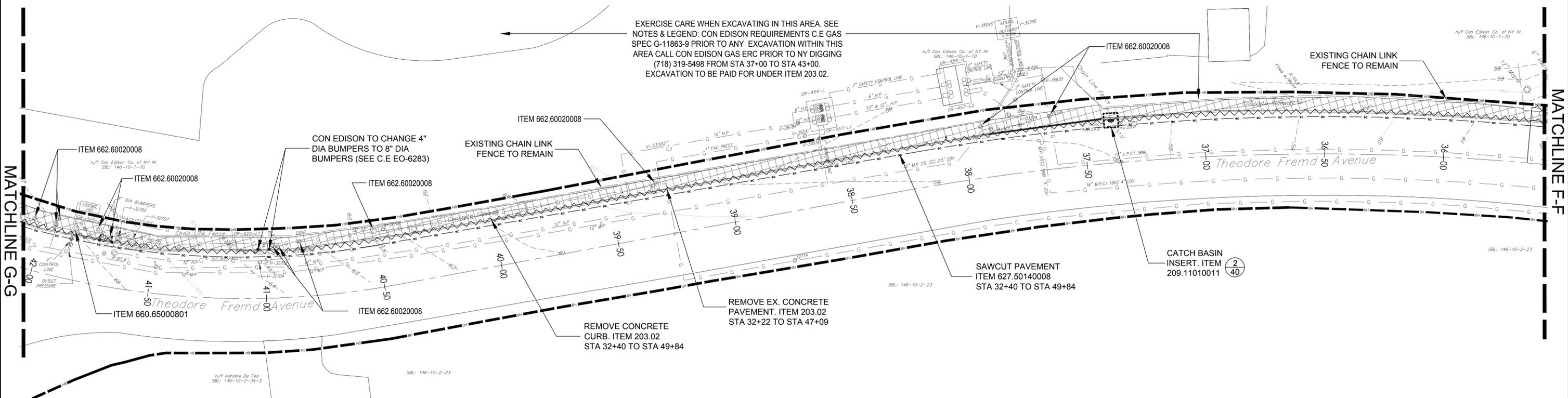
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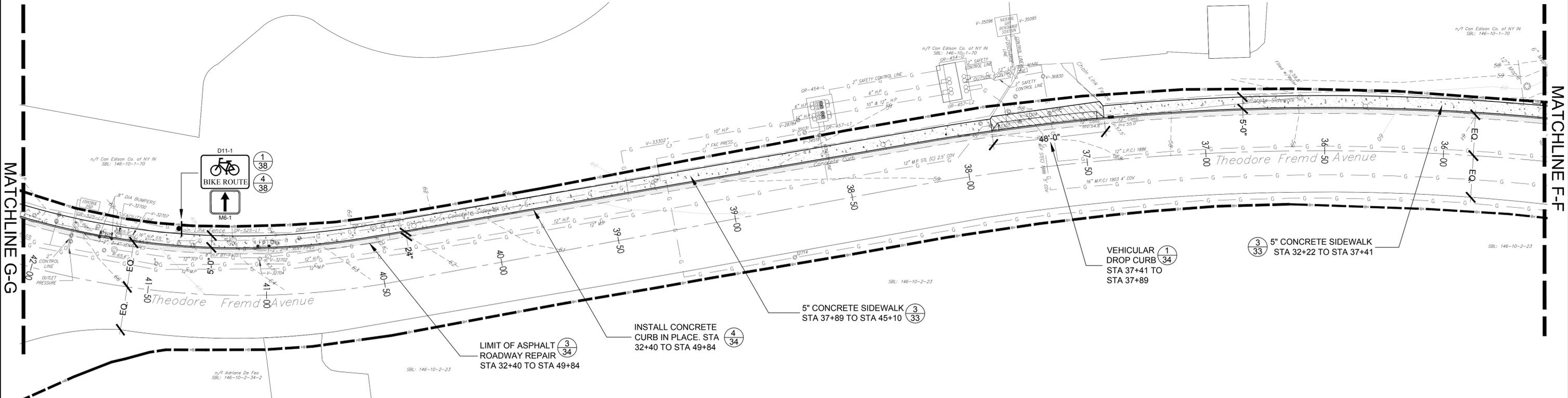
WESTCHESTER COUNTY, NEW YORK
 DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION
 DIVISION OF ENGINEERING
 RYE PLAYLAND PARKWAY PATH
 PLAYLAND PARKWAY, NORTH STREET, THEODORE FREM D AVE.,
 PURCHASE STREET, PURDY AVE. AND MCCULLOUGH PLACE
 CITY OF RYE, NEW YORK

CONTRACT NUMBER	16-513	SHEET NUMBER	-
SHEET NO. 13 OF 42	SCALE: AS SHOWN	DATE: 10/06/2017	DPW FILE NO.
SITE PLANS STA 29+08 - STA 35+58		REV. NO.	XX-XX-X-XX-O

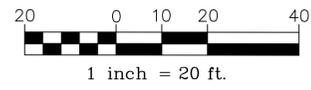
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1 SITE PREPARATION AND REMOVALS PLAN



2 LAYOUT AND MATERIALS PLAN



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ENGINEERS SEAL				
REVISION NUMBER	DATE	MADE BY	APP'D BY	REVISION

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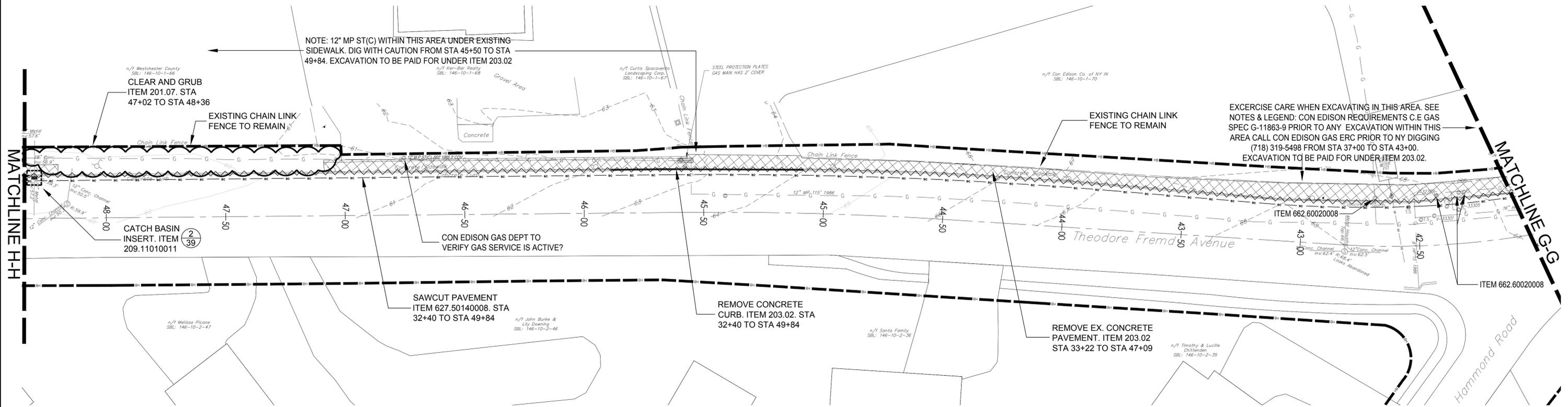
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WESTCHESTER COUNTY, NEW YORK
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 DIVISION OF ENGINEERING
 RYE PLAYLAND PARKWAY PATH
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 PURCHASE STREET, PURDY AVE. AND MCCULLOUGH PLACE
 CITY OF RYE, NEW YORK

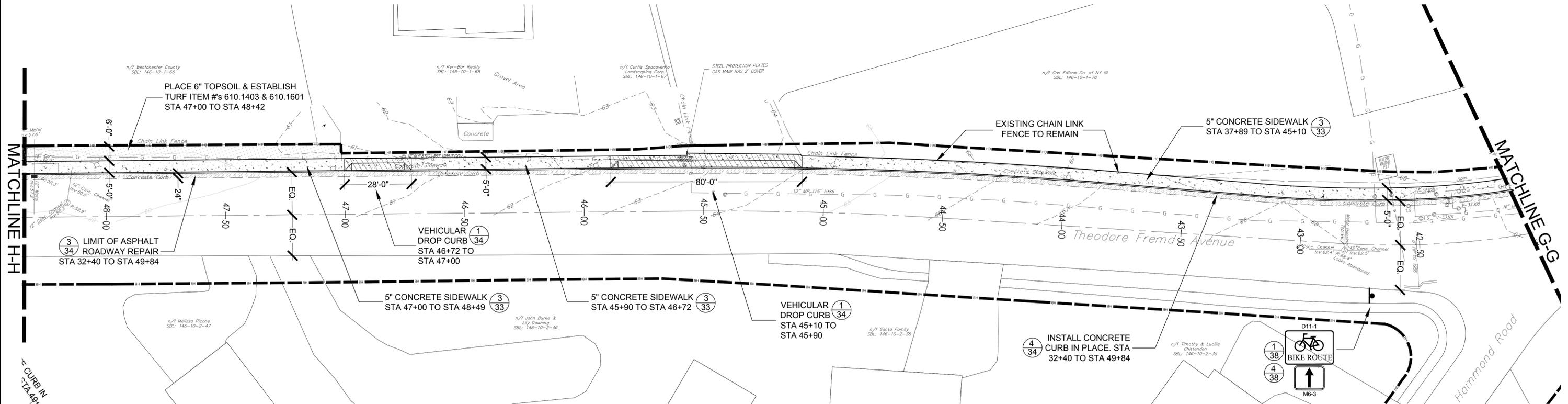
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DATE: 10/06/2017	
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XX-XX-XX-O	

SITE PLANS STA 35+58 - STA 42+04

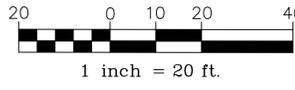
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1 SITE PREPARATION AND REMOVALS PLAN



2 LAYOUT AND MATERIALS PLAN



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ENGINEERS SEAL				
REVISION NUMBER	DATE	MADE BY	APP'D BY	REVISION

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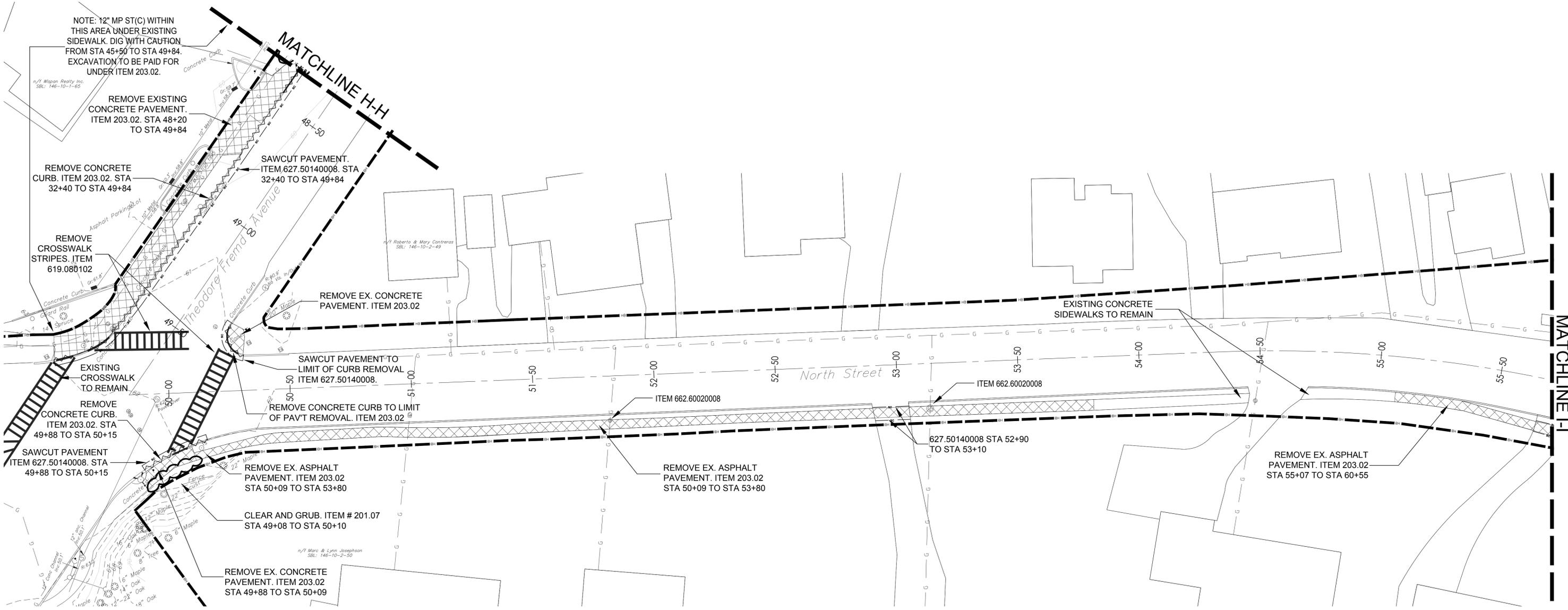
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WESTCHESTER COUNTY, NEW YORK
DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION
 DIVISION OF ENGINEERING
 RYE PLAYLAND PARKWAY PATH
 PLAYLAND PARKWAY, NORTH STREET, THEODORE FREMD AVE.,
 PURCHASE STREET, PURDY AVE. AND MCCULLOUGH PLACE
 CITY OF RYE, NEW YORK

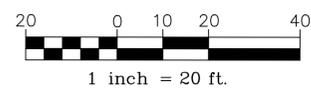
SITE PLANS STA 42+04 - STA 48+35

CONTRACT NUMBER 16-513	SHEET NUMBER -
SHEET NO. 15 OF 42	
SCALE: AS SHOWN	
DATE: 10/06/2017	
DPW FILE NO. XX-XX-X-XX-O	REV. NO.

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1 SITE PREPARATION AND REMOVALS PLAN



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ENGINEERS SEAL				
REVISION NUMBER	DATE	MADE BY	APP'D BY	REVISION

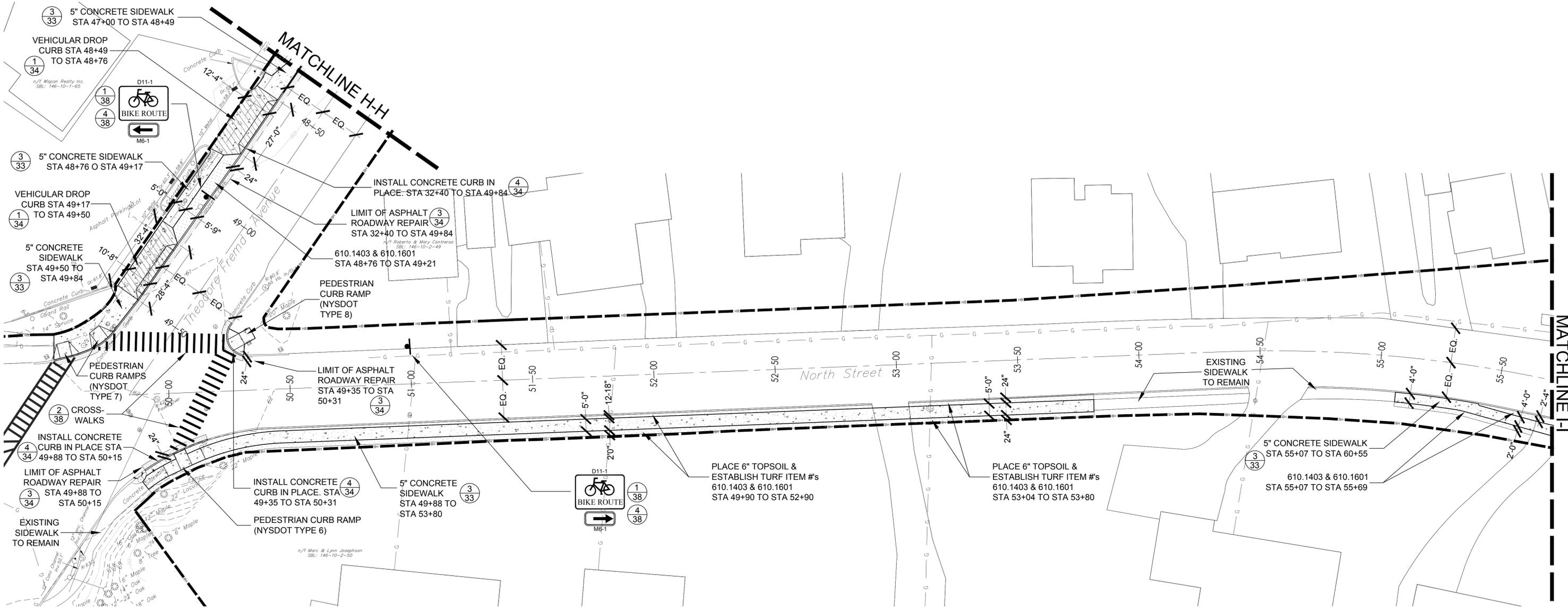
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SIGNATURE _____	SIGNATURE _____	SIGNATURE _____	SIGNATURE _____
TITLE _____	TITLE _____	TITLE _____	TITLE _____
DATE _____	DATE _____	DATE _____	DATE _____

WESTCHESTER COUNTY, NEW YORK
 DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION
 DIVISION OF ENGINEERING
 RYE PLAYLAND PARKWAY PATH
 PLAYLAND PARKWAY, NORTH STREET, THEODORE FREMD AVE.,
 PURCHASE STREET, PURDY AVE. AND MCCULLOUGH PLACE
 CITY OF RYE, NEW YORK
SITE PLANS STA 48+35 - STA 55+72 - I

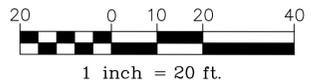
FOR REVIEW ONLY

CONTRACT NUMBER 16-513	SHEET NUMBER -
SHEET NO. 16 OF 42	SCALE: AS SHOWN
DATE: 10/06/2017	DPW FILE NO. _____
XX-XX-X-XX-O	REV. NO. _____

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1 LAYOUT AND MATERIALS PLAN



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ENGINEERS SEAL				
REVISION NUMBER	DATE	MADE BY	APP'D BY	REVISION

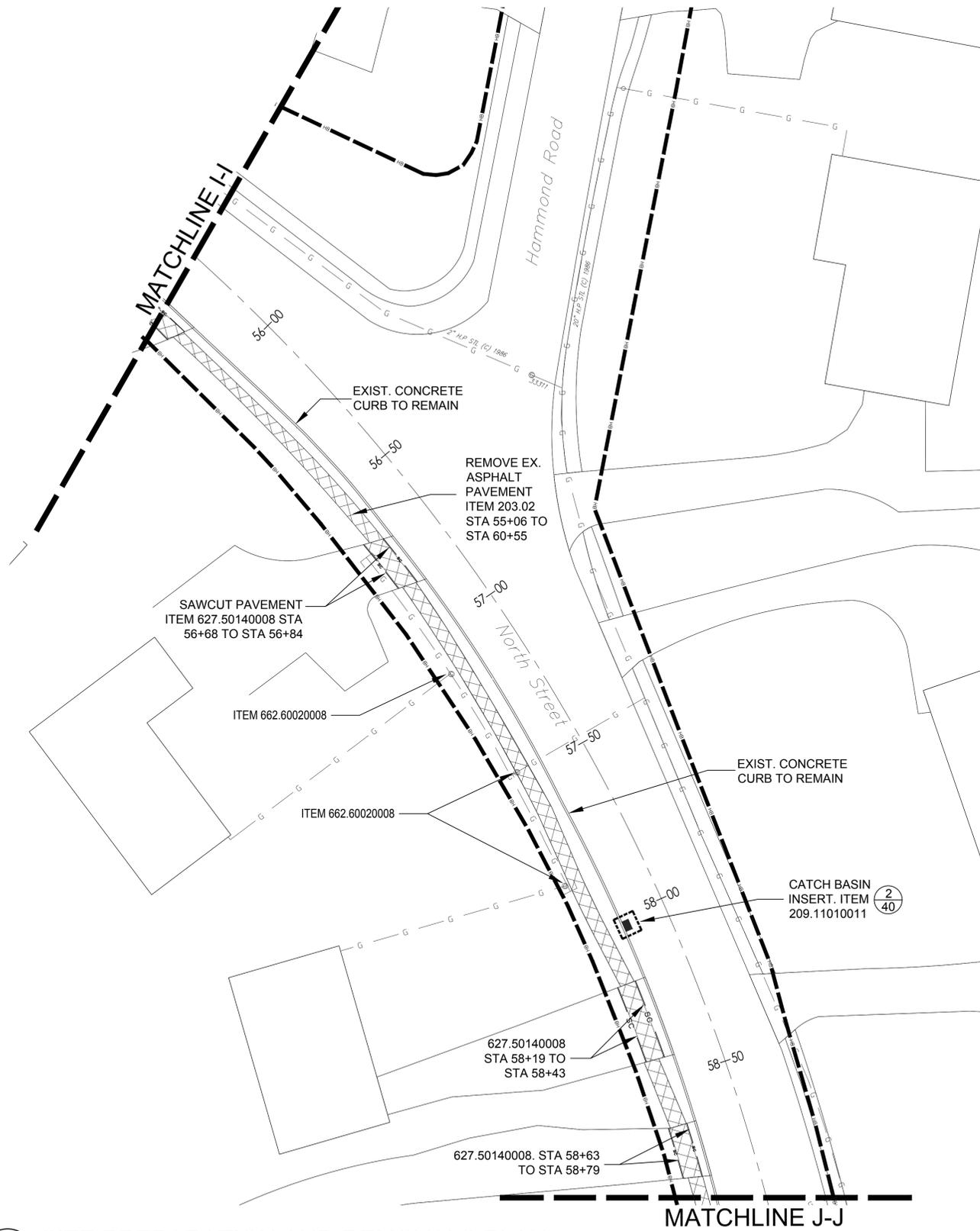
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PROJECT COORDINATOR NAME _____ SIGNATURE _____ TITLE _____ DATE _____		CONTRACTOR NAME _____ SIGNATURE _____ TITLE _____ DATE _____	

WESTCHESTER COUNTY, NEW YORK
 DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION
 DIVISION OF ENGINEERING
 RYE PLAYLAND PARKWAY PATH
 PLAYLAND PARKWAY, NORTH STREET, THEODORE FREMD AVE.,
 PURCHASE STREET, PURDY AVE. AND MCCULLOUGH PLACE
 CITY OF RYE, NEW YORK
SITE PLANS STA 48+35 - STA 55+72 - II

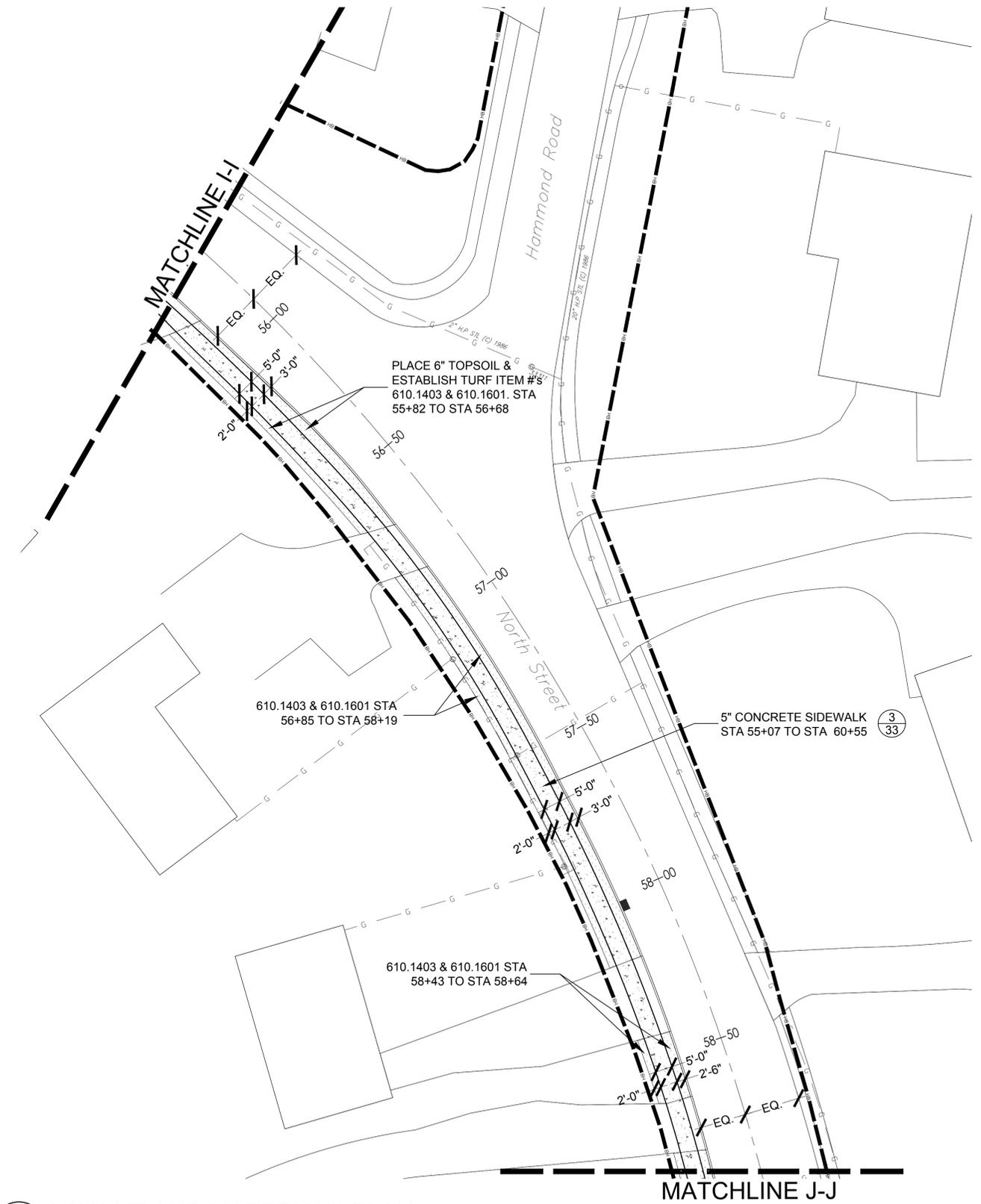
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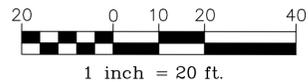


1 SITE PREPARATION AND REMOVALS PLAN



2 LAYOUT AND MATERIALS PLAN

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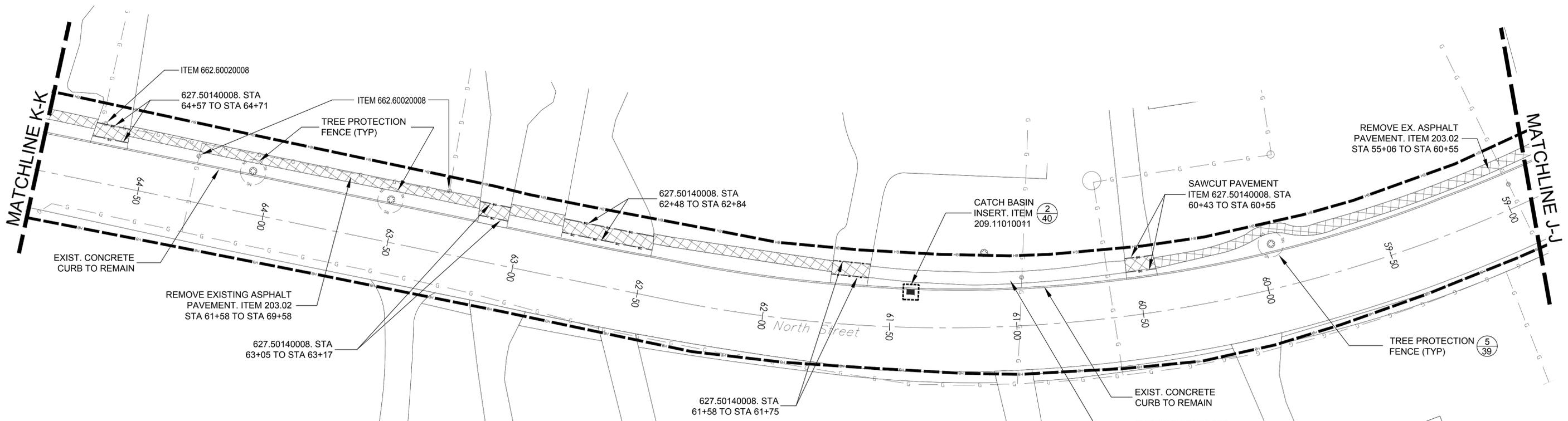
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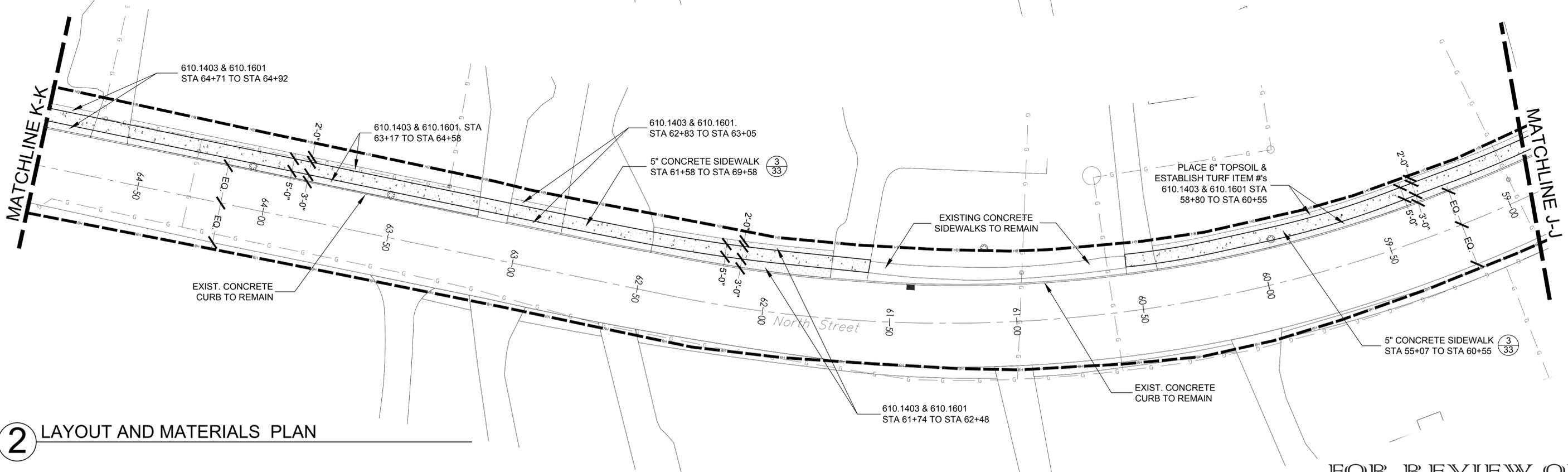
WESTCHESTER COUNTY, NEW YORK
 DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION
 DIVISION OF ENGINEERING
 RYE PLAYLAND PARKWAY PATH
 PLAYLAND PARKWAY, NORTH STREET, THEODORE FREM'D AVE.,
 PURCHASE STREET, PURDY AVE. AND MCCULLOUGH PLACE
 CITY OF RYE, NEW YORK
SITE PLANS STA 55+72 - STA 58+90

CONTRACT NUMBER 16-513	SHEET NUMBER -
SHEET NO. 18 OF 42	SCALE: AS SHOWN
DATE: 10/06/2017	DPW FILE NO. _____
REV. NO. _____	XX-XX-X-XX-O

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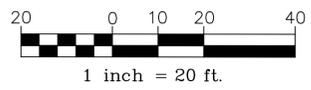


1 SITE PREPARATION AND REMOVALS PLAN



2 LAYOUT AND MATERIALS PLAN

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ENGINEERS SEAL				
REVISION NUMBER	DATE	MADE BY	APP'D BY	REVISION

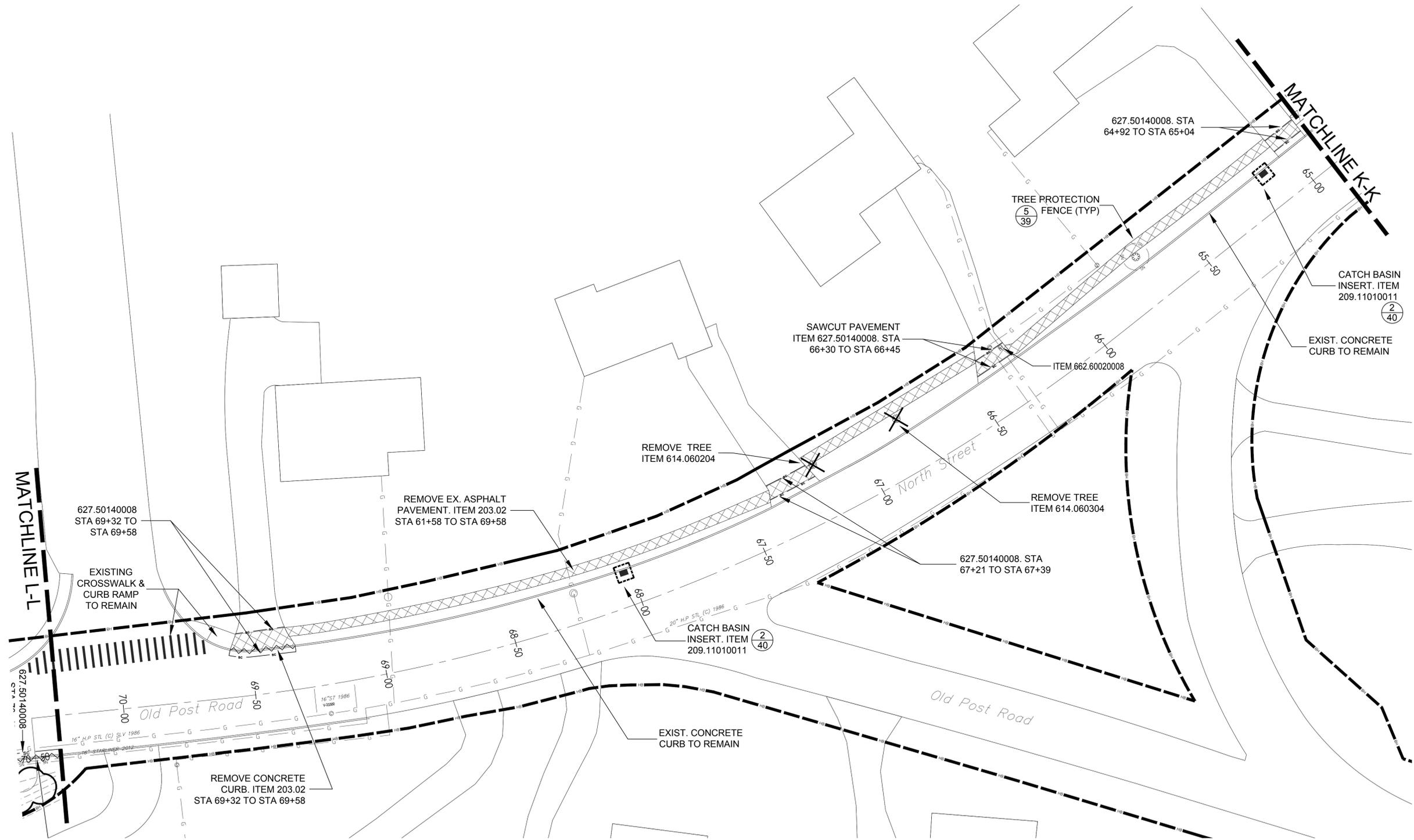
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DATE _____	DATE _____		

WESTCHESTER COUNTY, NEW YORK
 DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION
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 RYE PLAYLAND PARKWAY PATH
 PLAYLAND PARKWAY, NORTH STREET, THEODORE FREMD AVE.,
 PURCHASE STREET, PURDY AVE. AND MCCULLOUGH PLACE
 CITY OF RYE, NEW YORK

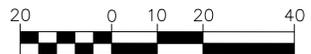
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SCALE: AS SHOWN	
DATE: 10/06/2017	
DPW FILE NO. XX-XX-X-XX-O	REV. NO.

