

## **CITY OF RYE**

### **NOTICE**

There will be a regular meeting of the City Council of the City of Rye on Wednesday, July 13, 2011, at 8:00 p.m. in the Council Room of City Hall.

### **AGENDA**

1. Pledge of Allegiance.
2. Roll Call.
3. General Announcements.
4. Draft unapproved minutes of the regular meeting of the City Council held June 15, 2011.
5. Mayor's Management Report
  - WJWW update
  - Legal update
6. Presentation by the Government Policy & Research Committee on Revaluation.
7. Public Hearing on modifications to Special Permit Applications submitted by New Cingular Wireless PCS, LLC ("AT&T"): #TC010 for an existing wireless telecommunications facility on the roof top of 66 Milton Road and #TC013 for an existing wireless telecommunications facility at 350 Theodore Fremd Avenue.
8. Authorization for the City Manager to enter into an Intermunicipal Agreement with the Village of Rye Brook for a Flood Mitigation Project at Blind Brook Dam at Bowman Avenue.
9. Authorization for the City Manager to enter into an Intermunicipal Agreement with the Village of Mamaroneck to provide garbage and curbside pickup for Mamaroneck residents located in the Greenhaven section of Rye.
10. Continuation of Public Hearing to amend Local Law Chapter 76, "Dogs", Section 76-5, "Running at large prohibited" and Section 76-6, "When Leash Required", to establish regulations for the leashing of dogs at Rye Town Park.
11. Residents may be heard who have matters to discuss that do not appear on the agenda.
12. Consideration of proposed revision of the Rules and Regulations of the City of Rye Police Department.
13. Designation of one member to the Boat Basin Nominating Committee.

14. Resolution to transfer \$25,000 from contingency for the City of Rye share for Rye Town Park funding.
15. Bid Award for Automotive Parts and Machine Shop Services (Bid # 2011-04).  
Roll Call.
16. Miscellaneous communications and reports.
17. Old Business.
18. New Business.
19. Adjournment.

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The next regular meeting of the City Council will be held on Wednesday, August 10, 2011.

\*\* 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](http://www.ryeny.gov) under "RyeTV Live".

\* Office Hours of the Mayor on 7/13/11 will be held at 7:30 pm in the Mayor's Conference Room.



# CITY COUNCIL AGENDA

NO. 4

DEPT.: City Clerk

DATE: July 13, 2011

CONTACT: Dawn F. Nodarse

**AGENDA ITEM** Draft unapproved minutes of the regular meeting of the City Council held June 15, 2011, as attached.

**FOR THE MEETING OF:**

July 13, 2011

**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 June 15, 2011, as attached.

***DRAFT UNAPPROVED MINUTES*** of the  
Regular Meeting of the City Council of the City of  
Rye held in City Hall on June 15, 2011 at 8:00 P.M.

PRESENT:

DOUGLAS FRENCH Mayor  
RICHARD FILIPPI  
PAULA J. GAMACHE  
PETER JOVANOVICH  
SUZANNA KEITH  
CATHERINE F. PARKER  
JOSEPH A. SACK  
Councilmembers

ABSENT: None

1. Pledge of Allegiance

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

2. Roll Call

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

3. General Announcements

Announcements were made regarding various meetings, events and activities of Boards, Committees and organizations.

4. Recognition of Girl Scout Troop #2282

Girl Scouts from Milton School Troop #2282 made a presentation regarding their troop Bronze Project to clean up the pathway between Hewlett Avenue and the parking lot behind Dockside Deli. After the presentation, Certificates of Achievement were presented to troop members: Kaitlin Beechert, Martina Cappellano, Paige Carlisle, Isabel Castro, Maggie Develin, Juliann Groglio, Adele Harshbarger, Kristina Marchand, Elizabeth Olsen, Tessa Panero, Cameron Robson, Larysa Shelton, Nola Storey, Julia Walker and Rina Yamaguchi as well as their troop leader Anne Harshbarger.

5. Draft unapproved minutes of the regular meeting of the City Council held May 25, 2011

Councilman Filippi made a motion, seconded by Councilwoman Gamache and unanimously carried, to approve the minutes of the regular meeting of the City Council held on May 25, 2011.

6. Mayor's Management Report  
● Legal Update

Corporation Counsel Kristen Wilson reported on the following matters:

- *Mundinger v. Planning Commission* – Oral arguments were held before Judge Colangelo in Supreme Court, Westchester County in connection with this Article 78 proceeding. The record is now fully submitted and a decision is awaited.
- *Schubert v. City of Rye* – Lou Corsi, Esq. met with the Second Circuit staff attorney in connection with this matter. A response is due to the staff attorney by June 30<sup>th</sup>.
- *Hen Island* -- The City Manager and Corporation Counsel's Offices have been working with the County and Kuder Island Colony to address complaints that the City has received. The Kuder Island Board has met and will put the issues of covering water cisterns and implementation of environmentally friendly toilets (EFT's) to the shareholders for a vote in July. The Kuder Island Board may be coming to the Council with a proposal for a zoning change.

7. Presentation on City Financials by Scott Oling of the auditing firm of O'Connor, Davies, Munns & Dobbins, LLP

Scott Oling of the firm of O'Connor, Davies, Munns & Dobbins, LLP, presented the results of the City's annual external audit for the year 2010. He said the City submits its financial statement not as a regular governmental financial statement, but as a Comprehensive Annual Financial Report (CAFR), which is submitted to the Government Financers Officers Association (GFOA). The auditors have issued an Unqualified or "Clean" Opinion on the City's Financial Statement, which is the highest form of assurance that an auditor can provide to its client. Mr. Oling discussed the General Fund, which is the City's primary operating fund. For 2010 the City's revenues came in higher than anticipated and expenses lower than anticipated resulting in revenues exceeding expenses by \$662,000, which brought the City's total Fund Balance to \$10.5 Million. Mr. Oling also explained that the City's Fund Balance is the difference between assets and liabilities and noted the encumbrances against the Fund which bring the available funds or Undesignated Fund Balance to \$2.8 million or just under 10% of the General Fund Budget, an increase of approximately \$80,000 from 2009. Mr. Oling said that there will be a new standard in effect for the 2011 financial statements that will require a new presentation of Fund Balance in five new groupings of classifications.

City Manager Pickup said the report would be posted on the City website.

8. Presentation on City Financials by the City Manager and City Comptroller

City Manager Pickup said that the trends were not as positive in 2011 as in 2010. City Comptroller Gribbins said that at this point sales tax revenues are in line with budget and should

come in at the budgeted number. The first half payment for mortgage tax revenues has been received and is \$100,000 less than half of the budgeted amount which means that the second half payment must come in \$200,000 higher than the first half in order to meet budget. In regards to debt, Ms. Gribbins said the City issued \$3,534,000 of serial bonds on May 1, 2010 at an average interest rate of 3.45% that will be payable over the next 20 years. The amount the City can borrow under Council resolution as of the end of 2010 is only \$250,000, so it must now go to referendum in order to borrow. Financial advisors are not sure what impact the tax cap will have on borrowing and ratings and how debt will be scheduled into the tax cap. Expenses have been cut by reductions in staff and deferring of projects and the City is at the point where similar reductions and deferrals will not be seen again because projects are at the point where they can no longer be deferred. Expenses may hold at the 2010 level. City Manager Pickup said that major points of concern were Building and Vehicle Fund projects such as fleet vehicles which must be replaced, labor contracts which must be settled and the City's share of Rye Town Park costs. He added that 2011 is a transition year and the City must be cautious going forward with the demands building from the community for services.

9. Continuation of Public Hearing to establish the 2012 Budgeted Fees and Charges

The public hearing remained open from the previous Council meeting.

City Manager Pickup reported on two fees that the Council had inquired about. Alarm permit fees and Building Department fees charged to people who do work without a permit. He said the City's alarm fees are lower than some communities but higher than others and that the fees should not be so high that it will discourage people from using alarms. He said the Building Department fees charged for work done without a permit are to cover the administrative costs involved and are not a penalty.

The only member of the public commenting was *Bob Zahm, 7 Ridgewood Drive*, who suggested that false alarm fees for the School District should be waived and that Engineering Department fees for sidewalk maintenance and construction charged to residents who seek to maintain their own sidewalks should be eliminated. The Council suggested tabling the proposed fee increases regarding sidewalks pending a discussion of the sidewalk repair policy.

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

10. Resolution to adopt the 2012 Budgeted Fees and Charges

Upon closing the public hearing on fees and charges for 2012, a vote was taken to adopt the fees and charges as proposed, with the exception of the proposed fee changes for the Engineering Department, which will remain the same as in 2011.

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

**RESOLVED**, that the 2012 fees and charges, are hereby adopted:

FEE DESCRIPTION	2012
<b><u>ASSESSOR'S OFFICE</u></b>	
GENERAL	
Standard Photocopy Fee	
Letter/Legal per page	0.25
MAPS	
City Maps 3'x5"	15.00
Aerial Map	15.00
Drain & Sewer map from blueprints (blue on white)	60.00
Standard Tax Map	15.00
Tax index map (40"x64")	15.00
Topographical maps	60.00
<b><u>BOARD OF APPEALS</u></b>	
GENERAL	
Multi & Commercial Appeals	500.00
Single Family Appeals	300.00
Adjourned Applications	100.00
Revised Plans	75.00
<b><u>BUILDING</u></b>	
ELECTRICAL	
Electrical permits in existing building where a building permit is not required: for multiple residences, commercial or industrial buildings	100.00
Electrical Permits in existing buildings where a building permit is not required: for one & two family dwellings with contracts valued at \$500 or more	70.00
GENERAL	
Building Permits (1) - minimum fee	75.00
Building Permits (2) - add'l charge per \$1,000 est. work	16.00
Building Permit (3) - penalty for work begun without permit	1,000.00
Certificate for Commercial Buildings	175.00
Certificate of Occupancy: to be paid with application for building permit	100.00
Changes in Approved Plans	100.00
Demolition Permits - Commercial and residential structures	2,000.00
Demo Pmts - In-ground pools tennis crts detached garages	750.00
Demo Pmts - Sheds, above ground pools, pool decks, gazebo	200.00

New Certificate for old buildings	100.00
Search for Municipal Records / Pre-date letters	80.00
<b>PLUMBING</b>	
<i>Oil or gas heating permits in existing building w/o building permit required:</i>	
New heating equipment installation or replacement	100.00
Plumbing - No building permit required (min)	70.00
Plumbing - for each fixture above 5	5.00
Sewer or storm drain connection (per)	70.00
<b><u>CITY CLERK</u></b>	
<b>ALARMS</b>	
Alarms permit - Fire/Burglar	35.00
False alarm: 2nd call per annum	50.00
False alarm: 3rd, 4th call each per annum	100.00
False alarm: over 4 per annum	200.00
<b>FIRE PREVENTION</b>	
Explosive Inspection Fee	115.00
Fireworks Display (each)	750.00
Installation of liquefied petroleum gas	57.00
Place of assembly 100 or more people	115.00
Storage of Flammable liquids (permits & insp.)	115.00
Storage of lumber (in excess of 100,000 bd. ft.)	57.00
Storage of underground tanks <1100 gal.(permits & insp.)	57.00
Storage of underground tanks >1100 gal. (permits & insp.)	115.00
Welding & cutting	55.00
<b>GENERAL</b>	
Auctioneer	500.00
Birth Certificate	10.00
Blasting Permit	300.00
Cabaret	200.00
Christmas Tree Sale Refundable Bond	45.00
Christmas Tree Sales: Inspection	100.00
Code of the City of Rye	300.00
Code of the City of Rye - Supplement	60.00
Codes: Zoning	30.00
Coin operated Dry Cleaning Establishment	90.00
Coin operated Laundry: Establishment	90.00
Death Transcript	10.00
Dog License: Neutered Dog - Owner's Cost	14.00
Breakdown of Owner's Cost:	



City of Rye Fee	13.00
NYS Fee	1.00
Dog License: Non-Neutered Dog - Owner's Cost	22.00
Breakdown of Owner's Cost:	
City of Rye Fee	19.00
NYS Fee	3.00
Dog Redemption: with current license	10.00
Dog Redemption: without current license	25.00
Dry Cleaning Establishment	90.00
Debris Collection Container:	40.00
Filming: Private Property	450.00
Filming: Public Property (Maximum)	25,000.00
Filming: Public Property (Minimum)	1,600.00
Junk Merchant: Establish place of business	275.00
Junk Peddler	60.00
Laundromat	150.00
Marriage License	40.00
Marriage Transcript	10.00
Non-refundable Bid fee (per every \$50 of bid)	15.00-100.00
Other Pamphlet Codes	8.00
Peddler, Hawker, Solicitor	300.00
Sign posting @ Boston Post Road & Cross Street	35.00
Tourist Park or Camp App. 5 units or less	50.00
Tourist Park or Camp App. 6 units or less	10.00
Tourist Park or Camp license (per unit)	60.00
<b>MECHANICAL INSTALLATION LICENSE</b>	
Gas Heat	150.00
Oil Heat	150.00
<b>MISCELLANEOUS LICENSES</b>	
Bowling Alleys	90.00
Circus	90.00
Driving Range	90.00
Miniature Golf	90.00
Moving Picture House	90.00
Public Exhibition	90.00
Public Hall	90.00
Shooting Gallery	90.00
Skating Rink	90.00
Taxi Cab License	130.00
Taxi Driver License	75.00
Theater	90.00

<b><u>PARKING</u></b>	
Non-Resident Commuter (Includes Tax)	720.00
Resident Commuter (Includes Tax)	720.00
Merchant Parking (Non-Taxable)	410.00
Taxi Stall Rental (Plus tax)	700.00
Guest Parking Overnight (max. 14 days per night)	10.00
Replacement Sticker (without old sticker)	60.00
Replacement Sticker (with old sticker)	10.00
Resident All Day/All Night	684.00
Resident All Night	342.00
Special Permits (Theo. Fremd Lot)	n/a
Commuter Parking Waitlist Fee (Per Year)	50.00
Commuter Meters - Daily Rate (12 hours)	4.00
Paystation rate per hour	0.75
<b><u>PARKING VIOLATIONS</u></b>	
No Handicapped Permit (including NYS Surcharge)	150.00
Parking in Front of a Fire Hydrant	150.00
Beach Area Parking	75.00
Parking on the Street During the Snow Ordinance	75.00
Parking in a Crosswalk	75.00
<b><u>ENGINEERING</u></b>	
<b>GENERAL</b>	
Constructed or Replaced Curb	30.00
Constructed or Replaced Depressed Curb (min)	30.00
Constructed or Replaced Driveway (min)	30.00
Constructed or Replaced Sidewalks (min)	30.00
Construction Debris Containers (per day)	50.00
Street Obstructions, Storage of Materials, Operating Machinery, loading & unloading, scaffolding & bridging	100.00
Street Opening: Curbing-Asphalt/Concrete/Flag	180.00
Street Opening: Sidewalk Area-Asphalt/Concrete/Flag	180.00
Street Opening: Street Area-Asphalt	180.00
Street Opening: Street Area-Concrete	180.00
Street Opening: Test Holes (keyhole method) (each)	60.00
Street Opening: Unpaved Areas	180.00
Street Opening Permit Surcharge	175.00
Street Opening Public Service Fee (per LF, over 72 FT length)	2.50
Surface Water Control Application fee (Stand Alone)	150.00
<b>STREETS/SIDEWALKS</b>	
Construction Manhole/Catch Basin (min)	100.00

