

**CITY OF RYE
1051 BOSTON POST ROAD
RYE, NY 10580**

AGENDA

**REGULAR MEETING OF THE CITY COUNCIL
COUNCIL CHAMBERS, CITY HALL
Wednesday, March 28, 2018
7:30 p.m.**

Please Note: The Council will convene at 6:30 p.m. and it is expected they will adjourn into Executive Session at 6:31 p.m. to discuss attorney-client privileged matters, personnel matters and labor negotiations.

1. Pledge of Allegiance.
2. Roll Call.
3. Draft unapproved minutes of the regular meeting of the City Council held March 14, 2018.
4. Continuation of the Public Hearing to amend local law Chapter 176, "Energy Conservation", of the Rye City Code by amending provisions related to the Sustainable Energy Loan Program in the City of Rye in accordance with Article 5-L of the General Municipal Law.
5. Public Hearing to amend local law Chapter 64, "Boats and Harbors" of the Rye City Code by amending provisions related to moorings.
6. Residents may be heard on matters for Council consideration that do not appear on the agenda.
7. Review and discussion of City roads and intersections by City Engineer.
8. Adoption of the 2018 County property tax rates.
Roll Call.
9. Consideration of a request by the Rye Chamber of Commerce for the use of the southern end of the City's Car Park #2 on Sundays from May 13, 2018 through December 2, 2018 from 6:30 a.m. to 3:00 p.m. for the Rye Farmers Market. Market hours are from 8:30 a.m. to 2 p.m.

10. Consideration of a request by the Rye Chamber of Commerce for the use of City streets for the Annual Sidewalk Sale to be held on Thursday, July 26, 2018 through Saturday, July 28, 2018 from 9:00 a.m. to 5:00 p.m.
11. Consideration of proposed revisions and addition to the Rules and Regulations of the City of Rye Police Department:
 - General Order #109.3 arrest processing policy.
 - General Order #113.18 regarding vehicular pursuit policy.
 - General Order #116.1 regarding recruitment, selection and appointment policy.
 - General Order #118.0 regarding computerized records management systems policy.
 - General Order #120.5 regarding firearm discharge reporting policy.
12. Appointments to Boards and Commissions, by the Mayor with Council approval.
13. Miscellaneous communications and reports.
14. Old Business.
15. New Business.
16. Adjournment.

The next regular meeting of the City Council will be held on Wednesday, April 11, 2018.

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

The Mayor and City Council have office hours in the Mayor’s Conference Room Annex at Rye City Hall, 1051 Boston Post Road. The Mayor’s Conference Room Annex is located on the 1st floor of City Hall adjacent to the Council Chambers. Hours are as follows:

Mondays 9:30 a.m. to 11:00 a.m.

Councilwoman Danielle Tagger-Epstein & Councilwoman Julie Souza

Wednesdays 9:00 a.m. to 10:30 a.m.

Mayor Josh Cohn, Deputy Mayor Emily Hurd & Councilwoman Sara Goddard

DRAFT UNAPPROVED MINUTES of the
Regular Meeting of the City Council of the City of
Rye held in City Hall on March 14, 2018, at 7:30
P.M.

PRESENT:

JOSH COHN, Mayor
SARA GODDARD
EMILY HURD
RICHARD MECCA
JULIE SOUZA
DANIELLE TAGGER-EPSTEIN
BENJAMIN STACKS
Councilmembers

ABSENT:

None

The Council convened at 6:30 P.M. Councilman Mecca made a motion, seconded by Councilwoman Souza, to adjourn immediately into executive session at 6:30 P.M. to discuss personnel and litigation matters.

At 7:42 P.M., Councilman Mecca made a motion, seconded by Councilwoman Souza, to adjourn the executive session. The regular meeting of the City Council began at 7:47 P.M.

1. Pledge of Allegiance.

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

2. Roll Call.

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

3. Draft unapproved minutes of the regular meeting of the City Council held February 28, 2018.

City Clerk D'Andrea made a correction in the February 28, 2018 minutes, amending the term expiration of Matthew Fahey to September 30, 2023. Councilwoman Hurd noted the correct spelling of David Crozier's name.

Councilwoman Hurd made a motion, seconded by Councilman Mecca, to adopt the minutes of the regular meeting of the City Council held February 28, 2018 as amended above.

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

This item was taken out of order. Joe Murphy, Franklin Avenue, stated that on March 8, 2018, two City of Rye Police Officers came to his home and helped his family with their generator during the power outages. Mr. Murphy said that the two officers, Detective Kenny, and Officer Staffiero, were originally U.S. Marines. He thanked the officers for their help and service during the storm to Rye residents. Mr. Murphy said that the officers do a wonderful job.

4. Continuation of the Public Hearing to amend local law Chapter 176, “Energy Conservation”, of the Rye City Code by amending provisions related to the Sustainable Energy Loan Program in the City of Rye in accordance with Article 5-L of the General Municipal Law.

Mayor Cohn explained that this initiative would further a current program helping certain types of entities finance capital improvements looking to implement cleaner and more sustainable energy. The current amendment explores expanding to commercial entities. Mayor Cohn noted that the City has not yet heard from commercial entities expressing interest. He said that the Council would appreciate hearing from them.

With no members of the public present to speak during the public hearing, Mayor Cohn opened the floor for Council discussion and questions on the issue.

Councilwoman Souza asked if the presentation by Energize NY could be put in an accessible place on the City website. That way, the Council and staff could send information to interested groups.

Mayor Cohn recounted that he had asked at the last public hearing to get specific data about the default information on the CT program, as it is close to New York State, and also because New York had not yet seen had a great deal of data.

Sarah Smiley, Energize NY, stated that Mr. Thielking had sent the annual report on CT data. City Manager Serrano stated that he would re-circulate that report.