SITE PLANS STA 58+90 - STA 64+90

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1 SITE PREPARATION AND REMOVALS PLAN



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ENGINEERS SEAL				
REVISION NUMBER	DATE	MADE BY	APP'D BY	REVISION

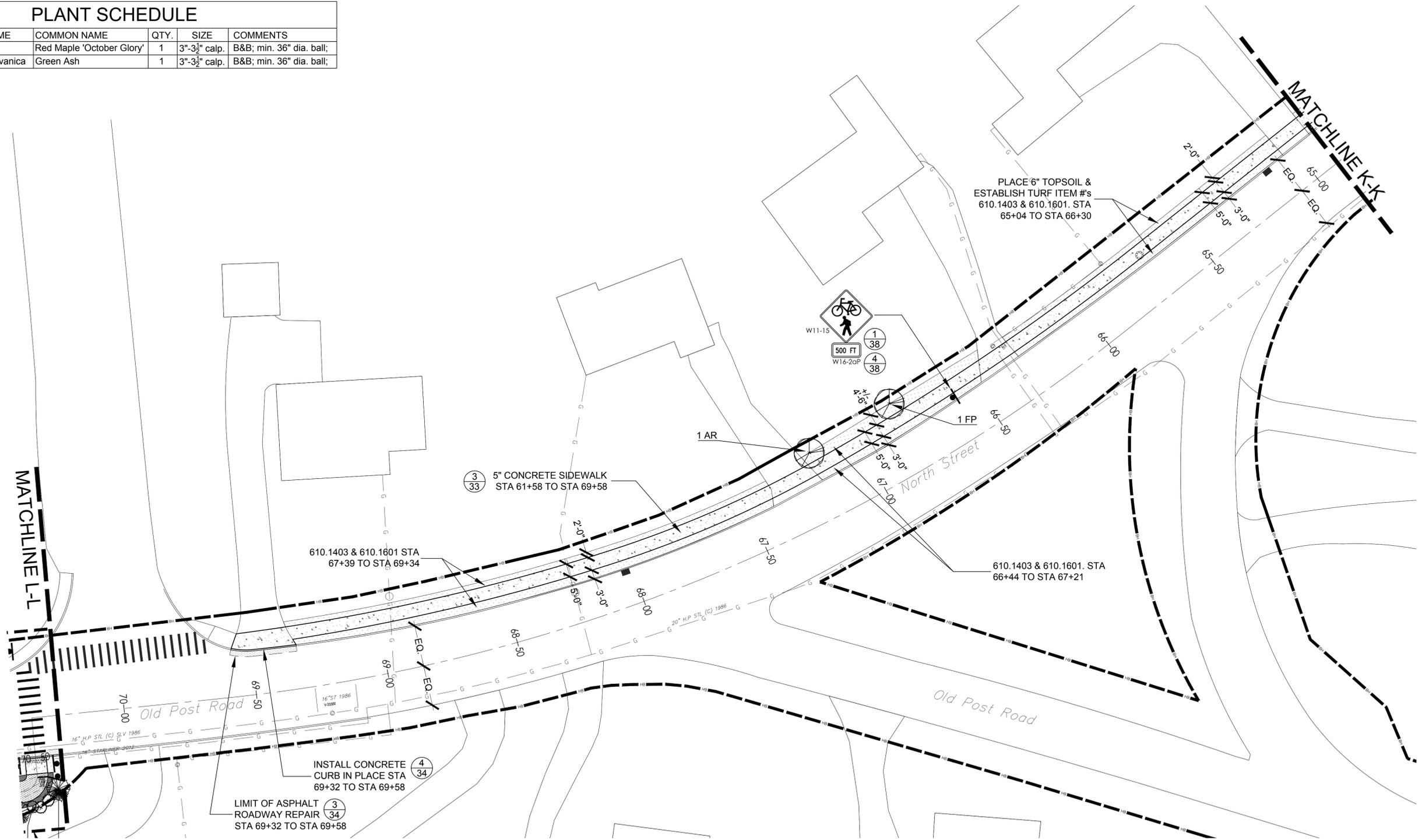
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TITLE _____	TITLE _____	TITLE _____	TITLE _____
DATE _____	DATE _____	DATE _____	DATE _____

WESTCHESTER COUNTY, NEW YORK
DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION
 DIVISION OF ENGINEERING
 RYE PLAYLAND PARKWAY PATH
 PLAYLAND PARKWAY, NORTH STREET, THEODORE FREMD AVE.,
 PURCHASE STREET, PURDY AVE. AND MCCULLOUGH PLACE
 CITY OF RYE, NEW YORK
SITE PLANS STA 64+90 - STA 70+25 - I

CONTRACT NUMBER 16-513	SHEET NUMBER -
SHEET NO. 20 OF 42	SCALE: AS SHOWN
DATE: 10/06/2017	DPW FILE NO. _____
XX-XX-X-XX-O	REV. NO. _____

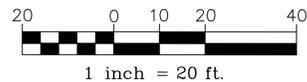
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PLANT SCHEDULE						
ITEM #	KEY	BOTANICAL NAME	COMMON NAME	QTY.	SIZE	COMMENTS
611.0171	AR	Acer rubrum	Red Maple 'October Glory'	1	3"-3 1/2" calp.	B&B; min. 36" dia. ball;
611.0171	FP	Fraxinus pennsylvanica	Green Ash	1	3"-3 1/2" calp.	B&B; min. 36" dia. ball;



1 LAYOUT AND MATERIALS PLAN

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ENGINEERS SEAL				
REVISION NUMBER	DATE	MADE BY	APP'D BY	REVISION

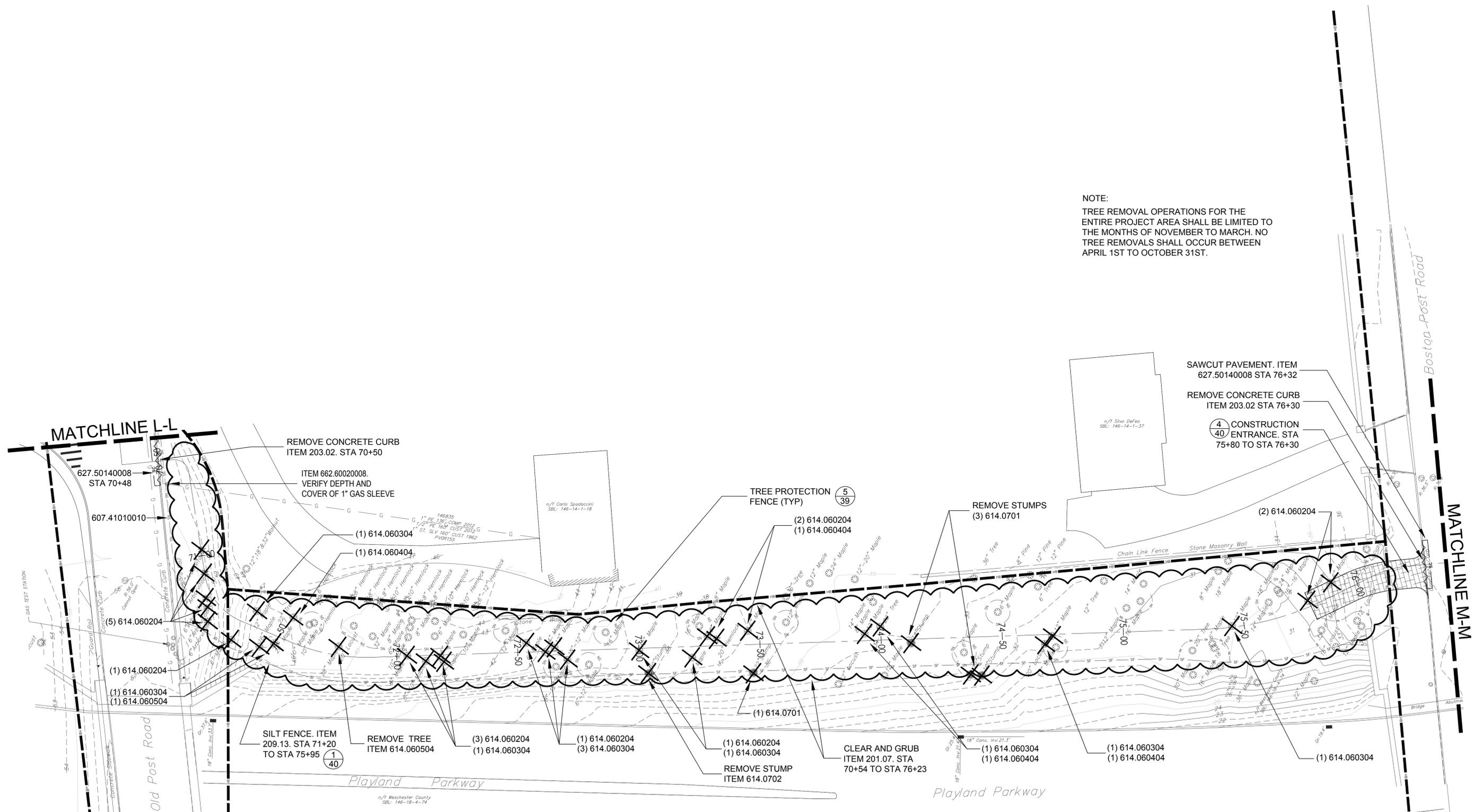
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TITLE _____	TITLE _____	TITLE _____	TITLE _____
DATE _____	DATE _____	DATE _____	DATE _____

WESTCHESTER COUNTY, NEW YORK
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 PLAYLAND PARKWAY, NORTH STREET, THEODORE FREMD AVE.,
 PURCHASE STREET, PURDY AVE. AND MCCULLOUGH PLACE
 CITY OF RYE, NEW YORK
SITE PLANS STA 64+90 - STA 70+25 - II

CONTRACT NUMBER 16-513	SHEET NUMBER -
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REV. NO. _____	XX-XX-X-XX-O

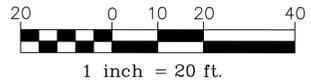
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NOTE:
 TREE REMOVAL OPERATIONS FOR THE ENTIRE PROJECT AREA SHALL BE LIMITED TO THE MONTHS OF NOVEMBER TO MARCH. NO TREE REMOVALS SHALL OCCUR BETWEEN APRIL 1ST TO OCTOBER 31ST.



1 SITE PREPARATION AND REMOVALS PLAN

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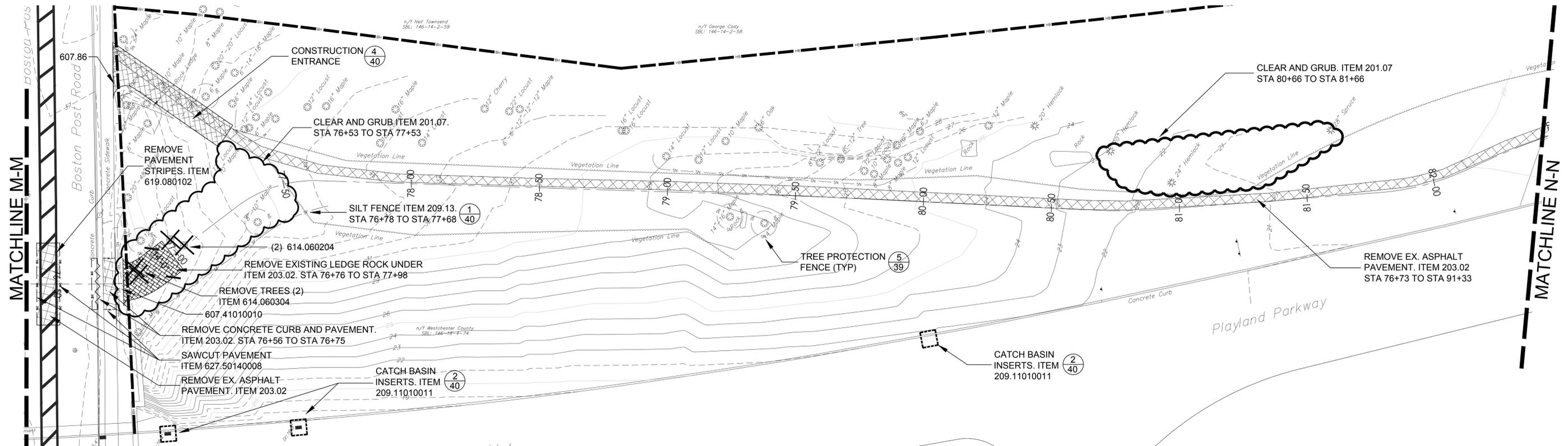
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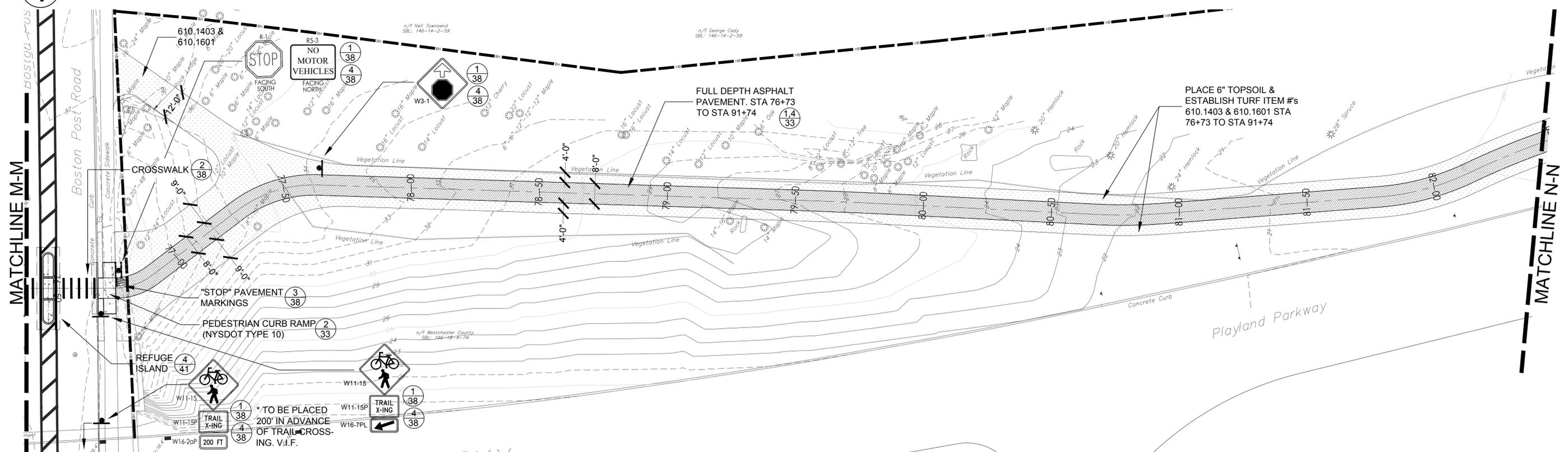
WESTCHESTER COUNTY, NEW YORK
 DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION
 DIVISION OF ENGINEERING
 RYE PLAYLAND PARKWAY PATH
 PLAYLAND PARKWAY, NORTH STREET, THEODORE FREMD AVE.,
 PURCHASE STREET, PURDY AVE. AND MCCULLOUGH PLACE
 CITY OF RYE, NEW YORK
SITE PLANS STA 70+25 - STA 76+38 - I

CONTRACT NUMBER 16-513	SHEET NUMBER -
SHEET NO. 22 OF 42	
SCALE: AS SHOWN	
DATE: 10/06/2017	
DPW FILE NO. XX-XX-X-XX-O	REV. NO.

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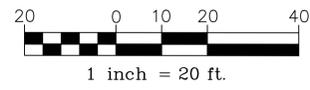


1 SITE PREPARATION AND REMOVALS PLAN



2 LAYOUT AND MATERIALS PLAN

FOR REVIEW ONLY



IN CHARGE OF R. LOPANE
 CHECKED BY R. LOPANE
 MADE BY R. LOPANE

ENGINEERS SEAL				
REVISION NUMBER	DATE	MADE BY	APP'D BY	REVISION

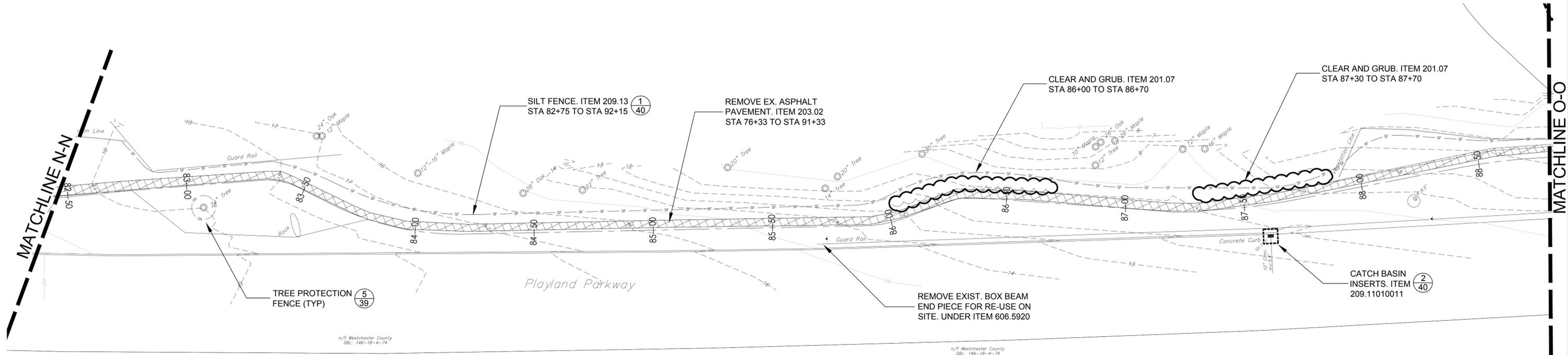
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NAME _____	NAME _____	SIGNATURE _____	SIGNATURE _____
TITLE _____	TITLE _____	DATE _____	DATE _____

WESTCHESTER COUNTY, NEW YORK
 DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION
 DIVISION OF ENGINEERING
 RYE PLAYLAND PARKWAY PATH
 PLAYLAND PARKWAY, NORTH STREET, THEODORE FREM D AVE.,
 PURCHASE STREET, PURDY AVE. AND MCCULLOUGH PLACE
 CITY OF RYE, NEW YORK

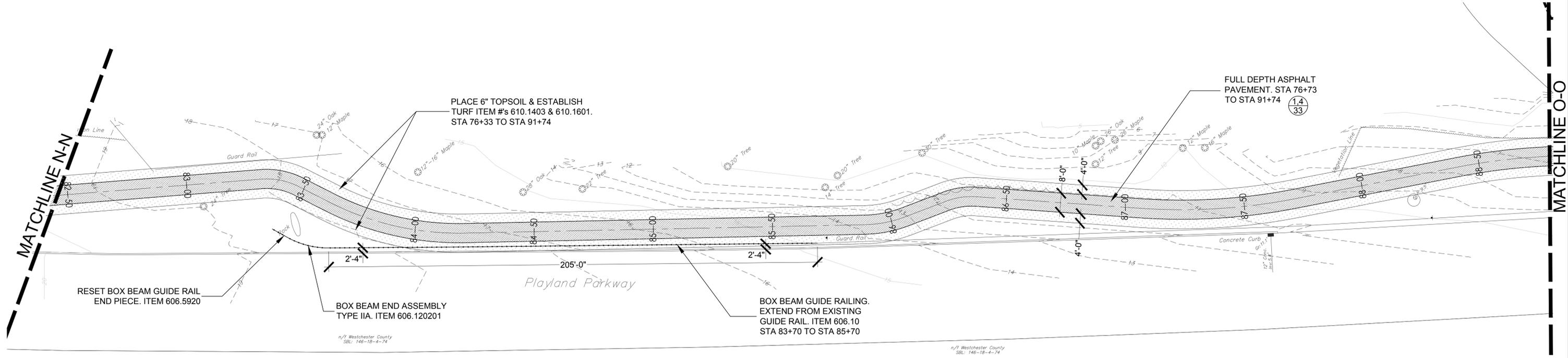
CONTRACT NUMBER 16-513	SHEET NUMBER -
SHEET NO. 24 OF 42	
SCALE: AS SHOWN	
DATE: 10/06/2017	
DPW FILE NO. XX-XX-X-XX-O	REV. NO.

SITE PLANS STA 76+38 - STA 82+46

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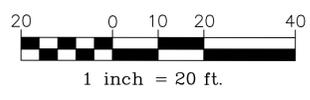


1 SITE PREPARATION AND REMOVALS PLAN



2 LAYOUT AND MATERIALS PLAN

FOR REVIEW ONLY



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 MADE BY R. LOPANE

ENGINEERS SEAL				
REVISION NUMBER	DATE	MADE BY	APP'D BY	REVISION

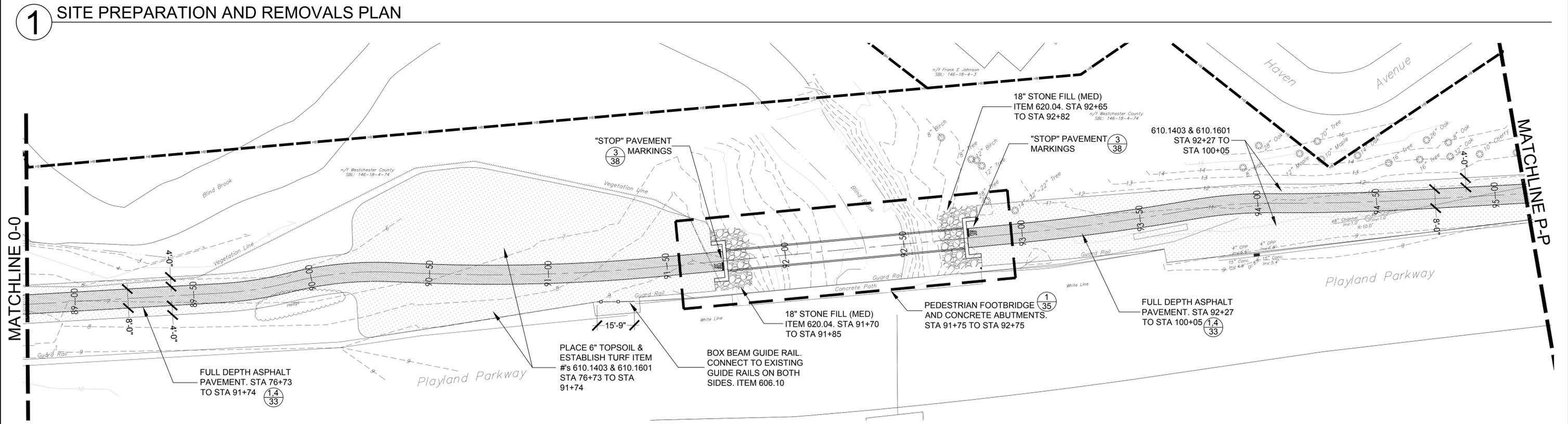
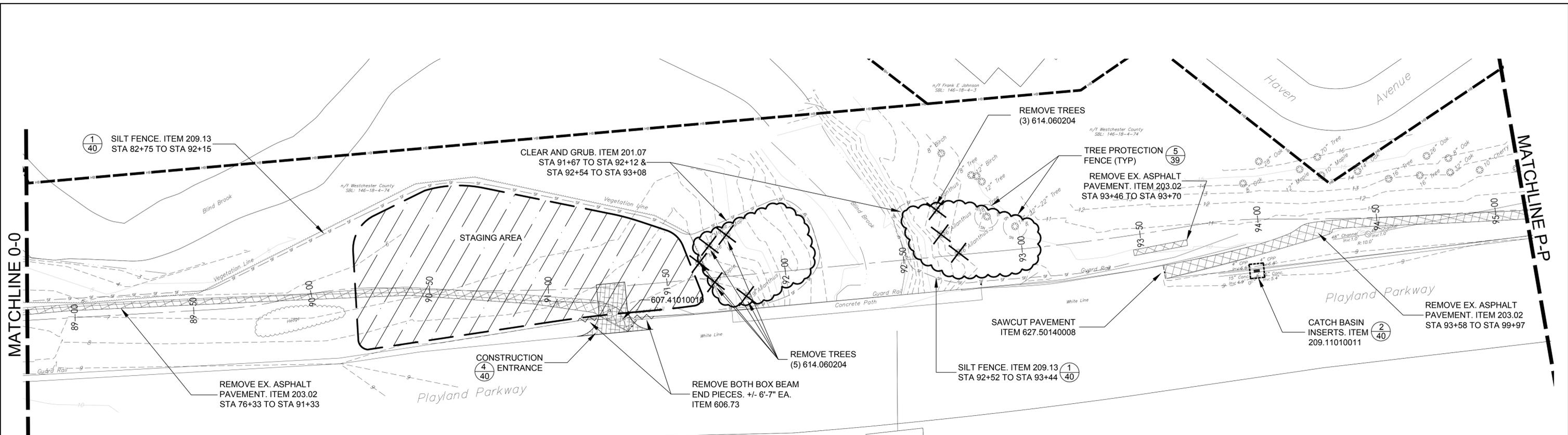
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TITLE _____	TITLE _____	TITLE _____	TITLE _____
DATE _____	DATE _____	DATE _____	DATE _____

WESTCHESTER COUNTY, NEW YORK
 DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION
 DIVISION OF ENGINEERING
 RYE PLAYLAND PARKWAY PATH
 PLAYLAND PARKWAY, NORTH STREET, THEODORE FREMD AVE.,
 PURCHASE STREET, PURDY AVE. AND MCCULLOUGH PLACE
 CITY OF RYE, NEW YORK

CONTRACT NUMBER 16-513	SHEET NUMBER -
SHEET NO. 25 OF 42	
SCALE: AS SHOWN	
DATE: 10/06/2017	
DPW FILE NO. XX-XX-X-XX-O	REV. NO.

SITE PLANS STA 82+46 - STA 88+80

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NORTH

REVISION NUMBER	DATE	MADE BY	APP'D BY	REVISION

RECORD DRAWING CERTIFICATION

AS BUILT - CHANGES AS NOTED

AS BUILT - NO CHANGES

CONTRACTOR		PROJECT COORDINATOR	
NAME _____	NAME _____	NAME _____	NAME _____
SIGNATURE _____	SIGNATURE _____	SIGNATURE _____	SIGNATURE _____
TITLE _____	TITLE _____	TITLE _____	TITLE _____
DATE _____	DATE _____	DATE _____	DATE _____

WESTCHESTER COUNTY, NEW YORK
DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION
DIVISION OF ENGINEERING
RYE PLAYLAND PARKWAY PATH
PLAYLAND PARKWAY, NORTH STREET, THEODORE FREMD AVE.,
PURCHASE STREET, PURDY AVE. AND MCCULLOUGH PLACE
CITY OF RYE, NEW YORK

SITE PLANS STA 88+80 - STA 95+12

CONTRACT NUMBER
16-513

SHEET NUMBER
-

SHEET NO. **26** OF **42**

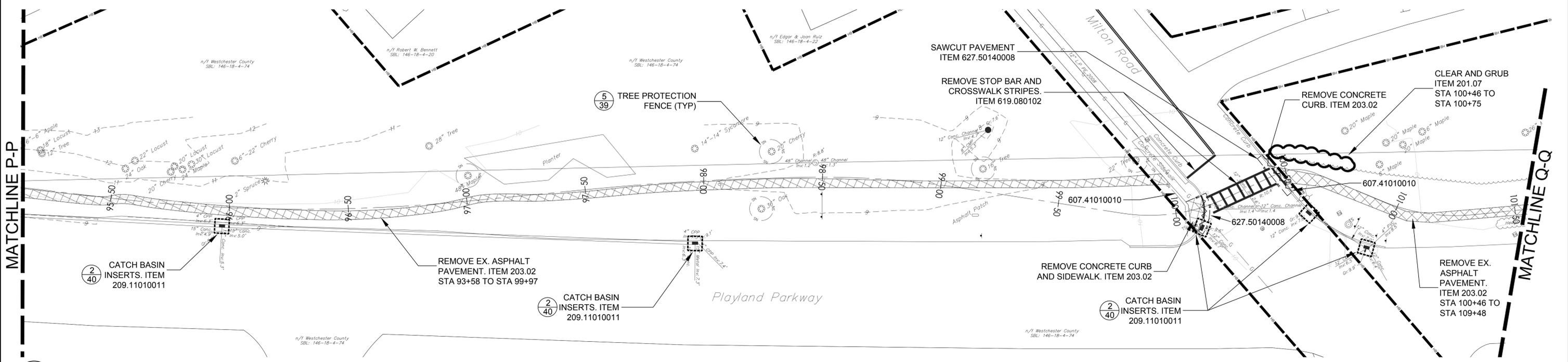
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DATE: **10/06/2017**

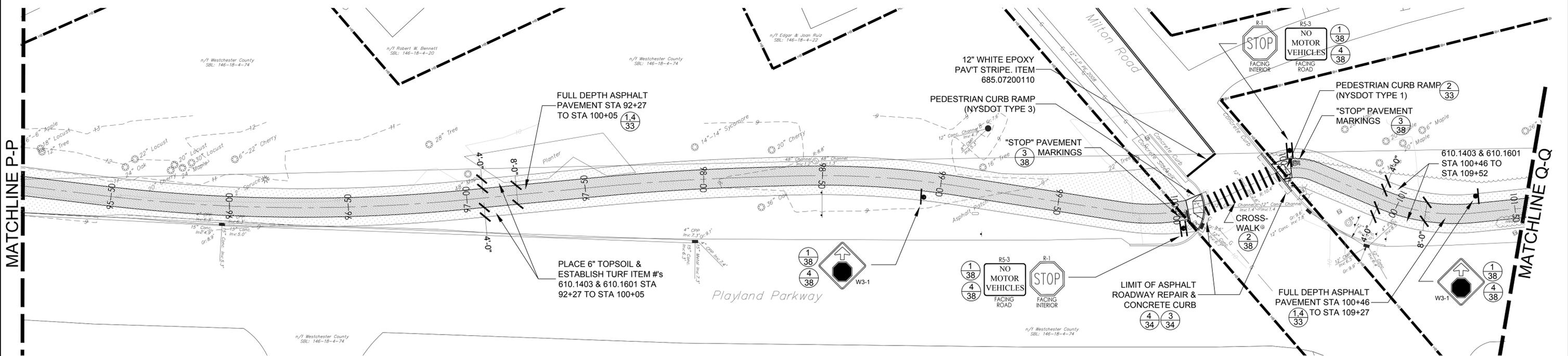
DPW FILE NO. _____

REV. NO. _____

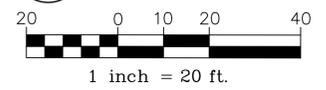
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1 SITE PREPARATION AND REMOVALS PLAN



2 LAYOUT AND MATERIALS PLAN



ENGINEERS SEAL				
REVISION NUMBER	DATE	MADE BY	APP'D BY	REVISION

RECORD DRAWING CERTIFICATION			
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NAME _____	NAME _____	NAME _____	NAME _____
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TITLE _____	TITLE _____	TITLE _____	TITLE _____
DATE _____	DATE _____	DATE _____	DATE _____

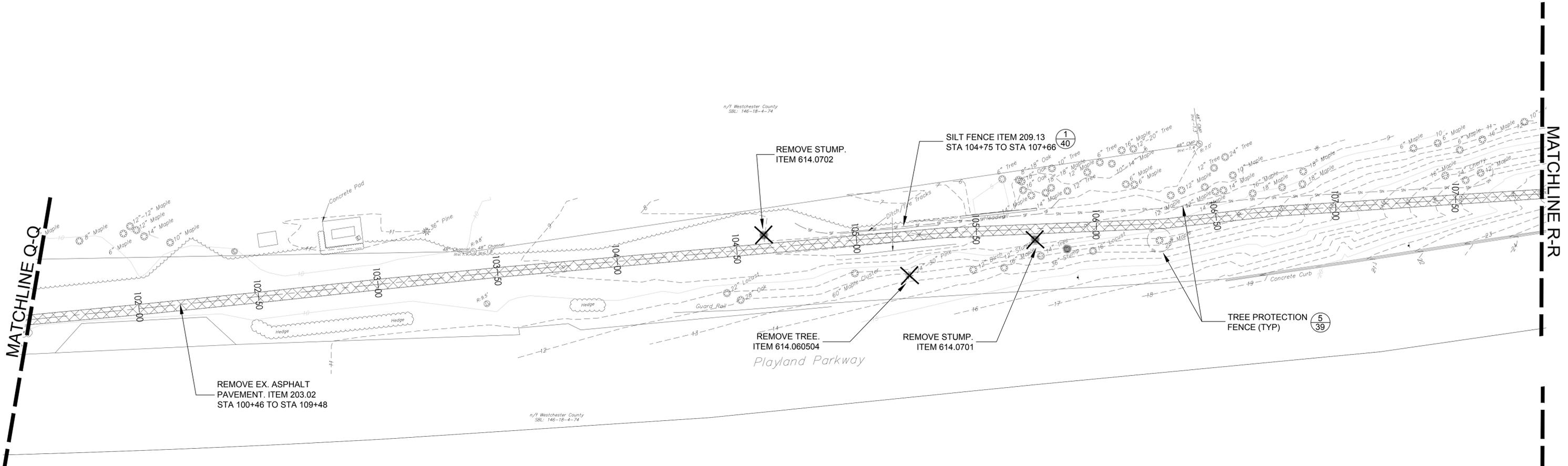
FOR REVIEW ONLY

WESTCHESTER COUNTY, NEW YORK
 DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION
 DIVISION OF ENGINEERING
 RYE PLAYLAND PARKWAY PATH
 PLAYLAND PARKWAY, NORTH STREET, THEODORE FREMD AVE.,
 PURCHASE STREET, PURDY AVE. AND MCCULLOUGH PLACE
 CITY OF RYE, NEW YORK

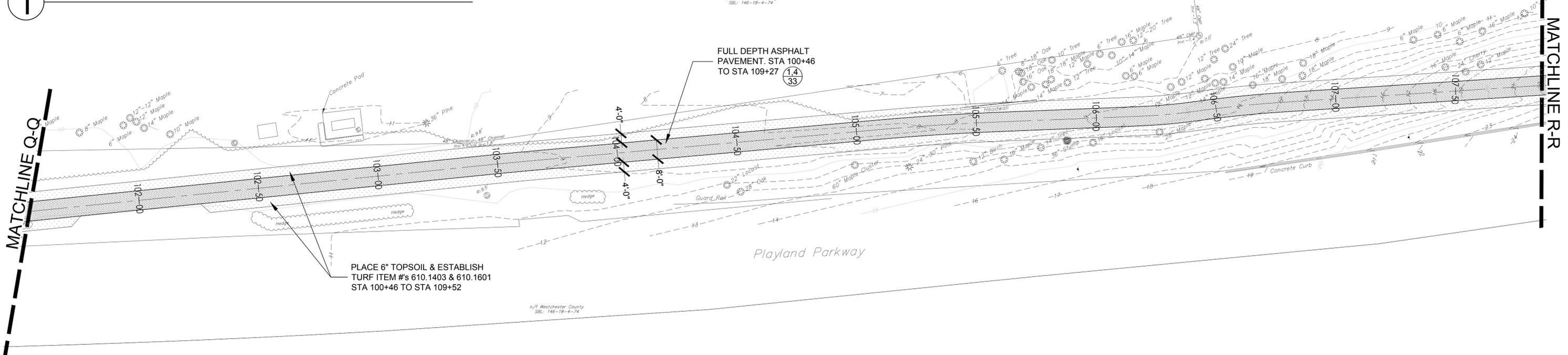
CONTRACT NUMBER 16-513	SHEET NUMBER -
SHEET NO. 27 OF 42	
SCALE: AS SHOWN	
DATE: 10/06/2017	
DPW FILE NO.	REV. NO.
XX-XX-X-XX-O	