Driving Pipes (min)	50.00
Install Underground Tank/Vault (min)	100.00
Plumbing Connection to Structures:	
Manholes/Catch Basin (min)	30.00
Plumbing Connection to Structures:	
Sewer or Drain Line (min)	25.00
<b><u>FIRE</u></b>	
GENERAL	
Inspection Fee (per inspection)	135.00
Return Inspection	50.00
Tank Removal Inspection	100.00
<b><u>PLANNING</u></b>	
COASTAL ZONE MANAGEMENT	
Waterfront Consistency Review Application	825.00
GENERAL	
Copies of Subdivision or site plans - complete sets only (per sheet)	12.00
SITE PLAN REVIEW	
Informal review	675.00
Preliminary Application (up to 10 parking spaces)	985.00
Preliminary Application - Add'l charge per required parking space over 10 spaces	30.00
Modification or Extension of Preliminary Application	825.00
Final Application ( up to 10 parking spaces)	1,225.00
Final Application - Add'l charge per required parking space over 10	30.00
Modification or Extension of Preliminary Application	900.00
Inspection Fee (Fee + 7.0% cost of improvement)	550.00
Construction and Use without prior approval	2,730.00
Modification of Tree Preservation Plan by the City Planner	500.00
Tree Replacement, fee in lieu of	1,850.00
SUBDIVISION REVIEW	
Informal Review	450.00
Preliminary Application	825.00
Preliminary Application - Add'l charge per lot	390.00
Waiver of Preliminary Application - Add'l charge per lot	360.00
Modification or Extension of Preliminary Application	650.00
Final Application	1,120.00
Final Application - Add'l charge per lot	385.00

Modification or Extension of Final Application	675.00
Waiver of Penalty Application	550.00
Inspection Fee - 7% of cost of improvement plus \$50 per lot, or \$500, whichever is greater	550.00
Modification of Tree Preservation Plan by City Planner	500.00
Tree Replacement, fee in lieu of	1,850.00
Fee in lieu of Parkland - In trust-minimum (dollars per square foot of lot area)	
<i>R-1 One Family District</i>	0.14
<i>R-2 One Family District</i>	0.25
<i>R-3 One Family District</i>	0.35
<i>R-3 One Family District (Floodplain)</i>	0.25
<i>R-4 One Family District</i>	0.40
<i>R-4 One Family District (Floodplain)</i>	0.25
<i>R-5 One Family District</i>	0.49
<i>R-5 One Family District (Floodplain)</i>	0.25
<i>R-6 One Family District</i>	0.57
<i>R-6 One Family District (Floodplain)</i>	0.25
<i>RT Two-Family district (1 and 2 Family Residence)</i>	0.57
<i>RS School &amp; Church District (1 Family Residence)</i>	0.35
<i>RA-1 District (1 Family Residence)</i>	0.57
<i>RA-1 District (2 Family Residence)</i>	0.41
<i>RA-2 District (1 Family Residence)</i>	0.57
<i>RA-2 District (2 Family Residence)</i>	0.49
<i>RA-3 District (1 and 2 Family Residence)</i>	0.57
<i>RA-4 District (1 and 2 Family Residence)</i>	0.57
<i>B-1 Business District (1 and 2 Family Residence)</i>	0.57
Apportionment Application	650.00
Construction and Use without prior approval	2,730.00
RE-ZONING APPLICATIONS	1,120.00
WETLANDS/WATER COURSES	
Application Fee	985.00
Inspection Fee	550.00
Appeal of Determination	550.00
Extension of Prior Approval	600.00
Outdoor Dining Fee	500.00
<b><i>POLICE</i></b>	
GENERAL	
Auxiliary Police Services Event Fee	200.00
Defensive Driving Course	50.00
Fingerprinting Fees	100.00

Good Conduct Certificates	75.00
Mooring Permits (per permit)	150.00
Police report copies (per copy)	0.25
Redemption of Shopping Carts	50.00
Reprints of Photographs	30.00
Subpoena Fees for Records (min)	30.00
<b>LOCAL ORDINANCE</b>	
Failure to shovel snow after a storm	50.00
<b><u>PUBLIC WORKS</u></b>	
<b>GENERAL</b>	
Collection of bulky metals at curbside (minimum)	35.00
Collection of bulky waste in excess of 2 cubic yards (min)	35.00
Penalty for amounts not paid within 60 days	25.00
Penalty for amounts not paid within 90 days	25.00
Add'l penalty for amounts not paid if collection by levy is required	25.00
<b><u>RECREATION</u></b>	
ATHLETIC FIELD USE SURCHARGE (per person/per prog)	15.00
<b>BUILDING FEES</b>	
Auditorium (per hour)	100.00
Other Rooms (per hour)	75.00
Auditorium: Non-Profit/Co-Sponsor Rate (per hour)	75.00
Other Rooms: Non-Profit/Co-Sponsor Rate (per hour)	50.00
New Multi Purpose Room (4 Hours)	575.00/675.00
Birthday Party: Basic Program (two hours)	200.00/300.00
Private Party: Other rooms (each)	475.00/575.00
Maintenance Coverage (per hour) Full-time	50.00
Maintenance Coverage (per hour) Part-time	35.00
Alcohol Permit Fee	50.00
Security Deposit (Refundable)	100.00
<b><u>RECREATION</u></b>	
ATHLETIC FIELD USE SURCHARGE (per person/per prog)	15.00
<b>BUILDING FEES</b>	
Auditorium (per hour)	100.00
Other Rooms (per hour)	75.00
Auditorium: Non-Profit/Co-Sponsor Rate (per hour)	75.00
Other Rooms: Non-Profit/Co-Sponsor Rate (per hour)	50.00
New Multi Purpose Room (4 Hours)	575.00/675.00
Birthday Party: Basic Program (two hours)	200.00/300.00

Private Party: Other rooms (each)	475.00/575.00
Maintenance Coverage (per hour) Full-time	50.00
Maintenance Coverage (per hour) Part-time	35.00
Alcohol Permit Fee	50.00
Security Deposit (Refundable)	100.00
INDOOR RECREATION	
Daily Fees (resident & non-resident)	5.00/10.00
OUTDOOR RECREATION	
All day field permit (10am-6pm)	700.00
Field permit (2 hrs.)	200.00
Field/Facility Use - Basketball - Outdoor lights (2hrs)	160.00
Softball - Men's Adult (per team)	360.00
Softball - Woman's Adult (per team)	315.00
PICNIC	
Non-profit/Police/Fire	50.00
Refundable Deposit (Part of Fee)	50.00
Weekday Picnic ( 4-Dark)	165.00
Resident: 10-50	Omit
Up to 75 (Resident/Non Resident)	200.00/300.00
Resident: 51-100	Omit
75 to 150 (Resident/Non Resident)	400.00/500.00
Resident: 101-150	Omit
Weekday Discount	Omit
TENNIS	
Permit - Adult (19 & over)	110.00
Permit - Family (max. 5)	285.00
Permit - Individual (non-resident)	220.00
Permit - Junior (6-13 /14-18 years)	60.00
Permit - Senior (60+)	75.00
Clinic - Adult Tennis (4 classes)	\$90/115
Clinic - Youth Tennis (4 classes)	\$80/\$90
Daily Fee (resident only)	13.00/7.00
Guest of Permit Holder - Hourly fee	13.00/7.00
Private lessons: Per half hour	38.00
Private lessons: Per hour	52.00
Non-Resident Senior	145.00

ROLL CALL:

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

The Resolution was adopted by a 6-0 vote.

11. Presentation by the Shared Roadways Committee on prioritized master projects to facilitate biking and walking safety

Maureen Gomez and Steve Cadenhead, co-chairs of the Shared Roadways Committee, said the Committee had been asked to evaluate and recommend opportunities for improving roadways for cyclists and pedestrians in order to make the roads safer and more enjoyable and encourage people to walk rather than drive. They said they worked closely with the City Manager and City Planner, consulted with user groups, discovered policy issues that must be addressed and provided recommendations framed by budget issues. Their presentation included recommendations for:

- (1) Capital projects for inclusion in the City's Capital Improvement Plan (CIP) that include: sidewalks; crosswalks; Forest Avenue; Theodore Fremd/Purchase/Purdy Intersection; Metro North Station; Loudon Woods embankment wall; Eve Lane easement; Five Corners intersection; and the Fireman's Memorial traffic circle;
- (2) City Council action such as: adoption of a Complete Streets Policy with a Complete Streets Advisory Board; designation of certain routes as priority shared corridors; reevaluation of the sidewalk and crosswalk policies, and looking into "smart parking" technology.
- (3) Education and awareness programs such as: Safe Routes to Schools programs; Walking School Buses; and Pedestrian Safety programs for school children and adults.
- (4) Funding opportunities to pay for the capital projects such as grants, bonding or reallocating funds from other projects.

Ms. Gomez and Mr. Cadenhead suggested that the City Council hold a workshop to further discuss the recommendations put forth by the Committee and that the presentation made at this meeting be posted on the City website. They also urged the City Council to make the Shared Roadways Committee a permanent City Committee.

*Jim Amico, 350 Midland Avenue, and Robert Zahm, 7 Ridgewood Drive, who also serve on the Shared Roadways Committee, offered their compliments to Ms. Gomez and Mr. Cadenhead. Mr. Zahm noted that there was no mention in the Committee's draft report on changing the City's snow removal policy, which he hoped would be included in the final draft. Gerry Seitz, 141 Kirby Lane, spoke in favor of the suggestions to make the Committee permanent and to explore "smart parking" technologies.*

12. Continuation of Public Hearing to amend Local Law Chapter 76, “Dogs”, Section 76-5, “Running at large prohibited” and Section 76-6, “When Leash Required”, to establish regulations for the leashing of dogs at Rye Town Park

Mayor French said that the City had asked the Rye Town Park Commission to clarify a policy already in existence requiring dogs to be on leashes after 9:00 a.m. in order for the City Code to be amended to be consistent with that policy. He said there is a need for the City Code to be consistent with the policy in order to enforce it. *Linda Wells, 27 Radcliff Avenue*, asked if the City Council was required to adopt the proposed local law endorsing that policy and said she believed there were many members of the community who believe dogs should be leashed but they are not as vocal as the dog owners. The public hearing was held open until the next meeting and people interested in the policy were urged to attend the next Rye Town Park Commission Meeting on June 21<sup>st</sup>.

13. Public Hearing to amend Local Law Chapter 167, Section 167-9, “Procedures for street openings”, subsection D, “Fees”, to remove the setting of fees from the Local Law

City Manager Pickup said this was a clean-up situation with the Code in order to remove the fee that will now be included as one of the fees annually established by the Council. Corporation Counsel Wilson said that the proposed law would also change the permit issuing department from the Clerk’s Office to the Engineering Department.

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

No one from the public wished to speak on the proposed local law.

Councilwoman Gamache made a motion, seconded by Councilman Filippi and unanimously carried, to close the public hearing.

Councilwoman Gamache made a motion, seconded by Councilman Filippi to adopt the following local law:

**CITY OF RYE  
LOCAL LAW NO. 3 2011**

**A Local Law to amend Rye City Code Sections 167-9 “Penalties Procedures for street openings” Section D “Fees” to remove the fees from the local law and to change the permit issuing department.**

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

**Section 1. §197-9**

**D. Fees.**



No permit for a street opening shall be issued by the City Engineer until the applicant shall have first paid to the City Engineer, in cash or by check payable to the City of Rye:

- (1) A deposit to be determined as provided hereunder and as set forth in the fee schedule; and
- (2) A fee as set forth in the fee schedule or 10% of the amount of the deposit, whichever shall be greater, except that whenever a permittee has filed a bond in lieu of a deposit, in accordance with Subsection F of this section, said fee shall be established on a per linear foot basis of street opening measured along the length of the street opening or the fee as set forth in the fee schedule, whichever shall be greater. No fee shall be charged to a public service corporation for the installation or relocation of poles. Said fee is to cover the cost of issuing and recording the permit and the supervision and inspection of the work done in connection therewith; and
- (3) A surcharge for each street opening permit. The surcharge shall be set annually by the City Council as set forth in the fee schedule.
- (4) Test holes (keyhole openings). The fee for test holes is set forth in the fee schedule.

**Section 2. This local law will take effect immediately on filing in the Office of the Secretary of State.**

ROLL CALL:

AYES: Mayor French, Councilmembers Filippi, Gamache, Parker and Sack

NAYS: None

ABSENT: Councilmembers Jovanovich and Keith

The local law was adopted by a 5-0 vote.

14. Residents may be heard who have matters to discuss that do not appear on the agenda

*Jim Amico, 350 Midland Avenue*, distributed photos to the Council of equipment left on his street by a construction company doing work in the area and said that situations such as this must be addressed because there are safety issues.

*Maureen Gomez, who said she was representing residents of Rye Gardens*, spoke about site line issues due to the back up of cars in the southbound lane of Boston Post Road waiting to enter the Osborn School parking lot. She said there has been one accident and several near

misses in the area and there is growing concern from residents trying to see northbound traffic from the southbound side. She said that maybe a portion of the Diet must be undone to aid sight line distances and added that this is a problem that the School District should also be involved in solving. *Bob Zahm, 7 Ridgewood Drive*, said the Diet was supposed to be reexamined in a year and now might be the time to do it in order to take the next step to improve safety, including actions to be taken by the School District.

*Ray Tartaglione* spoke about Hen Island and said the proposed solutions for Hen Island approved by the Kuder Island Colony Board as reported earlier by Corporation Counsel Wilson will not address the issues of mosquitoes and potable water. He said he believes that the Board is convincing the City that they should be allowed special treatment rather than being required to meet Code. He suggested that special consultants should be hired at Kuder Island's expense to advise them as to how to fix the problems.

15. Resolution to transfer \$25,000 from Contingency to Engineering services for design fees for Capital Projects

Councilman Jovanovich made a motion, seconded by Councilwoman Gamache, to adopt the following Resolution:

**WHEREAS**, City staff has determined that the amounts required for design fees for Capital Projects including Sonn Drive/Boston Post Road Intersection Improvement follow-up and the design for permanent improvements at Palisades Road and Midland Avenue that were not anticipated and were not provided for in the adopted 2011 budget by \$25,000, and,

**WHEREAS**, the General Fund Contingent Account has a balance of \$225,000, now therefore, be it

**RESOLVED**, that the City Comptroller is authorized to transfer \$25,000 from the General Fund Contingent Account to the Engineering Services Account.