Councilwoman Goddard said that she had been waiting for the new language on proposed local law Section 8(a), regarding the timing of the payments. Corporation Counsel Wilson clarified that the language would not be changing, but the intent would be changing. Councilwoman Goddard also said that there was some conversation at the last public hearing about Section 5(e), which specified the quantity of current payments to have a substantive record on financial health. She said it would be helpful to include a specific time period. Ms. Smiley responded that it was unlikely that an applicant would obtain lender consent if behind in payments. Councilwoman Goddard said she would prefer to have that specified within the law. Ms. Smiley explained that it would not change in the law, but would be a modification to the local program.

Mayor Cohn thanked Ms. Smiley for attending. The public hearing was continued.

6. Consideration to set a Public Hearing for March 28, 2018 to amend local law Chapter 64, "Boats and Harbors" of the Rye City Code by amending provisions related to moorings.

Mayor Cohn said that with regard to local law Chapter 64, the Police and Corporation Counsel have provided comments on proposed amendments to address the issue of moorings.

Joe Pecora, Boat Basin Commission, explained that amending the City Code would allow for the enforcement of the mooring charges.

Corporation Counsel Wilson explained that the Council could set a date for the public hearing. She further stated that this would be a significant revamp of the mooring law.

Councilwoman Hurd made a motion, seconded by Councilman Mecca, to set public hearing to amend local law Chapter 64, "Boats and Harbors," for March 28, 2018.

Jim Murphy, American Yacht Club, asked if the public hearing would give him an opportunity to comment on the local law. The Council responded that he and the rest of the public would have that opportunity.

7. Consideration of a resolution to amend the 2018 Adopted Fees and Charges for the Rye Boat Basin Enterprise Fund by adding a winter trailer only storage fee of \$350 plus NYS tax. This is for trailers that are either empty or box style trailers.

George Hogben, Boat Basin Supervisor, explained that this was introduced because a fee needed to be established for box trailer storage throughout the winter months.

Councilwoman Hurd, made a motion, seconded by Councilman Mecca, and unanimously carried, to amend the 2018 Adopted Fees and Charges for the Rye Boat Basin Enterprise Fund by adding a winter trailer only storage fee of \$350 plus NYS tax.

8. Consideration of proposed revisions to the Regulations of the City of Rye Municipal Boat Basin as recommended by the Boat Basin Commission regarding extending the deadline for the renewals of slip permits to March 31 and if not renewed the slips will be sold as of April 1.

Supervisor Hogben explained that if slips are not renewed by March 31, this would allow the Marina to sell the unused slips for the upcoming season. He also explained that to remind those with current slips to renew, he sends out emails, regular mailings, and then makes phone calls.

Councilwoman Souza recommended highlighting the renewal issue so that everyone would be aware of the change in policy.

Councilman Stacks inquired as to whether the policy would be effective immediately. Supervisor Hogben responded that it would be effective for this upcoming season.

Councilwoman Hurd made a motion, seconded by Councilman Mecca, to approve the revisions to the Regulations of the City of Rye Municipal Boat Basin Commission, authorizing unused slips to be sold by April 1, 2018.

9. Consider a resolution to authorize the Mayor to engage Sive, Paget & Riesel, P.C. to represent the City of Rye in litigation with Crown Castle.

Mayor Cohn explained that the law firm of Sive Paget & Riesel was an experienced law firm, up for the task of representing the City in litigation with Crown Castle.

Councilwoman Hurd made a motion, seconded by Councilwoman Tagger-Epstein to authorize the Mayor to engage Sive, Paget & Riesel, P.C. to represent the City of Rye in litigation with Crown Castle.

ROLL CALL

AYES: Councilmembers Goddard, Hurd, Mecca, Souza, Tagger-Epstein, Stacks, Mayor Cohn
NAYS: None
ABSENT: None

10. Consideration of proposed revisions and addition to the Rules and Regulations of the City of Rye Police Department:

- New General Order #102.9 regarding Harassment and Sexual Harassment policy.
- General Order #103.1 regarding performance and conduct policy.
- General Order #103.3 regarding Use of Force / Deadly Physical Force policy.
- General Order #103.4 regarding guidelines for firearms policy.
- General Order #104.1 regarding Uniform Specifications and Equipment policy.
- General Order #111.1 regarding Evidence and Non – Agency Property Management policy

City Manager Serrano explained that Public Safety Commissioner Corcoran has been periodically updating and codifying policies for the Police and Fire Departments, making the departments as strong as possible.

Councilman Mecca made a motion, seconded by Councilman Stacks and unanimously carried, to approve the revisions and additions to the Rules and Regulations of the City of Rye Police Department:

- New General Order #102.9 regarding Harassment and Sexual Harassment policy.
- General Order #103.1 regarding performance and conduct policy.
- General Order #103.3 regarding Use of Force / Deadly Physical Force policy.
- General Order #103.4 regarding guidelines for firearms policy.

- General Order #104.1 regarding Uniform Specifications and Equipment policy.
- General Order #111.1 regarding Evidence and Non – Agency Property Management Policy

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

Mayor Cohn made the following staggered appointments to the Rye Town Park Commission:

Russell Gold, Chairperson, three-year term, expiring January 1, 2021
Ted Stein, two-year term, expiring January 1, 2020
Jason Mehler, continuing his current term expiring January 1, 2019
Elinore White, one-year term, expiring January 1, 2019
Robert Dwyer, three-year term expiring January 1, 2021
Diana Page, two-year term expiring January 1, 2020
Katie Kubursi, two-year term expiring January 1, 2020

Councilwoman Souza made a motion, seconded by Councilwoman Tagger-Epstein and unanimously carried, to approve Mayor Cohn's appointments.

12. Miscellaneous communications and reports.

Councilman Stacks announced that early enrollment for Rye Golf Club members would end March 15, 2018. He also reminded the community that the annual Easter brunch at Whitby Castle would be held on Easter, Sunday, April 1, 2018. This event is open to the public, but Councilman Stacks asked that those interested please register. Councilman Stacks also reported that the Finance Committee had met twice this year so far and has been very investigative and energetic. He thanked the Committee for doing a great job so far.