SITE PLANS STA 95+12 - STA 101+54

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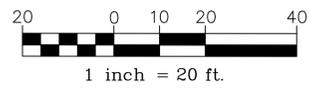


1 SITE PREPARATION AND REMOVALS PLAN



2 LAYOUT AND MATERIALS PLAN

FOR REVIEW ONLY



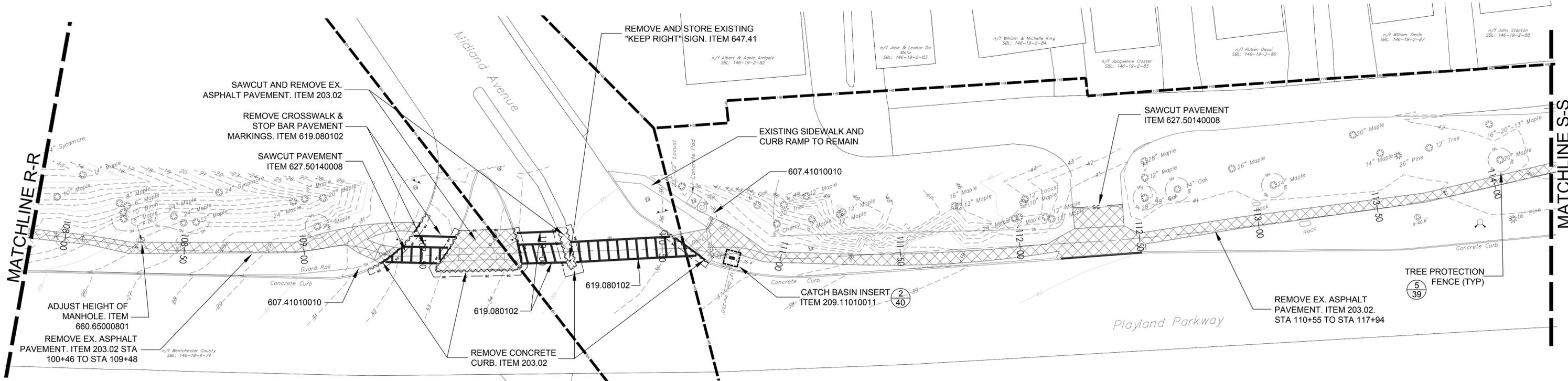
IN CHARGE OF R. LOPANE
 CHECKED BY R. LOPANE
 MADE BY R. LOPANE

ENGINEERS SEAL				
REVISION NUMBER	DATE	MADE BY	APP'D BY	REVISION

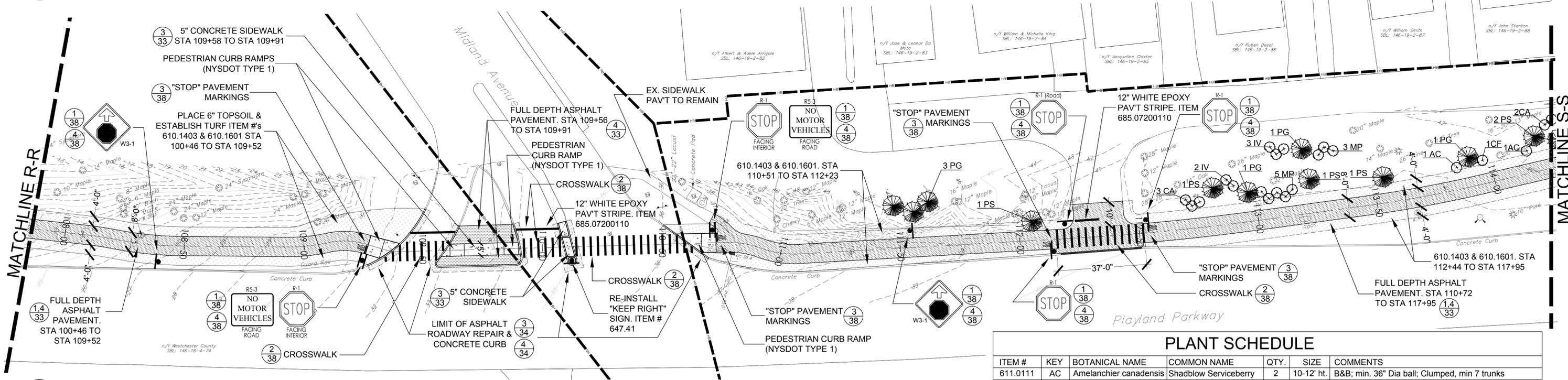
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CONTRACTOR		PROJECT COORDINATOR	
NAME _____	NAME _____		
SIGNATURE _____	SIGNATURE _____		
TITLE _____	TITLE _____	DATE _____	DATE _____

WESTCHESTER COUNTY, NEW YORK DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION		CONTRACT NUMBER 16-513	SHEET NUMBER -
DIVISION OF ENGINEERING RYE PLAYLAND PARKWAY PATH PLAYLAND PARKWAY, NORTH STREET, THEODORE FREMD AVE., PURCHASE STREET, PURDY AVE. AND MCCULLOUGH PLACE CITY OF RYE, NEW YORK		SHEET NO. 28 OF 42	SCALE: AS SHOWN
SITE PLANS STA 101+54 - STA 107+85		DATE: 10/06/2017	DPW FILE NO. _____
		REV. NO. _____	

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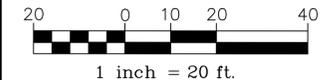
1 SITE PREPARATION AND REMOVALS PLAN



2 LAYOUT AND MATERIALS PLAN

FOR REVIEW ONLY

ITEM #	KEY	BOTANICAL NAME	COMMON NAME	QTY.	SIZE	COMMENTS
611.0111	AC	Amelanchier canadensis	Shadblow Serviceberry	2	10-12' ht.	B&B; min. 36" Dia ball; Clumped, min 7 trunks
611.0201	CF	Cornus florida 'Rubra'	Flowering Dogwood	1	10-12' ht.	B&B; 2-2 1/2" calp.; min. 28" dia. ball
611.0381	PG	Picea glauca	White Spruce	6	8-10' ht.	B&B; min. 28" dia. ball; symmetrical leader
611.0381	PS	Pinus strobus	White Pine	6	8-10' ht.	B&B; min. 28" dia. ball; symmetrical leader
611.0451	CA	Clethra alnifolia	Summersweet	5	3-4' ht.	B&B; full and vigorous growth; min. 5 canes
611.0461	IV	Ilex verticillata	Winterberry	5	4-5' ht.	B&B; full and vigorous growth, min. 6 canes, 10% males
611.0581	MP	Myrica pennsylvanica	Northern Bayberry	8	4-5' ht.	B&B; full and vigorous growth, min. 6 canes



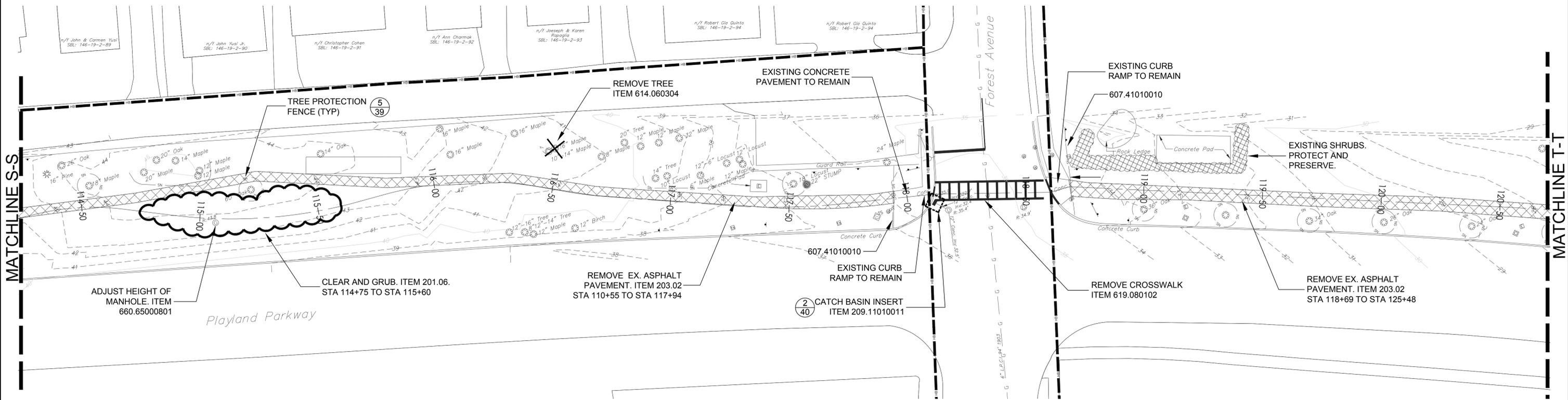
IN CHARGE OF R. LOPANE
 CHECKED BY R. LOPANE
 MADE BY R. LOPANE



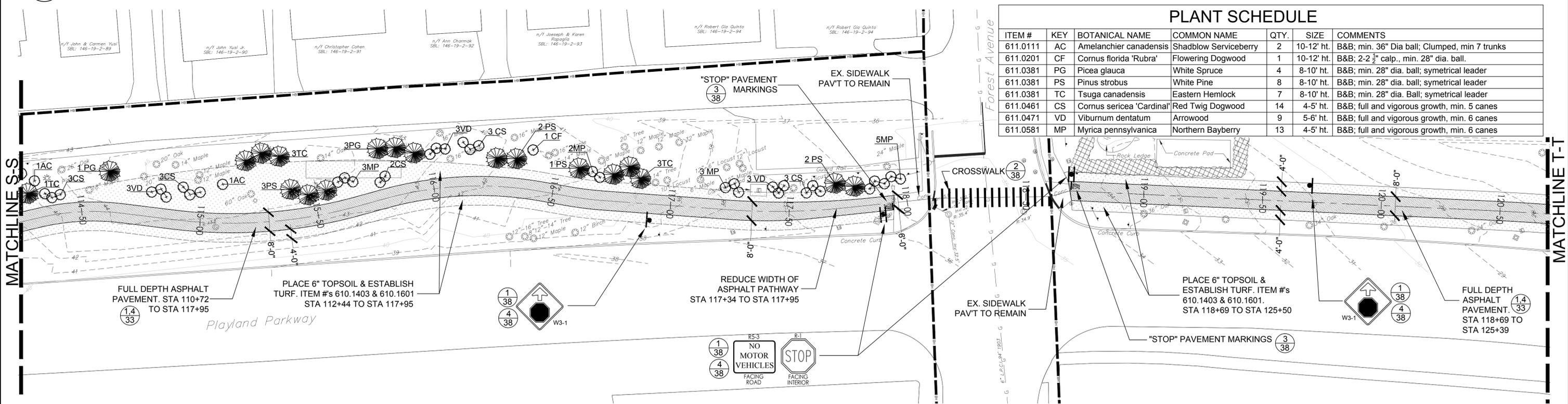
ENGINEERS SEAL				
REVISION NUMBER	DATE	MADE BY	APP'D BY	REVISION

RECORD DRAWING CERTIFICATION			
AS BUILT - CHANGES AS NOTED		AS BUILT - NO CHANGES	
CONTRACTOR		PROJECT COORDINATOR	
NAME _____	NAME _____	NAME _____	NAME _____
SIGNATURE _____	SIGNATURE _____	SIGNATURE _____	SIGNATURE _____
TITLE _____	TITLE _____	TITLE _____	TITLE _____
DATE _____	DATE _____	DATE _____	DATE _____

WESTCHESTER COUNTY, NEW YORK DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION		CONTRACT NUMBER 16-513	SHEET NUMBER -
DIVISION OF ENGINEERING RYE PLAYLAND PARKWAY PATH PLAYLAND PARKWAY, NORTH STREET, THEODORE FREMD AVE., PURCHASE STREET, PURDY AVE. AND MCCULLOUGH PLACE CITY OF RYE, NEW YORK		SHEET NO. 29 OF 42 SCALE: AS SHOWN DATE: 10/06/2017	REV. NO.
SITE PLANS STA 107+85 - STA 114+24		DPW FILE NO. XX-XX-X-XX-O	

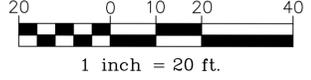


1 SITE PREPARATION AND REMOVALS PLAN



PLANT SCHEDULE						
ITEM #	KEY	BOTANICAL NAME	COMMON NAME	QTY.	SIZE	COMMENTS
611.0111	AC	Amelanchier canadensis	Shadblow Serviceberry	2	10-12' ht.	B&B; min. 36" Dia ball; Clumped, min 7 trunks
611.0201	CF	Cornus florida 'Rubra'	Flowering Dogwood	1	10-12' ht.	B&B; 2-2 1/2" calp., min. 28" dia. ball.
611.0381	PG	Picea glauca	White Spruce	4	8-10' ht.	B&B; min. 28" dia. ball; symmetrical leader
611.0381	PS	Pinus strobus	White Pine	8	8-10' ht.	B&B; min. 28" dia. ball; symmetrical leader
611.0381	TC	Tsuga canadensis	Eastern Hemlock	7	8-10' ht.	B&B; min. 28" dia. Ball; symmetrical leader
611.0461	CS	Cornus sericea 'Cardinal'	Red Twig Dogwood	14	4-5' ht.	B&B; full and vigorous growth, min. 5 canes
611.0471	VD	Viburnum dentatum	Arrowwood	9	5-6' ht.	B&B; full and vigorous growth, min. 6 canes
611.0581	MP	Myrica pennsylvanica	Northern Bayberry	13	4-5' ht.	B&B; full and vigorous growth, min. 6 canes

2 LAYOUT AND MATERIALS PLAN



IN CHARGE OF R. LOPANE
 CHECKED BY R. LOPANE
 MADE BY R. LOPANE



ENGINEERS SEAL				
REVISION NUMBER	DATE	MADE BY	APP'D BY	REVISION

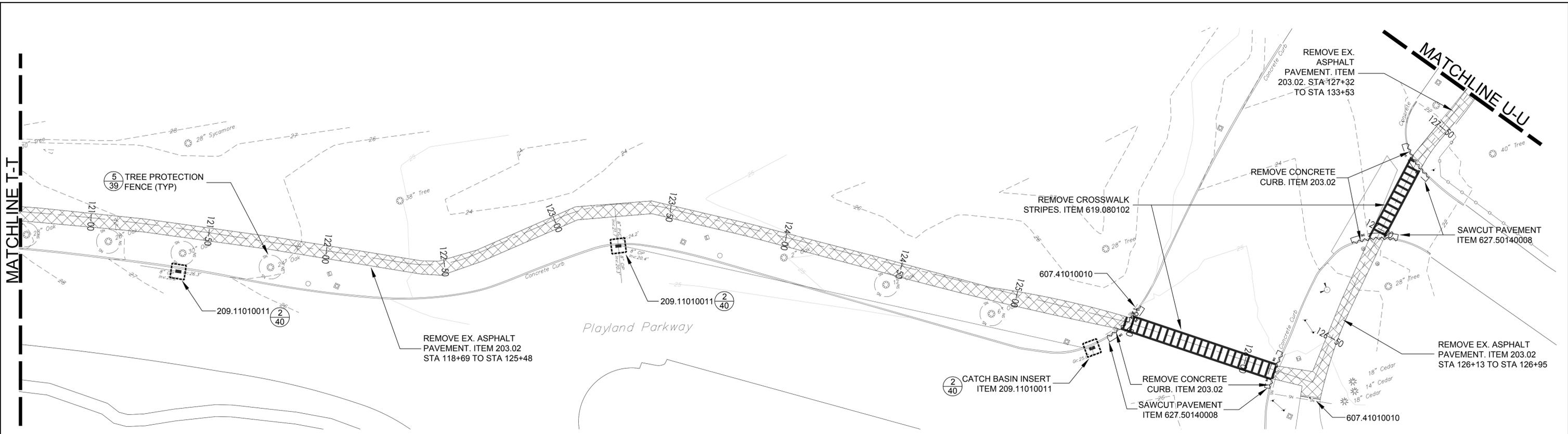
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TITLE _____	TITLE _____	TITLE _____	TITLE _____
DATE _____	DATE _____	DATE _____	DATE _____

WESTCHESTER COUNTY, NEW YORK
 DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION
 DIVISION OF ENGINEERING
 RYE PLAYLAND PARKWAY PATH
 PLAYLAND PARKWAY, NORTH STREET, THEODORE FREMD AVE.,
 PURCHASE STREET, PURDY AVE. AND MCCULLOUGH PLACE
 CITY OF RYE, NEW YORK

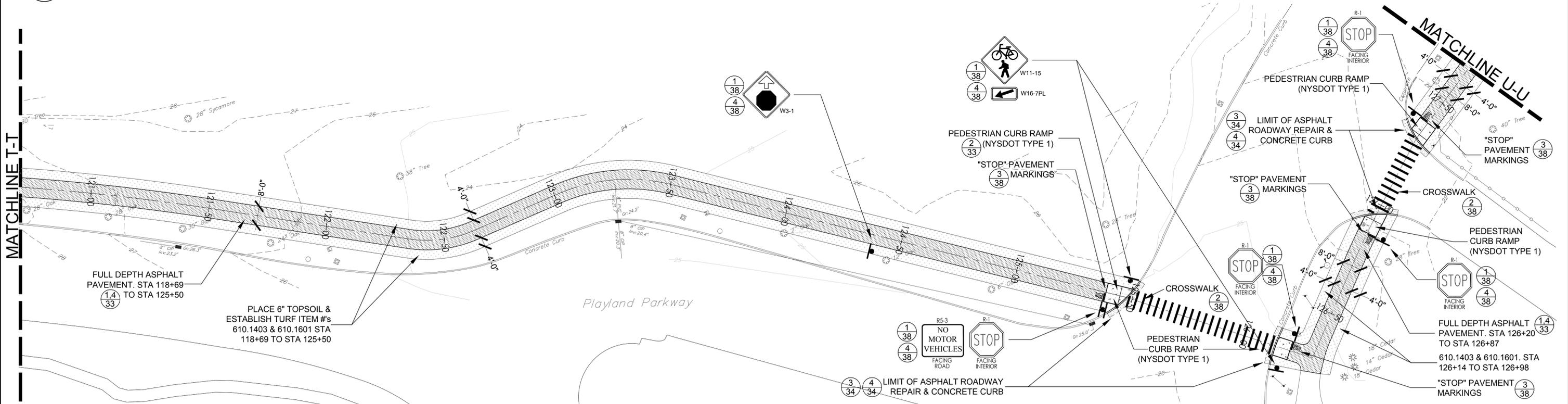
SITE PLANS STA 114+24 - STA 120+70

CONTRACT NUMBER 16-513	SHEET NUMBER -
SHEET NO. 30 OF 42	SCALE: AS SHOWN
DATE: 10/06/2017	DPW FILE NO. _____
XX-XX-X-XX-O	REV. NO. _____

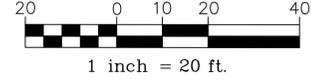
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1 SITE PREPARATION AND REMOVALS PLAN



2 LAYOUT AND MATERIALS PLAN



IN CHARGE OF R. LOPANE
 CHECKED BY R. LOPANE
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ENGINEERS SEAL				
REVISION NUMBER	DATE	MADE BY	APP'D BY	REVISION

RECORD DRAWING CERTIFICATION			
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DATE _____	DATE _____		

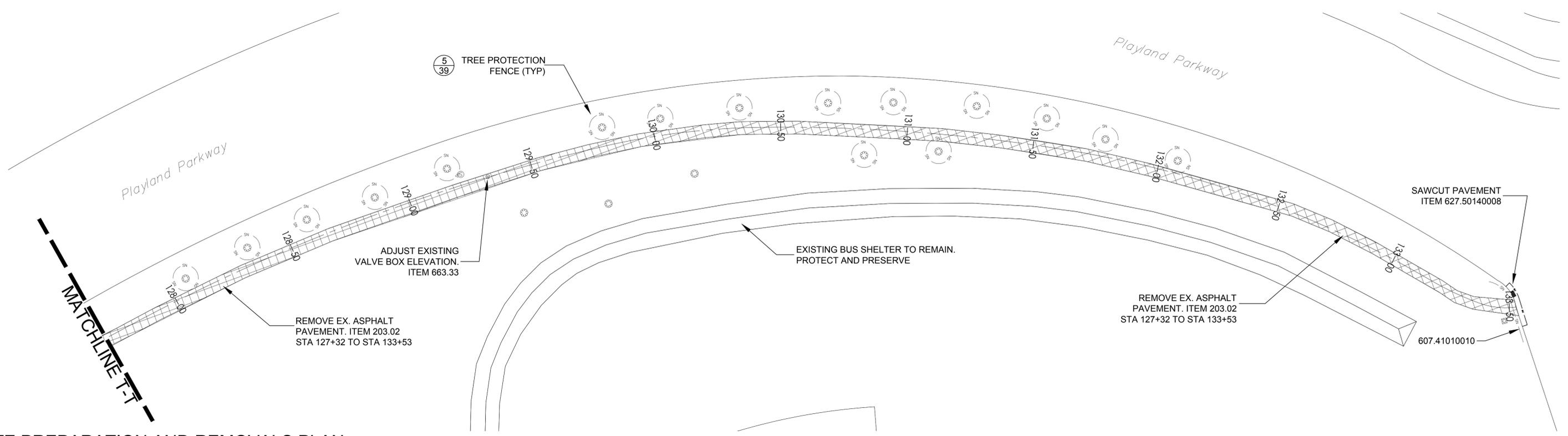
WESTCHESTER COUNTY, NEW YORK
 DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION
 DIVISION OF ENGINEERING
 RYE PLAYLAND PARKWAY PATH
 PLAYLAND PARKWAY, NORTH STREET, THEODORE FREMD AVE.,
 PURCHASE STREET, PURDY AVE. AND MCCULLOUGH PLACE
 CITY OF RYE, NEW YORK

SITE PLANS STA 120+70 - STA 127+68

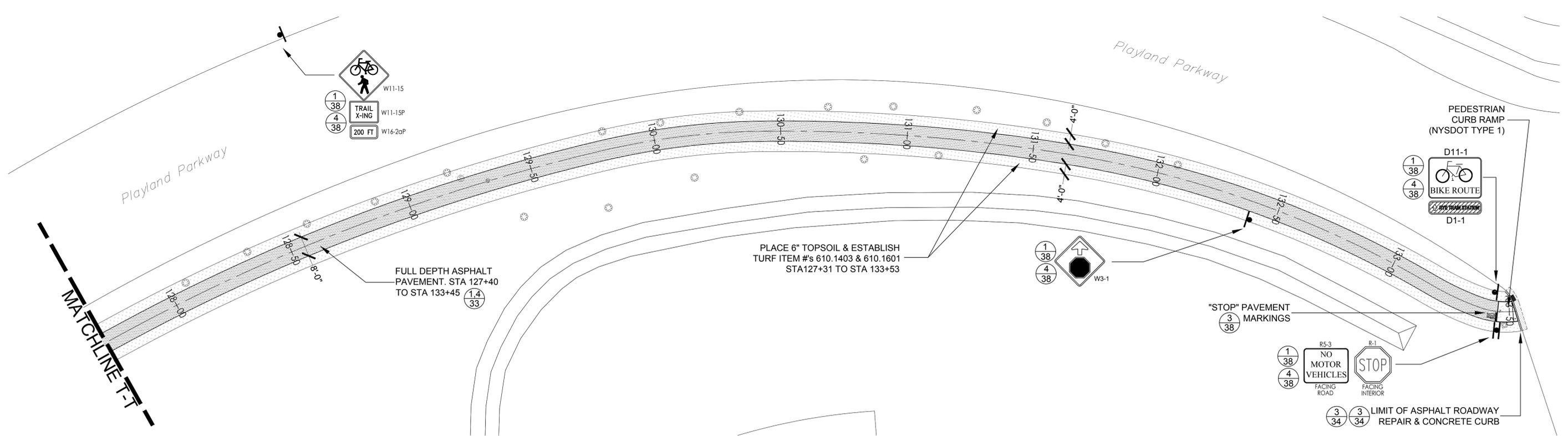
CONTRACT NUMBER 16-513	SHEET NUMBER -
SHEET NO. 31 OF 42	SCALE: AS SHOWN
DATE: 10/06/2017	DPW FILE NO. _____
REV. NO. _____	XX-XX-X-XX-O

FOR REVIEW ONLY

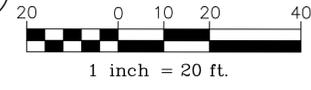
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1 SITE PREPARATION AND REMOVALS PLAN



2 LAYOUT AND MATERIALS PLAN



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ENGINEERS SEAL				
REVISION NUMBER	DATE	MADE BY	APP'D BY	REVISION

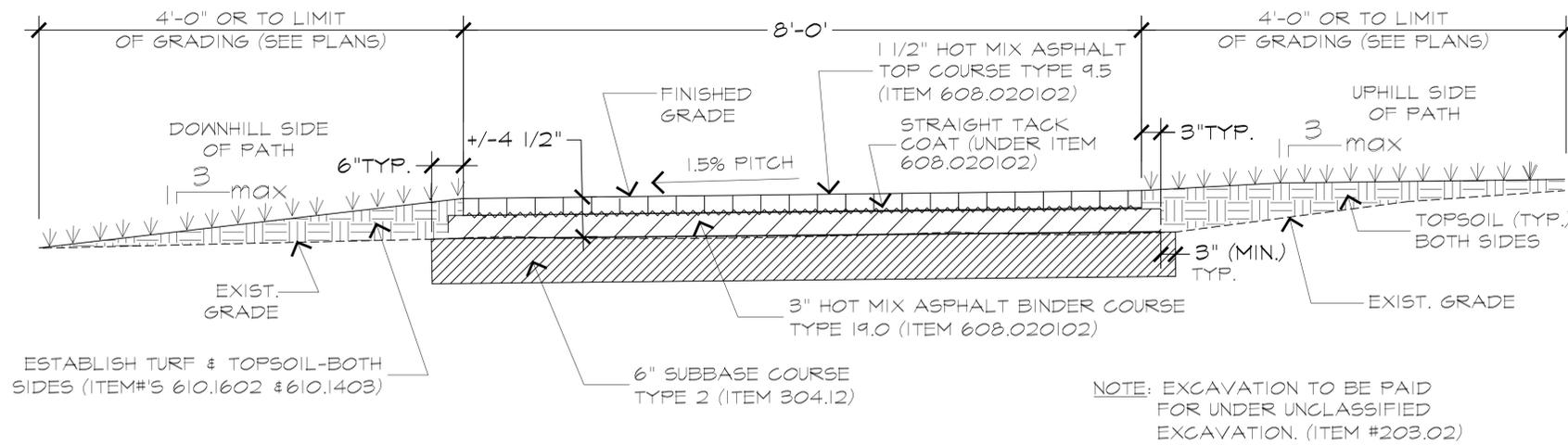
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CONTRACTOR		PROJECT COORDINATOR	
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TITLE _____	TITLE _____	TITLE _____	TITLE _____
DATE _____	DATE _____	DATE _____	DATE _____

WESTCHESTER COUNTY, NEW YORK
 DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION
 DIVISION OF ENGINEERING
 RYE PLAYLAND PARKWAY PATH
 PLAYLAND PARKWAY, NORTH STREET, THEODORE FREMD AVE.,
 PURCHASE STREET, PURDY AVE. AND MCCULLOUGH PLACE
 CITY OF RYE, NEW YORK
SITE PLANS STA 127+68 - STA 133+53

CONTRACT NUMBER 16-513	SHEET NUMBER -
SHEET NO. 32 OF 42	SCALE: AS SHOWN
DATE: 10/06/2017	DPW FILE NO. _____
XX-XX-X-XX-O	REV. NO. _____

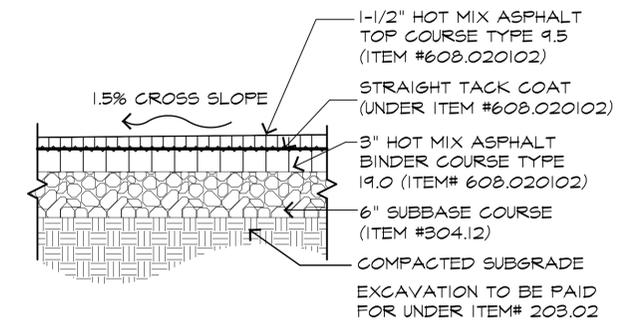
FOR REVIEW ONLY

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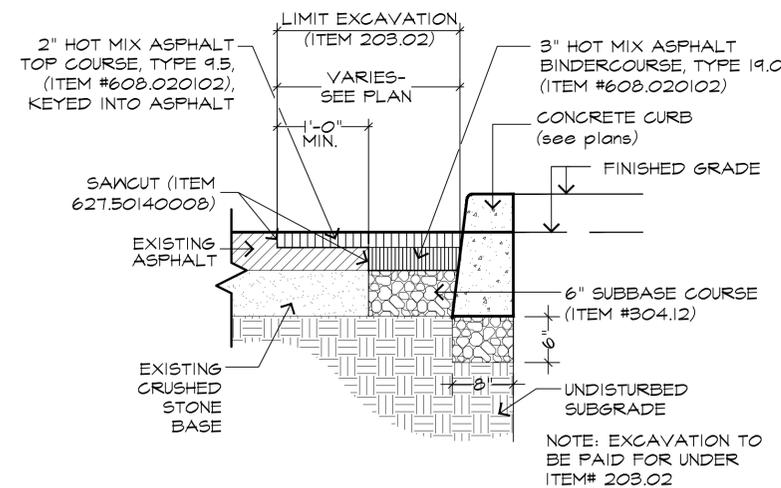
1 TYPICAL ASPHALT PATHWAY SECTION - 8'-0" WIDTH

SCALE: 1"=1'-0"



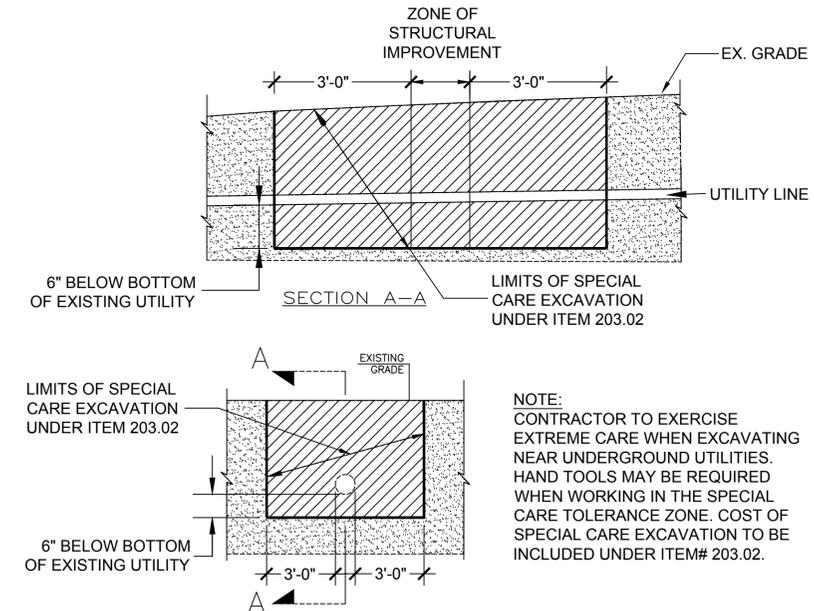
2 FULL-DEPTH ASPHALT PAVEMENT

SCALE 1"=1'-0"



3 ASPHALT ROADWAY REPAIR

SCALE 1"=1'-0"



4 SPECIAL CARE EXCAVATION (UNDER ITEM # 203.02)

NOT TO SCALE

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ENGINEERS SEAL					
REVISION NUMBER	DATE	MADE BY	APP'D BY	REVISION	

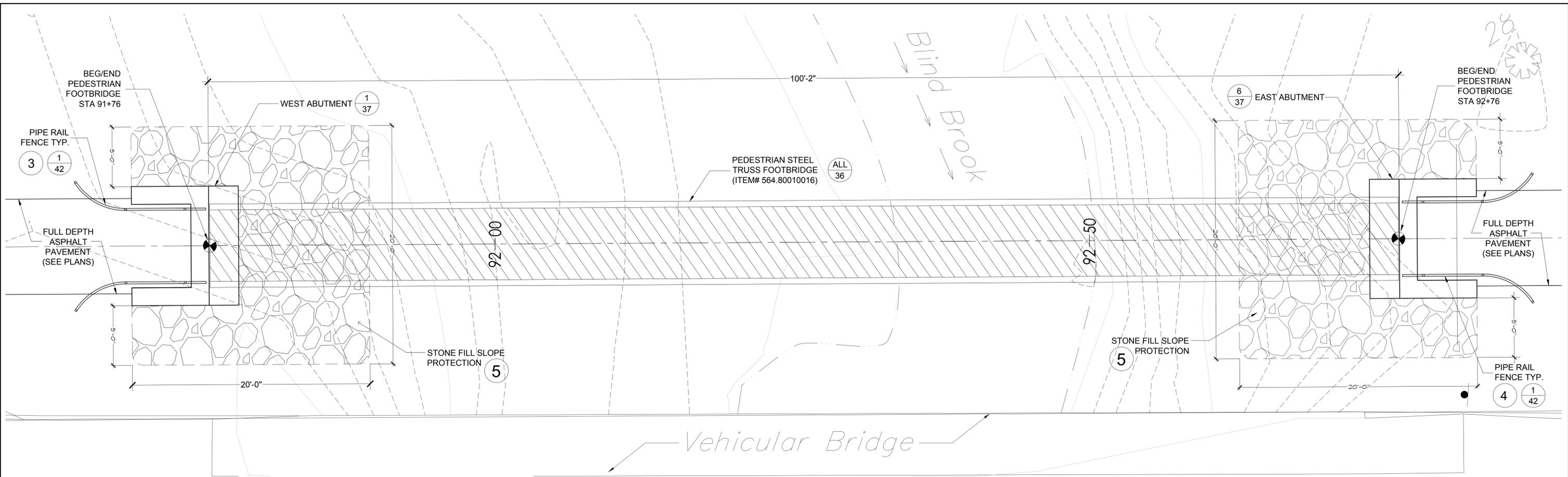
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CONTRACTOR			PROJECT COORDINATOR		
NAME			NAME		
SIGNATURE			SIGNATURE		
TITLE		DATE	TITLE		DATE

WESTCHESTER COUNTY, NEW YORK
 DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION
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 RYE PLAYLAND PARKWAY PATH
 PLAYLAND PARKWAY, NORTH STREET, THEODORE FREMD AVE.,
 PURCHASE STREET, PURDY AVE. AND MCCULLOUGH PLACE
 CITY OF RYE, NEW YORK

CONTRACT NUMBER	SHEET NUMBER
16-513	-
SHEET NO. 33 OF 42	
SCALE: AS SHOWN	
DATE: 10/06/2017	
DPW FILE NO.	REV. NO.
XX-XX-X-XX-0	

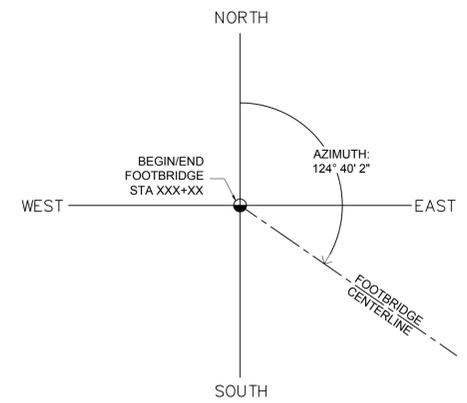
PAVEMENT AND CURB DETAILS - I

Q:\DESIGN\Playland Parkway\Detailed Design\Drawings\Pavement and Curb Details.dwg, 10/11/2017 9:21:03 AM, 1:1