ROLL CALL:

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

The Resolution was adopted by a 7-0 vote.

16. Consideration to set a Public Hearing for August 10, 2011 regarding a change to the zoning district designation of the 1051, 1037, and 1031 Boston Post Road properties from the B-1 Neighborhood Business District to the B-2 Central Business District and Change

the parking district designation of 1031 Boston Post Road from the “C” to the “A” Parking District

City Planner Christian Miller said there is a planning rationale for the proposed zoning change based in part on the 1985 Master Plan and 2007 Central Business District Plan. The proposal would increase the development opportunities on the properties adjacent to City Hall in anticipation of a sale of 1037 Boston Post Road.

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

**WHEREAS**, the Council wishes to amend amend the “Parking Districts Map” and the “Zoning Map” of the City of Rye, New York for the Purpose of Expanding the “A” Parking District and the “B-2” Central Business District and to Amend the Table of Permitted Main Uses in the B-2 Central Business District to Allow Dwelling Units of the First Floor for Properties Located on Boston Post Road; and

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

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

Section 1. Pursuant to Section 20 of the Municipal Home Rule Law and the Charter of the City of Rye, New York, a public hearing will be held by the Council of said City on August 10, 2011 at 8:00 P.M. at City Hall, Boston Post Road, in said City, for the purpose of affording interested persons an opportunity to be heard concerning such proposed local law.

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

**PUBLIC NOTICE  
CITY OF RYE**

Notice of Public Hearing of a Local Law to amend the “Parking Districts Map” and the “Zoning Map” of the City of Rye, New York for the Purpose of Expanding the “A” Parking District and the “B-2” Central Business District and to Amend the Table of Permitted Main Uses in the B-2 Central Business District to Allow Dwelling Units of the First Floor for Properties Located on Boston Post Road.

Notice is hereby given that a Public Hearing will be held by the City Council of the City of Rye on the 10<sup>th</sup> day of August, 2011 at 8:00 P.M. at City Hall, Boston Post Road, in said City, at which interested persons will be afforded an opportunity to be heard concerning a proposed local law to amend the “Zoning Map” of the City of Rye, New York to change the zoning district classification to the B-2 Central Business District for three contiguous properties located at 1051, 1037 and 1031 Boston Post Road; amending the “Parking Districts Map” of the City of Rye, New York to change the classification to the “A” Parking District for a property located at 1031 Boston Post Road; and to amend the B-2 Central Business District Table of Permitted Main Uses to allow dwelling units on the first floor for properties having frontage on the Boston Post Rd.

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

Dawn F. Nodarse  
City Clerk

Dated: July 29, 2011

**BE IT FURTHER RESOLVED**, that the proposed amendment to the Zoning Code of the City of Rye is hereby referred to the Planning Commission of the City of Rye and the Westchester County Department of Planning; and

**BE IT FURTHER RESOLVED**, that the City Council hereby declares its intent to be Lead Agency under SEQRA in connection with the proposed local law.

17. Bid Award for the Annual Street Resurfacing contract (Bid #2011-01)  
Roll Call.

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

**RESOLVED** that Contract #2011-01, Annual Street Resurfacing, is hereby awarded in the amount of \$312,280.60 to ELQ Industries, the low bidder whose bid meets the specifications.

ROLL CALL:

AYES: Mayor French, Councilmembers Filippi, Gamache, Jovanovich,  
Keith, Parker and Sack

NAYS: None

ABSENT: None

The Resolution was approved by a 7-0 vote.

Bid Tab

Contract No. 2011-01 – Annual Street Resurfacing Contract

Contractor	Contractor's Bid	Engineer's Check	Dollar Amount Above Low Bid	Position
ELQ Industries	\$316,300.00	\$312,280.60	\$0.00	1
PCI Industries	\$367,475.00	\$367,475.00	\$55,194.40	2
Petrillo Contracting	\$370,000.00	\$370,000.00	\$57,719.40	3
Bilotta Construction	\$385,078.00	\$385,078.00	\$72,797.40	4
Morano Brothers	\$412,312.00	\$412,312.00	\$100,031.40	5

18. Bid Award for the Kirby Lane Extension Sanitary Sewer contract (Bid # 2011-02)  
Roll Call.

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

**RESOLVED** that Contract #2011-02, Kirby Lane Extension Sanitary Sewer, is hereby awarded in the amount of \$467,330.00 to ELQ Industries, the low bidder whose bid meets specifications.

ROLL CALL:

AYES: Mayor French, Councilmembers Filippi, Gamache, Jovanovich, Keith, Parker and Sack

NAYS: None

ABSENT: None

The Resolution was adopted by a 7-0 vote.

Bid Tab

Contract No. 2011-02 – Kirby Lane Low Pressure Sanitary Sewer Extension

Contractor	Contractor's Bid	Engineer's Check	Dollar Amount Above low bidder	Position
ELQ Industries	\$467,330.00	\$467,330.00	\$0.00	1
Bilotta Construction	\$545,811.80	\$545,811.80	\$78,481.80	2
Cassidy Excavating	\$572,214.26	\$572,214.16	\$104,884.16	3
Joken Construction	\$740,895.00	\$740,895.00	\$273,565.00	4
Montesano Bros. Inc.	\$899,000.00	\$899,003.98	\$431,673.98	5
NDL Associates	\$969,495.00	\$969,495.00	\$502,165.00	6
Morano Brothers	\$1,050,000.00	\$1,050,000.00	\$582,670.00	7

19. Bid Award for the Intersection Reconstruction at Purchase Street and Locust Avenue contract (Bid # 2011-03)  
Roll Call.

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

**RESOLVED** that Contract #2011-03, Intersection Reconstruction at Purchase Street and Locust Avenue, is hereby awarded in the amount of \$192,200.00 to Contech Construction Technologies, the low bidder whose bid meets specifications.

ROLL CALL:

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

The Resolution was adopted by a 7-0 vote.

Bid Tab

Contract No. 2011-03 – Purchase Street and Locust Avenue Intersection

Contractor	Contractor's Bid	Engineer's Check	Dollar Amount Above Low Bid	Position
Contech Construction Technology	\$192,200.00	\$192,200.00	\$0.00	1
ELQ Industries	\$224,162.00	\$224,162.00	\$31,962.00	2
Petrillo Contracting	\$269,490.00	\$269,490.00	\$77,290.00	3
Coppola Paving and Landscaping	\$357,322.00	\$357,322.00	\$165,122.00	4

20. One appointment to the Rye Cable and Communications Committee for a three-year term expiring on January 1, 2014, by the Mayor with Council approval

Mayor French made a motion, seconded by Councilwoman Keith and unanimously carried, to appoint Kate Conn to the Rye Cable and Communications Committee for a three-year term expiring on January 1, 2014.

21. Miscellaneous Communications and Reports

Councilwoman Keith reported that the Sustainability Committee has been researching different initiatives and will report to the Council in July.

22. Old Business

Councilman Filippi asked when discussions would be scheduled on the Tree Ordinance and water runoff. City Manager Pickup said the discussion on the Tree Ordinance would probably be in the Fall. Mr. Filippi also asked for an update on the Central Avenue Bridge. Mr. Pickup said there have been issues with the Department of Environmental Conservation (DEC) regarding contaminated soils. These issues are being worked on and will have to be included in the bid package.

23. New Business

Councilman Filippi asked if the proposed zoning changes discussed earlier could be referred to the Finance Committee.

24. Adjournment

There being no further business to discuss Councilman Filippi made a motion, seconded by Councilwoman Keith and unanimously carried, to adjourn the meeting at 11:57 p.m.

Respectfully submitted,

Dawn F. Nodarse  
City Clerk



# CITY COUNCIL AGENDA

NO. 5

DEPT.: City Council

DATE: July 13, 2011

CONTACT: Mayor Douglas French

**AGENDA ITEM:** Mayor's Management Report

**FOR THE MEETING OF:**

July 13, 2011

**RYE CITY CODE,**

CHAPTER

SECTION

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

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

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

- WJWW Update
- Legal Update





# CITY COUNCIL AGENDA

NO. 6

DEPT.: City Manager's Office

DATE: July 13, 2011

CONTACT: Scott D. Pickup, City Manager

**AGENDA ITEM:** Presentation by the Government Policy & Research Committee on Revaluation.

**FOR THE MEETING OF:**

July 13, 2011

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:**

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**

A presentation will be made by members of the Government Policy & Research Committee on the consideration of proposing Revaluation.

See attached.

**DRAFT**

# Assessment and Revaluation

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Presentation to Rye City  
Council - July 13, 2011

Government Policy and Research  
Committee

Susan Jansen, Pat McGunagle,  
Lizza Reyes-Clark, Matthew Thomas

# Assessment and Revaluation

## Introduction

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- Property taxes are the most important source of revenue for the City and the Schools - 53% of the City budget and about 90% of Rye City Schools budget
- NYS law requires property taxes to be levied on tax assessments that accurately reflect fair market value

# Assessment and Revaluation Background - Westchester

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- Most municipalities last conducted full assessments in the late 1960's - early 1970's
- Rye conducted its last assessment in 1972
- Only 3 municipalities (Rye Town, Pelham and Bronxville) have conducted revaluations in the last 13 years
- Currently, three municipalities (Mamaroneck, New Castle and Scarsdale) are in the process of conducting revaluations

# Assessment and Revaluation

## What is an assessment?

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- Property assessments are based on current market values
- Assessments are done by the City Assessor - Noreen Whitty
- The assessor estimates the market value of real property using a number of accepted techniques
- NYS does not require assessments to be listed at fair market value. Most Westchester municipalities carry their assessments at a small percentage of current market value. Rye, for the current assessment roll, is 2.16%.

# Assessment and Revaluation

## Determining Taxable Assessment Value

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- Every parcel must be assessed, but not every parcel is taxable
  - Government and religious organization owned property is generally exempt
  - Home owners are entitled to various partial exemptions: STAR, Veteran's, Senior Citizen's
- 2009 - 4,894 parcels in Rye
  - 4,253 parcels with exemptions (~76%)
  - \$1,940,730 equalized value of all exemptions

# Assessment and Revaluation Property Tax Grievance Process

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- Owners can discuss with the Assessor before June 1 when the Tentative Tax Roll is filed
- After June 1, Assessment Complaint forms may be filed up to the third Tuesday in June when the Board of Assessment Review meets.
- If an owner is dissatisfied, they may file with Westchester Supreme Court (certiorari claims)
- Owner-occupied 1,2,3 family properties are eligible for Small Claims Assessment Review (SCAR)

# Assessment and Revaluation

## Rye City Today - Claims and Settlements

	<u>2000</u>	<u>2005</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>
<b>Grievance Filings</b>	54	115	239	293	408
<b>Small Claims Assessment Review (SCAR)</b>	3	13	45	102	150
<b>Combined Total Grievance &amp; SCAR</b>					
<b>Assessed Value Reduction:</b>	\$159,150	\$161,520	\$596,010	\$1,183,115	\$1,172,808
<b>City Tax Rate</b>	<u>78.05</u>	<u>122.39</u>	<u>137.38</u>	<u>139.52</u>	<u>140.87</u>
<b>City Tax \$\$</b>	\$12,422	\$19,768	\$81,880	\$165,068	\$165,213
<b>Certiorai Claims Settled</b>		3	7	6	7
<b>Refunds Paid</b>		\$64,781	\$724,892	\$331,328	\$201,003



# Assessment and Revaluation

## Re-valuation experience in Westchester

	<u>Pelham</u>	<u>Rye Town</u>	<u>Bronxville</u>
<b>Date of Revaluation</b>	1998	2004	2007
<b>Parcels</b>	3,376	10,523	1,615
<b>Years since last reval.</b>	27 years	37 years	39 years
<b>Cost of revaluation*</b>	\$250,000 /	\$1,000,000 /	\$650,000 /
<b>Per parcel cost</b>	\$100	\$91	\$402
<b>Grievance experience (approx)</b>			
<b>Initial</b>	400	1,000	300
<b>Current</b>	115 ~ 120	800	80
	(80 - 90 commercial)		

\* Cost of initial revaluation, subsequent costs are in the \$100,000 to \$150,000 range for Bronxville and Rye Town spent about \$360,000 for its most recent reval.

# Assessment and Revaluation

## Measuring Equity - COD

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- Coefficient of Dispersion (COD) - a statistical measure that indicates how consistently property is being assessed within a specific area.
- In Westchester, 2010 Residential COD's range from 22.96 (Mt. Vernon) to 7.23 in White Plains
- Rye City Residential 2010 COD was 14.12, up from 11.30 in 2009 and 11.42 in 2008
- Suggested tolerances are <15% for non-homogenous properties by IAAO and <10% by NYS.

# Assessment and Revaluation Pros and Cons

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## Reasons to Reval

Equitable distribution  
of property taxes

Transparency

Lower leakage costs  
Reduced grievances

Reduction in  
Equalization volatility

Bond ratings

## Considerations

Time & expense

Support for County  
wide reval efforts

Temporary increase  
in grievances

Temporary taxpayer  
unhappiness

# Assessment and Revaluation Summary

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- As Rye has not revalued in 39 years, inequities certainly exist.
- Tax grievance and SCAR claims are increasing at a rapid rate, costing the City time, effort and money as many get settled rather than defended.
- As measured by the COD, Rye City is currently within tolerable limits.
- Revaluation is a complex and expensive process that takes years to complete.



# CITY COUNCIL AGENDA

NO. 7

DEPT.: Corporation Counsel

DATE: July 13, 2011

CONTACT: Kristen K. Wilson, Esq.

**AGENDA ITEM:** Public Hearing on modifications to Special Permit Applications submitted by New Cingular Wireless PCS, LLC ("AT&T"): #TC010 for an existing wireless telecommunications facility on the roof top of 66 Milton Road and #TC013 for an existing wireless telecommunications facility at 350 Theodore Fremd Avenue.

**FOR THE MEETING OF:**

July 13, 2011

**RYE CITY CODE,  
CHAPTER  
SECTION**

**RECOMMENDATION:** That the Council set a public hearing.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** New Cingular Wireless PCS, LLC ("AT&T") is seeking approval to modify two existing wireless telecommunications facilities within the City. One is located on the roof of the Blind Brook Lodge located at 66 Milton Road; the other is located at 350 Theodore Fremd Avenue.

The application was reviewed by the Board of Architectural Review (BAR) and consultant.

See attached.