Councilwoman Souza announced that the Rye Chamber of Commerce announced its Sidewalk Sale for July 26-28, 2018. She also said that the Rye Recreation Spring Program registration is now open. Further, camp registration opens Thursday, March 22, 2018 and can be done on the Recreation website. She encouraged the community to attend the Egg Hunt at the Osborn at 11:15a.m. on March 31, 2018.

Councilwoman Tagger-Epstein announced that students from almost 3000 schools marked March 14, 2018 as National Walkout Day to show solidarity for the recent gun violence tragedy at Parkland High School. The walkout lasted 17 minutes, to remember the 17 lives lost. Councilwoman Tagger-Epstein thanked the school superintendent to allowing the students to peacefully exercise their First Amendment rights. She also acknowledged the Police and Fire Departments in Rye to have the opportunity to do so in the safe environment. Councilwoman Tagger-Epstein said that she was proud of the students, and thanked Rye HS. She also acknowledged those students who walked out even in the face of adversity from schools who were against the peaceful protest. She then stated that there will be a Moms March on March 18, 2018 at the Wainwright House at 4:30 P.M., which will also include an event hosted by Moms Demand Action in Westchester on gun legislation and related topics. Further, on March 24,

2018, there will be a “March for Our Lives” event at Rye Neck at 2:30 P.M. She invited those interested to find more information at the Rye Human Rights website or Facebook page.

Councilwoman Hurd said that with regard to the Boat Basin, those who do not renew by March 31, 2018 will lose their current slips. Concerning Rye Town Park, the restaurant contract was still a work in progress, but she was hopeful to have an update soon. Councilwoman Hurd then congratulated the Rye High School Girls Basketball team, who won the Section 1 Gold Ball Championship to the Harrison Huskies. She then announced that the Rye Historical Society would be having its annual spring fundraiser at Apawamis Club on Wednesday, March 28, 2018 from 12:00 to 2:30 P.M.

Councilman Mecca reminded the community that the Annual Carol Kirby Memorial Egg Hunt will be held Saturday, March 31, 2018, with gates opening at 10:30 A.M. The event will be hosted by the Ladies Auxiliary of the Rye Fire Department. Councilman Mecca then thanked the City staff for their great work in the latest two storms. He said that staff had worked hard to keep the residents safe.

Councilwoman Goddard thanked City staff for their recent efforts. She announced that the Sustainability Committee was hosting a Community Choice Aggregation information session on Monday, March 19, 2018 at the Rye Free Reading Room at 7:30 P.M. She encouraged those interested to register on Eventbrite. On March 24, 2018 at 10:00 A.M., there will be a cleanup event for invasive vines and garbage, meeting at the Playland parking lot. Rye Middle and High School students will receive community service hours. For the event, the Rye Police Benevolent Association will provide garbage bags and snacks. Lastly, Councilwoman Goddard announced the second Rye Sustainability Leadership Award nominees:

Rosemary and Vine, who has been a model of sustainable restaurantering;

Denise Woodin, Directory of Community Impact and Social Responsibility at Rye YMCA;

Scott Nelson, Rye Country Day School Headmaster, who has supported and hosted the Green Screen series for the community;

Carolyn Cunningham, Conservation Commission Advisory Council, a longtime environmental advocate for the City of Rye and past Councilmember; and

Bill Lawyer, Assistant Director, Rye Town Park Development, and freelance writer for the Rye Record, with his many years of sustainable practices and advocacy.

Councilwoman Goddard announced that the winner will receive an award at the City Council meeting held on April 25, 2018.

Mayor Cohn thanked the City Staff for their dedication, hard work and diligent responses in the recent storms that affected Rye. He discussed the storm, power outages, and the response from the City, Con Ed and the County.

While there were many positive aspects, Mayor Cohn announced that there will be an elected officials meeting to discuss change for future storm emergencies and preparedness. Mayor Cohn said that he learned about the City in the recent storms, and looks forward to meeting with staff on perceived opportunities for improvements. Most importantly, Mayor Cohn said that he learned how Rye residents come together in times of adversity. He also said that in their first few months as a new City Council, they have learned that there is much to do, with costs and priorities involved. For example, Mayor Cohn said that with respect to roads, he has heard frequent justified complaints about them. With respect to sewers, the City has seen the recent painful learning experience of the possible Locust Avenue storm drain infiltration. This was the case of a sewer line that was built at least 60 years ago, with aging infrastructure. He discussed the DPW needs, such as building improvements, need for garbage trucks, among others. He also discussed the need to improve the court facilities to be up to State standards.

Mayor Cohn said that the City's total budget is less than \$40 million; with 16% of total taxes coming to the City. Of that, 60% goes to City salaries, benefits, and retirement. Mayor Cohn was hopeful that the Finance Committee will be instrumental in the City's financial future.

13. Old Business.

Mayor Cohn made a statement in response to Mr. Tartaglione's complaints to the City about Hen Island. Mr. Tartaglione has asked the City to help with his long running battle with his neighbors at Hen Island, specifically regarding sewage and mosquito issues.

By way of background, Mayor Cohn explained that Hen Island is located off the Greenhaven shore. Hen Island has no water supply or sewage hookup to the mainland. Mayor Cohn explained that after hearing Mr. Tartaglione's comments, members of the Council met with other members of the Hen Island community to discuss issues and have reviewed various records. Mayor Cohn said that while the City Council is not a court, it has done appropriate due diligence in this situation among neighbors. Mr. Tartaglione has complained about issues related to sewage and mosquitoes. In the past decade, he has been before the City Council more than 20 times, and there have been three instances of litigation. The County, having resources to do so, has performed a mosquito inspection one year ago of the area. Mayor Cohn reported that Hen Islanders have undertaken a number of improvements, such as composting, covering water, and other measures.

Mayor Cohn said that Mr. Tartaglione again approached the City two months ago. He alleged that composting toilets did not exist universally on the island, and that mosquito issues still existed. With respect to the sewer-related issue, he requested that this Council create a Sanitation Committee. In the court decision referenced at the last City Council meeting, the court ruled that it could not compel the City to create a Sanitation Committee. To do so was a matter of municipal discretion. In the City's history, there has never been a Sanitation Committee. Rather, the City has relied on the resources of the County Health Department.