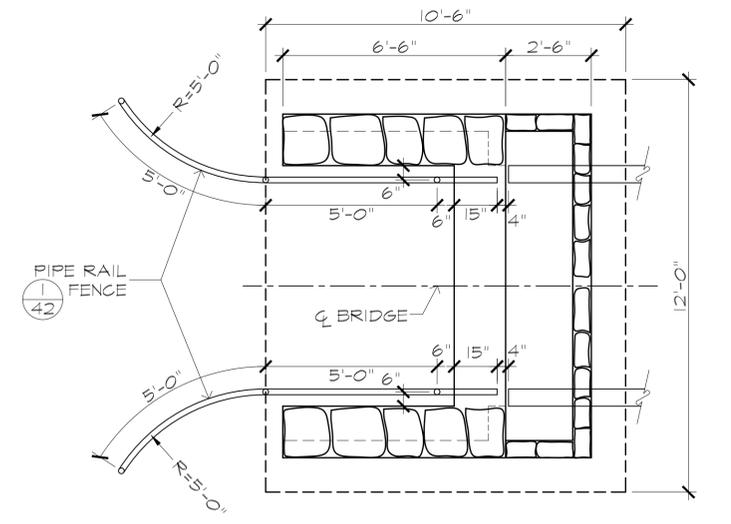
1 FOOTBRIDGE PLAN

SCALE: 1/4"=1'-0"



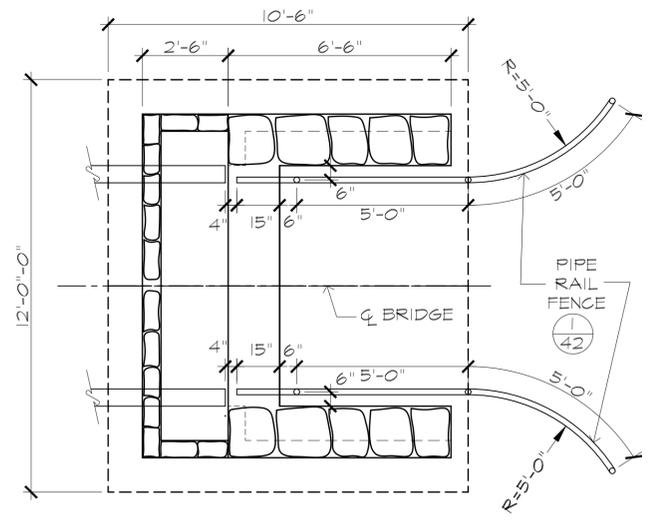
2 BRIDGE LAYOUT - AZIMUTH

SCALE: 1/8"=1'-0"



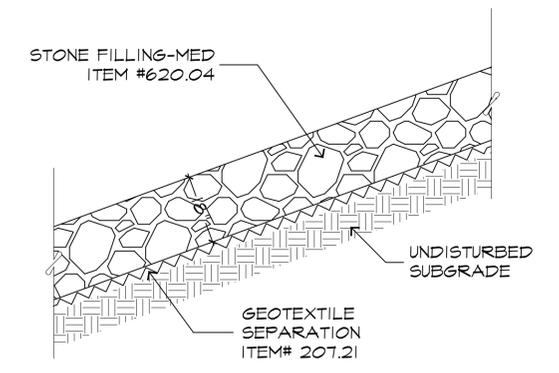
3 WEST ABUTMENT RAILING PLAN

SCALE: 3/8"=1'-0"



4 EAST ABUTMENT RAILING PLAN

SCALE: 3/8"=1'-0"



5 STONE FILL SLOPE PROTECTION

SCALE: 1/2"=1'-0"



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ENGINEERS SEAL					
REVISION NUMBER	DATE	MADE BY	APP'D BY	REVISION	

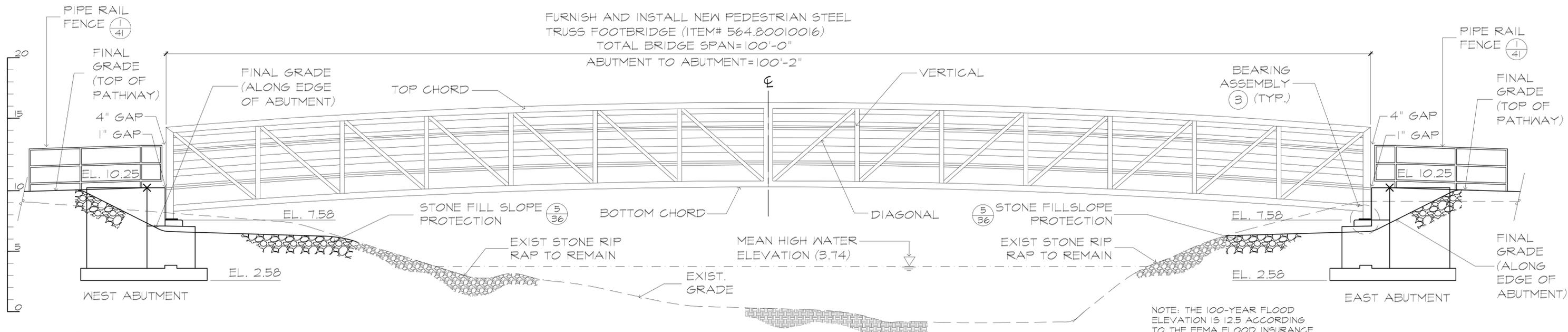
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CONTRACTOR		PROJECT COORDINATOR	
NAME		NAME	
SIGNATURE		SIGNATURE	
TITLE		TITLE	
	DATE		DATE

WESTCHESTER COUNTY, NEW YORK
 DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION
 DIVISION OF ENGINEERING
 RYE PLAYLAND PARKWAY PATH
 PLAYLAND PARKWAY, NORTH STREET, THEODORE FREMD AVE.,
 PURCHASE STREET, PURDY AVE. AND MCCULLOUGH PLACE
 CITY OF RYE, NEW YORK

CONTRACT NUMBER	SHEET NUMBER
16-513	-
SHEET NO. 35 OF 42	SCALE: AS SHOWN
DATE: 10/06/2017	DPW FILE NO.
	REV. NO.
XX-XX-X-XX-0	

PEDESTRIAN FOOTBRIDGE DETAILS - I

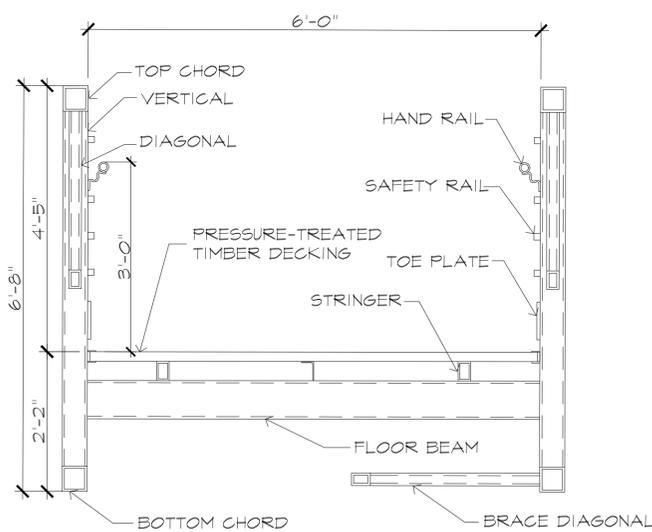
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1 100' STEEL BRIDGE ELEVATION

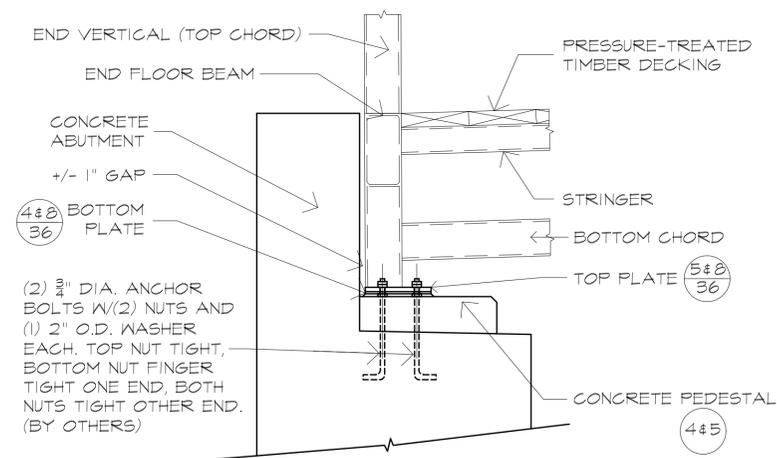
NOTE: THE 100-YEAR FLOOD ELEVATION IS 12.5 ACCORDING TO THE FEMA FLOOD INSURANCE STUDY, SEPTEMBER 2007.

NOT TO SCALE



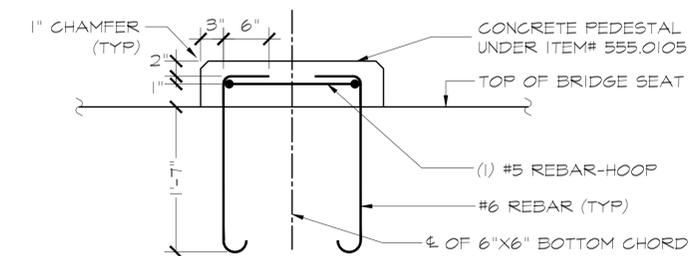
2 BRIDGE SECTION

NOT TO SCALE



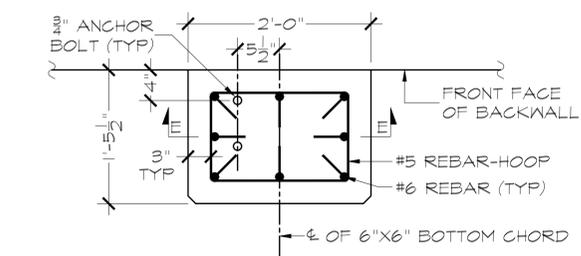
3 BEARING ASSEMBLY

NOT TO SCALE



5 SECTION E-E

SCALE: 1"=1'-0"



4 TYPICAL PEDESTAL PLAN

SCALE: 1"=1'-0"

GENERAL NOTES:

- BRIDGE SHALL BE A STEEL TRUSS BRIDGE STRUCTURE GALVANIZED AND PAINTED WITH A TIMBER DECK AS MANUFACTURED BY CONTECH BRIDGE SOLUTIONS, INC., CAMERON BRIDGE WORKS, LLC, WHEELER OR APPROVED EQUAL.
- IF SOUND ROCK IS NOT ENCOUNTERED AT OR NEAR THE ROCK ELEVATIONS SHOWN ON THE PLANS, THE E.I.C. SHALL BE NOTIFIED IMMEDIATELY.
- ANY MEMBER OF THE BRIDGE DAMAGED DURING TRANSPORTING OR INSTALLATION SHALL BE REPAIRED AND PAID FOR BY THE CONTRACTOR.
- STEEL SHALL BE GALVANIZED STEEL. THE STEEL MEMBERS OF THE BRIDGE SHALL BE PAINTED DARK GREEN WITH A 2 COAT POLYMER ZINC PAINT. FINAL COLOR SHALL BE APPROVED BY THE ENGINEER.

STRUCTURAL NOTES:

- DESIGN SPECIFICATIONS: NEW YORK STATE DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR HIGHWAY BRIDGES WITH ALL PROVISIONS IN EFFECT AS OF JANUARY 2017, AS AMENDED.
- LIVE LOAD: VEHICULAR: 5 TONS, PEDESTRIAN LOAD 85 LB/SF.
- ALL SHOP DRAWINGS SUBMITTED FOR THIS PROJECT SHALL BE IN ENGLISH UNITS.
- THE COST OF ALL JOINT MATERIAL SHALL BE INCLUDED IN THE UNIT PRICES BID FOR THE VARIOUS ITEMS OF THE CONTRACT, UNLESS OTHERWISE SPECIFIED ON THE PLANS.
- ALL STEEL BOLTS AND FITTINGS SHALL BE GALVANIZED IN ACCORDANCE WITH ASTM A123/7.
- BAR REINFORCEMENT TO BE ASTM A615/615M-962 GRADE 60, MINIMUM CONCRETE COVER TO BE 2" OR AS SHOWN ON THE PLANS, MINIMUM SPLICE LENGTHS= 30D OR AS SHOWN ON PLANS.

ENVIRONMENTAL NOTES:

- THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING WORKERS, PUBLIC HEALTH AND THE ENVIRONMENTAL FROM CONTAMINATION DURING COMPLETION OF THE WORK IN ACCORDANCE WITH APPLICABLE REGULATIONS AND GUIDANCE DOCUMENTS.

ENVIRONMENTAL NOTES CONT.:

- THE CONTRACTOR SHALL MONITOR AIR QUALITY IN THE WORKS' BREATHING ZONE DURING EXCAVATION AND SHALL PROVIDE EACH WORKER WITH APPROPRIATE PERSONAL PROTECTIVE EQUIPMENT, AS REQUIRED.
- SILT FENCING SHALL BE USED TO PREVENT SEDIMENT FROM FLOWING INTO RIVER.

CONSTRUCTION NOTES:

- ALL MATERIAL FALLING ON THE AREA BELOW AND ADJACENT TO THE BRIDGE SHALL BE REMOVED AND DISPOSED OF BY THE CONTRACTOR IMMEDIATELY.
- THE COST OF FURNISHING, INSTALLING, MAINTAINING, REMOVING AND DISPOSING OF ALL PLATFORMS, NETS, SCREENS, OR OTHER PROTECTIVE DEVICES SHALL BE INCLUDED IN THE UNIT PRICES BID FOR THE APPROPRIATE REMOVAL ITEMS OF THE CONTRACT.
- NO CONSTRUCTION EQUIPMENT SHALL BE DRIVEN IN THE RIVER. TEMPORARY BRIDGES FOR TRANSPORTING HEAVY EQUIPMENT MATERIALS AND MACHINERY SHALL SPAN OVER THE RIVER AND NOT OBSTRUCT THE FLOW OR THE RIVERBED.
- THE CONTRACTOR SHALL SUBMIT TO THE ENGINEER HIS METHOD OF CONSTRUCTION BEFORE ANY EQUIPMENT IS PERMITTED ONSITE.

STREAM CONSERVATION NOTES:

- DURING THE COURSE OF CONSTRUCTION, THE CONTRACTOR SHALL CONDUCT HIS OPERATIONS IN SUCH A MANNER TO PREVENT OR REDUCE TO A MINIMUM ANY DAMAGE TO STREAM AND/OR LAKE FROM POLLUTION BY DEBRIS, SEDIMENT, OR OTHER FOREIGN MATERIAL, OR FROM MANIPULATION OF EQUIPMENT AND/OR MATERIALS IN OR NEAR SUCH WETLAND, STREAM AND LAKE. HE SHALL NOT RETURN DIRECTLY TO A STREAM AND LAKE, ANY WATER WHICH HAS BEEN USED FOR WASH PURPOSES OR OTHER SIMILAR OPERATION WHICH CAUSE THIS WATER TO BECOME POLLUTED WITH SAND, SILT, CEMENT, OIL, OR OTHER IMPURITIES. IF HE INTENDS TO USE WATER FROM THE STREAM AND LAKE, HE SHALL CONSTRUCT AN INTAKE OR TEMPORARY DAM REQUIRED TO PROTECT AND MAINTAIN WATER RIGHTS AND TO SUSTAIN FISH LIFE DOWNSTREAM.

FOR REVIEW ONLY

IN CHARGE OF R. LOPANE
CHECKED BY R. LOPANE
MADE BY R. LOPANE

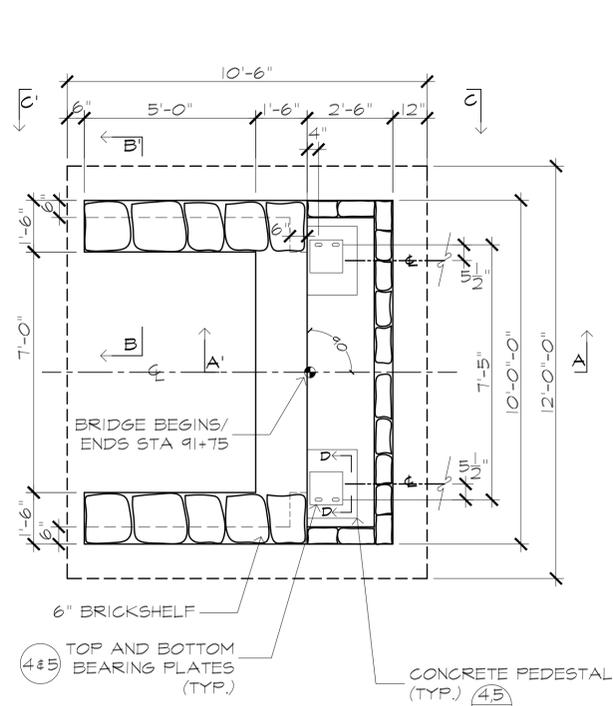


REVISION NUMBER	DATE	MADE BY	APP'D BY	REVISION

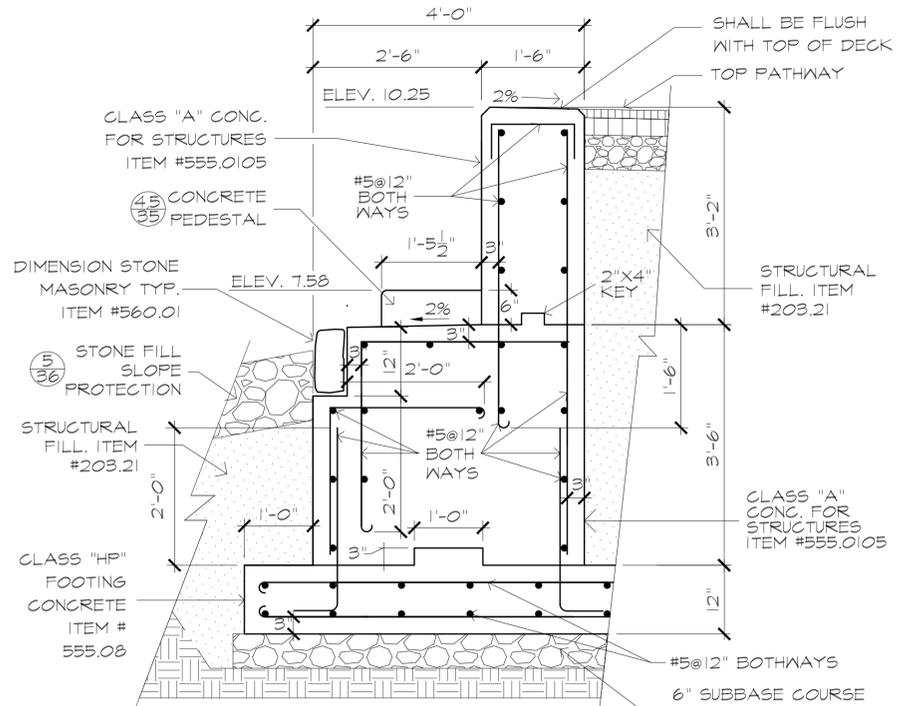
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CONTRACTOR		PROJECT COORDINATOR	
NAME _____	NAME _____	NAME _____	NAME _____
SIGNATURE _____	SIGNATURE _____	SIGNATURE _____	SIGNATURE _____
TITLE _____	TITLE _____	TITLE _____	TITLE _____
DATE _____	DATE _____	DATE _____	DATE _____

WESTCHESTER COUNTY, NEW YORK DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION		CONTRACT NUMBER 16-513	SHEET NUMBER -
DIVISION OF ENGINEERING RYE PLAYLAND PARKWAY PATH PLAYLAND PARKWAY, NORTH STREET, THEODORE FREMD AVE., PURCHASE STREET, PURDY AVE. AND MCCULLOUGH PLACE CITY OF RYE, NEW YORK		SHEET NO. 36 OF 42	SCALE: AS SHOWN
DATE: 10/06/2017		DPW FILE NO.	REV. NO.
PEDESTRIAN FOOTBRIDGE DETAILS - II		XX-XX-X-XX-0	

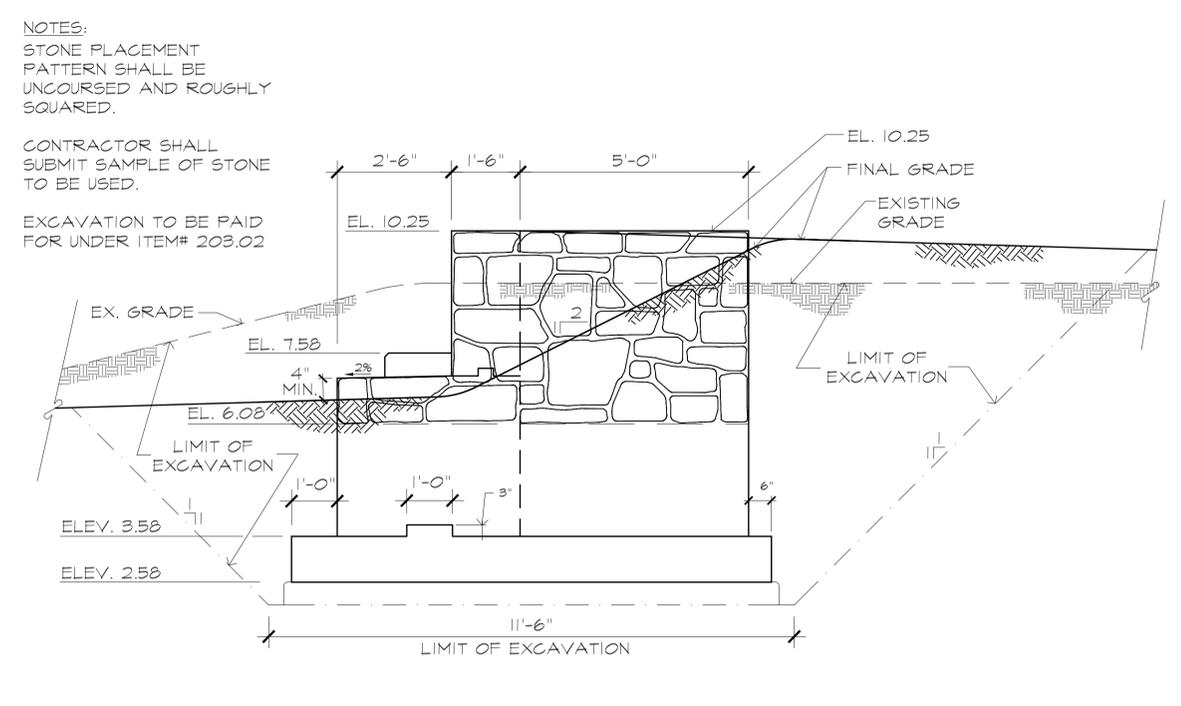
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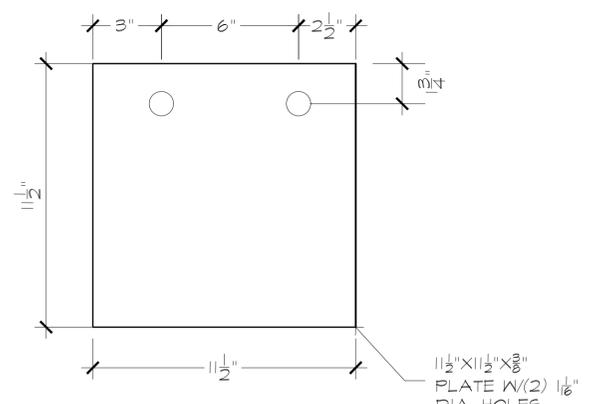
1 WEST ABUTMENT PLAN
SCALE: 3/8" = 1'-0"



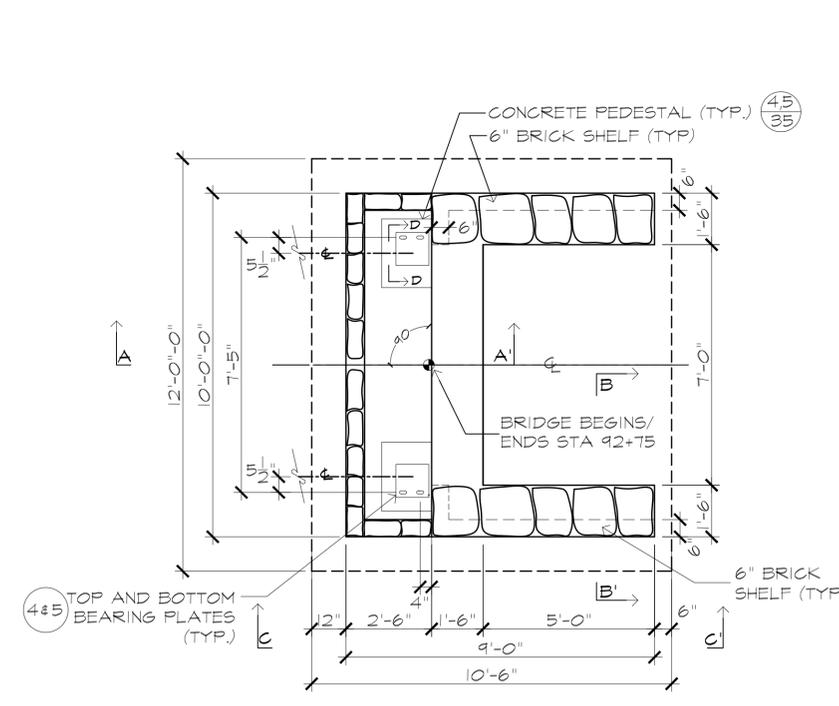
2 SECTION A-A'
SCALE: 3/8" = 1'-0"



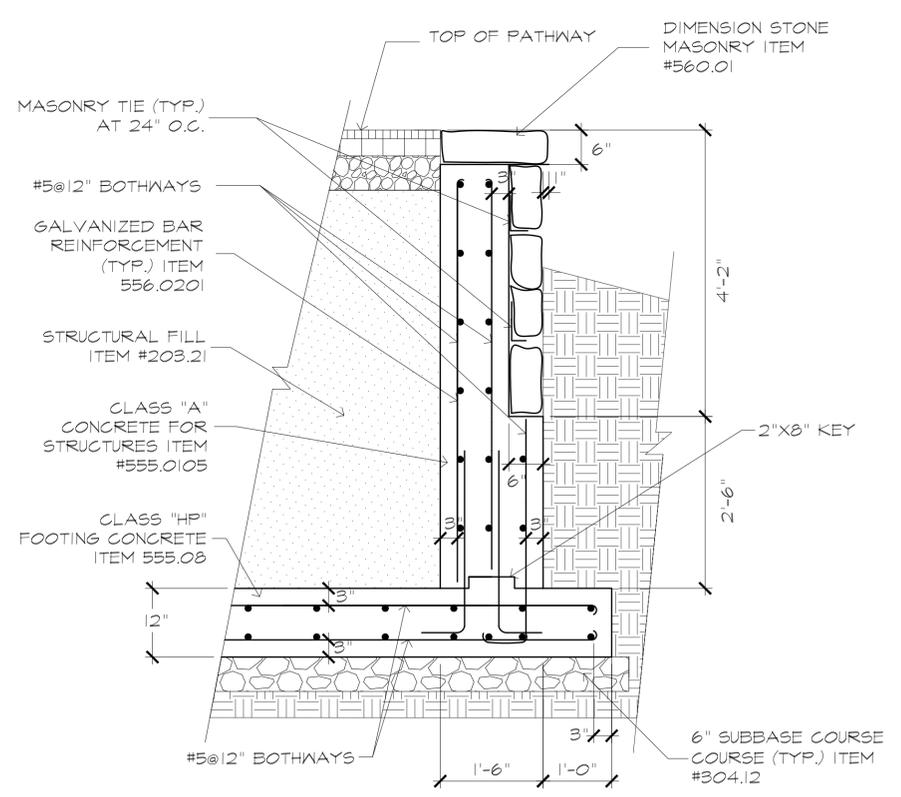
3 EAST ABUTMENT - SOUTH ELEVATION C-C'
(BOTH SIDES & WEST ABUTMENT - SIMILAR)
SCALE: 1/2" = 1'-0"



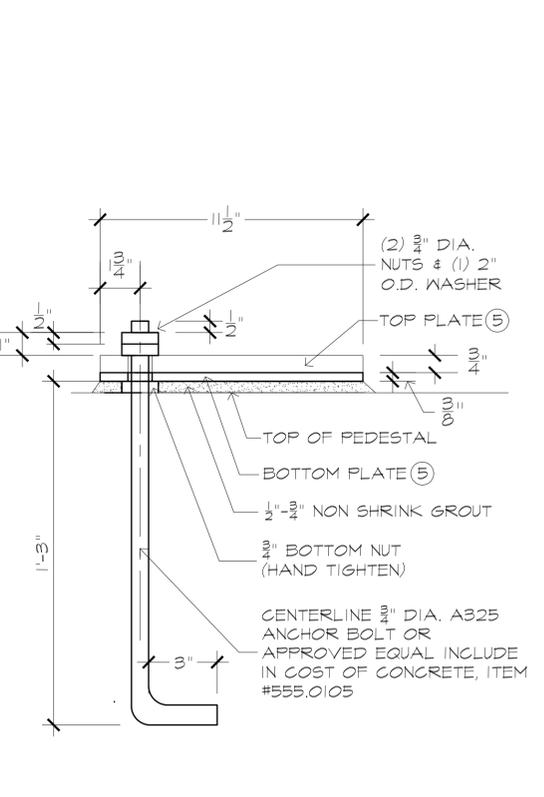
4 BOTTOM PLATE
SCALE: 3" = 1'-0"



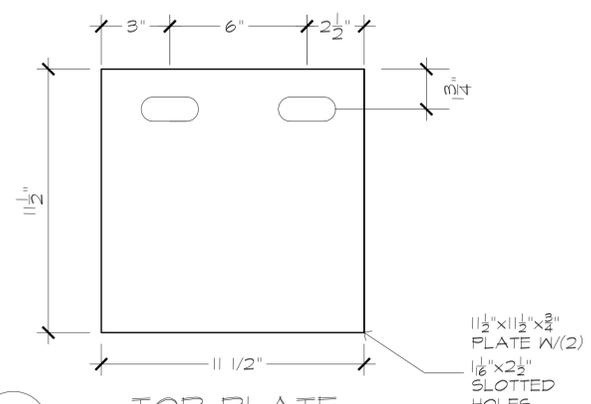
6 EAST ABUTMENT PLAN
SCALE: 3/8" = 1'-0"



7 SECTION B-B'
SCALE: 3/8" = 1'-0"



8 SECTION D-D'
SCALE: 3" = 1'-0"



5 TOP PLATE
SCALE: 3" = 1'-0"

IN CHARGE OF R. LOPANE
CHECKED BY R. LOPANE
MADE BY R. LOPANE

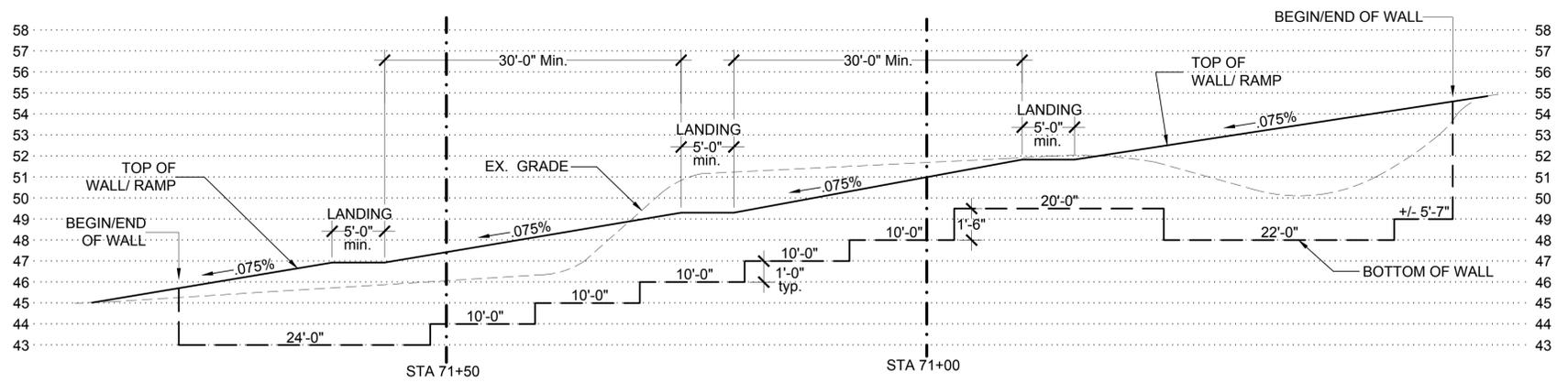
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CONTRACTOR		PROJECT COORDINATOR	
NAME		NAME	
SIGNATURE		SIGNATURE	
TITLE		TITLE	
DATE		DATE	

WESTCHESTER COUNTY, NEW YORK DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION		CONTRACT NUMBER 16-513	SHEET NUMBER -
DIVISION OF ENGINEERING RYE PLAYLAND PARKWAY PATH PLAYLAND PARKWAY, NORTH STREET, THEODORE FREMD AVE., PURCHASE STREET, PURDY AVE. AND MCCULLOUGH PLACE CITY OF RYE, NEW YORK		SHEET NO. 37 OF 42 SCALE: AS SHOWN DATE: 10/06/2017	DPW FILE NO. REV. NO.
PEDESTRIAN FOOTBRIDGE DETAILS - III		XX-XX-X-XX-0	

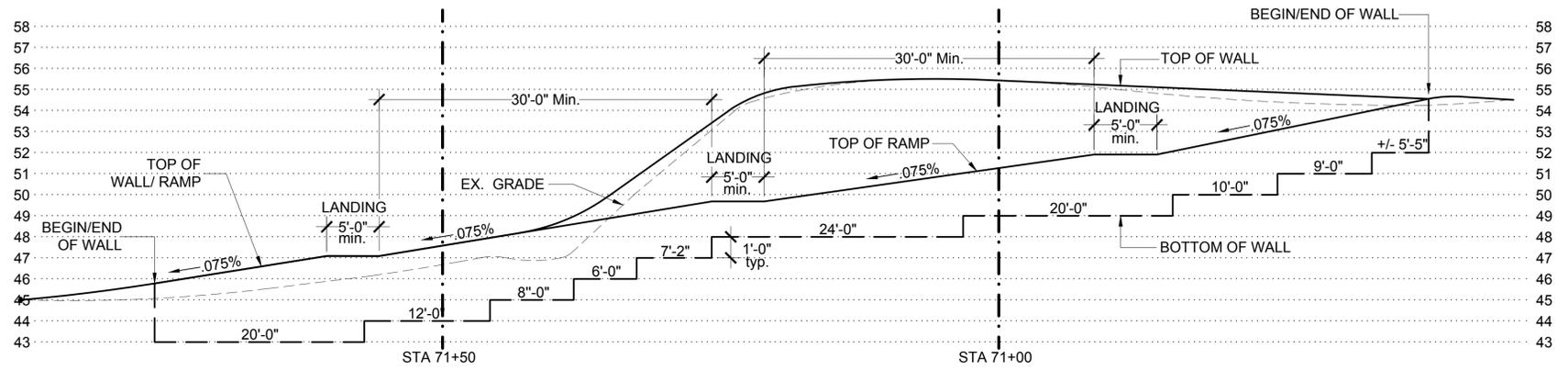
FOR REVIEW ONLY

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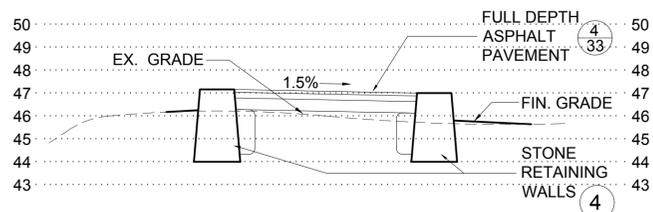
1 PROFILE - EAST WALL

SCALE: HORIZ: 1/8" = 1'-0", VERT: 1/4" = 1'-0"



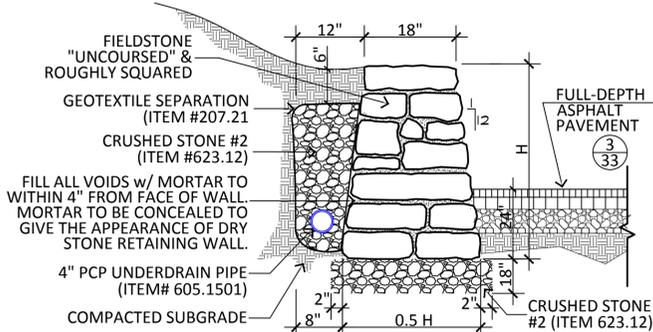
2 PROFILE - WEST WALL

SCALE: HORIZ: 1/8" = 1'-0", VERT: 1/4" = 1'-0"



3 SECTION C-C'

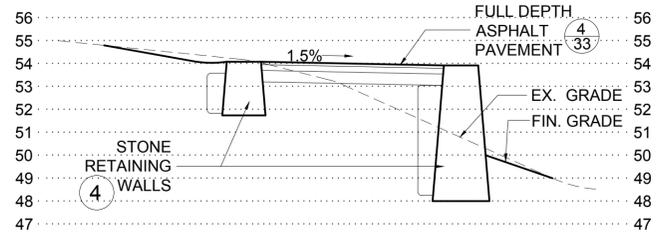
SCALE: 1/4" = 1'-0"



4 STONE RETAINING WALL - SECTION

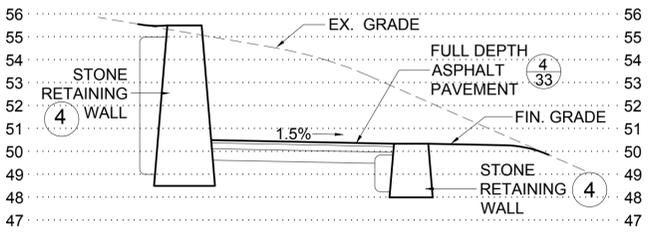
ITEM 560.0401 SCALE: N.T.S.