June 14, 2011

Via Hand

Mayor French and Members of the City Council  
& Chair Carmen Aguilar and Members of the Board of Architectural Review  
c/o Mr. Vincenzo Tamburro  
City Hall  
1051 Boston Post Road  
Rye, New York 10580

Re: New Cingular Wireless PCS, LLC ("AT&T") Site Q73  
Antenna and Equipment Upgrades at Existing AT&T Site  
Premises: 66 Milton Road, Rye, New York  
Tax Map Designation: Section 146.11, Block 1, Lot 73

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Dear Mayor French, Chair Aguilar and Members of the City Council and Board of Architectural Review:

On behalf of our client, New Cingular Wireless PCS, LLC ("AT&T"), we respectfully submit this application and its enclosures in furtherance of the original application submitted on April 5, 2011 for minor modifications proposed by AT&T to upgrade its existing wireless telecommunication facility located at 66 Milton Road, and in response to the City Council's referral of this application at its April 27, 2011 meeting to the Board of Architectural Review for review and recommendation. These upgrades are in furtherance of AT&T's Long Term Evolution "LTE" deployment and the provision of enhanced services to the public.

Prior AT&T Approvals

AT&T was previously granted special permit approval by the City Council as incorporated in CC Case No. TC 010 and was issued a Building Permit #P0512521 for the existing facility. The zoning approval was for panel antennas mounted on the cupola of the existing building and associated unmanned equipment cabinets on the rooftop of the existing building.

Proposed AT&T Upgrade

AT&T proposes to add three (3) new panel antennas to the exterior of the existing cupola. Remote radio head units will be installed inside the cupola and additional fiber and coax cables will be routed inside the existing cable trays on the roof. An additional receive only Global Positioning Satellite ("GPS") antenna will be installed on the existing equipment platform railing along with two small cabinets (24"x 23" x 27"). None of these upgrades will be readily visible to the public given the treatment applied to the antennas to replicate a brick color scheme. All of these minor modifications are consistent with the prior issuance of a special use permit to AT&T by the City Council and will have a *de minimus* visual impact on the community.

Application Materials

Accordingly, AT&T submits fifteen (15) copies of the following documentation in support of its modification application:

- (A) City Telecommunications Special Permit Application Form;
- (B) Copy of AT&T's Prior Approvals;
- (C) Structural Letter, prepared by URS Corporation, dated January 18, 2011, which concludes the existing building can structurally accommodate AT&T's proposed antenna modifications;
- (D) RF Exposure Analysis, prepared by Bechtel Communications, dated April 28, 2011, evidencing that the maximum power density from the proposed antennas is well below the maximum permissible exposure limit established by the FCC;
- (E) Photosimulations of existing conditions and proposed modification.

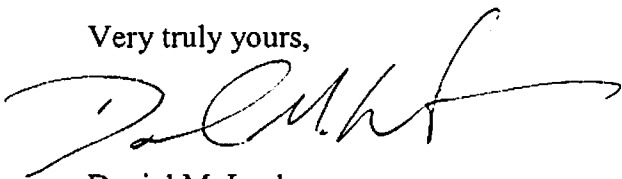
In addition to the forgoing, we also enclose fifteen (15) sets of half size drawings prepared by URS Corporation, last revised February 1, 2011 for ease of reference and in consideration of resource management and municipal storage space. Full size drawings were previously submitted with the original application.

SEQRA & Waiver Requests

This minor upgrade to AT&T's existing wireless facility site is exempt from SEQRA as a Type II action. See 6 NYCRR Section 617.5(c)(7) and NYSDEC guidance on pg. 31 of the Department's SEQRA Handbook. As such, no environmental assessment form or SEQRA action is required for review. Additionally, given the minor nature of the upgrade, AT&T continues to request that waivers for all but the above information be granted pursuant to Section 196-5U and V of the City Code.

Thank you for your understanding of this request on behalf of our client and please do not hesitate to contact me.

Very truly yours,



Daniel M. Laub

Enclosures

cc: Joseph Sweet, AT&T (w/out enclosures)  
Michael Gerard, AT&T (w/out enclosures)  
Doug Gardner, Bechtel (w/enclosures)  
Bernard Morgan, Bechtel RF (w/out enclosures)  
Joe Falivene, URS Corporation (w/out enclosures)



June 14, 2011

By Hand

Mayor French and Members of the City Council  
& Chair Carmen Aguilar and Members of the Board of Architectural Review  
c/o Mr. Vincenzo Tamburro  
City Hall  
1051 Boston Post Road  
Rye, New York 10580

Re: New Cingular Wireless PCS, LLC ("AT&T") Site NYNYNY0868  
Antenna and Equipment Upgrades at Existing AT&T Site  
Premises: 350 Theodore Fremd Avenue, Rye, New York  
Tax Map Designation: Section 146.0, Block 1, Lot 62.2

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Dear Mayor French, Chair Aguilar and Members of the City Council and Board of Architectural Review:

On behalf of our client, New Cingular Wireless PCS LLC ("AT&T"), we respectfully submit this application and its enclosures in furtherance of the original application submitted on April 8, 2011 for minor modifications proposed by AT&T to upgrade its existing wireless telecommunication facility located at 350 Theodore Fremd Avenue, and in response to the City Council's referral of this application at its April 27, 2011 meeting to the Board of Architectural Review for review and recommendation. These upgrades are in furtherance of AT&T's Long Term Evolution "LTE" deployment and the provision of enhanced services to the public.

Prior AT&T Approvals

AT&T was previously granted special permit approval by the City Council on April 15, 1998 for the existing facility on the roof of this commercial building along I-95. The zoning approval incorporated nine (9) panel antennas mounted on the penthouse of the existing building and associated unmanned equipment cabinets within an equipment room in the penthouse of the existing building.

Proposed AT&T Upgrade

AT&T's existing facility consists of only six (6) panel antennas mounted on the penthouse despite having been approved for nine (9). AT&T proposes to add the remaining three (3) panel antennas in the originally approved location on the penthouse as well as a receive only Global Positioning Satellite ("GPS") antenna. Remote radio head units will also be installed on the existing penthouse facility. In addition, AT&T will add new fiber and coax cables inside the existing cable tray and additional equipment will be installed inside the existing equipment area. None of these upgrades will materially change the existing facility and its limited visibility to the public. All of these minor modifications are consistent with the prior issuance of a special use permit to AT&T by the City Council.



Application Materials

Accordingly, AT&T submits fifteen (15) copies of the following documentation in support of its modification application:

- (A) City Telecommunications Special Permit Application Form;
- (B) Copy of AT&T's Prior Approval Resolution;
- (C) Structural Letter, prepared by URS Corporation, dated January 18, 2011, which concludes the existing building can structurally accommodate AT&T's proposed modifications;
- (D) RF Exposure Analysis, prepared by Bechtel Communications, dated May 18, 2011, evidencing that the maximum power density from the proposed antennas is well below the maximum permissible exposure limit established by the FCC;
- (E) Photosimulations of existing conditions and proposed modification.

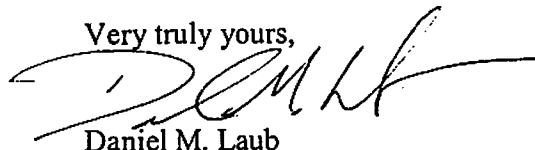
In addition to the forgoing, we also enclose fifteen (15) sets of half size drawings prepared by URS Corporation, last revised March 10, 2011 for ease of reference and in consideration of resource management and municipal storage. Full size drawings were previously submitted with the original application.

SEQRA & Waiver Requests

This minor upgrade to AT&T's existing wireless facility site is exempt from SEQRA as a Type II action. See 6 NYCRR Section 617.5(c)(7) and NYSDEC guidance on pg. 31 of the Department's SEQRA Handbook. As such, no environmental assessment form or SEQRA action is required for review. Additionally, given the minor nature of the upgrade, AT&T continues to request that waivers for all but the above information be granted pursuant to Section 196-5U and V of the City Code.

Thank you for your understanding of this request on behalf of our client and please do not hesitate to contact me.

Very truly yours,



Daniel M. Laub

Enclosures

- cc: Joseph Sweet, AT&T (w/out enclosures)  
Michael Gerard, AT&T (w/out enclosures)  
Doug Gardner, Bechtel (w/enclosures)  
Jung Lee, Bechtel (w/out enclosures)  
Bernard Morgan, Bechtel (w/out enclosures)  
Joe Falivene, URS (w/out enclosures)



# CITY COUNCIL AGENDA

NO. 8

DEPT.: City Manager's Office

DATE: July 13, 2011

CONTACT: Scott Pickup, City Manager

**ACTION:** Authorization for the City Manager to enter into an Intermunicipal Agreement with the Village of Rye Brook establishing maintenance protocols and responsibility for the operation of a mechanical sluice gate at the Blind Brook Dam at Bowman Avenue.

**FOR THE MEETING OF:**

July 13, 2011

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** That the Mayor and Council authorize the City Manager to enter into the Intermunicipal Agreement with the Village of Rye Brook for a Flood Mitigation Project at Blind Brook Dam at Bowman Avenue.

**IMPACT:**  Environmental  Fiscal  Neighborhood Other:

**BACKGROUND:** The City of Rye and the Village of Rye Brook proposed modifications to the City-owned Bowman Avenue Spillway to provide flood mitigation for properties located along Blind Brook downstream of the existing spillway. Properties in both the City and Village sustained significant damage as the result of two major floods in March and April 2007. In response to those events the City engaged consulting engineers WSP-Sells to consider alternative flood management strategies for Blind Brook. The sluice alternative was deemed to be the most cost-effective.

See attached.

This **AGREEMENT** (“Agreement”) made this \_\_\_\_\_ day of \_\_\_\_\_,  
2011, by and between

**CITY OF RYE**, a municipal corporation of the State of New York, having an office and place of business at the Rye City Hall, 1051 Boston Post Road, Rye, New York 10580 (hereinafter referred to as “the City” or as “Rye”)

and

**VILLAGE OF RYE BROOK**, a municipal corporation of the State of New York, having an official place of business at the Village Office, 938 King Street, Rye Brook, New York 10573 (hereinafter referred to as “the Village” or as “Rye Brook”).

**WHEREAS**, in order to work cooperatively in the process of addressing flood control opportunities in the Blind Brook watershed, and,

**WHEREAS**, pursuant to a December 17, 2008 joint application (the “Joint Application”) for Westchester County Flood Action Program funding for the installation of Sluice Gate at the Bowman Avenue Spillway, and,

**WHEREAS**, an additional agreement for funding was approved for a NYS CAP grant in the amount of \$400,000 to be administered by the Dormitory Authority on November 18, 2009, and,

**WHEREAS**, an additional agreement dated (April 28, 2000) was also approved between the County of Westchester and the City of Rye with the Village of Rye Brook as a project partner for up to \$1,083,550, and

**WHEREAS**, at the April 14, 2009 meeting of the Rye City Council, a resolution was adopted pursuant to the State Environmental Quality Review Act (“SEQRA”) adopting a Negative Declaration for the Joint Application, and

WHEREAS, previously, at the March 10, 2009 Rye Brook Village Board meeting, a negative declaration was adopted, and

**WHEREAS**, the Rye Brook share of the Joint Application is \$136,710 and requires the adoption of a inter-municipal agreement for the maintenance of the sluice gate structure as defined by the classification of the Bowman Spillway as a Class B “intermediate hazard” dam as defined by NYS Department of Environmental Conservation Regulation Part 673,

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

**The City’s Responsibilities**

- 1) The City shall construct, maintain and operate a Sluice Gate at the Bowman Avenue Spillway site as required by this Agreement made between the Village and the City.
- 2) The Sluice Gate shall be operated in accordance with the terms and conditions stated by Schedule “A” of the said Agreement, dated \_\_\_\_\_. A copy of Schedule “A” is annexed hereto and made a part hereof.
- 3) The City shall comply with all applicable federal, state and local laws, rules and regulations and shall fully perform all duties and obligations to maintain the structure in proper working order.
- 4) The City of Rye will complete the installation and accept the operation of the Sluice Gate at Bowman Avenue and, after acceptance of same, bill the Village for up to \$136,710. The Village accepts the obligation to pay within 30 days of notification of amount due.

5) In the event that the City receives a notification from the County, NYS CAP or any other source, that might affect the ability of the City to meet the grant funding as obligated, the City shall immediately inform the Village by the best available means and shall also, within three business days, inform the Village in writing, as to the status of the project funds provided.

6) The City agrees: (a) that except for the amount, if any, of damage contributed to, caused by or resulting from the negligence of the Village, the City shall indemnify and hold harmless the Village, its officers, 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 errors, omissions or unlawful or negligent acts hereunder by the City or third parties under the direction or control of the City; and (b) to provide defense for and defend, at its sole expense, such claims, demands or causes of action directly or indirectly arising out of this Agreement, as described in subsection (a) above, and to bear all other costs and expenses related thereto.

**The Village's Responsibilities**

7) Acting in accordance with the terms and conditions stated by Schedule "A" annexed, the Village shall not interfere with the operation of the Sluice Gate at the Bowman Avenue Site.

8) The Village shall have the right to inspect records kept by the City concerning the operation and maintenance of the mechanical device at Bowman Avenue.

9) The Village shall comply with all applicable federal, state and local laws, rules or regulations and shall cooperate with the City in every reasonable way for the

purpose of assisting the City to comply with the said Agreement made between the Village and the City.

10) The Village Agrees: (a) that except for the amount, if any, of damage contributed to, caused by or resulting from the negligence of the City, the Village shall indemnify and hold harmless the City, its officers, 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 errors, omissions or unlawful or negligent acts hereunder by the Village or third parties under the direction or control of the Village; and (b) to provide defense for and defend, at its sole expense, such claims, demands or causes of action directly or indirectly arising out of this Agreement, as described in subsection (a) above, and to bear all other costs and expenses related thereto.

11) **Term:** The term of this Agreement shall commence on \_\_\_\_\_, 2011 and shall continue unless terminated as hereinafter provided.

A) The removal of the mechanical sluice gate by the City, this Agreement will be deemed to have been terminated automatically within twenty (20) days after the City has informed the Village of the removal of the sluice gate. Agreement may be terminated at any time by mutual agreement of the parties or, for any reason, upon thirty (30) days written notice by either party to the other party.

C) Upon termination, all payments owing to the City shall be immediately due and payable by the Village.

12) **Assignment and Subcontracting:** Any purported delegation of duties or assignment of rights under this contract by either party without express written consent of the other party is void. Neither party may subcontract any part of its work or duties under this contract without express written consent of the other party.

13) **No Discrimination:** The parties shall not discriminate against any person on the basis of age, race, creed, color, national origin, sex, disability, genetic predisposition or carrier status, or marital status in the performance of this Agreement.

14) **Notices:** All notices of any nature referred to in this Agreement shall be in writing and sent by registered or certified mail postage pre-paid, to the respective addresses set forth below or to such other addresses as the respective parties hereto may designate in writing:

To the City:

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

with a copy to:

City Engineer  
Department of Public Works  
141 Oakland Beach Avenue  
Rye, New York 10580

To the Village:

Village Manager  
Village of Rye Brook  
983 King Street  
Rye Brook, New York 10573

or to such other addresses as either party may designate by notice.