Mayor Cohn continued and stated that this Council has no insight into past inspections. However, there has been a change in County administration, and the City will be requesting the

County Health Department and senior level members of the administration to utilize its resources to investigate the issues brought forward. Further, Mr. Tartaglione's report that there are floating lost propane tanks in the sound will be relayed to the coast guard. Lastly, the City building department will perform its own inspection and the Council will follow up on this approach. Mayor Cohn said that the Council earnestly hopes that this is an appropriate outcome for all involved.

14. New Business.

Mayor Cohn announced that the City Council had received a resignation letter from Greg Gavlick of the Boat Basin Commission. Mayor Cohn thanked Mr. Gavlick for his many years of service.

15. Adjournment.

Councilman Mecca made a motion, seconded by Councilwoman Souza, to adjourn into executive session to discussion litigation and personnel matters and 8:47 P.M. The Council anticipated that they would not reconvene into the public forum following executive session.

Respectfully submitted,

Carolyn D'Andrea
City Clerk



CITY COUNCIL AGENDA

NO. 4

DEPT.: City Manager

DATE: March 23, 2018

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Continuation Public Hearing to amend local law Chapter 176, "Energy Conservation", of the Rye City Code by amending provisions related to the Sustainable Energy Loan Program in the City of Rye in accordance with Article 5-L of the General Municipal Law.

FOR THE MEETING OF:

March 28, 2018

RYE CITY CODE,

CHAPTER 176
SECTION

RECOMMENDATION: Continue the Public Hearing to amend local law Chapter 176, "Energy Conservation", of the Rye City Code by amending provisions related to the Sustainable Energy Loan Program in the City of Rye in accordance with Article 5-L of the General Municipal Law.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

The Public Hearing was opened on February 28, 2018 and continued to March 14, 2018 and March 28, 2018 to consider amending Chapter 176 of the City Code to allow for the financing of energy efficient programs through the Energize NY Benefit Financing Program. The attached Local Law will amend the program as described.

See attached proposed Local Law.

LOCAL LAW NO 1-2018

1. A LOCAL LAW TO AMEND CHAPTER 176 ENERGY CONSERVATION PROGRAM IN THE CITY OF RYE BY AMENDING PROVISIONS RELATED TO THE SUSTAINABLE ENERGY LOAN PROGRAM IN THE CITY OF RYE IN ACCORDANCE WITH ARTICLE 5-L OF THE GENERAL MUNICIPAL LAW.

Be it enacted by the City of Rye as follows:

Section 1. This Local Law shall be known as the “Energize NY Benefit Financing Program,” and shall read as follows:

ARTICLE I

§176-1. Legislative findings, intent and purpose, authority.

- A. It is the policy of both the City of Rye and the State of New York to achieve energy efficiency and renewable energy goals, reduce greenhouse gas emissions, mitigate the effect of global climate change, and advance a clean energy economy. The City finds that it can fulfill this policy by providing property assessed clean energy financing to property owners for the installation of renewable energy systems and energy efficiency measures. This chapter establishes a program that will allow the Energy Improvement Corporation (“EIC”), a local development corporation, acting on behalf of the City of Rye pursuant to the municipal agreement to be entered into between the City of Rye and EIC pursuant to Article 5-G of the New York General Municipal Law (the “Municipal Agreement”), to make funds available to qualified property owners that will be repaid by such property owners through charges on the real properties benefited by such funds, thereby fulfilling the purposes of this law and fulfilling an important public purpose.
- B. The City of Rye is authorized to implement this Energize NY Benefit Financing Program pursuant to the Municipal Home Rule Law and Article 5-L of the New York General Municipal Law.
- C. This law shall be known and may be cited as the “Energize NY Benefit Financing Program Law of the City of Rye”.

§176-2. Definitions

For purposes of this law, and unless otherwise expressly stated or unless the context requires, the following terms shall have the meanings indicated:

Authority – The New York State Energy Research and Development Authority, as defined by subdivision two of section eighteen hundred fifty-one of the Public Authorities Law, or its successor.

EIC – the Energy Improvement Corporation, a local development corporation, duly organized under section fourteen hundred eleven of the Not-For-Profit Corporation Law, authorized hereby on behalf of the City of Rye to implement the Energize NY Benefit Financing Program by providing funds to qualified property owners (as defined in this law) and providing for repayment of such funds from monies collected by the City of Rye tax collecting officer as a charge to be levied on the real property and collected in the same manner and same form as the City of Rye taxes.

Energy Audit – A formal evaluation or “assessment” of the energy consumption of a permanent building or structural improvement to real property, conducted by a contractor certified by the Authority, or certified by a certifying entity approved by the Authority, for the purpose of identifying appropriate energy efficiency improvements that could be made to the property.

Energy Efficiency Improvement – Any renovation or retrofitting of a building to reduce energy consumption, such as window and door replacement, lighting, caulking, weatherstripping, air sealing, insulation, and heating and cooling system upgrades, and similar improvements, determined to be cost-effective pursuant to criteria established by the Authority, not including lighting measures or household appliances that are not permanently fixed to real property.

Qualified Property Owner – An owner of residential or commercial real property located within the boundaries of the City of Rye that is determined to be eligible to participate in the Energize NY Benefit Financing Program under the procedures for eligibility set forth under this law.

Renewable Energy System – An energy generating system for the generation of electric or thermal energy, to be used primarily at such property, except when the Qualified Property Owner is a commercial entity in which case the system may be used for other properties in addition to the subject property, by means of solar thermal, solar photovoltaic, wind, geothermal, anaerobic digester gas-to-electricity systems, fuel cell technologies, or other renewable energy technology approved by the Authority not including the combustion or pyrolysis of solid waste.

Renewable Energy System Feasibility Study – A written study, conducted by a contractor certified by the Authority, or certified by a certifying entity approved by the Authority, for the purpose of determining the feasibility of installing a renewable energy system.