- NOTES:
1. STONE PLACEMENT PATTERN SHALL BE UNCOURSED AND ROUGHLY SQUARED.
 2. CONTRACTOR SHALL SUBMIT A SAMPLE OF STONE TO BE USED IN THE CONSTRUCTION OF THIS STONE WALL.
 3. CONTRACTOR SHALL CONSTRUCT A SAMPLE 10'-0" LONG SECTION OF STONE RETAINING WALL TO BE APPROVED BY THE DESIGNER. CONTRACTOR MAY NOT PROCEED UNTIL FIELD VISIT & APPROVAL HAS BEEN OBTAINED.
 4. EXCAVATION TO BE PAID FOR UNDER ITEM# 203.02.



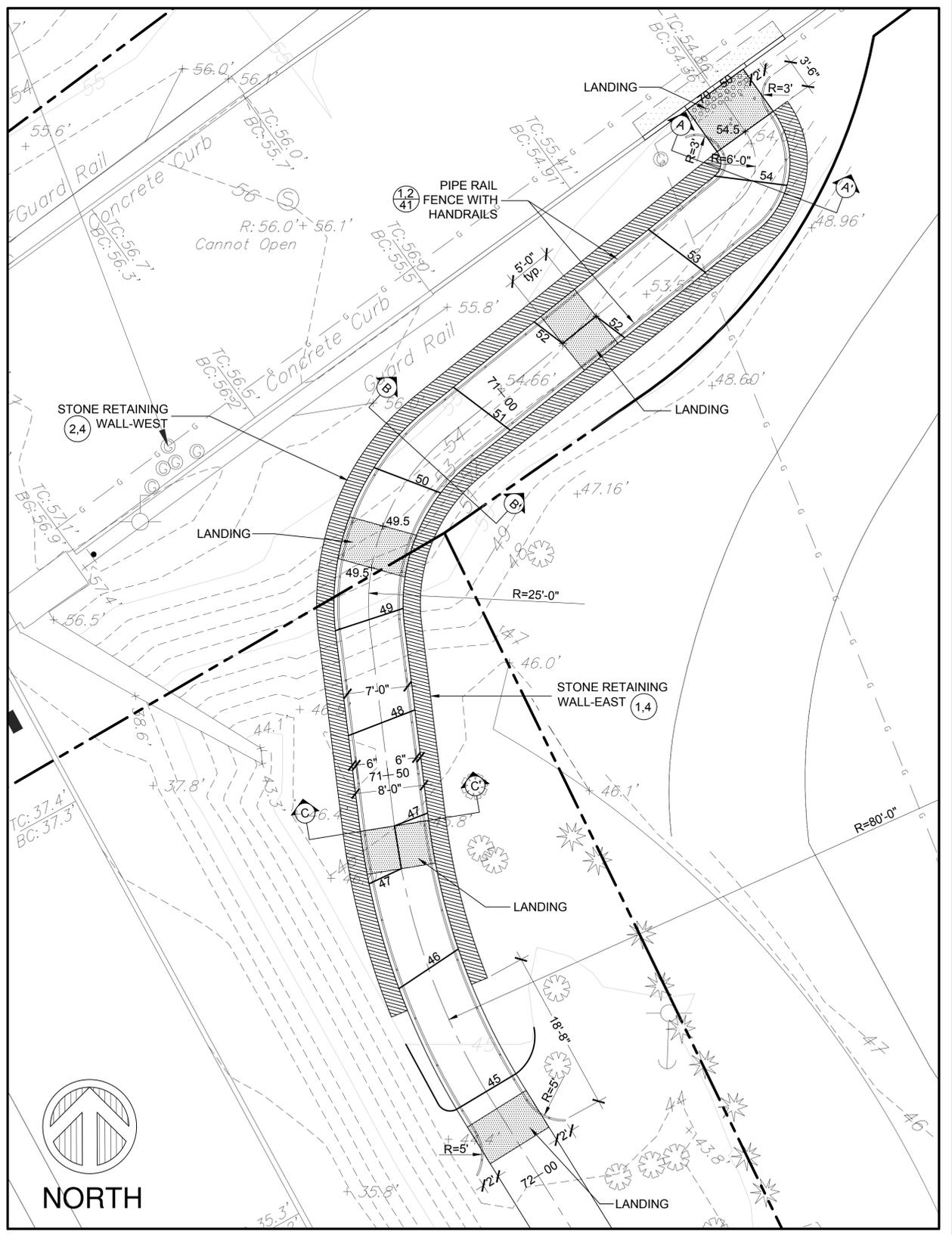
5 SECTION A-A'

SCALE: 1/4" = 1'-0"



6 SECTION B-B'

SCALE: 1/4" = 1'-0"



7 STONE RETAINING WALLS AND RAMP - PLAN

SCALE: 1/8" = 1'-0"

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 CHECKED BY R. LOPANE
 MADE BY R. LOPANE



REVISION NUMBER	DATE	MADE BY	APP'D BY	REVISION

CONTRACTOR		PROJECT COORDINATOR	
NAME		NAME	
SIGNATURE		SIGNATURE	
TITLE		TITLE	
DATE		DATE	

WESTCHESTER COUNTY, NEW YORK
 DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION
 DIVISION OF ENGINEERING
 RYE PLAYLAND PARKWAY PATH
 PLAYLAND PARKWAY, NORTH STREET, THEODORE FREMD AVE.,
 PURCHASE STREET, PURDY AVE. AND MCCULLOUGH PLACE
 CITY OF RYE, NEW YORK

CONTRACT NUMBER	SHEET NUMBER
16-513	-
SHEET NO. 38 OF 42	SCALE: AS SHOWN
DATE: 10/06/2016	DPW FILE NO.
XX-XX-X-XX-0	REV. NO.

STONE RETAINING WALL DETAILS

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SIGNAGE TEXT LEGEND				
ITEM #	SIGN TEXT	MUTCD NO.	SHEETING/ REFLECTIVITY	COLOR
645.5201		R1-1 18" X 18" QTY: 16 R1-1 (ROAD) 30" X 30" QTY: 1	ASTM TYPE IX (CLASS E) DIAMOND GRADE	RED WHITE
645.5101		R5-3 24" X 24" QTY: 11	ASTM TYPE III (CLASS B) HIGH INTENSITY	WHITE BLACK
645.5101		W3-1 18" X 18" QTY: 11	ASTM TYPE III (CLASS B) HIGH INTENSITY	YELLOW STOP SIGN RED BLACK
645.5201		W11-1 30" X 30" QTY: 3	ASTM TYPE IX (CLASS E) DIAMOND GRADE	FLUORESCENT YELLOW-GREEN BLACK
645.5201		W11-15 30" X 30" QTY: 10	ASTM TYPE IX (CLASS E) DIAMOND GRADE	FLUORESCENT YELLOW-GREEN BLACK
645.5201		W16-1 18" X 24" QTY: 3	ASTM TYPE IX (CLASS E) DIAMOND GRADE	FLUORESCENT YELLOW-GREEN BLACK
645.5101		W16-2aP *(See plans for text) 24" X 12" QTY: 5	ASTM TYPE IX (CLASS E) DIAMOND GRADE	FLUORESCENT YELLOW-GREEN BLACK
645.5201		W16-7PL 24" X 12" QTY: 5	ASTM TYPE IX (CLASS E) DIAMOND GRADE	FLUORESCENT YELLOW-GREEN BLACK
645.5201		W16-7PR 24" X 12" QTY: 2	ASTM TYPE IX (CLASS E) DIAMOND GRADE	FLUORESCENT YELLOW-GREEN BLACK

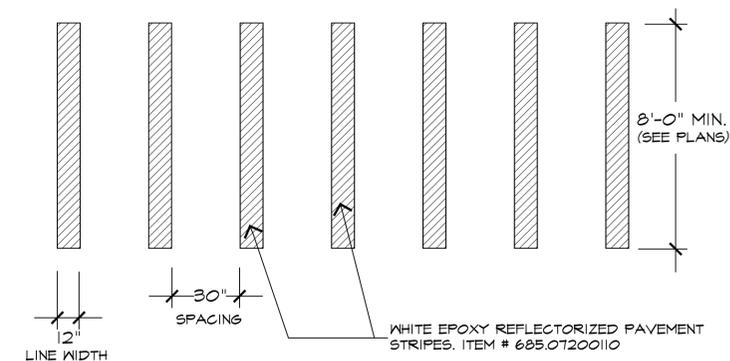
1 SIGN SCHEDULE

SCALE: 1/2"=1'-0"

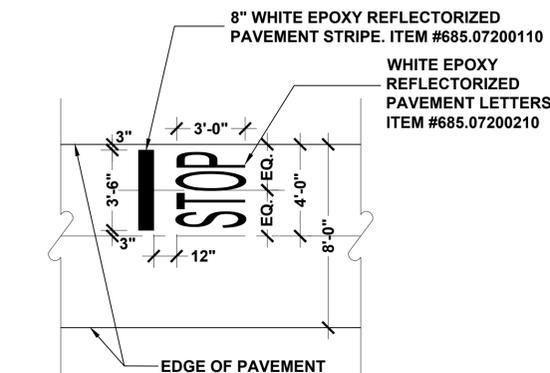
SIGNAGE TEXT LEGEND CONT.				
ITEM #	SIGN TEXT	MUTCD NO.	SHEETING/ REFLECTIVITY	COLOR
645.5201		W11-15P 24" X 18" QTY: 6	ASTM TYPE IX (CLASS E) DIAMOND GRADE	FLUORESCENT YELLOW-GREEN BLACK
645.5101		D1-1* *(See plans for text and arrow direction) 24" X 6" QTY: 5	ASTM TYPE III (CLASS B) HIGH INTENSITY	GREEN WHITE
645.5101		D11-1 24" X 18" QTY: 13	ASTM TYPE III (CLASS B) HIGH INTENSITY	GREEN WHITE
645.5101		D11-2 18" X 18" QTY: 1	ASTM TYPE III (CLASS B) HIGH INTENSITY	GREEN WHITE
645.5101		M6-1, 2 & 3* *(See plans for arrow direction) 18" X 18" QTY: 8	ASTM TYPE III (CLASS B) HIGH INTENSITY	GREEN WHITE
645.5101		OM3-L 12" X 36" QTY: 2	ASTM TYPE III (CLASS B) HIGH INTENSITY	BLACK YELLOW

SIGNAGE NOTES

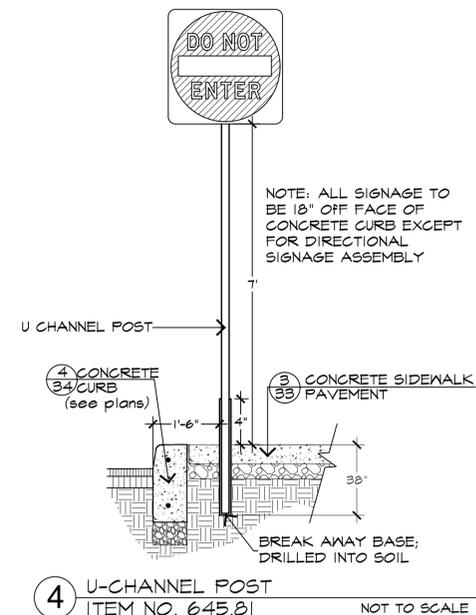
- SIGNS IN THIS LEGEND REFER TO SIGNS THAT ARE SUBJECT TO REGULATION THROUGH THE FEDERAL AND STATE MUTCD. SEE THIS PAGE AS WELL AS THE TRAFFIC SIGNAL DESIGN PLANS FOR ADDITIONAL SIGNAGE.
- ON A POST WITH TWO SIGNS, THE DISTANCE FROM BOTTOM OF LOWER SIGN TO FINISHED GRADE SHALL BE 6'. ALL OTHER SIGNS MOUNTED WITH ONLY ONE SIGN SHALL HAVE A DISTANCE FROM BOTTOM OF SIGN TO FINISHED GRADE OF 7'.
- SIGN PANEL & ASSEMBLIES SHALL BE PAID FOR UNDER 645.5101 & 645.5201. POSTS SHALL BE PAID FOR UNDER ITEM 645.81 OR 645.82 WHERE SHOWN ON PLANS
- ALL SIGNS SHALL BE MOUNTED AT 90° TO THE CURBLINE WITH THE EXCEPTION OF PARKING SIGN AND HANDICAPPED PARKING SIGNS IN PARKING LOTS.
- PARKING SIGNS SHALL BE MOUNTED AT 30° TO THE CURBLINE FACING THE DIRECTION OF TRAFFIC
- POSTS SHALL BE MOUNTED SO THAT THE SIGNS WILL BE MOUNTED NO CLOSER THAN 1'-6" FROM THE FACE OF THE CURB.
- CHEVRON SIGNS SHALL BE MOUNTED NO HIGHER THEN 5' OVER THE TRAVEL SURFACE



2 PEDESTRIAN CROSSWALK SCALE: 1/4" = 1'-0"



3 PAVEMENT MARKINGS - PATHWAY "STOP" SCALE: 1/4" = 1'-0"



4 U-CHANNEL POST ITEM NO. 645.81 NOT TO SCALE

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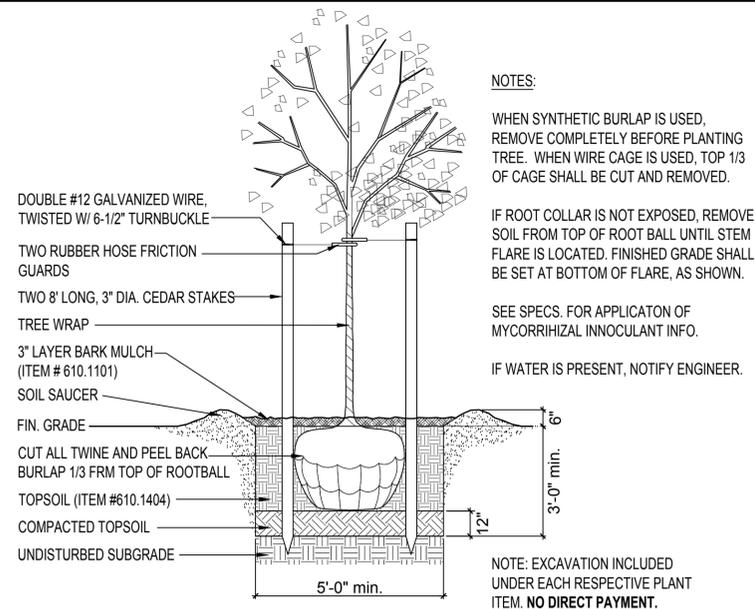


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REVISION NUMBER	DATE	MADE BY	APP'D BY	REVISION

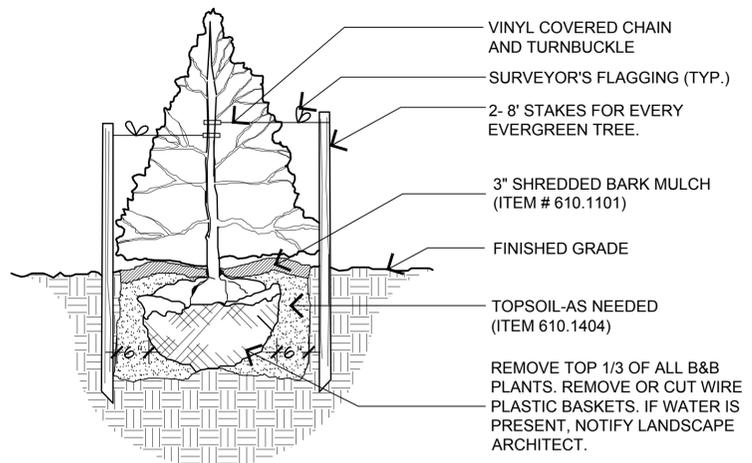
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CONTRACTOR		PROJECT COORDINATOR	
NAME _____	NAME _____	NAME _____	NAME _____
SIGNATURE _____	SIGNATURE _____	SIGNATURE _____	SIGNATURE _____
TITLE _____	TITLE _____	TITLE _____	TITLE _____

WESTCHESTER COUNTY, NEW YORK DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION		CONTRACT NUMBER 16-513	SHEET NUMBER -
DIVISION OF ENGINEERING RYE PLAYLAND PARKWAY PATH PLAYLAND PARKWAY, NORTH STREET, THEODORE FREMD AVE., PURCHASE STREET, PURDY AVE. AND MCCULLOUGH PLACE CITY OF RYE, NEW YORK		SHEET NO. 39 OF 42	SCALE: AS SHOWN
SIGNAGE & PAVEMENT MARKING DETAILS		DATE: 10/06/2017	REV. NO. _____
		DPW FILE NO. _____	XX-XX-X-XX-0

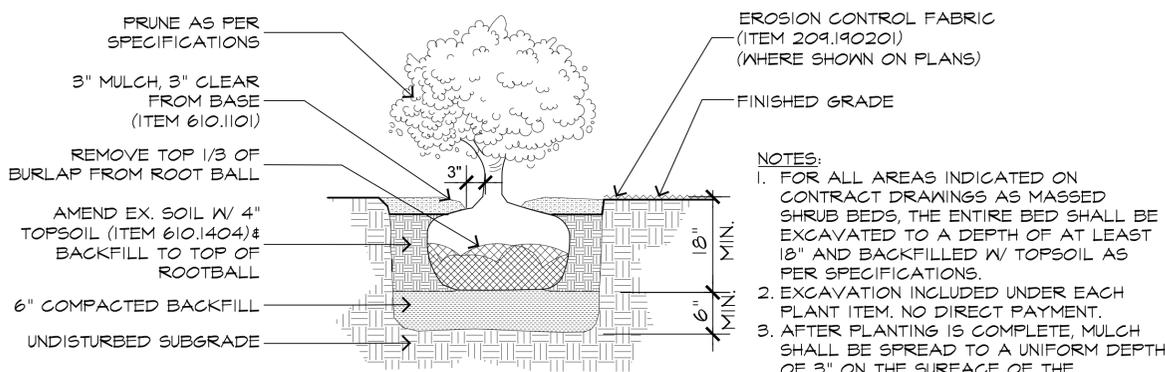
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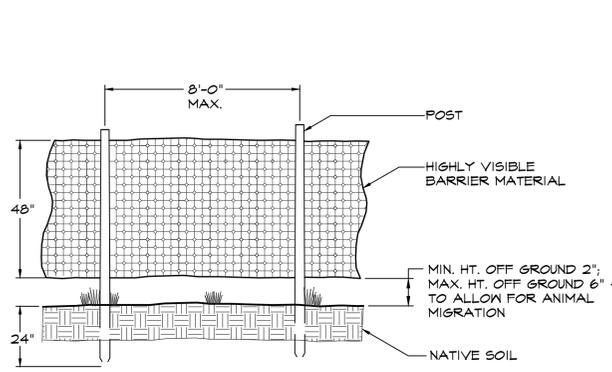
1 TREE PLANTING
1/4"=1'-0"



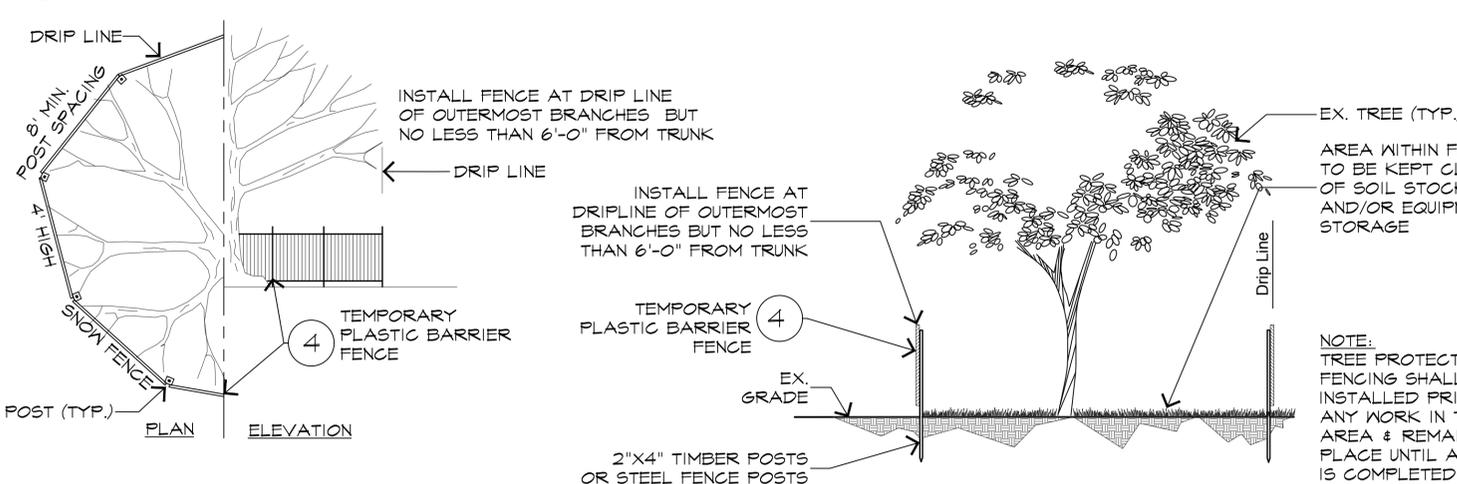
2 CONIFER PLANTING
NOT TO SCALE



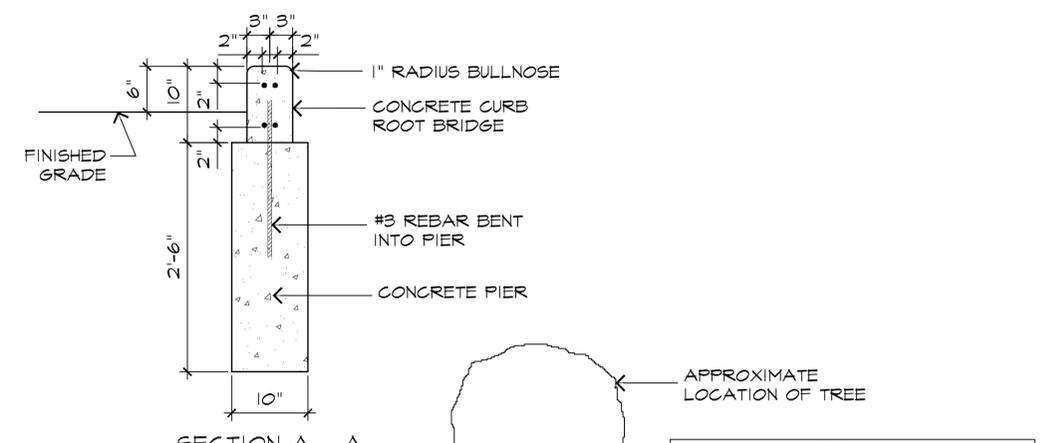
3 SHRUB PLANTING
3/4"=1'-0"



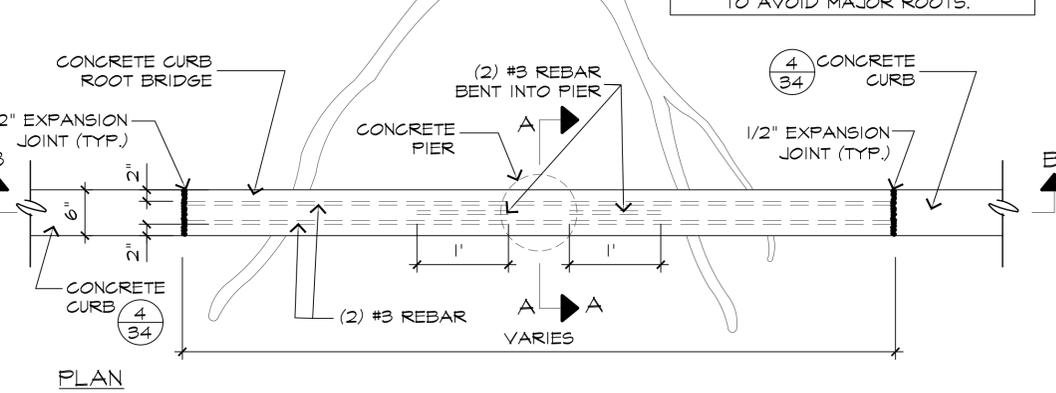
4 TEMPORARY PLASTIC BARRIER FENCE
ITEM #607.41010010 N.T.S.



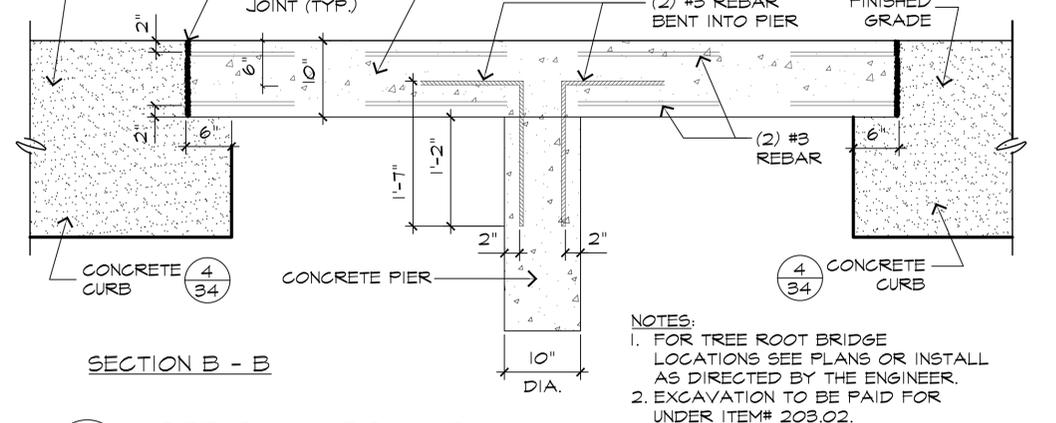
5 TREE PROTECTION FENCING
SCALE: 1/4"=1'-0"



6 TREE ROOT BRIDGE
PAID FOR UNDER ITEM #609.04 SCALE 1"=1'-0"



SECTION B - B



SECTION A - A

FOR REVIEW ONLY

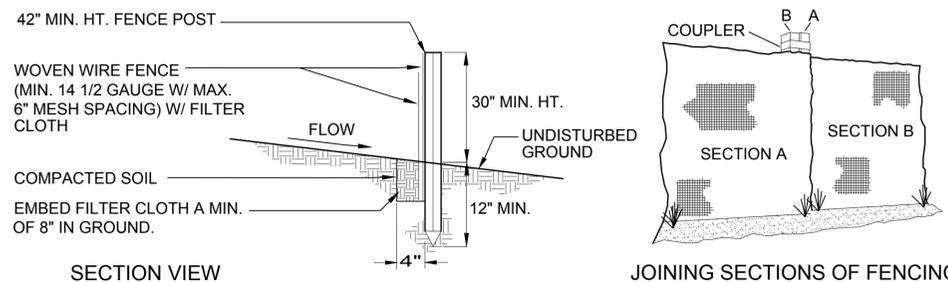
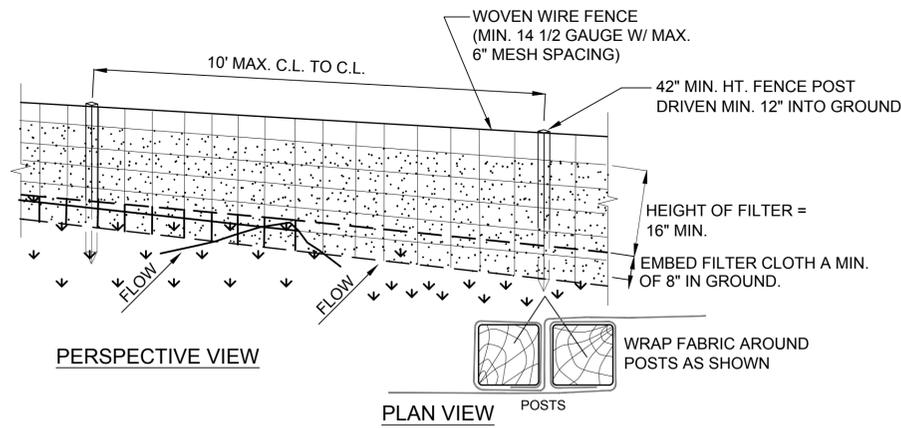
IN CHARGE OF R. LOPANE
CHECKED BY R. LOPANE
MADE BY R. LOPANE



ENGINEERS SEAL				
REVISION NUMBER	DATE	MADE BY	APP'D BY	REVISION

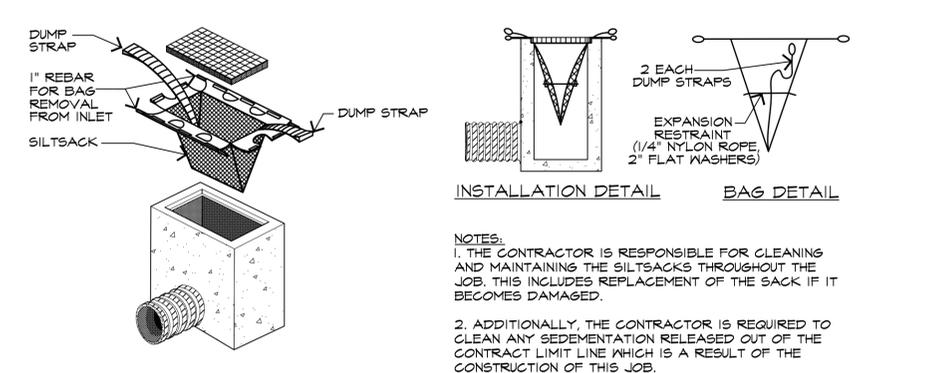
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CONTRACTOR		PROJECT COORDINATOR	
NAME		NAME	
SIGNATURE		SIGNATURE	
TITLE		TITLE	

WESTCHESTER COUNTY, NEW YORK DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION		CONTRACT NUMBER 16-513	SHEET NUMBER -
DIVISION OF ENGINEERING RYE PLAYLAND PARKWAY PATH PLAYLAND PARKWAY, NORTH STREET, THEODORE FREMD AVE., PURCHASE STREET, PURDY AVE. AND MCCULLOUGH PLACE CITY OF RYE, NEW YORK		SHEET NO. 40 OF 42	SCALE: AS SHOWN
DATE: 10/06/2017		DPW FILE NO.	REV. NO.
PLANTING AND TREE PROTECTION DETAILS		XX-XX-X-XX-0	



- INSTALLATION NOTES**
1. WOVEN WIRE FENCE TO BE FASTENED SECURELY TO FENCE POSTS WITH WIRE TIES OR STAPLES. POSTS SHALL BE STEEL EITHER "T" OR "U" TYPE OR HARDWOOD.
 2. FILTER CLOTH TO BE TO BE FASTENED SECURELY TO WOVEN WIRE FENCE WITH TIES SPACED EVERY 24" AT TOP AND MID SECTION. FENCE SHALL BE WOVEN WIRE, 12 1/2 GAUGE, 6" MAXIMUM MESH OPENING.
 3. WHEN TWO SECTIONS OF FILTER CLOTH ADJOIN EACH OTHER THEY SHALL BE OVERLAPPED BY SIX INCHES AND FOLDED. FILTER CLOTH SHALL BE EITHER FILTER X, MIRAFI 100X, STABILINKA T140N, OR APPROVED EQUIVALENT.
 4. PREFABRICATED UNITS SHALL BE GEOFAB, ENVIROFENCE, OR APPROVED EQUIVALENT.
 5. MAINTENANCE SHALL BE PERFORMED AS NEEDED AND MATERIAL REMOVED WHEN "BULGES" DEVELOP IN THE SILT FENCE.

1 SILT FENCE-TEMPORARY
ITEM #209.13 NOT TO SCALE

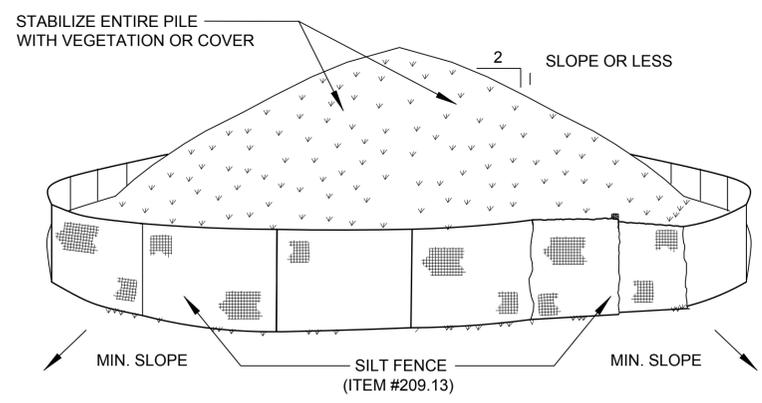


2 TEMPORARY CATCH BASIN INSERT
ITEM NO. 209.11010011 NOT TO SCALE

FOR REVIEW ONLY

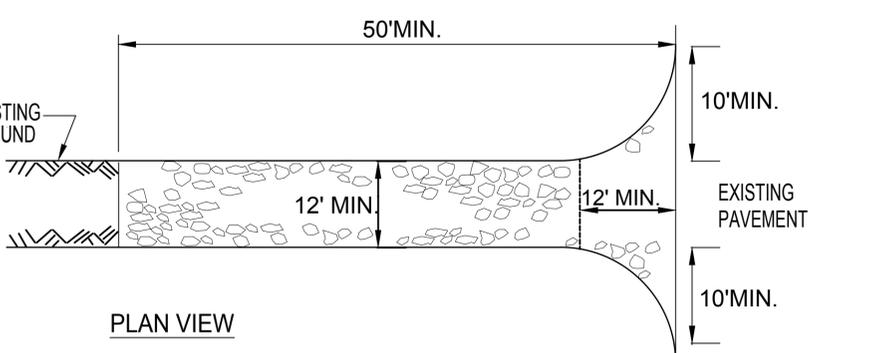
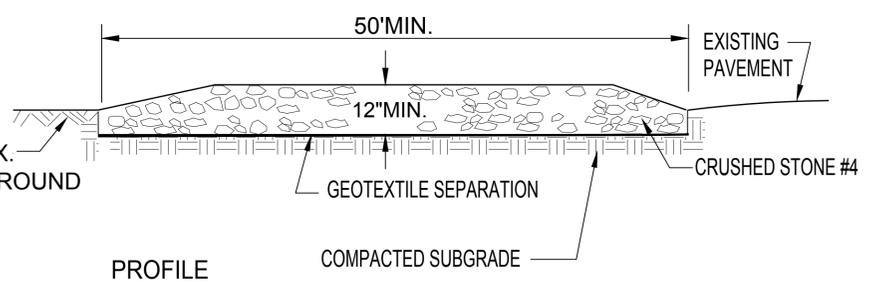
IN CHARGE OF R. LOPANE
CHECKED BY R. LOPANE
MADE BY R. LOPANE

0 1" 2" 4"



- INSTALLATION NOTES**
1. AREA CHOSEN FOR STOCKPILING OPERATIONS SHALL BE DRY AND STABLE.
 2. MAXIMUM SLOPE OF STOCKPILE SHALL BE 1:2.
 3. UPON COMPLETION OF SOIL STOCKPILING, EACH PILE SHALL BE SURROUNDED WITH SILT FENCING, THEN STABILIZED WITH VEGETATION OR COVERED.
 4. DO NOT STOCKPILE TOPSOIL OVER THE ROOTS OF EXISTING TREES.
 5. SEE SPECIFICATIONS & DETAIL FOR INSTALLATION OF SILT FENCE.