15) **Entire Agreement:** This Agreement and its attachments constitute the entire Agreement between the parties with respect to the subject matter hereof and shall supersede all previous negotiations, commitments and writings. It shall not be released, discharged, changed or modified except by an instrument in writing signed by a duly authorized representative of each of the parties. This Agreement shall not be enforceable against either party until executed by the designated official of both parties.

16) **Governing Law:** This Agreement shall be construed and enforced in accordance with the laws of the State of New York.

**IN WITNESS WHEREOF**, the City and the Village have caused this Agreement to be executed.

**CITY OF RYE**

By: \_\_\_\_\_

Scott D. Pickup  
City Manager

**VILLAGE OF RYE BROOK**

By: \_\_\_\_\_

Chris Bradbury  
Village Manager



Christian K. Miller, AICP  
City Planner  
1051 Boston Post Road  
Rye, New York 10580



Tel: (914) 967-7167  
Fax: (914) 967-7185  
E-mail: [cmiller@ryeny.gov](mailto:cmiller@ryeny.gov)  
<http://www.ryeny.gov>

**CITY OF RYE**  
**Department of Planning**

**Memorandum**

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To: Frank J. Culross, Interim Acting City Manager  
From: Christian K. Miller, AICP, City Planner  
cc: Scott Pickup, Assistant City Manager  
Date: April 9, 2009  
Subject: **Sluice Gate at Bowman Avenue Spillway**

At its April 15, 2009 meeting the Rye City Council will consider a resolution adopting a SEQRA Negative Declaration and endorsing a grant request for a joint submission with the Village of Rye Brook for Westchester County Flood Mitigation Program funding for a sluice gate at the City-owned Bowman Avenue Spillway. Westchester County has reviewed the attached resolution (see Attachment A) and requested that it be adopted by the City Council by May 1, 2009. The Village of Rye Brook adopted a similar resolution last month (see Attachment B).

The following provides more detailed information regarding the sluice project, SEQRA process and Westchester County Flooding Mitigation Program requirements.

**Sluice Project Description and History**

The proposed action consists of the replacement of the existing fixed timber gate at the Bowman Avenue Spillway with a new automated cast iron sluice gate. An automated sluice gate has the ability to vary the outlet opening, thus providing the optimum orifice size for the flow rate in the stream. The sluice gate would be automatically controlled based on water surface elevations measured at a gauge mounted at the dam.

The proposed action also includes a 15-foot wide causeway/access drive that crosses Blind Brook approximately 115 feet upstream of the centerline of Bowman dam. The purpose of the causeway is to provide a means to access the stream so as to facilitate garbage removal. The causeway will act as a trash rack to protect the sluice gate.

## **Sluice Gate at Bowman Avenue Spillway**

April 9, 2009

Page 2 of 4

In the wake of the March and April 2007 floods, the City partnered with the Village of Rye Brook to retained consulting engineers, WSP Sells (formerly CHAS Sells), to identify possible flood mitigation projects on Blind Brook. Over two dozen alternatives were evaluated. The sluice was identified in *Project Report – Flood Mitigation Study Bowman Avenue Dam Study, March 2008* as the most cost-effective method of lowering flood elevations in the City. Last year, the City applied for a grant from New York State Emergency Management Office to fund the sluice, but was unsuccessful in securing funding for the project.

This project will *not* stop flooding on Blind Brook. It is predicted by WSP Sells, that the automated sluice gate at Bowman Avenue will reduce flood elevations occurring within the segment of Blind Brook south of I-287 and north of I-95 during peak storm events. This segment is roughly 135-acres in size with approximately 140 structures located within the 100-year FEMA-mapped floodplain.

The WSP Sells hydraulic analysis predicts that the sluice gate alternative reduces downstream water surface elevations during all storm events. A 4.15-foot reduction in water surface elevation is predicted during a 50-year storm event upstream of I-95. This reduction in water surface elevation is less as you move further away from I-95 and is attributed to the fact that the reduced flow will now pass through the I-95 bridge opening, which, in its existing condition, is under pressure flow resulting in significant backwater effect. An approximately 1-foot reduction in water surface elevation is predicted for a 100-year storm event. During the higher frequency events (i.e. less than 50-year storm events) there is a 20% to 30% reduction in flows. This translates into a 7" to 10" reduction in water surface elevation between Purchase Street and Highland Avenue.

### **SEQRA Process**

Westchester County requires that the municipality requesting the grant complete the State Environmental Quality Review Act (SEQRA) process. At its March 11, 2009 meeting the City Council initiated that process by declaring its intent to be Lead Agency for the environmental review. The notice of the Council's intent and Full Environmental Assessment Form (EAF) was circulated to all involved agencies (See Attachment C) on March 13, 2009. Each involved agency has 30 calendar days to respond to the notice. As of the time of this writing there have been no objections to the City Council assuming Lead Agency status.

The City Council should review the attached EAF to assess whether the project has any significant adverse environmental impacts (i.e. Positive Declaration) that require more review and the preparation of an environmental impact statement. The attached resolution assumes that the City Council will find that the proposed sluice project and access road will have no significant impact (i.e. Negative Declaration).

## **Sluice Gate at Bowman Avenue Spillway**

April 9, 2009

Page 3 of 4

### **Development Standards and Planning Guidelines**

As a condition of receiving Flood Action Program funding, Westchester County is requiring that the City incorporate certain "development and planning standards" into its "land use regulations, guidelines and policies, as appropriate, prior to receipt of funding reimbursements from the County". These development and planning standards are provided in Attachment D.

The City has adopted a Local Hazard Mitigation plan and therefore already meets that requirement. Other documents referred to in Attachment D are considered planning policy and reference documents that provide guidance for good planning and development practices. Referring to these documents as part of the City's land use review process is reasonable.

In January 2008 the City Council adopted the New York State Local Law for Stormwater Management and Erosion and Sediment Control as required by NYSDEC for land disturbing activities of greater than one acre. The County has requested that this law be amended to apply to land disturbing activities of 5,000 square feet or greater or increases in impervious area of 1,000 square feet or greater. Other amendments required by the County are difficult to interpret and it is unclear as to their intent and regulatory effect on the City of Rye if adopted. I have been in contact with the County Planning Department and will continue to try to gain greater understanding of the required amendments. In many cases it appears that a reasonable case can be made by the City that its existing surface water control laws meet or exceed the County's requirements.

In the meantime, the fifth "whereas" clause of the attached resolution (Attachment A) has been amended to state that the City Council will consider the adoption of the development and planning standards and that the Council acknowledges that these standards must be adopted before receiving payments from Westchester County. This gives the City some additional time to further explore this issue.

### **Project Funding**

At its December 17, 2008 meeting, the Rye City Council unanimously endorsed a resolution authorizing the submission of a joint application with the Village of Rye Brook for Westchester County Flood Action Program Funding for the installation of Sluice Gate at the City-owned Bowman Avenue Spillway. Section 3.6 of the application provided the following breakdown of funding for the project.

Project cost (including 20% contingency)	\$2,221,100
50 % (Westchester County)	(\$1,083,550)
NYS Grant	(\$400,000)

## **Sluice Gate at Bowman Avenue Spillway**

April 9, 2009

Page 4 of 4

Total to be paid by local communities	\$683,550
Rye Brook share (20%)	(\$136,710)
Balance from Rye	\$546,840
Hydrology, survey, eng. prepaid by Rye	(\$225,000)
<i>Balance to be funded by Rye</i>	<i>\$321,840</i>

Since 2007 the City Council has authorized \$225,000 in required hydrological analysis of the Blind Brook and engineering design for the installation of the sluice gate and access road. The City applied this expenditure towards the required 50% local match of the estimated \$2.22 million project. The Rye Brook Village Board committed \$136,710 in its March 10, 2009 resolution (see Attachment B). The attached resolution to be considered by the Rye City Council at its April 15 meeting commits an additional \$321,840 to fulfill the required 50% local match. The source of these funds has not been identified.

### Attachments:

- A: *Rye City Council Resolution Adopting a SEQR Negative Declaration and Endorsing a Grant Request for a Joint Submission with the Village of Rye Brook for Westchester County Flood Mitigation Program Funding for a Sluice Gate at Bowman Avenue Spillway.*
- B: *Rye Brook Village Board Resolution Endorsing a Request for Grant Assistance with Westchester County for a Joint Submission of a Westchester County Flood Action Program Project Application with the City of Rye for a Sluice Gate at Bowman Avenue.*
- C: *Rye City Council Notice of Intent to be Lead Agency and Full Environmental Assessment Form for the Bowman Spillway Sluice Gate and Maintenance Access Drive.*
- D: *February 26, 2009 Email from Lisa Vasilakos, Westchester County Environmental Planner, and Westchester County Flood Action Task Force Development and Planning Standards.*

Bowman Avenue Dam - Inspection			
Inspection Type	Frequency	Items to Inspect/Monitor*	Personnel
Informal (after storm events)	As needed, after storm event	Sluice gate orifice/ Spillway/Debris	City of Rye Personnel
Informal	3 months	Sluice gate assemblies/ Actuators/ Generator/ Instrumentation/ Debris/ Vandalism	City of Rye Personnel
Maintenance	Annually	<i>In addition to the above items:</i> Access Roadway/ Erosion/ Sediment build-up/ Vegetation/ Generator system/ Process instrumentation and controls	City of Rye Personnel / Engineer
Technical	4 years	Safety Inspection	Engineer
Technical	10 years	Engineering Assessment	Engineer

\* Inspection/maintenance of sluice gate assemblies, generator system and process instrumentation and controls shall be performed in accordance with manufacturers maintenance manual

Bowman Avenue Dam – Operation / Maintenance	
Item	Frequency
Remove debris build up	After event
Review data / assess gate performance / optimize (as req'd)	After event, as req'd
Lubricate / maintain sluice gate assemblies and actuators	As needed*
Lubricate / maintain back-up generator system	As needed*
Process instrumentation and controls preventative and corrective maintenance including hardware and software maintenance	As needed*
Remove sediment build up	Annually
Remove vegetation overgrowth	Annually
Repair access roadway	Every 7-10 years
Patch concrete dam / seal cracks	Every 7-10 years
Repair steel crossover bridge	25 years

\* Maintenance frequency in accordance with manufacturers recommendation



# CITY COUNCIL AGENDA

NO. 9

DEPT.: City Manager

DATE: July 13, 2011

CONTACT: Scott Pickup

**AGENDA ITEM:** Authorization for the City Manager to enter into an Intermunicipal Agreement with the Village of Mamaroneck to provide garbage and curbside pickup for Mamaroneck residents located in the Greenhaven section of Rye.

**FOR THE MEETING OF:**

July 13, 2011

**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:** There are seven homes in Mamaroneck which can only be accessed through the City of Rye. The initial Intermunicipal Agreement was signed in 2009 and has been mutually beneficial to the municipalities. Residents are pleased with the service and would like it to continue. This IMA renews the original agreement for a five-year period commencing January 1, 2011 through December 31, 2015.

See attached.

**INTERMUNICIPAL AGREEMENT BETWEEN CITY OF RYE AND VILLAGE  
OF MAMARONECK FOR SANITATION AND REFUSE SERVICES**

An INTERMUNICIPAL AGREEMENT among the municipal corporations of the City of Rye (“Rye”), 1051 Boston Post Road, Rye, New York 10580 and the Village of Mamaroneck (“Mamaroneck”), 123 Mamaroneck Avenue, Mamaroneck, New York 10543 for sanitation and refuse services (the “IMA”).

WHEREAS, Rye and Mamaroneck have identified a way to reduce the number of vehicle trips that are necessary for sanitation and refuse services thereby improving the air quality and reducing fuel consumption; and

WHEREAS, Rye and Mamaroneck recognize the benefits of cooperating to achieve improved environmental quality, improved traffic safety and a reduction in air emissions; and

WHEREAS, in order for Mamaroneck to provide sanitation and refuse services for the several Mamaroneck residences along Shore Road, the vehicles must make special trips through the streets of Rye as there is no direct access from Mamaroneck; and

WHEREAS, the properties that are in Mamaroneck along Shore Road are: 1 Shore Road, 2 Shore Road, 3 Shore Road, 4 Shore Road, 12 Shore Road, 14 Shore Road, and 15 Shore Road (the “Mamaroneck Properties”); and

WHEREAS, currently Mamaroneck makes approximately 260 special vehicle trips per year to service the Mamaroneck Properties; and

WHEREAS, Rye can much more easily service the Mamaroneck Properties since it already services other Rye residences along Shore Road; and

WHEREAS, Mamaroneck will reimburse Rye for the costs it incurs; and

WHEREAS, there will be mutual benefits to both Mamaroneck and Rye as there will be less traffic and disruption to the residents in both communities along Shore Road.

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter set forth, the parties hereto mutually agree as follows:

1. The term of the IMA shall be from January 1, 2011 through and including December 31, 2015. Any party may terminate this agreement upon 60 days written notice to the other party.
2. The services included as part of this IMA include full sanitation and refuse services (including recycling and bulk collection) (the “Services”).

3. Mamaroneck will pay Rye \$3,500.00 each year for the services for the term of this IMA.
4. This IMA may be modified or amended only in writing duly executed by both parties, which shall be attached to and become part of this IMA.
5. Each party shall indemnify and hold harmless the other, its officers, agents and assigns for all liability arising out of its activities under this IMA.
6. This IMA shall be governed by and construed in accordance with the laws of New York State.

**IN WITNESS WHEREOF**, the City and the Village have caused this Agreement to be executed.

**CITY OF RYE**

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Scott D. Pickup  
City Manager

**VILLAGE OF MAMARONECK**

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Richard Slingerland  
Village Manager





# CITY COUNCIL AGENDA

NO. 10

DEPT.: City Manager's Office

DATE: July 13, 2011

CONTACT: Scott Pickup, City Manager

**ACTION:** Continuation of Public Hearing to amend Local Law Chapter 76, "Dogs", Section 76-5, "Running at large prohibited" and Section 76-6, "When Leash Required", to establish regulations for the leashing of dogs at Rye Town Park.

**FOR THE MEETING OF:**

July 13, 2011

**RYE CITY CODE,**

**CHAPTER**

**SECTION**

**RECOMMENDATION:**

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** The Rye Town Park Commission originally voted to modify the park's dog regulations during the summer period to allow dogs off leash from 5:00 a.m. to 9:00 a.m. in a designated area of the park. The Commission reversed this decision at their meeting on June 21<sup>st</sup> and voted not to retain their off-leash policy which supersedes the New York State leash law. This change was effective June 24<sup>th</sup>; dogs may not be off leash at any time in the park.

See attached.