§176-3. Establishment of an Energize NY Benefit Financing Program

- A. An Energize NY Benefit Financing Program is hereby established by the City of Rye, whereby EIC acting on its behalf pursuant to the Municipal Agreement, may provide funds to Qualified Property Owners in accordance with the procedures set forth under this law, to finance the acquisition, construction and installation of Renewable Energy Systems and Energy Efficiency Improvements and the verification of the installation of such systems and improvements.
- B. For funds provided to a Qualified Property Owner which is a commercial entity, not-for-profit organization, or entity other than an individual, EIC shall have the authority to impose requirements on the maximum amount of funds to be provided, which may consider factors including but not limited to the property value, projected savings, project cost, and existing indebtedness secured by such property.
- C. For financings made to a Qualified Property Owner who is an individual, the funds provided shall not exceed the lesser of: (i) ten percent of the appraised value of the real property where the Renewable Energy Systems and/or Energy Efficiency Improvements will be located, or (ii) the actual cost of installing the Renewable Energy Systems and/or Energy Efficiency Improvements, including the costs of necessary equipment, materials, and labor and the cost of verification of such systems and improvements.

§176-4. Procedures for eligibility

- A. Any property owner in the City of Rye may submit an application to EIC on such forms as have been prepared by EIC and made available to property owners on the website of EIC and at the City Clerk's offices.
- B. Every application submitted by a property owner shall be reviewed by EIC acting on behalf of the City, which shall make a positive or negative determination on such application based upon the criteria for making a financing enumerated in section 5 of this law. EIC may also request further information from the property owner where necessary to aid in its determination.
- C. If a positive determination on an application is made by EIC acting on behalf of the City, the property owner shall be deemed a Qualified Property Owner and shall be eligible to participate in the Energize NY Benefit Financing Program in accordance with the procedure set forth under section 6 of this law; provided that in no case shall a property owner that has received funds from another municipal corporation for the acquisition, construction and installation of Energy Efficiency Improvements and/or Renewable Energy Systems be deemed a Qualified Property Owner.

§176-5. Application criteria

Upon the submission of an application, EIC acting on behalf of the City, shall make a positive or negative determination on such application based upon the following criteria for the making of a financing:

- A. The proposed Energy Efficiency Improvements and/or Renewable Energy Systems are determined to be cost effective based on guidelines issued by the Authority;
- B. The property owner may not be in bankruptcy and the property may not constitute property subject to any pending bankruptcy proceeding;
- C. The amount financed under the Energize NY Benefit Financing Program shall be repaid over a term not to exceed the weighted average of the useful life of Renewable Energy Systems and Energy Efficiency Improvements to be installed on the property as determined by EIC;
- D. Sufficient funds are available from EIC to provide financing to the property owner;
- E. The property owner is current in payments on any existing mortgage;
- F. The property owner is current in payments on any existing real property taxes and has been current on real property taxes for the previous three years; and
- G. Such additional criteria, not inconsistent with the criteria set forth above, as the City, or EIC acting on its behalf, may set from time to time.

§176-6. Opt-in, Energize NY Finance Agreement

- A. A Qualified Property Owner may participate in the Energize NY Benefit Financing Program through the execution of an energize NY finance agreement made by and between the Qualified Property Owner and EIC, acting on the behalf of the City (the “Energize NY Finance Agreement”).
- B. Upon execution of the Energize NY Finance Agreement, the Qualified Property Owner shall be eligible to receive funds from EIC acting on behalf of City, for the acquisition, construction, and installation of qualifying Renewable Energy Systems and Energy Efficiency Improvements; provided the requirements of Section 7 of this law have been met.
- C. The Energize NY Finance Agreement shall include the terms and conditions of repayment set forth under section 8 of this law.

§176-7. Energy audit, renewable energy system feasibility study

- A. No funds shall be made available for Energy Efficiency Improvements unless determined to be appropriate through an Energy Audit as defined in Section 2.
- B. No funds shall be made available for a Renewable Energy System unless determined to be feasible through a Renewable Energy System Feasibility Study as defined in Section 2.
- C. The cost of such Energy Audit and/or Renewable Energy System Feasibility Study shall be borne solely by the property owner but may be included in the financed amount if the work is approved.

§176-8. Terms and conditions of repayment

The Energize NY Finance Agreement between the Qualified Property Owner and EIC acting on behalf of the City, shall set forth the terms and conditions of repayment in accordance with the following:

- A. The principal amount of the funds paid to the Qualified Property Owner hereunder, together with the interest thereon, shall be paid by the property owner as a charge on their property tax bill and shall be levied and collected at the same time and in the same manner as City property taxes, provided that such charge shall be separately listed on the tax bill. The City shall make payment to EIC or its designee in the amount of all such separately listed charges within 30 days of the date the payment is due to be made to the City.
- B. The term of such repayment shall be determined at the time the Energize NY Finance Agreement is executed by the property owner and EIC, provided that in no case shall the term exceed the weighted average of the useful life of the systems and improvements as determined by EIC acting on behalf of the City.
- C. The rate of interest for the charge shall be fixed by EIC acting on behalf of the City at the time the Energize NY Finance Agreement is executed by the property owner and EIC.
- D. The charge shall constitute a lien upon the real property benefited by the Energize NY Benefit Financing Program as set forth in Article 5-L of the General Municipal Law and shall run with the land. A transferee of title to the benefited real property shall be required to pay any future installments, including interest thereon.

§176-9. Verification and report

- A. EIC shall be responsible for verifying and reporting to the City on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by such Program.
- B. The City shall verify and report on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by the Energize NY Benefit Financing Program in such form and manner as the Authority may establish.

Section 2. This local law shall take effect upon filing with the Secretary of State.

RESOLUTION ADOPTING LOCAL LAW NO.1-2018, A LOCAL LAW TO IMPROVE AND STRENGTHEN THE SUSTAINABLE ENERGY LOAN PROGRAM

WHEREAS, there was duly presented and introduced to this Council at a meeting held on February 28, 2018, a proposed local law entitled, "**A LOCAL LAW TO IMPROVE AND STRENGTHEN THE SUSTAINABLE ENERGY LOAN PROGRAM**"; now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. 1-2018, CITY OF RYE, NEW YORK

A LOCAL LAW TO IMPROVE AND STRENGTHEN THE SUSTAINABLE ENERGY LOAN PROGRAM.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF RYE, as follows:

Section 1. Legislative Intent.