3 SOIL STOCKPILING
NOT TO SCALE



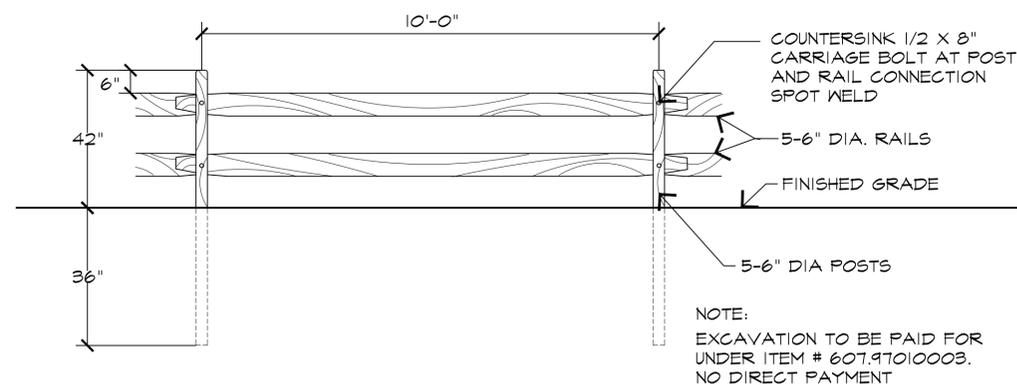
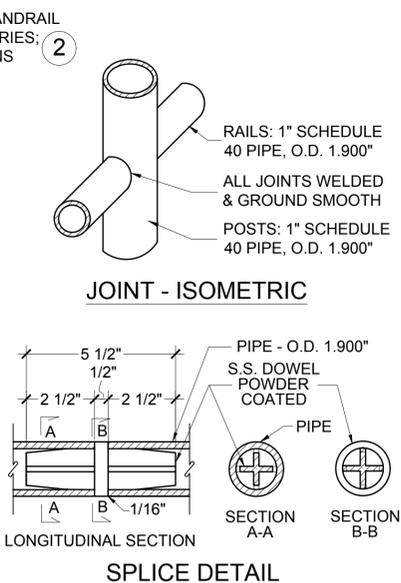
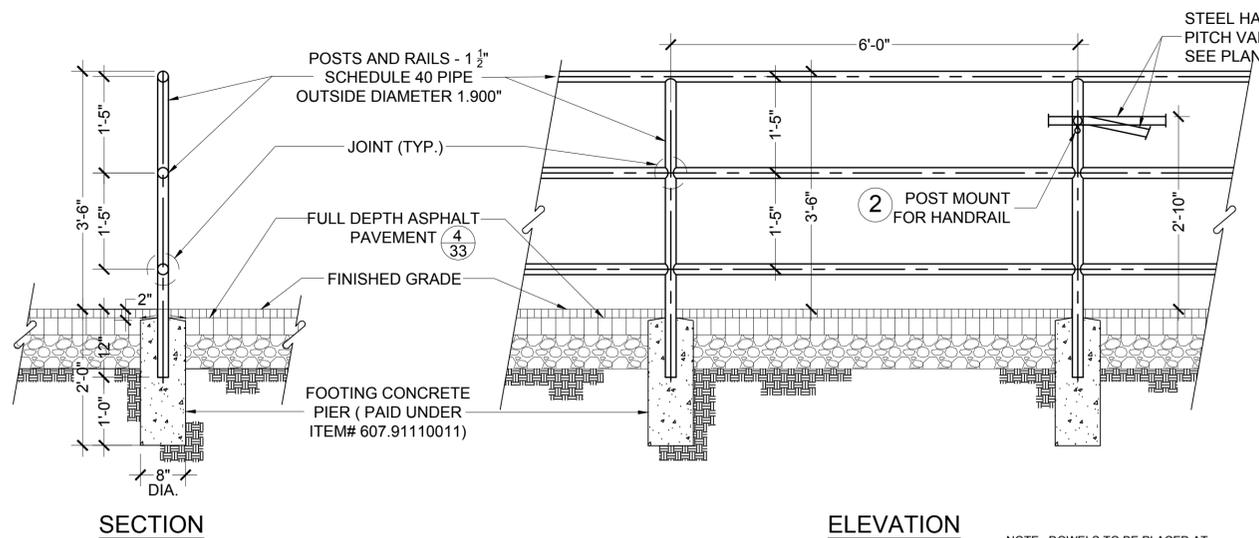
4 STABILIZED CONSTRUCTION ENTRANCE
ITEM # 209.22

- EROSION CONTROL NOTES**
- 1) All proposed soil erosion and sediment control practices have been designed in accordance with the most recent editions of the New York State Stormwater Management Design Manual and the New York State Standards and Specifications for Erosion and Sediment Control. The contractor shall comply with all applicable stormwater management, water quality control, erosion, and sediment control laws, rules, regulations and permits.
 - 2) Sediment and erosion control practices shall be installed prior to any major soil disturbances and maintained until permanent protection is established.
 - 3) The contractor shall be responsible for the timely maintenance of sediment and erosion control practices. All practices shall be maintained in good working order. The sediment level in all sediment traps shall be closely monitored and sediment removed when maximum levels are reached or as ordered by the construction administrator. All sediment control practices shall be inspected on a regular basis, and after rainfall events greater than half an inch to ensure proper operation as designed.
 - 4) All soils not being used for final grading shall be immediately, protected, stabilized and stockpiled in a location away from storm drains and waterbodies as approved by the construction administrator. All soil stockpiles shall be limed, fertilized, temporarily seeded with annual or perennial ryegrass or oats within 14 days once it is known the soil stockpile will not be used for a period of time greater than 14 days. The cost of such protection and stabilization shall be deemed included in the various items of the contract. **No Direct Payment.**
 - 5) Any disturbed areas that will be left exposed for more than 14 days and are not subject to construction traffic shall be stabilized with temporary seeding. Erosion control fabric or mulch shall be used on all disturbed areas if the season prevents the establishment of a temporary cover for temporary stabilization. Erosion control fabric shall be used to temporarily stabilize steep slopes (slope gradient of 2:1 or greater). Disturbed areas shall be limed and fertilize prior to temporary seeding.
 - 6) All disturbed areas within 500 feet of an inhabited dwelling shall be wetted as necessary to ensure dust control.
 - 7) Temporary sediment and erosion control practices shall be removed and permanent sediment and erosion control practices implemented, where specified, when the drainage area, including all roads, driveways, and parking areas used during the course of construction has been properly stabilized by permanent practices in accordance with the New York State Stormwater Management Design Manual and the New York State Standards and Specifications for Erosion and Sediment Control.
 - 8) The contractor shall phase the construction in a manner that there will be no more than five acres of soil disturbance at any one time.

- CONSTRUCTION SPECIFICATIONS:**
1. **STONE SIZE** - CRUSHED STONE #4 SIEVE, OR RECLAIMED OR RECYCLED CONCRETE EQUIVALENT.
 2. **LENGTH** - AS REQUIRED, BUT NOT LESS THAN 50 FEET.
 3. **THICKNESS** - NOT LESS THAN 12" THK.
 4. **WIDTH** - 12 FOOT MINIMUM, BUT NOT LESS THAN THE FULL WIDTH AT POINTS WHERE INGRESS OR EGRESS OCCUR. 24 FOOT IF SINGLE ENTRANCE TO SITE.
 5. **FILTER CLOTH** - WILL BE PLACED OVER THE ENTIRE AREA PRIOR TO PLACING OF STONE.
 6. **SURFACE WATER** - ALL SURFACE WATER FLOWING OR DIVERTED TOWARD CONSTRUCTION ENTRANCES SHALL BE PIPED ACROSS THE ENTRANCE. IF PIPING IS IMPRACTICAL A MOUNTABLE BERM WITH 5:1 SLOPES WILL BE PERMITTED.
 7. **MAINTENANCE** - THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHT OF WAY. THIS MAY REQUIRE PERIODIC TOP DRESSING WITH ADDITIONAL STONE (AS CONDITIONS DEMAND) AND REPAIR AND/OR CLEAN OUT OF ANY MEASURES USED TO TRAP SEDIMENT. ALL SEDIMENT SPILLED, DROPPED, WASHED OR TRACKED ONTO PUBLIC RIGHT OF WAY MUST BE REMOVED IMMEDIATELY.
 8. **WASHING** - WHEELS SHALL BE CLEANED TO REMOVE SEDIMENT PRIOR TO ENTRANCE ONTO PUBLIC RIGHT OF WAY. WHEN WASHING IS REQUIRED, IT SHALL BE DONE ON A AREA STABILIZED WITH STONE AND WHICH DRAINS INTO APPROVED SEDIMENT TRAPPING DEVICE. PERIODIC INSPECTION AND NEEDED MAINTENANCE SHALL BE PROVIDED AFTER EACH RAIN.
 9. **EXCAVATION** - TO BE INCLUDED UNDER ITEM# 209.22. NO DIRECT PAYMENT.

N.T.S.

ENGINEERS SEAL					RECORD DRAWING CERTIFICATION					WESTCHESTER COUNTY, NEW YORK DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION		CONTRACT NUMBER 16-513	SHEET NUMBER -
					<input type="checkbox"/> AS BUILT - CHANGES AS NOTED <input type="checkbox"/> AS BUILT - NO CHANGES					DIVISION OF ENGINEERING		SHEET NO. 41 OF 42	
					CONTRACTOR					RYE PLAYLAND PARKWAY PATH PLAYLAND PARKWAY, NORTH STREET, THEODORE FREMD AVE., PURCHASE STREET, PURDY AVE. AND MCCULLOUGH PLACE CITY OF RYE, NEW YORK		SCALE: AS SHOWN	
					PROJECT COORDINATOR					DATE: 10/06/2017		DPW FILE NO.	
REVISION NUMBER					DATE					TITLE		REV. NO.	
										EROSION CONTROL DETAILS		XX-XX-X-XX-0	

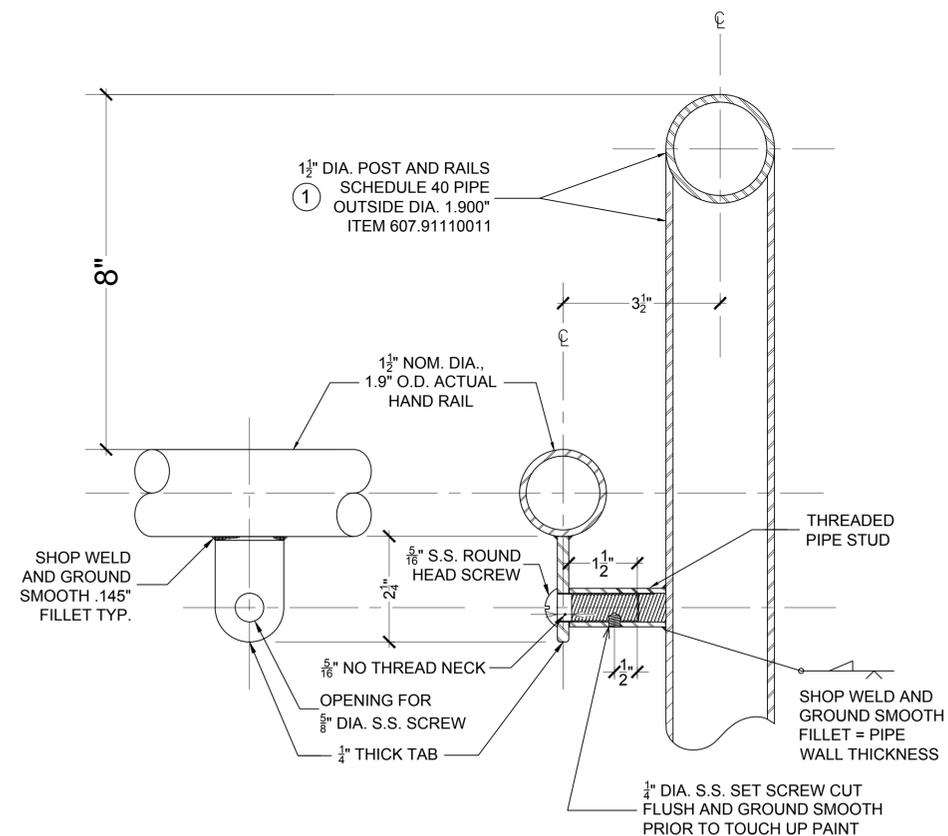


3 POST AND RAIL FENCE
(ITEM #607.91010003)

SCALE = 1/2" = 1'-0"

1 PIPE RAIL FENCE ON ASPHALT PAVEMENT
(ITEM# 607.91110011)

SCALE: 3/4" = 1'-0"

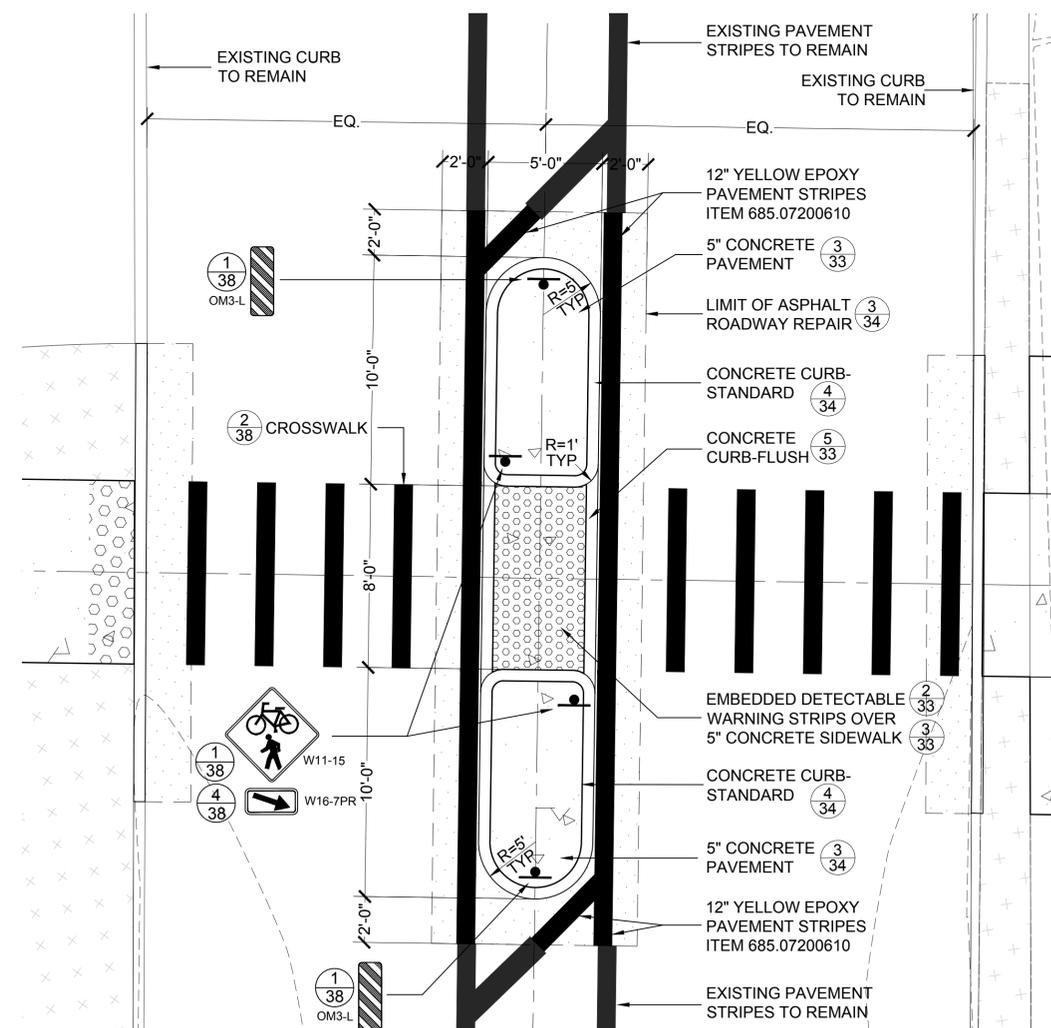


PIPE RAIL AND HAND RAIL NOTES:

1. ALL POSTS, RAILS AND HANDRAILS SHALL BE SCHEDULE 40.
2. ALL WELDS SHALL BE GROUND SMOOTH IN SHOP.
2. ALL POST, RAILS AND HANDRAIL ASSEMBLIES AND FITTINGS SHALL BE HOT DIPPED GALVANIZED AND POWDER-COATED SEMI GLOSS FINISH.
3. COLOR OF ALL POSTS, RAILS AND HANDRAILS SHALL BE DARK GREEN.
4. PAINT AND TOUCH UP S.S. SCREW HEADS AND ENDS IN FIELD AFTER INSTALLATION, TO MATCH RAIL.
5. CONTRACTOR SHALL SUBMIT SHOP DRAWINGS FOR DETAILS AND POST LOCATION LAYOUT REFLECTING ACTUAL FIELD MEASUREMENTS.
6. ALL POST AND RAIL ASSEMBLY SHALL BE CHECKED FOR PROPER ALIGNMENT AT THE SITE PRIOR TO FINAL PLACEMENT AND SETTING.
7. EXCAVATION TO BE PAID FOR UNDER UNCLASSIFIED EXCAVATION AND DISPOSAL. ITEM# 203.02.

2 STEEL HAND RAIL MOUNTED ON PIPE RAIL FENCE POST
ITEM# 607.91120001

SCALE: 6"-1'-0"



4 REFUGE ISLAND

FOR REVIEW ONLY

SCALE: 1/4" = 1'-0"

IN CHARGE OF R. LOPANE
CHECKED BY R. LOPANE
MADE BY R. LOPANE



ENGINEERS SEAL				
REVISION NUMBER	DATE	MADE BY	APP'D BY	REVISION

RECORD DRAWING CERTIFICATION			
<input type="checkbox"/> AS BUILT - CHANGES AS NOTED <input type="checkbox"/> AS BUILT - NO CHANGES		<input type="checkbox"/> CONTRACTOR <input type="checkbox"/> PROJECT COORDINATOR	
NAME		NAME	
SIGNATURE		SIGNATURE	
TITLE		TITLE	

WESTCHESTER COUNTY, NEW YORK
DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION
DIVISION OF ENGINEERING
RYE PLAYLAND PARKWAY PATH
PLAYLAND PARKWAY, NORTH STREET, THEODORE FREMD AVE.,
PURCHASE STREET, PURDY AVE. AND MCCULLOUGH PLACE
CITY OF RYE, NEW YORK

CONTRACT NUMBER	SHEET NUMBER
16-513	-
SHEET NO. 42 OF 42	
SCALE: AS SHOWN	
DATE: 10/06/2017	
DPW FILE NO.	REV. NO.
XX-XX-X-XX-0	

MISCELLANEOUS DETAILS

SCHEDULE "B"

[Map of Easement Area]

DRAFT

1RD NORTH RAILROAD

PEDESTRIAN CURB RAMP (NYS DOT TYPE 2)
LIMIT OF ASPHALT ROADWAY REPAIR (See Dimension) 4/35

5" CONCRETE SIDEWALK BEGIN (See Dimension) to STA 10+10
610.1403 & 610.1601 STA 8+80 to STA 9+74

INSTALL CONCRETE CURB IN PLACE (See Dimension) 4/34
5" CONCRETE SIDEWALK BEGIN (See Dimension) to STA 10+10

PEDESTRIAN CURB RAMP (NYS DOT TYPE 8)
PEDESTRIAN CURB RAMP (NYS DOT TYPE 7)

PEDESTRIAN CURB RAMP (NYS DOT TYPE 8)
PEDESTRIAN CURB RAMP (NYS DOT TYPE 7)

PEDESTRIAN CURB RAMP (NYS DOT TYPE 8)
PEDESTRIAN CURB RAMP (NYS DOT TYPE 7)

W11-1
W16-1
SHARE THE ROAD

East Purchase Street

D11-1
BIKE ROUTE
D1-1

5" CONCRETE SIDEWALK BEGIN STA 8+33 (See Dimension)

D11-1
BIKE ROUTE
M6-1
PEDESTRIAN CURB RAMP (NYS DOT TYPE 8)

D11-1
BIKE ROUTE
M6-2

CROSSWALK 2/39
5" CONCRETE SIDEWALK 2/35

1st Street

2nd Street

Purdy Avenue

2nd Street

Purdy Avenue

PURDY AVE

SCHEDULE B

D11-1
BIKE ROUTE
D1-1

VEHICULAR DROP CURB STA 0+07 TO STA 0+25
5" CONCRETE SIDEWALK STA 0+25 TO STA 1+08

VEHICULAR DROP CURB STA 0+90 TO STA 1+08
PLACE 6" TOPSOIL & ESTABLISH TURF ITEM #s 610.1403 & 610.1601 STA 1+08 TO STA 1+63

5" CONCRETE SIDEWALK STA 1+08 TO STA 1+98
VEHICULAR DROP CURB STA 1+98 TO STA 2+08

5" CONCRETE PAVEMENT STA 2+08 TO STA 3+90

610.1403 & 610.1601 STA 2+08 TO STA 3+19

INSTALL CONCRETE CURB IN PLACE STA 0+00 TO STA 3+90

PEDESTRIAN CURB RAMP (NYS DOT TYPE 4)

5" CONC. SIDEWALK STA 0+25- STA 0+90

LIMIT OF ASPHALT ROADWAY REPAIR STA 0+00 TO STA 3+90

LIMIT OF ASPHALT ROADWAY REPAIR STA 0+00 TO STA 3+90

McCullough Place

INSTALL CONCRETE CURB IN PLACE STA 0+00 TO STA 3+90

INSTALL CONCRETE CURB IN PLACE STA 0+00 TO STA 3+90

INSTALL CONCRETE CURB IN PLACE STA 0+00 TO STA 3+90

INSTALL CONCRETE CURB IN PLACE STA 0+00 TO STA 3+90

INSTALL CONCRETE CURB IN PLACE STA 0+00 TO STA 3+90

D11-2
1/39
4/39

D11-1
BIKE ROUTE
D1-1

VEHICULAR DROP CURB STA 0+07 TO STA 0+25
5" CONCRETE SIDEWALK STA 0+25 TO STA 1+08

VEHICULAR DROP CURB STA 0+90 TO STA 1+08
PLACE 6" TOPSOIL & ESTABLISH TURF ITEM #s 610.1403 & 610.1601 STA 1+08 TO STA 1+63

5" CONCRETE SIDEWALK STA 1+08 TO STA 1+98
VEHICULAR DROP CURB STA 1+98 TO STA 2+08

5" CONCRETE PAVEMENT STA 2+08 TO STA 3+90

610.1403 & 610.1601 STA 2+08 TO STA 3+19

INSTALL CONCRETE CURB IN PLACE STA 0+00 TO STA 3+90

INSTALL CONCRETE CURB IN PLACE STA 0+00 TO STA 3+90

INSTALL CONCRETE CURB IN PLACE STA 0+00 TO STA 3+90

INSTALL CONCRETE CURB IN PLACE STA 0+00 TO STA 3+90

INSTALL CONCRETE CURB IN PLACE STA 0+00 TO STA 3+90

INSTALL CONCRETE CURB IN PLACE STA 0+00 TO STA 3+90

SCHEDULE "C"
STANDARD INSURANCE PROVISIONS
(Municipality)

1. Prior to commencing work, the Municipality shall obtain at its own cost and expense the required insurance from insurance companies licensed in the State of New York, carrying a Best's financial rating of A or better, and shall provide evidence of such insurance to the County of Westchester, as may be required and approved by the Director of Risk Management of the County. The policies or certificates thereof shall provide that thirty days prior to cancellation or material change in the policy, notices of same shall be given to the Director of Risk Management of the County of Westchester by registered mail, return receipt requested, for all of the following stated insurance policies. All notices shall name the Municipality and identify the Agreement.

If at any time any of the policies required herein shall be or become unsatisfactory to the County, as to form or substance, or if a company issuing any such policy shall be or become unsatisfactory to the County, the Municipality shall upon notice to that effect from the County, promptly obtain a new policy, submit the same to the Department of Risk Management of the County of Westchester for approval and submit a certificate thereof. Upon failure of the Municipality to furnish, deliver and maintain such insurance, the Agreement, at the election of the County, may be declared suspended, discontinued or terminated. Failure of the Municipality to take out, maintain, or the taking out or maintenance of any required insurance, shall not relieve the Municipality from any liability under the Agreement, nor shall the insurance requirements be construed to conflict with or otherwise limit the contractual obligations of the Municipality concerning indemnification. All property losses shall be made payable to and adjusted with the County.

In the event that claims, for which the County may be liable, in excess of the insured amounts provided herein are filed by reason of any operations under the Agreement, the amount of excess of such claims or any portion thereof, may be withheld from payment due or to become due the Municipality until such time as the Municipality shall furnish such additional security covering such claims in form satisfactory to the County of Westchester.

2. The Municipality shall provide proof of the following coverage (if additional coverage is required for a specific agreement, those requirements will be described in the "Special Conditions" of the contract specifications):

(a) Workers' Compensation. Certificate form C-105.2 (9/07) or State Fund Insurance Company form U-26.3 is required for proof of compliance with the New York State Workers' Compensation Law. State Workers' Compensation Board form DB-120.1 is required for proof of compliance with the New York State Disability Benefits Law. Location of operation shall be "All locations in Westchester County, New York."

Where an applicant claims to not be required to carry either a Workers' Compensation Policy or Disability Benefits Policy, or both, the employer must complete NYS form CE-200, available to download at: www.wcb.state.ny.us (click on Employers/Businesses, then Business Permits/Licenses/Contracts to see instruction manual).

If the employer is self-insured for Worker's Compensation, he/she should present a certificate from the New York State Worker's Compensation Board evidencing that fact (Either SI-12, Certificate of Workers' Compensation Self-Insurance, or GSI-105.2, Certificate of Participation in Workers' Compensation Group Self-Insurance).

(b) Employer's Liability with minimum limit of \$100,000.

(c) Commercial General Liability Insurance with a minimum limit of liability

|
per occurrence of \$1,000,000 for bodily injury and \$100,000 for property damage or a combined single limit of \$1,000,000 (c.s.1), naming the County of Westchester as an additional insured. This insurance shall include the following coverages:

- (i) Premises - Operations.
- (ii) Broad Form Contractual.
- (iii) Independent Contractor and Sub-Contractor.
- (iv) Products and Completed Operations.

All Contracts involving the use of explosives and demolition shall provide the above coverage with elimination of the XCU exclusion from the policy, or proof that XCU is covered.

(d) Automobile Liability Insurance with a minimum limit of liability per occurrence of \$1,000,000 for bodily injury and a minimum limit of \$100,000 per occurrence for property damage or a combined single limit of \$1,000,000 unless otherwise indicated in the contract specifications. This insurance shall include for bodily injury and property damage the following coverages:

- (i) Owned automobiles.
- (ii) Hired automobiles.
- (iii) Non-owned automobiles.

3. All policies of the Municipality shall be endorsed to contain the following clauses:

(a) Insurers shall have no right to recovery or subrogation against the County of Westchester (including its employees and other agents and agencies), it being the intention of the parties that the insurance policies so effected shall protect both parties and be primary coverage for any and all losses covered by the above-described insurance.

(b) The clause "other insurance provisions" in a policy in which the County of Westchester is named as an insured, shall not apply to the County of Westchester.

(c) The insurance companies issuing the policy or policies shall have no recourse against the County of Westchester (including its agents and agencies as aforesaid) for payment of any premiums or for assessments under any form of policy.

(d) Any and all deductibles in the above described insurance policies shall be assumed by and be for the account of, and at the sole risk of, the Municipality.



CITY COUNCIL AGENDA

NO. 13 DEPT.: Finance DATE: November 8, 2017
CONTACT: Joseph S. Fazzino, Deputy City Comptroller

AGENDA ITEM: Resolution to transfer \$40,000 from the Contingency Account to the City Manager Consultant line to fund the United Hospital Starwood Rye Park Study.

FOR THE MEETING OF:
November 8, 2017

RECOMMENDATION: That the City Council adopt the following resolution:

WHEREAS, City staff has determined that the amounts required to fund the United Hospital Starwood Rye Park Study was not anticipated and was not provided for in the adopted 2017 budget, and;

WHEREAS, the General Fund Contingent Account has a balance of \$110,459, now therefore be it;

RESOLVED, that the City Comptroller is authorized to transfer \$40,000 from the General Fund Contingent Account to the City Manager Consultant line to fund the United Hospital Starwood Rye Park Study.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The City engaged Maser Consulting PA to assist in the proposed development at the United Hospital site in Port Chester including a review of the FEIS and a study of the impacts on the Rye Park neighborhood. The City has expended \$132,594.50 to date with additional funds needed to complete the study. (2015: \$40,441.05; 2016: \$42,772.14; 2017: \$49,381.31)

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)
07/12/2017 Transfer to Legal Fees	(50,000)
09/13/2017 Transfer to Fire Salaries Expense Account	(93,100)
10/04/2017 Transfer to Legal Fees	(150,000)
10/18/2017 Transfer to Assessor Appraiser and Legal Services Accounts	(80,000)
11/08/2017 Transfer to City Manager Consultant Account	<u>(40,000)</u>
11/08/2017 Balance	<u>\$ 70,459</u>



CITY COUNCIL AGENDA

NO. 14

DEPT.: City Manager

DATE: November 8, 2017

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Resolution to transfer \$36,800 from the Cable TV Unassigned Fund balance to the Cable TV Operating Budget to retain CBG Communications, Inc. to complete a technical review and evaluation of the cable systems as part of the cable franchise renewal process.

FOR THE MEETING OF:
November 8, 2017

RECOMMENDATION: That the City Council adopt the following resolution:

WHEREAS, City staff has determined that the amounts required to perform a technical review and evaluation of the cable systems for the cable franchise renewal negotiations was not anticipated and was not provided for in the adopted 2017 budget by \$36,800, and;

WHEREAS, the Cable TV Unassigned Fund balance has enough funds to be appropriated to retain CBG Communications, Inc. to complete the technical review and evaluation of the cable systems for the City, now, therefore be it;

RESOLVED, that the City Comptroller is authorized to transfer \$36,800 from the Cable TV Unassigned Fund balance to the Cable TV Operating Budget to complete a technical review and evaluation of the cable systems as part of the cable franchise renewal process.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The franchise agreements between the City of Rye and Verizon and Altice (Cablevision) expire in December, 2017 and February, 2018. It is beneficial to the City to complete a technical review and evaluation of the cable systems as part of the cable franchise renewal process. The City Council is asked to appropriate the Cable TV funds to retain CBG Communications, Inc. to complete the technical review.

See attached.



Philadelphia Office: 73 Chestnut Road, Suite 301, Paoli, PA 19301 P/ (610) **889-7470** F/ (610) 889-7475

St. Paul Office: 1597 Race Street, St. Paul, MN 55102 P/ (651) **340-5300** F/ (651) 340-5820

www.cbcommunications.com

Proposal to Perform a Technical Review/Evaluation of Cable Systems: Verizon and Altice for the City of Rye, New York

Submitted by:

**CBG Communications, Inc.
1597 Race Street
St. Paul, MN 55102
(651) 340-5300**

Dick Nielsen, Senior Engineer
Thomas Robinson, President

October 6, 2017

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INTRODUCTION

CBG Communications, Inc (CBG) appreciates the opportunity to provide this Proposal to perform a Technical Review and Audit of the cable television systems serving the City of Rye, NY (“City”). After reviewing our proposal, we hope that you will share the view that our overall experience, innovative methodologies, expertise, enthusiasm and extensive similar work around the country qualify us to assist you. CBG has a national reputation in local government cable television technical reviews and audits, needs assessments and regulatory consulting.

CBG has explained below a few of the many services that we provide that we believe will meet the City’s needs and goals as well as other services that provide us with additional expertise and experience that will be beneficial to the project. After performing the tasks described herein, CBG would issue two reports spelling out findings and recommendations which can be used both for determining compliance with the existing franchise and determining beneficial provisions to be included in any renewed franchises.

Given our breadth of experience and our successful work across the country, we believe CBG is eminently qualified to provide the Technical Review and Audit consulting services desired by the City.

TECHNICAL REVIEW APPROACH

Overall Methodology

CBG understands the City is interested in performing a technical review of the Altice and Verizon cable TV systems serving the City. We also understand that the City is interested in understanding the scope of work that is required to perform reviews of the functionality and capacity of the networks as well as gaining an understanding of the construction and maintenance of the networks and how these may impact the reliability and safety of the systems. To this end, CBG is providing the following scope of services for the City's review. CBG can work with the City to define the project in a manner that best meets the needs of the City.

Specifically, a Technical Review and Audit of both the Altice and Verizon systems will be performed by Mr. Nielsen, with support from Mr. Robinson. The Technical Evaluation would encompass a paper review, electronic performance review, and physical infrastructure review, thus giving a comprehensive assessment of the system's capabilities, physical condition and technical performance. In addition, CBG proposes a review of the current Access origination links for current functionality and will provide recommendations on potential upgrades or replacement of these links to best meet the needs of the Access communities utilizing these links.

The following Tasks will be performed by CBG:

Base Project

1. Request for Certain Operational Information - CBG will begin by reviewing and evaluating the systems to determine their strengths and weaknesses by developing two Requests for Information (RFI) seeking written responses from Altice and Verizon. We will then engage in discussions with their engineering and technical staffs, in order to gain an understanding of, for example, the systems' current designs, age, condition, system capacity, functionality, cascade length, homes per node, and headend/hub(s). As part of the RFI effort, CBG will request and review as-built and other system maps from both providers to determine whether the systems have been built within specifications.

These RFIs will also ask for outage logs, technical complaint logs, maintenance and repair records and Cumulative Leakage Index (CLI) documentation as well as documents describing various other facets of the systems. CBG will then meet with both company's engineering and technical staffs, in person and/or by conference call, as needed to clarify its initial findings.

CBG will request detailed information on the access origination links deployed by both Providers and utilize this information to determine the age and functionality of these links.

CBG will review the documents provided by Altice and Verizon and create a summary of these findings in the Final Reports.