## **New York State Dog Leash Law**

**Rye Town Commission has decided that all dogs must be leashed at all times inside Rye Town Park. There will be no exceptions. Residents who walk their dogs in Rye Town Park have until Friday the 24<sup>th</sup> to comply.**

### **The Law states:**

**“A person, who owns, possesses or controls a dog shall not permit it to be in any public place or in any open or unfenced area abutting on a public place unless the dog is effectively restrained by a leash or chain not more than six feet long.”**

**Again this has been decided by the Rye Town Commission in its meeting June 21<sup>st</sup> 2011**

**All other regulations and laws relaxing the New York State Statute are void and no applicable.**

**Thank You**

**Chief of Public Safety**

**Joe Nieto**

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LOCAL LAW  
CITY OF RYE NO. \_\_\_ OF 2011

A Local law to amend Chapter 76 “Dogs” by amending §§ 76-5 and 76-6 of the City Code  
of the City of Rye

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

**Section 1.** Chapter 76 “Dogs” is hereby amended by amending Section 76-5 “Running at large prohibited” as follows:

§ 76-5. Running at large prohibited.

No person owning, harboring or having the custody and control of a dog shall permit such dog to be at large in the City of Rye, elsewhere than on the premises of the owner, unless:

- A. The dog is on the premises of another person with the knowledge and consent of such person.
- B. **The dog is in Rye Town Park within the permitted dog walking area which runs along the north of the park at Rye Beach Avenue and along the west side of the duck pond on Forest Avenue. This exception shall be in effect from Memorial Day through and including September 30 each year from 5 a.m. to 9 a.m. At all other times and in all other areas of the City of Rye, dogs are prohibited from running at large.**

**Section 2.** Chapter 76 “Dogs” is hereby amended by amending Section 76-6 “When leash required” as follows:

§ 76-6. When leash required.

- A. The owner, harborer or person having the custody and control of a dog in the City of Rye which is not on the premises of the owner or upon the premises of another person with the knowledge and consent of such person shall control and restrain such dog by a chain or leash not exceeding eight feet in length.
- B. **Exception. Summer Hours in Rye Town Park.**

**The owner, harborer or person having the custody and control of a dog while in Rye Town Park may allow such dog(s) to be unleashed from 5 a.m. to 9 a.m. in the designated dog walking part of Rye Town Park which runs along the north of the park at Rye Beach Avenue and along the west side of the duck pond on Forest Avenue. At no time shall unleashed dogs be permitted to be on the boardwalk or on the beach. This exception to the leash law shall be effective from Memorial Day through and including September 30 of each**

**year. At all other times and in all other areas of the City of Rye, dogs must be leashed in accordance with § 76-6(A).**

**Section 3.** Severability

If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder thereof.

**Section 4.**

This local law shall take effect on **May 28, 2011.**

DRAFT



# CITY COUNCIL AGENDA

NO. 12 DEPT.: Police DATE: July 13, 2011  
CONTACT: William R. Connors, Police Commissioner

**AGENDA ITEM:** Consideration of proposed revision of the Rules and Regulations of the City of Rye Police Department: General Order #114.8

**FOR THE MEETING OF:**

July 13, 2011

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** Amendment of General Order #114.8, "Mutual Aid," to incorporate the Revised Westchester County Mutual Aid and Rapid Response Plan.

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

**BACKGROUND:** The proposed revision of General Order #114.8 updates the Department Manual to incorporate minor revisions of the Westchester County Mutual Aid and Rapid Response Plan. The most recent edition re-designates the County's three zones. The plan has been adopted countywide, and the City has entered into an Inter-Municipal Agreement authorizing participation in it.

A copy of the proposed revision noting the changes in "strike and replace" format is attached. It has been provided to the Rye Police Association for review pursuant to the provisions of the collective bargaining agreement.

**CITY OF RYE POLICE DEPARTMENT**

General Order #114.8		New [ ]	Revised [ x ]
		Supersedes: 114.8 issued	
<u>05/16/05</u>		Deleted: 11/01/96	
Subject: Mutual Aid			
Date Issued	Date Effective	Page 1 of 17	
<u>00/00/11</u>	<u>00/00/11</u>	Deleted: 05/16/05	
Issuing Authority: William R. Connors, Police Commissioner			

PURPOSE:

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

BACKGROUND:

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

POLICY:

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

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

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

1. Location

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

General Order #114.8 Page 2 of 17

Agency Jurisdiction

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

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

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

PROCEDURE:

Providing Assistance Within the City

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

Providing Assistance Outside the City

1. Upon receipt of a request for assistance, the Department member receiving such request shall determine if the situation involves life and death, or may deteriorate to a life and death situation if assistance is not immediately provided. If so, the tour supervisor shall determine if the department can actually provide the assistance, or whether some other agency can provide the assistance

needed in less time than this Department.

2. If, after evaluating all available information, the tour supervisor receiving the request for assistance determines that the Department can provide the assistance being requested, and do so faster than some other agency, the tour supervisor may provide the assistance, or authorize providing assistance.

General Order #114.8 Page 3 of 17

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

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



### Requesting Assistance From Other Agencies

1. Requests for assistance from other police agencies regarding minor incidents (e.g., traffic, response to the area of a crime, notifications etc.) shall be handled by the desk officer and/or tour supervisor. Consider the following resources and their location and proximity to the location of the incident.

- a. Port Chester Police Department - 939-1000
- b. Harrison Police Department - 967-5111
- c. Rye Brook Police Department - 937-1020
- d. Mamaroneck Village Police Department - 698-2400
- e. NYSP Dispatch - 524-0200 or 518-436-2823
- f. Westchester County Police - 864-7700
- g. New York State Police (Hawthorne) - 769-2600
- h. MTA Police - 212-340-2723

2. In the event of major emergencies, serious incidents, mass processing and transportation of prisoners or any other event beyond the scope of the department's resources, the tour supervisor shall be guided by General Order #114.1, "Unusual Occurrences/Major Incident Response". He/she shall cause notification in accordance with General Order 114.2, "Supervisory Notification and Response". Upon the tour supervisor's authorizing the request for mutual aid, the communications officer shall follow the operational procedures for the use of the HOT LINE in activating the Police Mutual Aid and Rapid Response Plan.

### General Order #114.8 Page 4 of 17

a. All personnel should familiarize themselves with the Westchester County Police Mutual Aid and Rapid Response Plan.

3. State and/or militia assistance will be summoned as directed by the Westchester County Police Mutual Aid and Rapid Response Plan.

4. Federal assistance will be summoned when it has been determined necessary by a superior officer (i.e., part I crimes committed in a federal institution).

### Routine Police Operations Outside City of Rye

1. To ensure members' safety when conducting police operations such as surveillance or the service of search or arrest warrants outside the city limits, the following procedures will be standard practice.

- a. When it is possible to do so without compromising the investigation, personnel performing a police function outside the

City of Rye will notify the local law enforcement agency in that jurisdiction of the following:

1. Nature of operation.
2. Number of officers involved.
3. Whether the officers involved are uniformed or non-uniformed.
4. Vehicles involved.
5. Duration of the operation.  
If warranted, inter-agency communications should be established prior to the beginning of the operation.

Concurrent Jurisdiction Involving Other Law Enforcement Agencies

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

This authority can be conceded at the discretion of the federal officials.

Westchester County Mutual Aid and Rapid Response Plan

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

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- a. New Rochelle
- b. Larchmont
- c. City of Rye
- d. Rye Brook
- e. Port Chester
- f. Harrison
- g. Mamaroneck Village

General Order #114.8 Page 5 of 17

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

2. Any requests for mutual aid to or from the City of Rye Police Department shall be granted in conformance with the Mutual Aid and Rapid Response

Plan, which is referenced in an Inter-Municipal Agreement executed  
by all participating entities.

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

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

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

#### Reporting

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

APPENDIX "A"

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

AGREEMENT made this \_\_\_\_\_ day of \_\_\_\_\_, 2010 by  
and between:

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

(hereinafter referred to as the "County")

and

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

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

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

WHEREAS, the Signatory Municipalities have executed the Plan by which  
each member agrees to make available its police personnel and equipment to

the others upon the occurrence of a condition which is beyond the scope of its police resources; and

WHEREAS, due to prevailing world, national and local security situations, the ever increasing flow of intelligence, and actual threats directed against once benign sites and facilities, the parties desire that the Plan be flexible and subject to review and revision as necessary in a timely manner; and

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

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

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

FIRST: Definitions



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

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

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

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

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

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

**SECOND:** The Mutual Aid and Rapid Response Plan for the Police Departments of Westchester County, New York and the Westchester County Arson Zone Plan (collectively the "Plan"), are annexed hereto and incorporated herein as Schedule "A". The Parties further agree to the Plan, as same may be

amended from time to time in accordance with the review and revision procedures set forth in said Plan.

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

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

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

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

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

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

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

**SIXTH:** Any party to this agreement may withdraw at any time, upon thirty (30) days written notice to each of the other parties, and thereafter such



withdrawing party shall no longer be a party to this Agreement; but this Agreement shall continue to exist among the remaining parties.

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

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

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

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

**TENTH:** If any term or provision of this Agreement is held by a court of competent jurisdiction to be invalid or void or unenforceable, the remainder of the terms and provisions of this Agreement shall in no way be affected, impaired,

or invalidated, and to the extent permitted by applicable law, any such term, or provision shall be restricted in applicability or reformed to the minimum extent required for such to be enforceable. This provision shall be interpreted and enforced to give effect to the original written intent of the parties prior to the determination of such invalidity or unenforceability.

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

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

THE COUNTY OF WESTCHESTER

By

\_\_\_\_\_  
George N. Longworth  
Commissioner - Sheriff

THE «MUNICIPALITY»

By

\_\_\_\_\_  
Name:  
Title:

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

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

Approved as to form and  
manner of execution:

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

**CERTIFICATE OF AUTHORITY**  
**(Municipality)**

I, \_\_\_\_\_, certify that I am the  
*(Officer other than officer signing contract)*

\_\_\_\_\_ of the \_\_\_\_\_  
*(Title) (Name of Municipality)*

(the "Municipality") a corporation duly organized in good standing under the \_\_\_\_\_  
*(Law under which organized, e.g., the New York Village Law, Town Law, General Municipal Law)*

named in the foregoing agreement that \_\_\_\_\_ who signed said  
*(Person executing agreement)*

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

the Municipality, that said agreement was duly signed for on behalf of said Municipality by  
authority of its \_\_\_\_\_ thereunto duly authorized,  
*(Town Board, Village Board, City Council)*

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

\_\_\_\_\_  
*(Signature)*

STATE OF NEW YORK )  
                                  ss.:  
COUNTY OF WESTCHESTER

On this \_\_\_\_\_ day of \_\_\_\_\_, 2010, before me personally came \_\_\_\_\_  
whose signature appears above, to me known, and know to be the  
\_\_\_\_\_ of \_\_\_\_\_  
\_\_\_\_\_  
*(Title)*

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

\_\_\_\_\_

MUNICIPALITY'S ACKNOWLEDGEMENT

STATE OF NEW YORK )

\_\_\_\_\_ ) ss.:

COUNTY OF WESTCHESTER )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2010, before me personally came \_\_\_\_\_

\_\_\_\_\_, to me known, and known to me to be the \_\_\_\_\_ of

\_\_\_\_\_, the municipal corporation

described in and which executed the within instrument, who being by me duly sworn did depose

and say that he/she, the said \_\_\_\_\_

resides at \_\_\_\_\_ and that he/she is the \_\_\_\_\_ of

said municipal corporation.

\_\_\_\_\_  
Notary Public \_\_\_\_\_ County

Notary Public \_\_\_\_\_ County



APPENDIX B

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

PURPOSE

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

BACKGROUND

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

POLICY

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

DEFINITIONS

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

**Deleted:** AGREEMENT made this  
day of \_\_\_\_\_, 2004 by  
and between:¶  
¶  
The COUNTY OF WESTCHESTER,  
a municipal corporation of  
the State of New York, having an  
office and place of business  
in the  
Michaelian Office  
Building, 148 Martine  
Avenue, White Plains, New York, 10601  
¶  
(hereinafter referred to  
as the "County")  
¶  
and  
¶  
\_\_\_\_\_, a municipal  
corporation  
of the State of New York  
having an office and place  
of business  
at  
New York.  
¶  
(hereinafter referred to  
as a "City, Town or  
Village," as  
applicable).  
¶  
WHEREAS, the purpose of the  
Mutual Aid and Rapid  
Response Plan for the Police  
Departments of Westchester  
County, New York (the  
"Plan") is to formalize  
operational procedures for  
law enforcement assistance  
to participating agencies;  
and  
¶  
WHEREAS, the Signatory  
Municipalities have executed  
the Plan by which each  
member agrees to make  
available its police  
personnel and equipment to  
the others upon the  
occurrence of a condition  
which is beyond the scope of  
its police resources; and  
¶  
WHEREAS, due to prevailing  
world, national and local  
security situations, the  
ever increasing flow of  
intelligence, and actual  
threats directed against  
once benign sites and  
facilities, the parties  
desire that the Plan be  
flexible and subject to

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2. Major Incidents: Means any event, generally of an emergency nature, that involves actual or potential personal injury or property damage arising from a natural disaster, manmade disaster, civil disturbance or terrorist action. Formatted: Bullets and Numbering
3. Natural Disaster: Means those incidents in which the forces of nature threaten the lives, safety or property of numerous persons; i.e., floods, hurricanes, earthquakes, explosions, tornadoes, landslides, drought, infestation or significant snowfall/blizzard. Formatted: Bullets and Numbering
4. Manmade Disaster: Means incidents in which the forces of man threaten the lives, safety or property of numerous persons; i.e., nuclear/radiological accidents, chemical spills, major railroad accidents or aircraft crashes. Formatted: Bullets and Numbering
5. Civil Disturbance: Means an action by any group that poses a substantial threat to peace, life or property or any tumultuous or violent activity that creates a Grave risk of causing public alarm. Formatted: Bullets and Numbering
6. Terrorist Action: Is defined as a politically motivated, hostile action taken by a person or group whose intent is the commission of violent acts designed to instill fear, communicate a message and/or demand some governmental action. Formatted: Bullets and Numbering
7. Requesting Agency: A Police Department located within the geographical confines of the County of Westchester that is requesting Mutual Aid from other police agencies, which are signatories to the Mutual Aid and Rapid Response Plan for the Police Departments of Westchester County, New York. Formatted: Bullets and Numbering
8. Responding Agency: A Police Department located within the geographical confines of the County of Westchester that is responding to a request for Mutual Aid from other police agencies, which are signatories to the Mutual Aid and Rapid Response Plan for the Police Departments of Westchester County, New York. Formatted: Bullets and Numbering
9. Zone Coordinator: Each Zone of response will designate a Zone Coordinator, who shall be responsible for coordinated Zone response; e.g., response to locations outside of Westchester County as well as coordination of mock activations of the Plan. Formatted: Bullets and Numbering
10. Incident Command System: The accepted system to be utilized to coordinate multi-agency responses to incidents. Formatted: Bullets and Numbering
11. Incident Commander: Is defined as the highest ranking member of the requesting Department at the scene, or his/her designee. Formatted: Bullets and Numbering
12. Inner Perimeter: Is defined as the immediate area of containment around an incident site. Formatted: Bullets and Numbering
13. Outer Perimeter: Is defined as the peripheral control area surrounding the inner perimeter, providing a safe zone for access to or egress from the inter perimeter as well as defining the limit of access by unauthorized persons. Formatted: Bullets and Numbering
14. Staging Area: Is defined as a location selected generally within the outer perimeter to facilitate arriving resources and personnel responding for assignments. Formatted: Bullets and Numbering



15. Command Post: Is defined as the post from which the Incident Commander and his staff coordinate the Department's response to a major emergency.