This Council hereby finds and determines that the City of Rye enacted Local Law No. Local Law #10-2014, pursuant to provisions of New York General Municipal Law, to establish a Sustainable Energy Loan Program. This program authorized the Energy Improvement Corporation (“EIC”), a local development corporation acting on behalf of the City of Rye, to make funds available to qualified property owners for the installation of renewable energy systems and energy-efficiency measures.

This Council further finds that the New York State Legislature recently amended certain provisions of the municipal sustainable energy loan program to “eliminate barriers that have been identified that have prevented the program from reaching its full potential.”

This Council finds that the amendments to the program, enacted as Chapter 320 of the 2017 Laws of the State of New York, seek to encourage net metered and community solar projects, will allow the City of Rye’s program to use monies available from the State or any State authority, and will permit a more flexible loan standard for commercial properties.

Therefore, the purpose of this law is to amend the *(municipality name)*’s Sustainable Energy Loan Program in conformity with changes recently enacted to the New York State enabling legislation.

Section 2. Amendments.

Chapter 176 of the City of Rye CODE is hereby amended as follows:

CHAPTER 176

Article I. Sustainable Energy Loan Program

Please see attached document with tracked changes.

Section 6. Effective Date.

This law shall take effect immediately upon its filing in the Office of the Secretary of State.

[] Brackets denote deletion of existing language
___ Underlining denotes addition of new language

DATED:

APPROVED BY:

(*CHIEF EXECUTIVE OF MUNICIPALITY*)

Date:

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LOCAL LAW NO. - 20

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**A LOCAL LAW TO AMEND THE SUSTAINABLE ENERGY LOAN PROGRAM
IN THE**

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Be it enacted by the [County/City/Town/Village] of _____ as follows:

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Section 1. This Local Law shall be known as the “Energize NY Benefit Financing Program,” and shall read as follows:

Deleted: The Code of the _____ is hereby amended by adding a new Chapter _____, entitled

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ARTICLE I

§1. Legislative findings, intent and purpose, authority.

A. It is the policy of both the _____ and the State of New York to achieve energy efficiency and renewable energy goals, reduce greenhouse gas emissions, mitigate the effect of global climate change, and advance a clean energy economy. The _____ finds that it can fulfill this policy by providing property assessed clean energy financing to property owners for the installation of renewable energy systems and energy efficiency measures. This chapter establishes a program that will allow the Energy Improvement Corporation (“EIC”), a local development corporation, acting on behalf of the _____ pursuant to the municipal agreement to be entered into between the _____ and EIC pursuant to Article 5-G of the New York General Municipal Law (the “Municipal Agreement”), to make funds available to qualified property owners that will be repaid by such property owners through charges on the real properties benefited by such funds, thereby fulfilling the purposes of this law and fulfilling an important public purpose.

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B. The _____ is authorized to implement this Energize NY Benefit Financing Program pursuant to the Municipal Home Rule Law and Article 5-L of the New York General Municipal Law.

C. This law shall be known and may be cited as the “Energize NY Benefit Financing Program Law of the _____”.

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§2. Definitions

For purposes of this law, and unless otherwise expressly stated or unless the context requires, the following terms shall have the meanings indicated:

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Authority – The New York State Energy Research and Development Authority, as defined by subdivision two of section eighteen hundred fifty-one of the Public Authorities Law, or its successor.

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EIC – the Energy Improvement Corporation, a local development corporation, duly organized under section fourteen hundred eleven of the Not-For-Profit Corporation Law, authorized hereby on behalf of the _____ to implement the Energize NY Benefit Financing Program by providing funds to qualified property owners (as defined in this law) and providing for repayment of such funds from monies collected by the _____ tax collecting officer as a charge to be levied on the real property and collected in the same manner and same form as the _____ taxes.

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Energy Audit – A formal evaluation or “assessment” of the energy consumption of a permanent building or structural improvement to real property, conducted by a contractor certified by the Authority, or certified by a certifying entity approved by the Authority, for the purpose of identifying appropriate energy efficiency improvements that could be made to the property.

Energy Efficiency Improvement – Any renovation or retrofitting of a building to reduce energy consumption, such as window and door replacement, lighting, caulking, weatherstripping, air sealing, insulation, and heating and cooling system upgrades, and similar improvements, determined to be cost-effective pursuant to criteria established by the Authority, not including lighting measures or household appliances that are not permanently fixed to real property.

Qualified Property Owner – An owner of residential or commercial real property located within the boundaries of the _____ that is determined to be eligible to participate in the Energize NY Benefit Financing Program under the procedures for eligibility set forth under this law.

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Renewable Energy System – An energy generating system for the generation of electric or thermal energy, to be used primarily at such property, except when the Qualified Property Owner is a commercial entity in which case the system may be used for other properties in addition to the subject property. by means of solar thermal, solar photovoltaic, wind, geothermal, anaerobic digester gas-to-electricity systems, fuel cell technologies, or other renewable energy technology approved by the Authority not including the combustion or pyrolysis of solid waste.

Renewable Energy System Feasibility Study – A written study, conducted by a contractor certified by the Authority, or certified by a certifying entity approved by the Authority, for the purpose of determining the feasibility of installing a renewable energy system.

§3. Establishment of an Energize NY Benefit Financing Program

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A. An Energize NY Benefit Financing Program is hereby established by the _____, whereby EIC acting on its behalf pursuant to the Municipal

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Agreement, may provide funds to Qualified Property Owners in accordance with the procedures set forth under this law, to finance the acquisition, construction and installation of Renewable Energy Systems and Energy Efficiency Improvements and the verification of the installation of such systems and improvements.