2. Inspection of Physical Plant - CBG will utilize the information gleaned from the above task and work with the City to plan and refine the overall Technical Review and Audit process including the sampling methodology to determine safety code compliance of both cable plants such as fiber optic and coaxial transmission systems, subscriber installations or drops and the central control equipment in the headend, Video Serving Offices and hub(s). The Inspection of these systems will encompass a representative system drive-out and review of specific areas of concern to the City to determine the overall condition of the systems from a safety, functionality and aesthetic standpoint. CBG will determine the level of compliance with each Franchise, other pertinent local codes and regulations, the National Electrical Code (NEC) and the National Electrical Safety Code (NESC) as well as good engineering practices. **It will be very important to ensure that any problems found with the systems are corrected and that future compliance with the NEC and NESC are included as requirements of any renewed franchise in coming years.**

Based on discussions with the City, CBG will perform a ride-out independently, or with City staff, to look at physical plant characteristics. This inspection will include the cable distribution plant comprised of the fiber optic, trunk and feeder systems, coaxial cable drops to the subscribers' residences and the headend and hubs that serve the City. The outside plant inspection will include aerial plant inspection for issues such as clearance of the cable TV plant from the ground and other utilities, and attachments at poles and buildings including the drops to homes and businesses. Both underground and aerial plants will be inspected for proper grounding and bonding of the cable TV distribution systems and subscriber's drops as well as other potential problems or violations, including right-of-way restoration issues.

CBG performs the system drive out using a random sample chosen using a statistically valid methodology. Specifically, CBG will work with the City to develop a list or spreadsheet of all addresses in the City and then randomly select 200 addresses based on this list. For example, if the address list has 6,000 addresses in the City we will inspect the plant and drop, where accessible, at every 30th address on the list for a total of 200 locations. This will allow CBG to extrapolate, in a statistically valid manner, the level of violations, issues and concerns throughout the City (with a margin of error of less than $\pm 6.8\%$ with a 95% confidence level).

CBG will then report both the actual numbers of violations found and the statistically valid projection such that not only the observed violations but also the other violations projected throughout the City can be properly remedied.

3. Facility Reviews -The headends and any pertinent hub(s) will be inspected for proper grounding and bonding, fire suppression system(s), back-up powering, status monitoring equipment and Emergency Alert System (EAS) implementation as well as the overall age and condition of equipment being utilized throughout the headends and hub(s).

CBG will develop a list of violations of codes and cite the code that applies to the infraction for each provider. These lists will become an Attachment to each providers' final report with a discussion in each Report detailing the overall level of compliance with pertinent codes.

4. System Maintenance/Reliability – CBG will review both service call logs as well as outage logs for the systems to determine the level of problems within each system. CBG will then

use this background information during our site visits to further understand technical issues that may be affecting subscribers. This will also include feedback that we may have gleaned from the meetings with City staff. An example of this would be specific channels that are frequently mentioned as being problematic.

5. Ability to Offer Advanced Services – CBG believes that the City is seeking a consultant who is capable of identifying, and has actually identified, state-of-the-art technologies/practices that are available, and that have been applied by Altice and Verizon, as well as by other companies, which may be of value to the City. CBG’s experience, shows that it has extensive knowledge and understanding of existing, commonly employed, advanced, near-term, and future technologies/practices that cable companies, including both providers serving the City, have successfully employed and will employ in the future that will be of benefit to subscribers and the City.

Examples include:

- High definition TV (HDTV) and HD4K, including current activation level.
- Interactive systems and uses, including advanced high-speed data-over-cable (broadband cable modem) services, video-on-demand, interactive television (iTV), cable telephone and other two-way technologies.
- Emergency Alert Systems, including those that interface with the Federal EAS system and those that provide local inputs from Emergency Operations Centers, mobile command centers, etc.

CBG will compare the current systems’ characteristics with any future system development and upgrade plans and needs. CBG will look at what is currently available (including current channels in use, channel capacity, and planned expansion), plans for any near-term upgrades and additions, and planned and required capabilities of a future system including the ability to provide a wide range of existing and developing technologically advanced and interactive services, including broadband. CBG will further review issues related to system reliability, including types of back-up and network monitoring systems, and any impacts related to system reliability as they may affect both existing and planned services.

In each case, CBG will be able to make a realistic assessment of how these technologies are or can be employed in the existing systems as well as after any upgrades that may be planned or would need to be implemented in the future.

6. Written Reports - CBG will develop two detailed reports, one for each provider, that indicate all findings from the above evaluation processes and that thoroughly assess the current condition of each system. Comparisons would be made between our onsite findings and the information initially received from Altice and Verizon. We would then make appropriate recommendations, to bring both systems into technical compliance with pertinent rules and regulations, and also develop recommendations regarding future system requirements. CBG will then work with the City to take the technical review findings and turn them into realistic requirements, objectives and strategies with respect to the franchise renewal process with each provider.

First Project Option (Task #7)

7. Testing of Cable Plant and FCC Compliance Review - CBG will work with Altice and Verizon to determine the level of compliance with §47CFR76.640. This is a set of standards that is in place whereby cable TV operators must comply with specifications for **digitally** transmitted channels. The Standard does not provide for a frequency of testing or documentation process, as was required of the analog based specifications in previously performed Proof of Performance testing (on analog based channels), but it does require the system to meet the Standards. We will then work with both providers to include this testing in the “over the shoulder” testing described below.

This will provide CBG with a baseline understanding of whether the systems are performing within their designed parameters.

We will then perform on-site “over-the-shoulder” objective testing in the field at four representative test locations within one or both of the providers’ systems as requested by the City. Over-the-shoulder testing means we oversee testing being performed by the operators’ staff while utilizing their test equipment. This allows us to evaluate whether proper test methodologies and equipment are being utilized by the provider and then alleviates potential disagreements concerning the results found during testing, once the methodologies and equipment are certified as appropriate and accurate. In addition to this testing, CBG can perform subjective viewing of subscriber system channels for quality characteristics.

Second Project Option (Task #8)

8. Access Origination Transport Systems and Equipment – CBG will first focus on the technical capabilities of the PEG Access transport network connections for both the City and the School District. This review will evaluate the current transportation system and its capabilities. Based on these findings, CBG will make recommendations on any improvements that should be made to the system in the short term and we will recommend how to best upgrade the system to transport high definition video and audio signals to the Master Control or other pertinent facility. For instance, is programming being transported in a form that does not compress it to a level where undesired artifacts are added or where pixilation occurs?

In addition, CBG will work with local representatives familiar with other remote origination locations to understand the technologies currently deployed to connect these sites to Master Control or pertinent facility for playback on the subscriber system.

A determination will be made as to what equipment replacements or enhancements need to occur on the transport systems to accommodate HDTV programming onto the PEG channels on the subscriber system. A spreadsheet will be developed outlining this equipment and will provide budgetary numbers for use during franchise negotiations between the City and the providers.

SIMILAR PROJECT EXPERIENCE

CBG serves numerous local government clients throughout the country on an ongoing basis concerning cable-television, system performance audit, telecommunications, broadband, community needs ascertainment, PEG Access, wireline and wireless Institutional Network, and other related projects. Many of these clients utilize CBG's expertise to complete a specific project, and then retain CBG for ongoing consultation and advice, as shown below. A sample representation of projects pertinent to the RFP requirements is listed below:

Philadelphia, Pennsylvania: CBG completed assistance with development of a comprehensive renewed franchise for the City with Comcast in the company's home location. An important portion of the project was a technical audit and review of Comcast's facilities including the distribution system up to and including drops to homes and buildings in the City. CBG made projections, based on the findings at 250 randomly chosen addresses throughout the City, of more than 250,000 safety code violations in the City of Philadelphia, the renewed franchise includes an 18-month citywide physical plant remediation program and system certification requiring Comcast to essentially rebuild every subscriber service connection in the City.

Prior to this, CBG completed a multi-method, multi-faceted cable-related residential, I-Net and PEG Access needs assessment, technical audit and franchise fee audit. CBG also recently completed a Verizon (Fios) system deployment verification project which is resulting in a Settlement Agreement with Verizon to cure non-compliance with Verizon's buildout obligations. CBG continues to perform ongoing work concerning franchise oversight issues concerning Verizon and Comcast, PEG Access implementation and the development of wide-ranging ROW Management policies, procedures and regulations; As part of this, CBG helped the City evaluate the viability of Temple University's PEG Access channel facilities, equipment, operations and signal transport. Prior to this, CBG developed comprehensive revisions to the ROW Management fee structure, including an Annual Fee per provider that includes permitting and ongoing management components, as well as a street degradation fee; also developed a master ROW ordinance, now in place in the Philadelphia Code. Work to-date also includes a detailed study of infrastructure placed by numerous telecommunications and other utility providers and negotiations on ROW Use terms and conditions with multiple providers. CBG's work over the years has resulted in development of additional funding and services for PEG via both the Verizon and Comcast franchises, highly advanced competitive system options for residents, implementation of a new Educational Access channel for Temple University and improved right-of-way management. **Franchisees: Comcast, Verizon FIOS**

Charles County, Maryland: Completed work performing a broad-based community needs assessment, including a technical audit, PEG Access and I-Net review, and franchise, PEG and I-Net Fee review. Preparing to begin negotiations on a renewed Comcast franchise. Prior to this, completed work involving the provision of consulting services related to technical support for the County in its Franchise development and negotiations with both Comcast and Verizon FIOS especially related to Public, Educational and Governmental ("PEG") Access, Institutional Network and cable system architecture and performance requirements. As part of this, CBG performed an extensive review of design, construction, installation, labor, and materials needed to develop the Charles County dark fiber I-Net serving a countywide school district and multiple government agencies, including a detailed cost

analysis. This helped ensure that no more than reimbursable costs (including the cost of debt financing) were allocated for pass-through to subscribers. Initially, work involved a Cable-related Needs Assessment incorporating an I-Net and PEG Access Needs Assessment study, including extensive organizational surveys of K-12, higher education, governmental, non-profit and business entities, a technical review, PEG Access and I-Net architectural and equipment review and workshops. The project also included a targeted technical review that provided a description of the cable system currently in place, a description of the planned system upgrade, and recommendations for comprehensive cable system technical elements and provisions, in addition to I-Net and PEG Access, to be incorporated in a cable franchise. CBG Communications was successful in assisting the County in achieving PEG support in its new franchise. Some of the provisions of the franchise based on the Needs Assessment included: Fiber optic I-Net serving 80+ locations deeded over to the County; PEG fee, three (3) new PEG channels, two (2) training channels and additional channels based on triggers. **Franchisees: Comcast, Verizon FIOS**

Frederick County, Maryland: CBG gathered baseline information for Community Needs, PEG Access and I-Net Assessment, including a kick-off meeting with the County's Cable Franchise Task Force. Prepared written Residential Subscriber/Non-Subscriber Survey and conducted workshops/focused discussions on Business and Non-Profit Broadband Communications needs and Organizational PEG Access needs. Conducted follow-up telephone interviews with survey respondents as necessary. Worked with the County, Frederick County Public Schools, Frederick County Community College and others to develop a list of needed Governmental and Educational Access equipment, along with assessing current PEG Access facilities. Gathered Institutional Network ("I-Net")-related information, provided information to the County on I-Net applications that are occurring in other jurisdictions, reviewed information gathered from the surveys, workshops/focused discussions, public meeting and follow-up telephone interviews. Drafted and finalized an informative Needs Assessment Report for submission to the County, and then assisted in successful franchise negotiations. **Franchisee: Comcast**

Brooklyn, New York - Completed work with Brooklyn Community Access Television (BCAT) on an Access Origination signal transport system review and study which resulted in the Borough of Brooklyn and New York City's Department of Information Technology and Telecommunication pursuing changes in the transport system to all digital technology.

Metropolitan Area Communications Commission (MACC), Portland, Oregon Metropolitan Area Communities: CBG most recently assisted MACC with the formal franchise renewal process with Comcast which ultimately resulted in a successful informally negotiated franchise. Prior to this, CBG performed a comprehensive cable-related needs assessment, including a system performance audit that covered the entirety of Washington County, Oregon and nearly all its incorporated municipalities. CBG also assisted MACC with the breakdown, relocation and reinstallation of its entire Tualatin Valley Community Television (TVCTV) production facility, including operational verification of all existing and new equipment in the new facility. Prior to this, CBG assisted MACC with an updated Public Communications Network (PCN) (I-Net) audit, application review and projections for future network enhancements. Before that, CBG completed a comprehensive, initial PCN technical audit and certification for countywide WAN, covering 5 school districts and multiple municipal and county agencies (over 250 facilities in all). Also, CBG completed a residential cable television system upgrade certification, I-Net franchise provisions, and assisted in negotiations. This work included a comprehensive physical plant audit, which

assessed compliance with the NEC, NESC and a variety of ROW use requirements. Also, performed technical review of cable TV infrastructure and needs assessment work related to franchise renewal with AT&T/TCI (now Comcast), including subscriber and Institutional Network performance, architecture, services, applications and upgrade review. CBG has provided plans for MACC for improving network functionality and reliability as well as language for agreements with Comcast. CBG's work over the years has resulted in the PCN providing up to 10 Gbps connectivity to each of over 250 locations, plus highly advanced, competitive residential subscriber systems being available to MACC area residents with superior technical quality and multiple PEG Access services. **Franchisees: Comcast and Frontier (Formerly Verizon Fios)**

Clackamas County, Oregon - CBG provides ongoing assistance to the County on a wide range of cable-related issues. This includes technical audit services as well as providing the County with all technical language in its franchises and participating in multiple negotiations with the providers. CBG has also completed multiple Community Needs Ascertainments for Clackamas County, including a cable-related needs assessment concerning the County's Comcast franchise. As part of these ascertainments, CBG reviewed the production, post-production and video transport environments of Clackamas Community College, North Clackamas and other school districts, Willamette Falls Community Access and the County's Government Channel, including assessing and making recommendations on migration to a high definition production environment. These portions of our project also included assessments through surveys and focus groups to better understand general residential community needs as well as needs as they relate to PEG Access. CBG then made recommendations to the County on what improvements or changes are needed to better serve the general public regarding access operations and programming within the County and cable TV service as a whole. Ongoing work currently involves support to the County related to system technical evaluations, needs assessments and reviewing the County's cable operators' compliance with requirements under the franchises. This also included assessment of compliance with FCC technical standards and requirements as well as compliance with EC and NESC codes. CBG has successfully assisted the County in increasing PEG Access support in all renewal franchises. Other provisions of the franchises include active public, K-12, higher education and government channels with the ability to add 1 additional channel and a second additional channel after the operator converts to an all-digital format. **Franchisees: Comcast, Frontier (Formerly Verizon Fios), Wave Broadband, Beaver Creek Telephone, Canby Telephone, Cascade Cable, Clear Creek**

Ramsey Washington Suburban Cable Commission (RWSCC) (Suburban St. Paul, MN area): CBG is currently working with the RWSCC on an updated needs assessment and technical audit. Prior to this, CBG completed a comprehensive Needs Assessment and System Technical Audit for the RWSCC and its 11 member cities. This project involved a variety of elements, including detailed analysis of existing, and projections of enhanced, advanced PEG facilities, a telephone-based residential community subscriber/non-subscriber survey, a community organization online survey, focused discussions with representatives from each one of the member cities, a residential and institutional network technical audit and review, and other tasks. **Franchisees: Comcast and CenturyLink**

In addition to these detailed examples of work performed by CBG, we have performed numerous other Technical Audits/Reviews for local governments in the recent past across the country. Additional examples can be provided on request.

REFERENCES

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* Additional references can be provided upon request.

COMPANY BACKGROUND

CBG Communications, Inc.

CBG Communications, Inc. (“CBG”) has three offices – one in the New York metropolitan area one in the Philadelphia area and one in St. Paul, Minnesota. The principals of CBG have worked in the Northeast and across the country on numerous projects related to cable television, subscriber system and I-Net technical audits, PEG Access and broadband needs ascertainment, review and evaluation, network design and many other cable-related subject areas. In fact, CBG’s principals have worked on cable, broadband, telecommunications and technology projects in New York and many other states, and the number continues to grow. Our decades of professional experience include work in large metropolitan areas, mid-size municipalities and rural communities.

CBG since 2001 (and via a predecessor company since 1994) has established a national reputation in cable television, technology and telecommunications matters. CBG has a proven track record of providing consulting services for public sector entities which produce effective results. CBG’s principal consultant, Tom Robinson, has had his work published, and he is a frequent speaker at regional and national NATOA (National Association of Telecommunications Officers and Advisors) Conferences. Mr. Robinson and CBG’s Senior Engineer, Dick Nielsen have been guest speakers at regional and national NATOA Conferences and local government seminars on the subjects of system performance and technical compliance review, system safety compliance audits and inspections, institutional networks, needs assessments, wireless services, communications technology, broadband network development, telecommunications planning, and other cable and telecommunications issues.

Tom has also spoken at local government seminars on the subjects of past performance and compliance review and community and local government video, voice and data applications of broadband communications networks, as well as at National League of Cities' seminars on local government issues emanating from the Telecommunications Act of 1996 and the relationship between telecommunications infrastructure and economic development.

Both Tom and Dick are professionals with decades of experience, performing technical audits, administering franchises, identifying cable related needs and interests, evaluating PEG Access facilities, performing technical audits and designing institutional networks. They have a clear understanding of the interplay between regulations, law, policy and technology, and are able to interpret and apply these in a way that advances the technological goals of the County within the parameters of broadband telecommunications networks and cable franchises.

CBG’s primary business is providing cable television and telecommunications consulting services to local government and other public-sector clients. During their professional careers, CBG’s principals have been involved with numerous cable television franchise, technical audit and telecommunications matters throughout the United States.

CBG has extensive local, regional and national experience in performing a variety of cable television, technology, and telecommunications review, assessment, analysis, survey, and other project tasks, negotiating with industry providers, meeting and working with local elected and

appointed officials and staff personnel, facilitating the activities of advisory committees (that include both public and private sector representatives) and making presentations to City and County Councils, Commissions, and Boards. Additionally, the principals are very knowledgeable about and stay current on governmental issues and regulatory matters. As such, they are regarded as experts by their peers.

CBG has the requisite experience in a wide range of cable television, broadband, telecommunications, technical and technology subject areas to effectively assist the County in its cable television and telecommunications-related processes. Specific expertise includes:

Cable Television

CBG and its team partner provide a wide range of services regarding cable television-related matters including, but not limited to, those listed below. CBG has provided and continues to successfully provide, many of these services to the county at this time.

System Technical Review - Evaluation of the current system, performance, analysis of upgrade scenarios and plans, infrastructure code compliance review, review of system technological components such as video origination transport methods and technologies, cable modem services, digital video services, video-on-demand, hybrid fiber coax (HFC), fiber-to-the home/premises (FTTH or FTTP) architectures, etc. In addition, these reviews focus on the system's ability to safely and reliably provide the services desired by subscribers today as well as the ability to evolve by adding new services in the future.

PEG (Public, Educational, and Governmental) Access Analysis - Ascertainment of PEG channel needs, including facilities and equipment, transport formats and technologies, subscriber network channel capacity, training and facilitation services, access group organization, content development, etc.

Franchise-Related Cable Regulatory Processes - Assistance with past performance and franchise compliance reviews, franchise administration and management, franchise development and both the formal and informal renewal processes, competitive cable system franchising, evaluation of cable operator proposals and qualifications, assistance in franchise and ordinance drafting, development of Request for Renewal Proposals (RFRPs), assistance in franchise negotiations, etc.

Institutional Network (I-Net) Development, Evaluation and Valuation - Ascertainment of I-Net needs, organizational video, voice and data communications applications, potential system architectures, audit, evaluation and valuation of current I-Net, etc.

Community Needs Assessment - Surveys of subscribers and non-subscribers, review of organizational needs, facilitation of focus groups, public forums and workshops, development of web-based surveys and forums, etc.

Telecommunications, Broadband and ROW Management

CBG and its team partners also have the requisite expertise and experience in a wide range of telecommunications subject areas to effectively assist the City with its administrative, regulatory, management, research, planning, and development processes, if so needed. These areas include:

Broadband Needs Assessment - Surveys of subscribers and non-subscribers of broadband telecommunications and cable services, review of organizational needs, facilitation of focus groups, public forums and workshops, goal setting sessions, development of web-based surveys and forums, etc.

Communications Infrastructure Planning and Development - Assistance with a wide range of network planning and development activities, including, broadband network feasibility and community needs assessment studies, video, voice, and data communications application review and implementation, development of public sector telecommunications infrastructure (including review and analysis of physical transport, architectures, aerial and underground construction methods and locations, etc.), development of local government-owned and common conduit policies and leasing plans, analysis of co-location and co-build requirements and strategies, inventories of telecommunications and other utility infrastructure, review of construction techniques (open street cuts, directional boring, saw-cuts, etc.), wireless communications site planning and evaluation, etc.

Wireless Broadband Planning and Development - Assistance with a wide range of planning and development activities specific to wireless infrastructure, including, wireless communications site planning and evaluation, lease charge development for access to public infrastructure, wireless broadband network feasibility and community needs assessment studies, wireless applications review and implementation, development of public sector wireless telecommunications infrastructure for a variety of internal and external services, inventories of wireless infrastructure, review and analysis of private provider applications, and review of the use of noncommercial AM/FM and television for government emergency information dissemination applications.

Telecommunications Regulatory Projects - Development of license, revocable permit and other forms of operating agreements for the provision of telephone, competitive access provider, competitive local exchange carrier and open video system services, review and analysis of both state and federal legislation and legislative initiatives, including assistance with legislator education and advocacy efforts on behalf of public sector interests.

Telecommunications Planning and Policy Development - Services include development of mechanisms to enhance universal access to basic and advanced telecommunications services, expansion of telecommunications service opportunities within the jurisdiction and surrounding region, facilitation of greater electronic access by the public to government and educational information and services, expansion and enhancement of g-commerce, e-commerce, and other Internet-based initiatives, review of privacy and security needs related to such information, review of the jurisdiction as both a user and provider of telecommunications services, development of right-of-way (ROW) management policies, procedures and requirements, development of compensation methods for telecommunications service provider use of the ROW, etc.

Master Rights-of-Way Management Ordinance Development - Services include development of provisions regarding the permitting process, licensing, ROW management procedures, construction and inspection requirements, ROW usage fee structures (including the provision of in-kind services), insurance, indemnification and bonding, service definitions and other critical issues.

CBG Principals' Biographies

The skills and qualifications for the CBG Principals are set forth below.

Richard R. Nielsen

Richard R. (Dick) Nielsen is CBG Communications, Inc.'s Senior Engineer and is based out of the Saint Paul, Minnesota office. Mr. Nielsen would perform much of the on-site portion of the project including field work, initial and follow-up work with the cable company engineers as well as report writing, code enforcement recommendations, and statistical projections.

Mr. Nielsen works as lead technical staff for CBG. His work includes cable, broadband and telecommunications system inspection design, application, development and review, cable television system performance audits, underground and aerial construction planning review and analysis, wireless and wireline data communication system and equipment planning, institutional network design, application development and performance review, as well as review and analysis of other technical issues.

Mr. Nielsen has performed system infrastructure inspections and performance audits in cities and counties across the country. Mr. Nielsen's findings are used to develop remediation plans by cable operators to bring systems more in line with pertinent safety Codes. A notable result is in Philadelphia where his inspection of 250 randomly selected addresses found 142 violations which projected to more than 250,000 violations Citywide. As a result of the findings in Philadelphia, Comcast agreed to a multi-million dollar remediation project as required by the City.

Prior to Mr. Nielsen joining CBG, he spent 19 years with AT&T Broadband and its predecessor companies. The last four were spent as the Institutional Network Manager. While managing, he was involved in a wide range of activities, including maintenance of institutional networks ("I-Net") representing over 20 franchise areas and over 1000 miles of coaxial, HFC and fiber optic plant, supervision of construction activities, designing new and upgrading existing I-Nets, budgeting for new and updated I-Nets, and activation of fiber optic nodes, power supplies, amplifiers, pilot generators and status monitoring systems. Mr. Nielsen regularly represented AT&T Broadband at various meetings relating to I-Net issues. He also worked closely with consultants in evaluating and designing upgrades to existing I-Nets.

For the 8 years prior to being I-Net Manager, Mr. Nielsen was the Technical Supervisor. He supervised 35 Maintenance Technicians and Service Technicians, implemented a plan to bring service levels up to NCTA and FCC standards, and was in charge of reporting all engineering and technical data for national reporting FCC testing and reporting and public files for CLI and Proof of Performance. Additionally, Mr. Nielsen spent 4 years as a Headend Technician and was

involved in designing, wiring and maintaining headends, hubs and antennas. He was on call 24 hours a day for problems related to headends. Mr. Nielsen's first 3 years were spent as a Maintenance Technician. He was responsible for maintaining HSN and I-Net plants, field testing of FCC CLI and Proof of Performance requirements as well as working on call (24/7) for outages and problems.

Mr. Nielsen began his career as a technician and installer for Best Vision SMATV and Muller Prybell. Formal education was received at Dakota County Technical College in its Cable Television Degree Program.

Thomas G. Robinson

Thomas G. Robinson is President and Owner of CBG Communications, Inc. and is based in the New York metropolitan area offices with some time spent in the Philadelphia, Pennsylvania office. Mr. Robinson would oversee the project while bringing his technical expertise and operational analysis experience to the project related to evaluating the findings and making recommendations concerning any corrections and modifications needed to the existing systems, and any future evaluation at the systems needed to provide state of the art cable communications going forward.

Mr. Robinson has worked with local governments all across the country on a variety of cable, broadband, telecommunications and ROW management projects, including: technical review; infrastructure issues; franchise monitoring, management, administration and compliance; needs assessment; wireless networking; broadband and telecommunications planning and policy development; institutional networks; Public, Educational and Governmental (PEG) access issues; competitive communications system reviews; cable television franchise renewals; ROW management regulations and ordinances, regulatory agreements and other matters. He is a frequent speaker at local government, telecommunications and technical conferences. Mr. Robinson has written numerous columns for *Communications Engineering & Design (CED)* magazine.

Prior to joining CBG, Mr. Robinson was, for seven years, Director of Technology Development for River Oaks Communications Corporation, where he worked with numerous local government clients on telecommunications and cable television projects. Mr. Robinson also served for 10 years as Chief of the Cable Regulatory Division of the Department of Consumer Affairs for Fairfax County, Virginia. While there, he was involved in a host of activities related to oversight of one of the nation's largest cable systems, including development, implementation and oversight of a comprehensive cable television system inspection and audit program. Prior to his work in Fairfax, Mr. Robinson was with Magnavox CATV Systems, Inc. (now part of Arris), where he worked first as a system designer and then in product management. While at Magnavox, he helped develop and market new amplification systems and products that paved the way toward today's high capacity cable systems.

Mr. Robinson began his career as an announcer, program director and operations engineer in radio and television at several radio stations in the Baltimore/Washington area and at the public broadcasting television and radio stations (WCNY-TV/FM) in Syracuse, New York.

He holds an M.S. in Telecommunications/Film from Syracuse University's S.I. Newhouse School of Public Communications and a B.A. in Mass Communications from Towson University where he graduated *Summa Cum Laude*.

Krystene Rivers

Krystene Rivers is a Research Associate for CBG Communications with a diverse background in research, accounting, project planning and executive management. Prior to joining the firm, Mrs. Rivers worked for over 18 years in various financial management and operations research and analytical positions with each career requiring a variety of diverse financial, technical and operational skills. Mrs. Rivers has worked in a variety of both large and small business environments from a partnership business to a large corporation. This experience has enabled Mrs. Rivers to contribute analytical and research experience into CBG's Needs Ascertainments, Broadband studies and related projects. Mrs. Rivers is currently responsible for communications research projects which include the gathering of key information associated with needs ascertainment, broadband studies, survey research and development data compilation and analysis and consumer issues. She is also a key component in the preparation of presentations and reports necessary for the provision of CBG's communications consulting services.

Carson Hamlin

Carson Hamlin received a B.A. degree in Technical Communications from Colorado State University. Mr. Hamlin worked for the Hewlett Packard Company for 12 years, eventually leaving HP's Interactive Television Network in Cupertino, California to return to Colorado. He is now the Government Channel Department Head and Cable Administrator for the City of Fort Collins, Colorado where he oversees all the technical aspects of analog/digital video communication, transition and migration for the City of Fort Collins and Larimer County, Colorado.

Mr. Hamlin has worked extensively as a Technical Director, both linear and non-linear editor, audio engineer and design engineer. His qualifications include video facility and system design, including the evaluation and purchasing of a variety of HD digital and other equipment used in cablecast and broadcast facilities, installation, training, integration of equipment, and troubleshooting. He has consulted with many communities and PEG Access organizations regarding the technical aspects of their PEG systems and equipment. His experience will contribute greatly to your project tasks.

Mr. Hamlin has participated in many NATOA conferences and on the Programming Committee, working closely with the San Diego County Multimedia Manager, Michael Russo. Mr. Russo is listed as an additional reference, specifically for Carson Hamlin, near the end of this SOQ.

Resumes Available Upon Request

PROJECT TIMELINE

Projects such as this one typically takes 3 - 6 months depending on the cooperation of the providers. It is critical that we work with the City to develop a work plan upfront that meets the City's franchise renewal needs while developing a relationship with the proper local contacts for each provider.

PROJECT COST

BASE PROJECT (TASK ITEMS 1 THROUGH 6)	
Scope Tasks	Cost
Base Project (Scope items 1 through 6)	\$32,000
Base Project Expenses	\$4,000
Base Project Total	\$36,000

OPTION #1 (BASE PLUS TASK ITEM 7)	
First Option (Scope Item 7)	\$2,800
First Option Expenses	\$300
Subtotal - First Option Total (Task Item 7)	\$3,100
OPTION #1 TOTAL - WITH BASE PROJECT	\$39,100

OPTION #2 (BASE PLUS TASK ITEM 8)	
Second Option (Scope Item 8)	\$800
Second Option Expenses	\$0.00
Subtotal - Second Option Total (Task Item 8)	\$800
OPTION #2 TOTAL – WITH BASE PROJECT	\$36,800

OPTION #3 (TASK ITEM 1 Through 8)	
Base Project (Scope Item 1-6)	\$36,000
Option #1 (Scope Item 7)	\$3,100
Option #2 (Scope Item 8)	\$800
OPTION #3 TOTAL PROJECT TASKS #1-#8	\$39,900

CBG will complete the Cable System Technical Reviews as shown above. Assumptions made in the pricing include performing tasks concurrently for both cable TV systems. For instance, the random sample inspection, detailed as Task # 1 above, will be performed on **both systems at the same time**. Performing this task at separate times for Altice and Verizon would significantly impact the pricing

shown above. The First and Second Options are based on additional hours and expenses needed to perform these tasks **while** performing the Base Project. Separate pricing can be developed to perform only these Options without the Base Project being conducted.

Personnel Hourly Professional Services Rates

The hourly rates for the personnel that will be involved in the Technical Review are as follows:

Tom Robinson (TR), Principal Consultant - \$175.00

Dick Nielsen (DN), Senior Engineer - \$175.00

Krystene Rivers (KR), Research Associate - \$50.00

Carson Hamlin (CH), Video Engineer/Media Integration Specialist - \$125.00

CONCLUSION

CBG appreciates the opportunity to provide the City of Rye, New York with this Proposal for Technical Review and Audit Consulting Services. We have the requisite expertise and national experience to competently, efficiently and expeditiously provide the services and results the City requires related to this Project.



CITY COUNCIL AGENDA

NO. 15

DEPT.: Boat Basin

DATE: November 8, 2017

CONTACT: George Hogben, Boat Basin Supervisor

ACTION: Two appointments to the Boat Basin Commission by the Council, for three-year terms expiring January 1, 2020.

FOR THE MEETING OF:
November 8, 2017
RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION: That the Council designate Robert November and George Szczerba as the individuals elected to serve on the Boat Basin Commission.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: Robert November and George Szczerba were elected to serve on the Boat Basin Commission for three-year terms ending January 1, 2020 (see attached results).

Current Committee Members

Expiration Date

Greg Gavlik, Chair	1-1-20
Brendan Doyle	1-1-20
Brendan Hartman	1-1-18
Matthew Malouin	1-1-20
Stephen Monaldo	1-1-20
Bob November	1-1-18
George Szczerba	1-1-18

October 17, 2017

City of Rye Boat Basin
650 Milton Road
Rye, NY
10580 United States of America

To Whom It May Concern:

The following election results are certified by Simply Voting to have been securely processed and accurately tabulated by our independently managed service.

Respectfully yours,



Brian Lack
President
Simply Voting Inc.

2018 Boat Basin Commission Election

Start: 2017-10-09 08:00:00 America/New_York

End: 2017-10-16 23:59:00 America/New_York

Turnout: 81 (26.6%) of 304 electors voted in this ballot.

Nominees

Option	Votes
George N. Szczerba	65 (57.0%)
Bob November	49 (43.0%)

VOTER SUMMARY

Total	81
Abstain	4 (4.9%)





CITY COUNCIL AGENDA

NO. 16 DEPT.: Police DATE: November 8, 2017
CONTACT: Michael C. Corcoran, Jr., Commissioner of Public Safety

AGENDA ITEM: Consideration of the proposed revisions to the Rules and Regulations of the City of Rye Police Department: General Order #103.8, General Order #104.3, General Order #110.1, General Order #115.4, General Order #117.09, General Order #117.1, General Order #118.1, General Order #118.5, General Order #118.7, and General Order #119.1.	FOR THE MEETING OF: November 8, 2017 RYE CITY CODE, CHAPTER SECTION
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------

RECOMMENDATION: Approval of a revision to ten (10) General Orders.

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

BACKGROUND:

- General Order #103.8 regarding the use of mobile notebook computers
- General Order #104.3 regarding the regulations for City of Rye Police Department uniforms
- General Order #110.1 regarding the handling, movement and treatment of persons in lawful physical custody
- General Order #115.4 regarding qualifications for police personnel as instructors
- General Order #117.09 regarding the deployment of All Terrain Vehicles (ATVs)
- General Order #117.1 regarding fiscal responsibility of the Police Department
- General Order #118.1 regarding responsibility for Police Department records
- General Order #118.5 regarding policy and procedure for complying with Court ordered sealing of records
- General Order #118.7 regarding compliance with NYS Freedom of Information (FOIL) Law
- General Order #119.1 regarding community relations

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 # 103.8		New []	Revised [X]
Supersedes: 103.8 issued 8/1/13			
Subject: Use of Mobile Notebook Computers			
Date Issued XXXX	Date Effective XXXX	Page 1 of 2	
Issuing Authority: Michael C. Corcoran, Jr., Commissioner of Public Safety			

PURPOSE

To establish policy and procedure to be followed by authorized department personnel for use of mobile notebook computers.

POLICY

Mobile Notebook Computers (MNC) are available to department personnel for use in most vehicles/vessels utilized by the Patrol Division.

An AirCard equipped MNC will be available to the Detective Division. It will be stored, on charge, in the designated storage area when not in use.

PROCEDURE

When assigned, MNC will be properly installed and locked in the appropriate docking station.

If the vehicle is not being used on the next tour of duty it will be the responsibility of the last user to shut down the computer. If the vehicle will be out of service for an extended period of time, it will be the responsibility of the last user to remove the MNC and place it in the designated storage area for charging.

Users will log the identification number of the MNC they are using on their Activity Sheet. Users will check that their MNC and components are working properly. Any deficiency will be immediately reported to the Tour Supervisor via departmental email and then exchanged for a properly working unit.

All transactions are logged by user ID. Each user will log on to the mobile system as themselves. No one will use another's log on ID.

Passwords are not to be changed by anyone except the System Administrator.

Users will not change any MNC system settings, other than screen brightness, sound and day/night mode color options in the CAD system, without the authorization of the System Administrator.

All eJustice Rules and Regulations apply for the use of the mobile eJustice interface.

Users are not to input data while driving.

When users leave computer equipped patrol vehicles, the vehicles will be locked and the view screen placed in a closed position.