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LEGAL CONSIDERATIONS

16. General Municipal Law §209-M. Outside service by local police; civil disturbance control.

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

ZONES OF RESPONSE

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

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Department	Rapid Response	Delayed Response
A. Metropolitan Transportation Authority Police Department; Ten (10)	Four	(4)
B. New York State Police; Twelve (12)	Eight	(8)
C. New York City Department of Environmental Protection; Ten (10)	Three	(3)
D. Westchester County Department		



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

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

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

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

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O. Tuckahoe (Village).	One	(1)	Five
	(5)		
<u>TOTALS:</u>	Twenty-eight	(28)	Sixty-six
(66)			

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LEVELS OF RESPONSE

24. Green Alert: A situation exists of serious proportions and Departments within the Zone of Alert should prepare to send the minimum pre-arranged manpower (rapid response) to the identified location of response.

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25. Blue Alert: Departments within the Zone of Alert are requested to immediately dispatch, the minimum pre-arranged manpower (rapid response) for a rapid response to the identified location of response.

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26. Yellow Alert: A second Zone is being requested to dispatch the minimum pre-arranged manpower (rapid response) for a rapid response to the identified location of response.

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Note: This second Zone of response will be identified by the requesting Department after considering the geographical location of event vis-à-vis, which zone is best situated to respond.

27. Orange Alert: Departments from all Zones are requested to dispatch the minimum pre-arranged manpower (rapid response) to the identified location.

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28. Red Alert: Departments from all Zones are requested to dispatch the maximum number of pre-arranged manpower (delayed response) to the identified location.

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ACTIVATION OF THE PLAN

29. All requests for assistance under the Plan will be made via the Westchester County Hot Line System (Hot Line).

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30. The following are example announcements to be followed when activating the Plan via the Hot Line.

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A. Code Green [Prepare Only]:

Station (number), (town, city, village) announcing a Green Alert within the confines of this jurisdiction and Departments in Zone should prepare to dispatch immediately upon request the pre-arranged manpower to this jurisdiction.

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B. Code Blue [Rapid Response, One Zone Only]:

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Station (number), (town, city, village) to all stations on the Hot Line, announcing a Blue Alert within this jurisdiction. Specifically, there is a (nature of incident) and we are requesting rapid response from Zone . The scene is located at (street/avenue) and the location of response has been designated as (street/avenue). At this time, (Chief, Captain, Lieutenant) is in command of the incident and the Command Post has been established as (building/street/avenue).

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C. Code Yellow [Rapid Response, Two Zones Only]:

Station (number), (town, city, village) to all stations on the Hot Line, announcing a Yellow Alert within this jurisdiction. Specifically, there is a (nature of incident) and we are requesting rapid response from Zones and . The scene is located at (street/avenue) and the location of response has been designated as (street/avenue). At this time, (Chief, Captain, Lieutenant) is in command of the incident and the Command Post has been established as (building/street/avenue).

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D. Code Orange [Rapid Response, All Zones]:

Station (number), (town, city, village) to all stations on the Hot Line, announcing an Orange Alert within this jurisdiction. Specifically, there is a (nature of incident) and we are requesting rapid response from all Zones. The scene is located at (street/avenue) and the location of response has been designated as (street/avenue). At this time, (Chief, Captain, Lieutenant) is in command of the incident and the Command Post has been established as (building/street/avenue).

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E. Code Red [Rapid Response, All Zones]:

Station (number), (town, city, village) to all stations on the Hot Line, announcing a Red Alert within this jurisdiction. Specifically, there is a (nature of incident) and we are requesting all available uniform personnel amounting to a delayed response from all Zones. The scene is located at (street/avenue) and the location of response has been designated as (street/avenue). At this time, (Chief, Captain, Lieutenant) is in command of the incident and the Command Post has been established as (building/street/avenue).

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Note: The requesting Agency shall also identify any and all specialized equipment with which responding members should be equipped.

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DUTIES OF REQUESTING AGENCY



31. Identify the nature and location of the incident. Formatted: Bullets and Numbering
32. Identify the location of the Command Post. Formatted: Bullets and Numbering
33. Identify the Staging Area or location of response. Formatted: Bullets and Numbering
34. Identify the Incident Commander or any change in command. Formatted: Bullets and Numbering
35. Commence internal Departmental mobilization. Formatted: Bullets and Numbering
36. Memorialize the name, rank and command of responding members of the service. Formatted: Bullets and Numbering

#### DUTIES OF RESPONDING AGENCY

37. Authorize only the designated pre-arranged UNIFORMED members of the service specific to the level of alert to respond. Formatted: Bullets and Numbering
38. Proceed directly to the location of requested response or the Staging Area as directed. Formatted: Bullets and Numbering

#### RESPONSIBILITIES AT THE SCENE OF THE INCIDENT

39. The Incident Commander designated by the requesting agency shall be in charge at the scene of the incident. Formatted: Bullets and Numbering
40. Uniformed members of the service detailed to the incident shall follow the direction of the Incident Commander. Formatted: Bullets and Numbering
41. However, where the provided assistance involves the loan of a Specialized Weapons and Tacticals (SWAT), hostage negotiation, bomb disposal or canine unit, the Commander of that specialized unit shall be responsible for implementation of the specific mission, as determined by the Incident Commander of the requesting agency. Formatted: Bullets and Numbering
42. When taking law enforcement actions at the scene of the incident, including use of force, uniformed members of the service from the responding agency shall at all times adhere to their agency policies and procedures and utilize only those weapons and tactics that they have been trained and deemed qualified to use. Formatted: Bullets and Numbering
43. Uniformed members of the service on loan from the responding agency at an emergency site shall regularly apprise the Command Post concerning the continued status of the emergency, line-of-duty injuries, or their need for relief. Formatted: Bullets and Numbering

#### RELEASE OF PERSONNEL

44. The Incident Commander or his/her designee shall authorize release of personnel from all responding agencies. Formatted: Bullets and Numbering

#### POST OCCURRENCE REPORTINGS

45. Within thirty (30) days of any activation of the Plan, the Chief Executive Officer of the Requesting Agency shall prepare or cause to be prepared, a memorandum including a summary of the facts and circumstances surrounding the Incident, comments related to the Formatted: Bullets and Numbering

effectiveness of the Plan and recommendations for modification of the Plan and submit same for the review of the Executive Board of the Westchester County Chiefs of Police Association.

46. Within thirty (30) days of receipt of the aforementioned memorandum, the Executive Board of the Westchester County Chiefs of Police Association will make a determination if modification to the Plan is necessary.

#### ANNUAL DRILLING

47. In order to maintain an appropriate level of readiness, annual training will be conducted.

#### ANNUAL REVIEW AND REVISION

48. A sub-committee of the Westchester County Chiefs of Police Association will review the Plan at least once a year and formulate recommendations for revisions as the need arises.

Updated March 3, 2011

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

§  
PURPOSES

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

§  
BACKGROUND

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

§  
POLICY

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

§  
DEFINITIONS

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

§  
2. Major Incidents: Means any event, generally of an emergency nature,  
.that involves actual or potential personal injury or property damage  
.arising from a natural disaster, manmade disas... [2]

**DELETED IMA AND PLAN**



AGREEMENT made this \_\_\_\_\_ day of \_\_\_\_\_, 2004 by and between:

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

(hereinafter referred to as the "County")

and

\_\_\_\_\_, a municipal corporation of the State of New York having an office and place of business at \_\_\_\_\_, New York.

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

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

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

WHEREAS, due to prevailing world, national and local security situations, the ever increasing flow of intelligence, and actual threats directed against once benign sites and facilities, the parties desire that the Plan be flexible and subject to review and revision as necessary in a timely manner; and

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

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

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

General Order 114.8 Page 7 of 17

FIRST: Definitions

(1) Chief Executive Officer: The officer within a Signatory Municipality who is authorized pursuant to New York General Municipal

Law section 209-m to request or grant a request for police assistance from another Signatory Municipality.

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

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

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

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

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

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

THIRD: This Agreement shall commence upon the execution by all Signatory Municipalities or on July 31, 2005, whichever occurs sooner (the "Commencement Date") and terminate five (5) years after the Commencement Date, unless terminated sooner in accordance with the provisions hereof. The parties upon mutual consent shall have the option to enter into one (1) five (5) year renewal term subject to all necessary legal approvals. Any prior agreement signed by a party for this purpose shall be deemed terminated upon the commencement of this Agreement.

FOURTH: The Signatory Municipalities hereby agree to render appropriate police services to any Requesting Municipality whenever the Chief Executive Officer or Department Head of the Requesting Municipality and granted by the Chief Executive Officer or Department Head of each Assisting Municipality as set forth in the Plan.

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

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

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

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

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

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

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

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

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

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

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



## POLICY

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

## DEFINITIONS

1. Mutual Aid and Rapid Response Incident: An incident requiring activation of the Mutual Aid and Rapid Response Plan is defined as a major incident or occurrence which necessitates a Police Department, within Westchester County, to summons **immediate wide scale** assistance.
2. Major Incidents: Means any event, generally of an emergency nature, that involves actual or potential personal injury or property damage arising from a natural disaster, manmade disaster, civil disturbance or terrorist action.
3. Natural Disaster: Means those incidents in which the forces of nature threaten the lives, safety or property of numerous persons: i.e., floods, hurricanes, earthquakes, explosions, tornadoes, landslides, drought, infestation or significant snowfall/blizzard.
4. Manmade Disaster: Means incidents in which the forces of man threaten the lives, safety or property of numerous persons; i.e., nuclear/radiological accidents, chemical spills, major railroad accidents or aircraft crashes.
5. Civil Disturbance: Means an action by any group that poses a substantial threat to peace, life or property or any tumultuous or violent activity that creates a grave risk of causing public alarm.
6. Terrorist Action: Is defined as a politically motivated, hostile action taken by a person or group whose intent is the commission of violent acts designed to instill fear, communicate a message and/or demand some governmental action.
7. Requesting Agency: A Police Department located within the geographical

confines of the County of Westchester that is requesting Mutual Aid from other police agencies, which are signatories to the Mutual Aid and Rapid Response Plan for the Police Departments of Westchester County, New York.

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

9. Zone Coordinator: Each Zone of response will designate a Zone Coordinator, who shall be responsible for coordinated Zone response, e.g., response to locations outside of Westchester County as well as coordination of mock activations of the Plan.

10. Incident Command System: The accepted system to be utilized to coordinate multi-agency responses to incidents.

11. Incident Commander: Is defined as the highest ranking member of the requesting Department at the scene, or his/her designee.

12. Inner Perimeter: Is defined as the immediate area of containment around an incident site.

13. Outer Perimeter: Is defined as the peripheral control area surrounding the inner perimeter, providing a safe zone for access to or egress from the inner perimeter as well as defining the limit of access by unauthorized persons.

14. Staging Area: Is defined as a location selected generally within the outer perimeter to facilitate arriving resources and personnel responding for assignments.

15. Command Post: Is defined as the post from which the Incident Commander and his staff coordinate the Department's response to a major emergency.

#### **LEGAL CONSIDERATIONS**

16. General Municipal Law §209-M. Outside service by local police; civil disturbance control.

a. (Subdivision 2). Notwithstanding the provisions of any general, special or local law, or any, County, City or Village charter, the Chief Executive Officer of a local government, whenever he deems that the public interest requires it, may request the Chief Executive Officer of any other local government to detail, assign and make available for duty and use in the local government for which the request is made, any part of the forces, equipment and supplies of the Police Department, police force or parkway police force of the local government of which the request is made. The Chief Executive Officer of the local government of which the request is made is hereby authorized and empowered to grant the request so made.

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b. (Subdivision 3). A local government may, by local law, delegate the Chief of Police of its Police Department or police force, the powers hereby granted to the Chief Executive Officer to request and grant police assistance.

c. (Subdivision 4). If the Chief Executive Officer of any such local government is absent or disabled, the Chief of Police of the local government may make any such request or may grant any such request, as the case may be.

d. (Subdivision 5). The local government receiving police aid pursuant to this Section shall assume the liability for all damages arising out of any act performed in rendering such aid and shall reimburse the assisting local government of any monies paid by it for salaries or for other expenses incurred by it including damage to or loss of equipment and supplies. As expenses assisting local government may assume such loss, damage service or cost for such equipment and supplies and donate such and to the receiving local government. While engaged in duty rendering such services in such local government, the Officers and members of such Police Department or police force shall

and have the same powers, duties, rights, benefits, privileges  
 local immunities as if they were performing their duties in the  
 government in and by which they are normally employed.