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B. For funds provided to a Qualified Property Owner which is a commercial entity, not-for-profit organization, or entity other than an individual, EIC shall have the authority to impose requirements on the maximum amount of funds to be provided, which may consider factors including but not limited to the property value, projected savings, project cost, and existing indebtedness secured by such property.

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C. For financings made to a Qualified Property Owner who is an individual, the funds provided shall not exceed the lesser of (i) ten percent of the appraised value of the real property where the Renewable Energy Systems and/or Energy Efficiency Improvements will be located, or (ii) the actual cost of installing the Renewable Energy Systems and/or Energy Efficiency Improvements, including the costs of necessary equipment, materials, and labor and the cost of verification of such systems and improvements.

§4. Procedures for eligibility

A. Any property owner in the _____ may submit an application to EIC on such forms as have been prepared by EIC and made available to property owners on the website of EIC and at the _____ offices.

B. Every application submitted by a property owner shall be reviewed by EIC acting on behalf of the _____, which shall make a positive or negative determination on such application based upon the criteria for making a financing enumerated in section 5 of this law. EIC may also request further information from the property owner where necessary to aid in its determination.

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C. If a positive determination on an application is made by EIC acting on behalf of the _____, the property owner shall be deemed a Qualified Property Owner and shall be eligible to participate in the Energize NY Benefit Financing Program in accordance with the procedure set forth under section 6 of this law; provided that in no case shall a property owner that has received funds from another municipal corporation for the acquisition, construction and installation of Energy Efficiency Improvements and/or Renewable Energy Systems be deemed a Qualified Property Owner.

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§5. Application criteria

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Upon the submission of an application, EIC acting on behalf of the _____, shall make a positive or negative determination on such application based upon the following criteria for the making of a financing:

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A. The proposed Energy Efficiency Improvements and/or Renewable Energy Systems are determined to be cost effective based on guidelines issued by the Authority;

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B. The property owner may not be in bankruptcy and the property may not constitute property subject to any pending bankruptcy proceeding;

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C. The amount financed under the Energize NY Benefit Financing Program shall be repaid over a term not to exceed the weighted average of the useful life of Renewable Energy Systems and Energy Efficiency Improvements to be installed on the property as determined by EIC;

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Deleted: and/or Renewable Energy Systems will generate an estimated annual cost savings greater than the annual charge payments

D. Sufficient funds are available from EIC to provide financing to the property owner;

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E. The property owner is current in payments on any existing mortgage;

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F. The property owner is current in payments on any existing real property taxes and has been current on real property taxes for the previous three years; and

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G. Such additional criteria, not inconsistent with the criteria set forth above, as the _____, or EIC acting on its behalf, may set from time to time.

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§6. Opt-in, Energize NY Finance Agreement

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A. A Qualified Property Owner may participate in the Energize NY Benefit Financing Program through the execution of an energize NY finance agreement made by and between the Qualified Property Owner and EIC, acting on the behalf of the _____ (the "Energize NY Finance Agreement").

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B. Upon execution of the Energize NY Finance Agreement, the Qualified Property Owner shall be eligible to receive funds from EIC acting on behalf of _____, for the acquisition, construction, and installation of qualifying Renewable Energy Systems and Energy Efficiency Improvements; provided the requirements of Section 7 of this Jaw have been met.

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C. The Energize NY Finance Agreement shall include the terms and conditions of repayment set forth under section 8 of this Jaw.

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§7. Energy audit, renewable energy system feasibility study

A. No funds shall be made available for Energy Efficiency Improvements unless determined to be appropriate through an Energy Audit as defined in Section 2.

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- B. No funds shall be made available for a Renewable Energy System unless determined to be feasible through a Renewable Energy System Feasibility Study as defined in Section 2.
- C. The cost of such Energy Audit and/or Renewable Energy System Feasibility Study shall be borne solely by the property owner but may be included in the financed amount if the work is approved.

§8. Terms and conditions of repayment

The Energize NY Finance Agreement between the Qualified Property Owner and EIC acting on behalf of the _____, shall set forth the terms and conditions of repayment in accordance with the following:

- A. The principal amount of the funds paid to the Qualified Property Owner hereunder, together with the interest thereon, shall be paid by the property owner as a charge on their _____ tax bill and shall be levied and collected at the same time and in the same manner as _____ property taxes, provided that such charge shall be separately listed on the tax bill. The _____ shall make payment to EIC or its designee in the amount of all such separately listed charges within 30 days of the date the payment is due to be made to _____.
- B. The term of such repayment shall be determined at the time the Energize NY Finance Agreement is executed by the property owner and EIC, provided that in no case shall the term exceed the weighted average of the useful life of the systems and improvements as determined by EIC acting on behalf of the _____.
- C. The rate of interest for the charge shall be fixed by EIC acting on behalf of the _____ at the time the Energize NY Finance Agreement is executed by the property owner and EIC.
- D. The charge shall constitute a lien upon the real property benefited by the Energize NY Benefit Financing Program as set forth in Article 5-L of the General Municipal Law and shall run with the land. A transferee of title to the benefited real property shall be required to pay any future installments, including interest thereon.

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§9. Verification and report

- A. EIC shall be responsible for verifying and reporting to the _____ on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by such Program.

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B. The _____ shall verify and report on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by the Energize NY Benefit Financing Program in such form and manner as the Authority may establish.

Section 2. This local law shall take effect upon filing with the Secretary of State.

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CITY COUNCIL AGENDA

NO. 5

DEPT.: Boat Basin

DATE: March 23, 2018

CONTACT: Sally Rogol, Superintendent of Recreation

AGENDA ITEM: Public Hearing to amend local law Chapter 64, "Boats and Harbors" of the Rye City Code by amending provisions related to moorings.

FOR THE MEETING OF:

March 28, 2018

RYE CITY CODE,

CHAPTER 64
SECTION

RECOMMENDATION: Public Hearing to amend local law Chapter 64, "Boats and Harbors" of the Rye City Code by amending provisions related to moorings.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: After a review of Chapter 64 by the Police Department it was determined that modifications would be required to allow adequate authority for enforcement of the moorings. The Police and Corporation Counsel have provided their recommendation to the Boat Basin Commission. They have reviewed and agreed to the changes. The American Yacht Club have provided comments which have been incorporated into the law. Staff agrees with the recommendations. The Commission and staff recommends that the City Council approve the modifications as submitted.