MNC will be removed if the vehicle is dead lined for service by the officer who is placing the vehicle out of service.

CITY OF RYE POLICE DEPARTMENT

General Order #104.3	New []	Revised [x]
Supersedes: 104.3 issued 8/1/13		
Subject: Uniform Classifications		
Date Issued	Date Effective	Page 1 of 6
Issuing Authority: Michael C. Corcoran Jr., Commissioner of Public Safety		

PURPOSE

The purpose of this order is to outline the regulations for wearing the official City of Rye Police Department uniform, uniform accessories and authorized optional items not issued by the department.

BACKGROUND

Uniforms are important because of their impact on the public image of the department and the morale of its members. Distinctive uniforms which are properly worn and well cared for, project the image of an alert, responsive agency which takes pride in its work and role in the community.

POLICY

It is the policy of the City of Rye Police Department to issue distinctive uniforms to its employees, and to ensure the proper wearing of the uniform through an ongoing inspectional process. All members shall present a professional appearance while on duty, recognizing the fact that their appearance greatly enhances the image of the department. Officer safety is also paramount when establishing appearance standards.

**DRESS UNIFORM
(CLASS A)**

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

8-point cap
Long sleeved shirt with tie
Dress Trousers
Shined Shoes
White gloves
Equipment belt (leather, basket-weave design) with "Sam Browne" shoulder strap. White metal buckle for patrol officers; yellow metal buckle for detectives and above. Worn authorized holster, double magazine pouch on same side as holster, and handcuff case (worn on the back of belt).

**PATROL
UNIFORM**

To be worn by members performing patrol duty in uniform:

**WINTER
(Class B)**

Long sleeved embroidered shirt with or without turtleneck worn beneath shirt (Turtleneck may be worn without long sleeved shirt if worn under an outer garment)
Duty jacket (heavy or light weight) or "V"-neck military-style sweater
Duty trousers
Black shoes or boots, shined
Black gloves
Full equipment belt (leather basket-weave or black nylon design) without Sam Browne shoulder strap
8-point cap
Authorized concealable body armor
Optional: "Trooper" style winter hat may be worn between November and March
Optional: knit "ski" hat with department insignia may be worn when the temperature for the tour is expected to be below 32 degrees Fahrenheit and inclement winter weather (i.e., snow, sleet, freezing rain) is predicted by the National Weather Service
Optional: Body armor may be worn in authorized embroidered shirt style carrier
Optional: Black "baseball" style cap with department insignia

SUMMER
(Class B)

Long sleeved embroidered shirt
Duty jacket or "V"-neck military-style sweater
Duty trousers
Black shoes or boots, shined
Black gloves
Equipment belt (leather basket-weave or black nylon design) without Sam Browne shoulder strap
8-point cap
Authorized concealable body armor
Optional: Summer cap (with perforated frame)
Optional: Body armor may be worn in authorized embroidered shirt style carrier
Optional: Black "baseball" style cap with department insignia

SUMMER
(Class C)

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

Short-sleeved embroidered shirt
Duty trousers
Black shoes or boots, shined
Black gloves
Equipment belt (leather basket-weave or black nylon design) without Sam Browne shoulder strap
8-point cap
Authorized concealable body armor
Optional: 8-point summer cap (with perforated frame)
Optional: Black "baseball" style cap with department insignia
Optional: Body armor may be worn in authorized embroidered shirt style carrier

**ADMINISTRATIVE UNIFORM
(Class D)**

To be worn by members performing administrative duties in uniform:

WINTER:

No cap
Long sleeved embroidered shirt with or without black turtleneck
Duty trousers
Black shoes or boots
Optional: equipment belt (leather basket-weave or black nylon design) without Sam Browne shoulder strap
Optional: "V"-neck military-style sweater

SUMMER:

No cap
Short-sleeved embroidered shirt
Duty trousers
Black shoes or boots
Optional: equipment belt (leather basket-weave or black nylon design) without Sam Browne shoulder strap

**Specialized
Units:**

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

Bicycle Unit: Polo shirt/black bicycle pants or shorts, authorized navy/royal blue outer garment, nylon duty belt, black sneakers.
Optional: Body armor may be worn in authorized embroidered shirt style carrier
Officers assigned to the Bicycle Unit may wear the City of Rye Bicycle Unit patch on their uniform shirt/jacket.

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

Marine Unit: Polo shirt/blue BDU-style trousers or shorts, personal flotation devices (when on vessel), nylon duty belt, black "baseball" style cap with department insignia, black sneakers or appropriate footwear. Optional: tan polo shirt and tan BDU-style trousers or shorts during hot weather; navy blue windbreaker jacket; "firefighter"-style sweatshirt with regulation patches and embroidery. Officers assigned to the Marine Unit may wear the City of Rye Marine Unit patch on their uniform shirt/jacket.

Training Uniform

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

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

NOTE: Training Host Agency may require alternative attire for training.

Uniform Accessories

NAME TAGS - Silver for patrolmen, gold for detectives and above. They shall be worn/embroidered center and parallel with the stitching on the right front pocket flap.

R.P.D./RANK COLLAR PINS/EMBROIDERY - Silver for patrolmen, gold for sergeants and above.

SHIELD - Silver for patrolmen, gold for detectives and above. Shields will be worn/embroidered on the left side of the outer layer of clothing over the heart and above the pocket.

AWARDS - Awards may be worn above the shield

AMERICAN FLAG PINS - May be worn above all awards and shield.

ACCREDITATION PINS - May be worn above all awards and shield.

TIE CLASP - Silver for patrolmen, gold for sergeants and above. It will be worn centered between the shirt pockets.

HAT SHIELD/HAT BAND - Silver for patrolmen, gold for sergeants and above. The Shield shall be worn centered on the front of the hat.

SERGEANT CHEVRONS - Chevrons have three stripes, points up, and shall be worn on all shirt sleeves and jackets directly below the department patch.

SERVICE STRIPES - Service stripes, which denote length of police service, will be worn on the left sleeve of long sleeve shirts, dress blouse and uniform sweaters. They will be worn on the lower left sleeve, one inch above the upper cuff seam with the left edge of the stripe(s) centered on the department patch. One stripe will represent every four years of service.

WHITE DRESS GLOVES - Gloves may be worn at ceremonial occasions such as, award ceremonies, parades, funerals.

TURTLE NECKS - Turtle necks may be worn in lieu of long sleeve shirts. They must be worn with an outer garment other than the Dress Jacket (I.E. long sleeve shirt, winter jacket, windbreaker, and sweater). Turtle necks which have become frayed or stretched will not be worn. At no time shall turtle necks be as an outer most garment. Turtle necks will be black with RPD embroidered on the left of center neck area. Embroidered color will match rank.

PROTECTIVE TRAFFIC VESTS - The routine wearing of vests is not mandatory, however, while on duty, all sworn employees are strongly encouraged to wear their vest while on traffic duty.

PLAIN CLOTHES OFFICERS - Officers in plain clothes on high risk or preplanned events will wear a cover ID jacket with the word POLICE conspicuously marked on it.

BODY ARMOR "SHIRT STYLE" OUTER CARRIER - Officers may wear an outer carrier designed to look like department uniform shirt. Carrier must be embroidered to same standards as uniform shirt. A department uniform shirt must be worn under carrier to complete the "uniform shirt" image.

CITY OF RYE POLICE DEPARTMENT

General Order # 110.1		New []	Revised [X]
Supersedes: 110.1 issued 12/15/03			
Subject: Searching/Handcuffing/Transportation			
Date Issued XXXX	Date Effective XXXX	Page 1 of 8	
Issuing Authority: Michael C. Corcoran, Jr., Commissioner of Public Safety			

PURPOSE

The purpose of this order is to establish procedures for the City of Rye Police Department regarding the handling, movement and treatment of persons in lawful physical custody. Such policy will insure uniformity of performance, as well as establish the safety and security measures.

BACKGROUND

Transportation of persons in custody is a constant requirement and a frequent activity. There are two general time periods. The first is immediately after arrest when the arrestee is being taken for booking and holding or transfer to another facility. The second concerns the movement of prisoners from a detention facility, including that of the department, to court or another facility.

POLICY

It is the duty of all personnel involved in the transportation of prisoners to ensure the safety of arrested persons and their property, the safety of the general public, as well as the safety of other department personnel. Officers will at all times employ safeguards to limit escape.

PROCEDURE

A. Prisoner Searches

1. Every prisoner, prior to being transported, will be searched for weapons and contraband by the transporting officer. This search will include, but is not limited to:

- a. A pat down of all body and clothing surfaces.
 - b. A search of all clothing pockets, shoes, purses, etc., where a weapon or contraband could be readily accessible or concealed.
 - c. As a contemporaneous incident of a lawful custodial arrest of the occupant of a vehicle, the passenger compartment thereof will be checked for any possible weapons or devices which can be used to assault or otherwise facilitate escape.
 - d. Whenever assuming responsibility for a prisoner in the field, the receiving officer will conduct another search of the prisoner.
2. All prisoners will be searched by an officer of the same gender whenever possible. If this is not possible searches will be conducted using the back of the officer's hand over the prisoner's clothing. Searches in such cases will be conducted:
 - a. To avoid any appearance of impropriety.
 - b. With the utmost regard to decency and privacy.
 - c. In the presence of a Supervisor and/or other witness, if possible.

Under no circumstances will an officer engage in a strip search or a body cavity search of a prisoner of an opposite gender.

3. Any weapon, dangerous article or contraband found will be immediately secured and the Tour Supervisor notified. These articles will be placed in the appropriate evidence lockers in the patrol safe for safekeeping or as evidence. Other property of the prisoner will accompany him/her in a personal property bag. See G.O. 111.1.
4. Prisoners will be searched each time they come into the transporting officer's custody, including transport to and from court appearances, or from one facility to another.

B. Restraining Force

1. Officers will handcuff and double lock all prisoners with their hands behind their back and palms facing outward.

2. The officer may handcuff a prisoner with his/her hands in front, or utilize other appropriate restraining devices where the prisoner;
 - a. Is in an obvious state of pregnancy;
 - b. Has a physical handicap; or
 - c. Has injuries that could be aggravated by standard handcuffing procedures; **and**
 - d. The officer has received permission from the Tour Supervisor.
3. Prisoner restraint belts and ankle shackles (located in the patrol safe) may be utilized when any officer has knowledge that a particular prisoner is an escape risk or is violent tempered.
4. Prisoner restraint belts and ankle shackles (located in the patrol safe) will be utilized when transporting prisoners to and from court or holding facilities. The belts are buckled in the rear and the prisoners hands are handcuffed to the belt in the front thereby allowing the prisoner minimal movement and giving the officer added security during transport.
5. Handcuffs will be secured upon the wrists and adjusted so as to prevent the prisoner from slipping out, but not so tight as to cause injury.
6. For handcuffing a juvenile, known or believed to be under the age of 16 years, refer to G.O. 109.4.
7. **AT NO TIME will a prisoner be transported in a face down or prone position.**

C. Transport Vehicles

1. It is the responsibility of the transporting officer to see that the vehicle is inspected both before and after each transport to ensure that contraband and weapons are not present.
2. Prior to transporting prisoners, transport officers will ensure that the transport vehicle is operating properly and is mechanically fit.
3. Prisoners will be transported in the rear passenger's side seat of a caged vehicle. To prevent injury to handcuffed prisoners, in the event of an accident or emergency stop, seat belts will be used whenever

possible. If there is an assisting officer riding along, he/she will sit in the front of the transport vehicle.

4. Prisoners may be transported in uncaged vehicles only with the permission of the Tour Supervisor, Patrol Commander or Detective Commander.
5. In no case will a juvenile, known or believed to be under the age of 16 years, be transported with adult prisoners, 16 years of age or older. When practical, juveniles will be transported in unmarked vehicles.
6. When transporting prisoners of the opposite sex, notify headquarters immediately with:
 - a. Starting and arriving time checks.
 - b. Starting and arriving mileage.
 - c. Starting and arriving location.
7. When transporting prisoners of opposite genders in the Prisoner Transport Van, they will be segregated by gender in the van's dual passenger compartments.
8. When transporting a prisoner immediately after arrest from the arrest scene to police headquarters, one officer may be used. In all other situations the following guidelines will be used:
 - a. Prisoner Van - two officers
 - b. One prisoner - two officers - one car
 - c. Two prisoners - two officers - one car
 - d. Three prisoners - two officers - one car
 - e. Four to six prisoners - four officers - two cars
 - f. More than above, the same ratio will be used

D. Extended Prisoner Transport

1. During a long transport or extradition, transporting officers may allow for meals. Selection of the type of meal and the location of the eating facility will be random to diminish the likelihood of escape.
2. Prisoners will be afforded the use of toilet facilities only after the officer is satisfied that adequate security can be maintained.
3. Transporting officers will maintain proper supervision of prisoners at all times and will not lose sight of prisoners during transport.

4. Interstate transports will require the escort officer to have in his possession a properly executed governor's warrant or a properly executed waiver.
5. If transport is done by Common Carrier, officers will comply with the carrier's policy concerning prisoner transportation and the police officer carrying a firearm.

E. Special Transport Situations

1. Sick or Injured Prisoners:

- a. If a prisoner is physically or mentally handicapped and conventional means of transportation are insufficient, arrangements will be made with Rye EMS to provide non-ambulatory transportation. This will include, but may not be limited to, ambulance transportation, wheel chairs, crutches, etc.
- b. Any wheelchairs, crutches, and medication will be transported with, but not in the possession of, the prisoner. Prosthetic devices will be searched prior to transportation, but will remain with the prisoner.
- c. During non-ambulatory transportation an officer(s) will accompany EMS for security of the prisoner.
- d. Prisoners that require medical attention can be transported to a hospital in **New York State**, prior to being transported to headquarters, in a police transport vehicle or by Rye EMS, depending on the medical needs of the prisoner.
- e. Officers will render first aid, if it is necessary and will not compromise officer safety, to prisoners prior to transport.
- f. All officers dealing with prisoners who may have a communicable disease will be made aware of it.
- g. Prisoners taken to hospitals will be handcuffed prior to leaving. For no reason will the prisoner be left alone. If a doctor wants a private consultation with the prisoner, the prisoner will remain handcuffed and only a room that has one exit will be used. If this is not

possible, the officer transporting will be present in the room, regardless of any protest.

- h. If the prisoner is not admitted, normal arrest processing will be resumed.
 - i. In the event a prisoner must be admitted to the hospital, all necessary booking information will be ascertained and an appearance ticket will be issued. In the event an appearance ticket cannot be issued, the Tour Supervisor will be notified, and he will arrange for bedside arraignment by a Judge.
 - j. If after a bedside arraignment an arrestee is going to be held at the County Jail and requires hospitalization, the Tour Supervisor will oversee the below listed procedures:
 - i. Contact will be made with the Westchester County Jail Booking Supervisor advising him/her of the situation, as well as the name and telephone number of the attending physician.
 - ii. The Booking Supervisor will arrange to have a Corrections physician contact the attending physician to have the prisoner cleared for transport.
 - iii. The Booking Supervisor will then contact the City of Rye headquarters and advise as to where the prisoner should be taken (i.e. Jail, Medical Center, etc.).
 - iv. The City of Rye Police Department or an ambulance service will transport the individual to the designated facility. If an ambulance service is used, an officer will accompany the prisoner at all times.
 - v. The Booking Supervisor will be notified that the prisoner is en-route and given an estimated arrival time.
 - vi. Upon arrival at the pre-determined location, the Booking Supervisor will be contacted and advised the prisoner is present. Officer(s) will continue security of the prisoner until they are relieved by Corrections Officers.
 - vii. Unless extenuating circumstances exist, prisoners will be restrained while in transit from the hospital to Westchester County Facilities.
2. In the absence of a judicial decree prisoners will not be transported to visit a critically ill person,

attend a funeral or attend the reading of a will. In the event that a transport is required by a judicial decree, the transport will be conducted by the Westchester County Department of Corrections.

3. It is essential that any person subjected to maximum forms of restraint, and particularly those who display any signs of drug use, be closely monitored by officers for signs of excited delirium as per their training. If a prisoner exhibits signs of excited delirium and has been subjected to maximum forms of restraint, it is advisable for officers to seek medical attention for that individual.

F. Escape of Prisoners

1. In the event of a prisoner escape, the transporting officer will:
 - a. Immediately notify the desk officer of the incident
 - b. Provide the exact location, direction and manner of escape
 - c. Provide a description of the prisoner and any other pertinent information which will aid in recapture.
2. The desk officer will broadcast a hot line message to affected jurisdictions and request assistance as needed.
3. The desk officer will notify the tour supervisor.
4. Tour Supervisor will notify the Patrol Commander and coordinate a thorough search of the area of escape.
5. If the escape occurs in another jurisdiction, the Tour Supervisor will immediately notify the law enforcement agency of that jurisdiction.
6. The transporting officer(s) involved in the escape will prepare an incident report and detail the circumstances of the escape.
7. The Tour Supervisor will conduct an investigation into the circumstances of the escape and ensure that the necessary eJustice messages are originated.

G. Transporting Prisoners from Headquarters/County Jail to Court

1. Prior to transporting a prisoner(s) between police headquarters lock up and the County Jail, each prisoner will be searched by the transporting officer.
2. A prisoner in the police department's lock up will be taken from the cell area to the court facility using the back staircase and keeping to the transport ratio of this general order.
3. Prisoners transported from the County Jail to Police Headquarters will immediately be taken to the cell block, holding cell or prisoner bench and secured. The other officer will notify the court clerk of the arrival of prisoners.
4. Prisoners who will be returning to the jail will be secured in the holding area until all other prisoners are ready to return to the County Jail or immediately taken back if he/she is the only one.
5. Prisoners will be allowed to meet with their attorney in the cell block, holding cell, prisoner bench or courts designated area. Visits by any other person(s) is not allowed. Officers will maintain visual supervision of any prisoners at all times.
6. It is the responsibility of the desk officer to complete the Prisoner Transportation Record for each transportation trip made to and from a jail facility. The desk officer will also generate a call for service for the transporting officers.
7. Commitment orders are issued through the Court Clerk's Office. When an officer receives the commitment order he/she will print his/her name and shield number on the lower left hand corner of the order. It will be the responsibility of the officer receiving the order from the Court Clerk's Office to put the inmate's name in the red book on the proper bring back date.

H. Responding to Police Services During Transport

A prisoner transport will not be interrupted to render police services. Only in situations where there is grave and imminent danger to third parties and assistance can be rendered with a minimum of danger to the prisoner, may an officer stop a transport to render police service.

CITY OF RYE POLICE DEPARTMENT

General Order #115.4	New [] Revised [x] Supersedes: G.O. 115.4 issued 11/01/96	
Subject: Instructor Qualification		
Date Issued XXX	Date Effective XXX	Page 1 of 1
Issuing Authority: Michael C. Corcoran, Jr., Commissioner of Public Safety		

Selection and Assignment

1. From time to time, officers are selected to serve as instructors for our department or for the Westchester County Police Academy. Officers can be assigned by the department or on a voluntary basis.
2. Officers who wish to teach in any of the basic schools at the Police Academy or conduct in-service training for our department, **MUST** first apply for instructor certification.
3. An applicant for Department Instructor Certification **MUST** successfully complete the NYS DCJS Instructor Development Course (IDS) for General Topics Instructor.
4. Firearms Instructor Certification requirements differ from those previously stated. An applicant for Firearms Instructor Certification does not require IDS, but **MUST** have successfully completed a DCJS or FBI firearms instructor course.
5. Officers selected to become instructors are briefed at the Police Academy about the various methods of teaching and about the services that are available to them.
6. If you have an interest in becoming a Certified Department Instructor, prepare and submit a brief memorandum request through your immediate supervisor. The memorandum should indicate your interest and specify your qualifications.
7. These requests will be given consideration **WHEN** additional instructors are needed.

CITY OF RYE POLICE DEPARTMENT

General Order #117.09		New []	Revised [x]
		Supersedes: 117.09 issued 09/19/13	
Subject: Deployment of All Terrain Vehicles (ATVs)			
Date Issued 03/15/17	Date Effective 03/15/17	Page 1 of 2	
Issuing Authority: Michael C. Corcoran Jr., Commissioner of Public Safety			

PURPOSE: The Department has obtained several All-Terrain Vehicles (ATVs) through the Department of Defense Law Enforcement Supply Office 1033 program. The following guidelines have been established for their deployment and operation.

1. Deployment:

ATVs will be deployed only upon authorization of the Commissioner of Public Safety, Patrol Commander or tour supervisor. They will typically be used for special events and details. The ATV may be used during special events to provide efficient transportation of officers when incidents require. Incidents involving large expanses of land, such as searches and remote crime scenes, may also require the use of the ATV. Only members of the Department who have been authorized by the Commissioner of Public Safety or the Patrol Commander after successful completion of department ATV training will be permitted to operate the vehicles.

Non-bike patrol officers will wear their normal duty uniforms (long pants and choice of short or long sleeve shirt) while using ATVs. Bike patrol officers may wear bike patrol uniforms. The department training uniform may be authorized by the Commissioner of Public Safety, Patrol Commander or tour supervisor.

Appropriate safety equipment will be worn when operating the ATV. This includes, but is not limited to, protective eyewear, Department-issued multi-purpose bump helmet or approved DOT motorcycle helmet, appropriate footwear (boots that cover the ankle), and protective gloves. Under appropriate circumstances based on the nature of the assignment, when specifically authorized, a bicycle / bump helmet may be worn.

2. Operation:

ATVs are designated as off-road vehicles, and will be used on public roads only when necessary. ATV riders will operate at slow speeds and use due caution. Emergency equipment should be activated when responding to an emergency call. ATVs will not be used to pursue motor vehicles. ATV riding officers will not initiate felony traffic stops.

3. Pre-Ride Procedures:

Assigned officers will be knowledgeable of ATVs and the safety procedures associated with them. Prior to duty on an ATV, each officer must perform a pre-ride inspection of the ATV with particular attention to the following areas:

- **T** = Tires and Wheels (air pressure, condition, wheel bearings, lug nuts, etc.)
- **C** = Controls and Cables (location, operation, throttle, brakes, shifter)
- **L** = Lights and Electrics (Ignition switch, engine stop switch, light)
- **O** = Oil and Fuel (levels, vents, air filter, fuel supply valve)
- **C** = Chain/Driveshaft, Chassis and Suspension (free play, condition/lubrication/wear, bolts)

Any problems noted during the inspection will be reported to the Tour Supervisor. The ATV will not be operated if any condition exists which affects the safety of the unit or could cause damage to the vehicle if not repaired prior to operation.

4. Ride Procedures:

Officers will operate cautiously and bear in mind the potential environmental impact of the machine at all times when riding ATVs. This term means taking the environment, turf, grass around buildings, and land surface into consideration when operating an ATV. Use S.I.P.D.E. as your riding strategy and tread lightly.

- **S** = Scan and Search
- **I** = Identify
- **P** = Predict what will happen
- **D** = Decide what to do
- **E** = Execute the decision

Any non- professional operation of the ATVs (“horseplay,” intentional destruction of property/turf/trees, intentional destruction of the ATV, or reckless behavior) will not be tolerated, and can be grounds for disciplinary action.

In the event of an accident involving an ATV, the riding officer will notify the Tour Supervisor who will prepare an accident report in compliance with General Order #106.1; Accidents Involving a Police Vehicle.

5. Post-Ride Procedures:

At the end of duty, the officer operating the ATV will re-fuel as well as clean/rinse any dirt, dust, or mud collected during tour of duty. The ATV will then be returned to its designated storage area. All equipment used during deployment such as first aid, safety equipment or similar will be stored or replaced for future deployment readiness.

CITY OF RYE POLICE DEPARTMENT

General Order # 117.1	New []	Revised [X]
Supersedes: 117.1 issued 5/15/00		
Subject: Fiscal Responsibility		
Date Issued XXXX	Date Effective XXXX	Page 1 of 2
Issuing Authority: Michael C. Corcoran, Jr., Commissioner of Public Safety		

PURPOSE

The purpose of this order is to set forth guidelines related to budgeting, accounting, and fiscal control procedures that:

- Prevent budget discrepancies.
- Control the purchasing process.

PROCEDURE

A. Authority and Responsibility

The Commissioner of Public Safety for the City of Rye has the authority and responsibility for fiscal management of the agency. In order to accomplish the day to day management of the budget, he is assisted by the Lieutenants and the Department Accountant.

B. Accounting System

The agency's accounting system (MUNIS) is provided by the City Comptroller's Office.

The city's purchase order process requires that all purchase orders be authorized by the Commissioner of Public Safety, then entered into the accounting system by the Department Accountant, and prior to release, are then approved by the Comptroller and the City Manager.

C. Internal Monitoring System

Fiscal activities of the department will be monitored by the Finance Department, the Comptroller, and the Department Accountant. Finance will approve all vouchers and documents requiring payment, entered by the Department

Accountant, from any of the police department's budgeted line items.

The Commissioner and staff will be responsible to ensure that purchases are received and properly assigned for their intended use.

D. Collecting and Safeguarding Cash

1. See G.O. 109.3.
2. Parking Fines - parking fine monies will be accepted by the Parking Violations Vendor, not the Police Department.
3. Petty Cash - the Department Accountant will maintain the petty cash fund in a lock box. Petty cash will be used to cover out of pocket expenses such as postage, UPS shipping, and small articles which are needed immediately. The Department Accountant will maintain the hard copy receipts of expenditures and replenish the petty cash fund through the normal claim form process at the appropriate time during the course of the year. In the absence of the Department Accountant, the Commissioner of Public Safety will maintain the petty cash fund.
4. Fees:
 - a. Requests for copies of a non-criminal report requires a \$.25 per page fee which, when received by this department, will be the responsibility of the staff services person to turn said monies over to the City Comptroller's Office for accounting as these Funds are assigned to the General Fund of the city.
 - b. Good Conduct Certificates require a \$75.00 fee. When received by this department, this will be the responsibility of the Detective Division to turn said monies over to the City Comptroller's Office for accounting as these funds are assigned to the General Fund of the City.
 - c. Motor Vehicle Accident Reports are now available online through Carfax, a vendor, and requires a \$10.00 fee to be collected by the vendor. The vendor will submit a check to this department for the amount it has received. This department will then submit the funds to the City Comptroller's Office for the proper recording of the fees collected.

CITY OF RYE POLICE DEPARTMENT

General Order #118.1	New []	Revised [x]
Supersedes: 118.1 issued 05/01/15		
Subject: Department Records		
Date Issued	Date Effective	Page 1 of 3
Issuing Authority: Michael C. Corcoran Jr., Commissioner of Public Safety		

PURPOSE

To assign responsibility for the receipt, review, retention, retrieval and control of all written and/or electronic information and documents that pertain to the Department's operations.

BACKGROUND

The integrity, effectiveness, and quality of a law enforcement agency are all heavily dependent on its control of records and documents inherent to its various operations.

POLICY AND PROCEDURE

The Detective Division shall be specifically responsible for the acquisition, distribution, storage and retrieval of the following records:

1. Case Arrest Reports
2. Crime Reports - NIBRS
3. Intelligence Reports
4. Subpoenas
5. Orders of Protection and Affidavits of Service
6. Fingerprints - Electronically submitted
7. Evidence/Property inventory
8. Criminal History Files
9. Sealing Orders
10. Criminal Summonses and other legal processes (warrants, etc.)
11. Background Investigations of Applicants
12. Good Conduct Certificates
13. Handicap Permits

The Patrol Division Commander will be responsible for the acquisition, distribution, storage and retrieval of the following records:

1. Public Relations Documentation
2. Policies, procedures, directives and regulations

3. Schedule and roll call data
4. Overtime, Compensatory Time and Leave Requests
5. Sick Reports
6. Training Records
7. Complete inventory of Department Property
8. Firearms records
9. All Freedom of Information Requests

All Uniformed Officers must adhere to the following procedures when turning in daily reports:

1. All completed and reviewed reports/paperwork not electronically submitted must be placed in the locked report box, immediately or as soon as time permits.
2. All "Personal and/or Confidential" department related correspondence shall also be placed in the lock box for safekeeping.
3. All reports/paperwork must remain in the lock box until removed by records/staff services personnel or authorized personnel.
4. Any supervisor who comes across a report or other document which has not been saved, on a computer and server, shall ensure that the document is saved on a police department computer and server, as soon as possible.

All reports that are computer generated must be saved on a server within the department. These reports are also backed up and saved off-site. All calls for service will be automatically assigned a computer generated number.

The Youth Division shall be responsible for the acquisition, distribution, storage and retrieval of the following records:

1. All Juvenile Records

The Records Division shall be responsible for the acquisition, distribution, storage and retrieval of the following records:

1. Incident/Complaint reports, follow up reports
2. Property Inventories/Impounds
3. Accident Reports/Witness Statements
4. Vehicle & Traffic Summonses (TRACS)
5. Parking Summonses
6. City Code Violations
7. Inventory and order all forms used in patrol
8. Alarm permit files
9. Taxi Permits and Inspections
10. All DMV correspondence, confiscated DLIC/REG/Destruction of plates

The Office of the Commissioner of Public Safety will be responsible for the acquisition, distribution, storage and retrieval of the following records:

1. Fiscal Receipts
2. Personnel Records
3. Agency Budget Records
4. Central Correspondence Files
5. Compensation Cases
6. Emergency operation Center Files
7. Accreditation Files
8. Mutual Aid Agreements
9. Memorandums of Understanding

All records will retained in accordance with NYS Public Safety Emergency Services guidelines.

CITY OF RYE POLICE DEPARTMENT

General Order #118.5	New []	Revised [x]
Supersedes:118.5 issued 07/10/00		
Subject: Court Ordered Sealing of Records		
Date Issued	Date Effective	Page 1 of 2
Issuing Authority: Michael C Corcoran, Jr., Commissioner of Public Safety		

PURPOSE:

To establish policy and procedure for members of this Department to follow when complying with court ordered sealing, purging, and returning of criminal records to citizens pursuant to Sections 160.50 and/or 160.55 of the Criminal Procedure Law of New York State.

POLICY:

It is the policy of this Department to comply with all court orders to seal records that are in the custody of this Department.

PROCEDURE:

The Detective Division Commander or designee, upon receipt of a court order, pursuant to Criminal Procedure Law Section 160.50, 160.55 or 720.35 (2) adjudicated as Youthful Offender, will:

1. Search departmental files to determine if any fingerprints, photographs, photo proofs, negatives or general reports are on file. Any such documents generated from an unrelated action or proceeding are not to be affected by the order.
2. See that all photographs both digital and hard copies, as well as fingerprints taken of the defendant are destroyed.
3. See that all written records on file with the Department concerning the arrest or prosecution indicated by the court order are sealed in compliance with that order.

General Order #118.5 Page 2 of 2

All such records will be placed in a sealed envelope and such envelope will be placed in the designated sealed records cabinet in the Detective Division. Should the individual's case folder contain other records relating to other criminal actions or proceeding, such records are to remain available. Any references mentioned in those documents that refer to the case currently being sealed pursuant to the court order will be restricted. The Department's computerized records related to the court order will also be sealed as per software's guidelines.

4. In any case, where a particular report contains reference to more than one individual, the individual in the seal order will be sealed in our computerized records system and the case file will be sealed in compliance with the court order.
5. See that any records sealed pursuant to these procedures, only be made available to the person named in the order or to such person's designated agent. In addition, such records may be made available to:
 - a. A Prosecutor in any proceeding in which the accused has moved for any order pursuant to Sections 170.56 or 210.46 of the Criminal Procedure Law, or
 - b. A Law Enforcement Agency upon ex parte motion in any superior court, if such agency demonstrates to the satisfaction of the court that justice requires that such records be made available to it, or
 - c. Any State or Local Officer or agency with the responsibility for the issuance of licenses to possess firearms, when the accused has made application for such license.

CITY OF RYE POLICE DEPARTMENT

General Order # 118.7	New []	Revised [X]
Supersedes: 118.7 issued 5/15/00		
Subject: Public Information – Freedom of Information		
Date Issued XXXX	Date Effective XXXX	
Issuing Authority: Michael C. Corcoran, Jr., Commissioner of Public Safety		

PURPOSE

To ensure compliance with the New York State Freedom of Information Law by members of this Department.

POLICY

Every effort will be made to comply with all legitimate requests for access to agency records, or to deny such access, when necessary, in accordance with the Freedom of Information statute.

PROCEDURE

- All requests for records will be in writing (hard copy or electronically) in accordance with New York Public Officers Law.
- All requests for City of Rye Police Department records will pass through the City Clerk's office.
- For information on records requests, individuals will be directed to City Hall or the City of Rye website.

CITY OF RYE POLICE DEPARTMENT

General Order # 119.1	New []	Revised [X]
Supersedes: 119.1 issued 11/1/96		
Subject: Community Relations		
Date Issued XXXX	Date Effective XXXX	Page 1 of 3
Issuing Authority: Michael C. Corcoran, Jr., Commissioner of Public Safety		

PURPOSE

To inform all members of this department of the need to develop mutual respect and understanding between the police and the residents of the City of Rye.

POLICY

The City of Rye Police Department is committed to involving all members of the Department in a city wide community relations effort. This includes the need for each member of the Department to be aware of the mutual dependence of the Department and the community to maintain law and order and prevent crime.

PROCEDURE

A. Community Relations Function

1. The community relations function will be placed in both the Patrol and Detective Division.
2. Division Commanders will coordinate development, evaluation and maintenance of all activity reports of the community relations function.
3. A call for service will be generated for each completed community relations activity.
4. Evaluations of community relations programs will be conducted annually to determine their effectiveness and relevance.
5. It is the responsibility of the Patrol Commander to maintain liaison with all members to ensure a continuous integrated coordinated response to the

furtherance of the Department's community relations efforts.

6. It is the responsibility of each member of the City of Rye Police Department to promote good community relations, recognizing that actions and demeanor of members have a significant impact on the image of the Department as a whole.
7. In serving the public, each member will make his/her contact one that inspires respect and generates cooperation of the public.
8. The Department is committed to correcting actions, practices and attitudes that may contribute to community tensions and grievances.
9. The Department's objective is to create and maintain liaison with community groups and organizations. This includes exchanging information, identifying police service needs of the community, promoting citizen/police contacts, acquainting each other with mutual problems and encouraging action aimed at solving these problems.
10. Information obtained through contacts with community groups, organizations or individual citizens may:
 - a. Provide direction, development or modification of Department policies, procedures and programs
 - b. Educate citizens about the functions and operations of the City of Rye Police Department
 - c. Be used to obtain input from community groups to ensure that the Department policies and/or training reflects the needs of the community. Input will be obtained through various sources, including, but not limited to: the City Council, Chamber of Commerce, schools, religious organizations and association leaders
 - d. Be used to identify sources of conflict between the police and the community and to encourage efforts to resolve them. Training needs that are identified will be documented and forwarded to the Patrol Commander.

B. Programs

1. Public Information Programs - publicize department objectives, problems and successes through the annual report and public budget documents.

2. Community Relations Programs - meet with civic groups, school organizations, homeowners associations, crime watch groups and individuals to exchange information and convey information back to the department for development of other community relations programs, when necessary.
3. Crime Prevention Programs - provide citizens groups with information on making their families, homes and businesses more secure. Programs include, but are not limited to:
 - a. Burglary prevention
 - b. Personal security seminars
 - c. Crime victim's assistance programs
 - d. Neighborhood watch
 - e. Halloween safety programs
 - f. Establishment of additional programs and/or community groups when it is effective to do so
4. Adopt a School Program - liaison with school organizations, officials, staff and students in an effort to promote mutual respect and build trust with the youth of the community. The program may involve, but is not limited to:
 - a. Providing presentations on various topics related to public health and safety
 - b. Attending events and meetings
 - c. Routine visits to schools
 - d. Attending youth training schools and courses
5. Critical Alert Programs - will be used to notify and update subscribers via different forms of communication regarding emergencies, events and other conditions that impact the community
6. Social Media Programs - see G.O. 121.4.