**ZONES OF RESPONSE**

County-Wide participants shall consist of the following Departments:

	<u>Department</u>	<u>Rapid Response</u>	<u>Delayed Response</u>
A.	Metropolitan Transportation Authority Police Department	Five (5)	Twenty (20)
B.	New York State Police	Eight (8)	Twelve (12)
C.	New York City Department of Environmental Protection	Six (6)	Twenty-Three
(23)			
D.	Westchester County Department of Public Safety	Eight (8)	Twenty (20)
<b>TOTALS:</b>		Twenty Seven (27)	Seventy-Five (75)

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

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

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

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

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

	<u>Department</u>	<u>Rapid Response</u>	<u>Delayed Response</u>
(3)	A. Bronxville (Village)	One (1)	Three
	B. Eastchester (Town)	Two (2)	Five (5)



(12)	C. Harrison (Town)	Three (3)	Twelve
	D. Larchmont (Village)	Two (2)	Four (4)
	E. Mamaroneck (Town)	Two (2)	Two (2)
	F. Mamaroneck (Village)	Two (2)	Four (4)
	G. Mt. Vernon (City)	Four (4)	
Seventeen (17)	H. New Rochelle (City)	Six (6)	Six (6)
(7)	I. Pelham (Village)	Two (2)	Seven
	J. Pelham Manor (Village)	One (1)	Five (5)
	K. Port Chester (Village)	Two (2)	Five (5)
	L. Rye (City)	Two (2)	Four (4)
(3)	M. Rye Brook (Village)	One (1)	Three
	N. Tuckahoe (Village)	One (1)	Six (6)
(82)	<b>TOTALS:</b>	<b>Thirty-One (31)</b>	<b>Eighty-Two</b>

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

	<u>Department</u>	<u>Rapid Response</u>	<u>Delayed Response</u>
(3)	A. Ardsley (Village)	One (1)	Three
(4)	B. Dobbs Ferry (Village)	One (1)	Four
	C. Elmsford (Village)	Two (2)	Six (6)
(12)	D. Greenburgh (Town)	Three (3)	Twelve
(3)	E. Hastings-on-Hudson (Village)	One (1)	Three
(3)	F. Irvington (Village)	One (1)	Three
	G. Scarsdale (Village)	Two (2)	Six (6)
(4)	H. Tarrytown (Village)	Two (2)	Four
(20)	I. White Plains (City)	Eight (8)	Twenty
(12)	J. Yonkers (City)	Six (6)	Twelve
Eight (68)	<b>TOTALS</b>	<b>Twenty-Four (24)</b>	<b>Sixty-</b>

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

	<u>Delayed Department Response</u>	<u>Rapid Response</u>	
(3)	A. Bedford (Town)	One (1)	Three

(2)	B. Briarcliff (Village)	One (1)	Two
(1)	C. Buchanan (Village)	Zero (0)	One
(1)	D. Croton-on-Hudson (Village)	One (1)	One

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(0)	E. Lewisboro (Town)	Zero (0)	Zero
(2)	F. Mt. Kisco (Village)	Two (2)	Two
(4)	G. Mount Pleasant (Town)	Two (2)	Four
(6)	H. New Castle (Town)	Two (2)	Six
(3)	I. North Castle (Town)	Two (2)	Three
(0)	J. North Salem (Town)	Zero (0)	Zero
(3)	K. Ossining (Town)	One (1)	Three
(8)	L. Ossining (Village)	Two (2)	Eight
(12)	M. Peekskill (City)	Five (5)	Twelve
(3)	N. Pleasantville (Village)	One (1)	Three
(6)	O. Pound Ridge (Town)	Zero (0)	Six
(4)	P. Sleepy Hollow (Village)	One (1)	Four
(5)	Q. Somers (Town)	Two (2)	Five
(5)	R. Yorktown (Town)	One (1)	Five

<b>TOTALS</b>	Twenty-Four (24)	Sixty-
Eight (68)		

LEVELS OF RESPONSE

1. Green Alert: A situation exists of serious proportions and Departments within the Zone of Alert should prepare to send the minimum pre-arranged manpower (rapid response) to the identified location of response.
2. Blue Alert: (Approximately fifty (50) members of the service). Departments within the Zone of Alert are requested to immediately dispatch, the minimum pre-arranged manpower (rapid response) for a rapid response to the identified location of response.
3. Yellow Alert: (Approximately eighty (80) members of the service).

A second Zone is being requested to dispatch the minimum pre-arranged manpower (rapid response) for a rapid response to the identified location of response.

NOTE: This second Zone of response will be identified by the requesting Department after considering the geographical location of event vis-à-vis, which zone is best situated to respond.

4. Orange Alert: (Approximately one hundred ten (110) members of the service). Departments from all zones are requested to dispatch the minimum pre-arranged manpower (rapid response) to the identified location.

5. Red Alert: (Approximately three hundred (300) members of the service). Departments from all Zones are requested to dispatch the maximum number of pre-arranged manpower (delayed response) to the identified location.

ACTIVATION OF THE PLAN

6. All requests for assistance under the Plan will be made via the Westchester County Hot Line System, (Hot Line).

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7. The following are example announcements to be followed when activating the Plan via the Hot Line.

a. Code Green (Prepare Only):

announcing Station \_\_\_\_\_ (number), \_\_\_\_\_ (town, city, village) a Green Alert within the confines of this jurisdiction and Depart-ments in Zone \_\_\_ should prepare to dispatch immediately upon request the pre-arranged manpower to this jurisdiction.

b. Code Blue (Rapid Response, One Zone Only):

this Station \_\_\_\_\_ (number) \_\_\_\_\_ (town, city, village) to all of stations on the Hot Line, announcing a Blue Alert within jurisdiction. Specifically, there is a \_\_\_\_\_ (nature of incident) and we are requesting rapid response from Zone \_\_\_\_\_.

The scene is located at \_\_\_\_\_ (street/avenue) and the location of response has been designated as \_\_\_\_\_

Captain, (street/avenue). At this time, \_\_\_\_\_ (Chief,  
Post has Lieutenant) is in command of the incident and the Command  
been established as \_\_\_\_\_ (building/street/avenue).

c. Code Yellow (Rapid Response, Two Zones Only):  
Station \_\_\_\_\_ (number) \_\_\_\_\_ (town, city, village) to  
all stations on the Hot Line, announcing a Yellow Alert within  
this jurisdiction. Specifically, there is a \_\_\_\_\_ (nature of  
Zones \_\_\_\_\_ incident) and we are requesting rapid response from  
and \_\_\_\_\_.

The scene is located at \_\_\_\_\_ (street/avenue) and the  
location of response has been designated as

\_\_\_\_\_  
(street/avenue). At this time, \_\_\_\_\_ (Chief,  
Captain, Lieutenant) is in command of the incident and the Command  
Post has been established as  
\_\_\_\_\_ (building/street/avenue).

d. Code Orange (Rapid Response, All Zones):  
Station \_\_\_\_\_ (number) \_\_\_\_\_ (town, city, village) to all  
this stations on the Hot Line, announcing an Orange Alert within  
jurisdiction. Specifically, there is a \_\_\_\_\_ (nature of  
Zones. incident) and we are requesting rapid response from all

The scene is located at \_\_\_\_\_ (street/avenue) and  
the location of response has been designated as

\_\_\_\_\_  
(street/avenue). At this time, \_\_\_\_\_ (Chief,  
Captain, Lieutenant) is in command of the incident and the Command  
Post has been established as  
\_\_\_\_\_ (building/street/avenue).

e. Code Red (Rapid Response, All Zones):  
Station \_\_\_\_\_ (number) \_\_\_\_\_ (town, city, village) to  
all stations on the Hot Line, announcing a Red Alert within this  
(nature jurisdiction. Specifically, there is a \_\_\_\_\_  
of incident) and we are requesting all available uniform  
personnel amounting to a delayed response from all Zones.

The scene is located at \_\_\_\_\_ (street/avenue) and the location of response has been designated as \_\_\_\_\_ (street/avenue). At this time, \_\_\_\_\_ (Chief, Captain, Lieutenant) is in command of the incident and the Command Post has been established as \_\_\_\_\_ (building/street/avenue).

NOTE: The requesting agency shall also identify any and all specialized equipment with which responding members should be equipped.

#### DUTIES OF REQUESTING AGENCY

1. Identify the nature and location of the incident.
2. Identify the location of the Command Post.
3. Identify the Staging Area or location of response.
4. Identify the Incident Commander or any change in command.
5. Commence internal Departmental mobilization.
6. Memorialize the name, rank and command of responding members of the service.

#### DUTIES OF RESPONDING AGENCY

7. Authorize only the designated pre-arranged UNIFORMED members of the service specific to the level of alert to respond.
8. Proceed directly to the location of requested response or the staging area as directed.

#### RESPONSIBILITIES AT THE SCENE OF THE INCIDENT

9. The Incident Commander designated by the requesting agency shall be in charge at the scene of the incident.
10. Uniformed members of the service detailed to the incident shall follow the direction of the Incident Commander.
11. However, where the provided assistance involves the loan of a Specialized Weapons and Tacticals (SWAT), hostage negotiation, bomb disposal or canine unit, the Commander of that specialized unit shall be responsible for implementation of the specific mission, as determined by the Incident Commander of the requesting agency.

12. When taking law enforcement actions at the scene of an incident, including use of force, uniformed members of the service from the responding agency shall at all times adhere to their agency policies and procedures and utilize only those weapons and tactics that they have been trained and deemed qualified to use.
13. Uniformed members of the service on loan from the responding agency at an emergency site shall regularly apprise the Command Post concerning the continued status of the emergency, line-of-duty injuries, or their need for relief.

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RELEASE OF PERSONNEL

14. The Incident Commander or his/her designee shall authorize release of personnel from all responding agencies.

POST OCCURRENCE REPORTINGS

15. Within thirty (30) days of any activation of the Plan, the Chief Executive Officer of the Requesting Agency shall prepare or cause to be prepared, a memorandum including a summary of the facts and circumstances surrounding the Incident, comments related to the effectiveness of the Plan and recommendations for modification of the Plan and submit same for the review of the Executive Board of the Westchester County Chiefs of Police Association.
16. Within thirty (30) days of receipt of the aforementioned memorandum the Executive Board of the Westchester County Chiefs of Police Association will make a determination if modification to the Plan is necessary.

ANNUAL DRILLING

17. During the first two weeks of October of each year, each Zone will conduct a mock activation and assembly of rapid response within each respective zone.

ANNUAL REVIEW AND REVISION

18. A sub-committee of the Westchester County Chiefs of Police Association will review the Plan at least once a year and formulate recommendations for revisions as the need arises.



# CITY COUNCIL AGENDA

NO. 13

DEPT.: Boat Basin

DATE: July 13, 2011

CONTACT: Peter T. Fox, Boat Basin Supervisor

**ACTION:** Designation of one member to the Boat Basin Nominating Committee.

**FOR THE MEETING OF:**

July 13, 2011

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** That the Council designate the individual elected to serve on the Boat Basin Nominating Committee.

**IMPACT:**  Environmental  Fiscal  Neighborhood x Other:

**BACKGROUND:**

See attached memorandum of Boat Basin Supervisor dated June 23, 2011.

**City of Rye Marina  
Memorandum**

**Memo To:** Scott Pickup, City Manager  
Rye City Council

**From:** Peter T. Fox, Boat Basin Supervisor

**Subject:** 2011 Nominating Committee

**Date:** June 23, 2011

The Following names have been appointed for the Boat Basin Nominating Committee for the 2011 Boat Basin Commission Elections:

1. Greg Gavlik - Commission Member not up for re-election.
2. Ford Winters – Permit holder elected to Nominating Committee in last election August 2010.
3. Frank Mangiamele to serve on the Nominating Committee.

Please submit to the City Council for approval, call me if any further information is needed.

Thank you for your consideration.

Peter T. Fox, Supervisor  
City of Rye Marina





# CITY COUNCIL AGENDA

NO. 14

DEPT.: Finance

DATE: July 13, 2011

CONTACT: Jean Gribbins, City Comptroller

**AGENDA ITEM:** Resolution to transfer \$25,000 from contingency for the City of Rye share of Rye Town Park funding.

**FOR THE MEETING OF:**  
July 13, 2011

**RECOMMENDATION:** That the City Council adopt the following resolution:

WHEREAS, City staff has determined that the amounts required for the City of Rye's share of Rye Town Park funding exceeded the anticipated amount and were not provided for in the adopted 2011 budget by \$25,000, and,

WHEREAS, the General Fund Contingent Account has a balance of \$200,000, now therefore be it

RESOLVED, that the City Comptroller is authorized to transfer \$25,000 from the General Fund Contingent Account to the Rye Town Park Account.

**IMPACT:**    Environmental    Fiscal    Neighborhood    Other:

**BACKGROUND:** Use and status of the Contingent Account:

01/01/2011 Beginning balance	\$300,000
02/09/2011 Transfer to Public Works for Storm costs	(50,000)
04/13/2011 Transfer to Sewer/Drain Account for emergency repairs	(25,000)
06/15/2011 Transfer to Engineering Services for design fees	(25,000)
07/13/2011 Transfer to Rye Town Park account	<u>(25,000)</u>
07/13/2011 Balance	<u>\$175,000</u>



# CITY COUNCIL AGENDA

NO. 15

DEPT.: Public Works

DATE: July 13, 2011

CONTACT: Scott Fontecchio, DPW General Foreman

**ACTION:** Bid Award for Automotive Parts & Machine Shop Services (Bid # 2011-04).

**FOR THE MEETING OF:**

July 13, 2011

**RYE CITY CODE,**

CHAPTER

SECTION

**RECOMMENDATION:** That Bid #2-11 be awarded to Midland Truck & Auto Parts, Tri-City Auto Parts and BWP Distributors (d/b/a Car Quest) as outlined in my recommendation.

**IMPACT:** Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** The General Foreman has reviewed the bids for automotive parts and machine shop services received from three vendors and has recommended the bid be awarded on an itemized basis to the low bidders as outlined in his recommendation to the City Manager.

See attached.

DATE: July 7, 2011  
TO: Scott Pickup, City Manager  
FROM: Scott Fontecchio, General Foreman  
RE: Bid Recommendation – Bid #2-11, Automotive Parts

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After carefully reviewing the tabulation of the two bids received for Automotive Parts with my staff, I recommend that the following vendors be awarded the bid:

Tri-City Automotive Parts	<u>Category 1</u>	
	Group 1	Brake Shoes & Linings
	Group 1A	Brake Parts
	Group 2	Bearings
	Group 7	Electric Switches & Wiring
	Group 10	Headlights (tied w/Midland Truck)
	Group 13	Ignition Equipment
	Group 15	Shock Absorbers (tied w/BWP)
	Group 17	Water Pumps
	Group 19	Windshield Wiper Products
	Group 21	Batteries
	Group 22	Starter & Alternators
	<u>Category 2</u>	
	Group 4	PTO clutch assemblies
	<u>Category 3</u>	
		4-cylinder heads rebuilt
		Pistons changed over & cleaned
Midland Truck/Auto Parts	<u>Category 1</u>	
	Group 4	Carburetors
	Group 6	Exhaust Parts
	Group 10	Headlights (tied with Tri-City)
	Group 11	Hoses & Clamps
	Group 12	Hoses & Belts
	Group 14	Mirrors & Lamps
	Group 16	Seals
	Group 18	Filters
	Group 20	Chassis Front End Parts
	Group 23	Bolts, Nuts, Washers, etc.

Category 2

- Group 1 Brake Parts
- Group 2 Starter & Alternators
- Group 3 Exhaust Parts

Category 3

- Flywheels Cut to 12"
- Flywheels Cut to 12" or Over
- Driveshafts Rebuilt
- King Pins Fitted
- King Pins w/I Beams
- Brake Bands Relined
- Brake Shoes Relines
- V-8 Heads Rebuilt
- 6 Cylinder Heads Rebuilt
- 4 OHC Head Rebuilt
- Axles Bearing and Related
- Press Work (per bearing)
- Heavy Duty Break Drums 16" & Up (price cut per inch)
- Passenger Car & Light Duty Truck up to 14" Drums
- Rotors
- Unltd. Shop Work (per hour)

BWP Distributors

Category 1

- Group 3 Brass Fittings
- Group 5 All Clutch Assemblies
- Group 8 New Fuel Pumps
- Group 9 Gaskets & Gasket Sets
- Group 15 Shock Absorbers (tied with Tri-City)

I would like to note that in the automotive parts business vendors cannot always have all the parts they bid on at the time our garage needs them. If such a case occurs, the Garage Foreman may have to use another vendor in order to repair the equipment expeditiously.

If you have any questions regarding this bid, please contact me at your earliest convenience. Attached is an Agenda Form for the City Council's meeting of July 13<sup>th</sup>.

cc: William Micalizzi, Garage Foreman  
Diane Moore, Deputy City Clerk