See attached proposed Local Law addressing these recommendations.

CITY OF RYE
LOCAL LAW NO. 201

A local law to amend Chapter 64 “Boats and Harbors” of the Code of the City of Rye by amending Sections 64- ”, as follows:

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

Section 1: Chapter 64. Boats and Harbors

Article I. Boats and Docks.

§ 64-1. Excursion boats.

With the exceptions set forth in § 64-1(A), no person shall operate excursion boats within the City or operate boats regularly carrying passengers or freight, or both, without first obtaining the consent of the Council and subject to such restrictive provisions as the Council may deem advisable, except that this section shall not apply to boats or launches running to and from docks of yacht clubs.

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A. Boat excursions for the purposes of duck hunting, kayaking, stand up paddle boarding or other similar contracted for activities shall be permitted upon issuance of a permit by the Boat Basin Supervisor.

§ 64-2. Sale of goods at docks.

[to be deleted entirely]

Article II. Harbors

§ 64-3. Title, Scope and purpose.

A.

This article shall be known as the “Harbor Ordinance of the City of Rye” and shall apply to all boats and moorings within City-regulated waterways, as defined in § 46-a of the Navigation Law, exempt the areas under the jurisdiction of the Westchester County Park Commission.

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B.

The general purpose of this article is to keep the harbor sanitary and safe, make the best use of available mooring space within the City waterways so as to accommodate more craft, avoid congestion, avoid obstruction of the channels and regulate the operation and speed of boats.

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§ 64-4. Definitions.

BAY CONSTABLE - Seasonal employee as defined under Westchester County Civil Service

BOAT – Includes every kind of boat, houseboat, vessel, or floating craft, **including but not limited to, jets skis, kayaks, paddle boards, and canoes.**

BOAT BASIN SUPERVISOR – The administrative official appointed by the City Manager to oversee the Boat Basin daily functions.

§ 64-5. Boat identification.

A. All boats anchored or moored in Rye’s waterways, **including docks,** shall be registered or documented in compliance with federal and state laws **and in accordance with this Chapter.**

B. Identification. **Vessel operators shall identify themselves and produce the vessel’s registration to city, state or federal law enforcement authorities upon request. Failure to produce such registration upon request shall be presumptive evidence of a violation of this section.**

§ 64-6. Discharges from boats.

[no change]

§ 64-7. Toilet facilities.

[no change]

§ 64-8. Living on boats.

[no change]

§ 64-9. Noise on boats.

The operation of any radio, ~~phonograph~~ or television or the use of any musical instrument or other sound-making instrument or device on any boat in such a manner as to disturb the peace is prohibited, except that the transmission of audible signals that are necessary for normal navigation or for emergency purposes is permitted.

§ 64-10. Moorings and floats.

Within the jurisdictional area provided by § 46-a of the Navigation Law and § 64-3 of this chapter, the following restrictions apply:

A. No boat shall be moored within the lines of any channel.

B. No person shall anchor or moor a vessel or float in a mooring area without first obtaining an annual mooring permit from the Boat Basin Supervisor. Such permit shall be applied for on forms available at the Boat Basin and shall be accompanied by an application fee, current inspection certificate, and proof of insurance as shall be fixed from time to time by resolution of the City Council. The person shall file annually

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with the Boat Basin a local address of an authorized agent for legal service of process, in order to have a local contact in case of an emergency or violation of this chapter. Upon receipt of a properly prepared application, the Boat Basin Supervisor shall determine if the application is complete and, if so, shall process the application. No application shall be deemed complete until the permit fee is paid. No permit shall be issued if the person has any unpaid dues or fees from prior years. Any yacht club which has a regular and comprehensive mooring administration and annual maintenance program shall submit a list of the moorings within such program which require a permit on an annual basis. Such list shall also include the registration numbers and GPS coordinates of all moorings. The annual submission shall include the quantity of moorings in the program, payment of the permit fee for that quantity of moorings and a certification to the Boat Basin Supervisor that each mooring within the program has been properly and safely maintained in accordance with the provisions of Sec. 64-F. The annual submission shall also include the name, local address, cell phone number and email address of two authorized agents for emergency contact and legal service of process for the moorings on the list.

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C. Moorings anchoring rafts and/or floats, except those governed by upland owners' property rights, must be assigned a permit by the Bay Constable ~~Boat Basin Supervisor~~. An annual mooring permit, which contains the name of the authorized mooring location in the City of Rye, shall be valid for a period of one year, commencing April 1 of each year and terminating on December 1 of the same year. The number must be permanently affixed to said raft and/or float. The Bay Constable ~~Boat Basin Supervisor~~ may promulgate regulations governing rafts and floats, subject to the approval of the State Commissioner of Parks, Recreations and Historic Preservation and the City Council.

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D. No boat shall be moored in such a manner as to interfere with the use of a preexisting mooring. The right to use a mooring space shall be based on a first-come first-served basis. A neighborhood association, yacht club or other entity administering the moorings of its membership may maintain lists identifying its owners and shall file copies of this information with the Boat Basin. In addition, others may register the placement of their moorings with the Bay Constable.

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E. A mooring location shall be occupied only by the vessel or float assigned to the location, unless written consent is granted by the Boat Basin Supervisor to use the mooring for another vessel or float. Yacht clubs which maintain a comprehensive mooring program may assign locations within their mooring field to particular boats and may move boats as needed for safety. The vessel which is assigned a location or granted written consent

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shall be fully registered, and all registration and current contact information shall be provided to the Boat Basin Supervisor.

F. Moorings top rigs must be **hauled and** serviced each year. A winter stick shall be used during winter and a clearly visible float or buoy shall be used at all other times in accordance with the Uniform State Waterway Marking System. **Failure to use a winter stick will result in a denial of a mooring permit for the following season. A permanent mooring shall be raised at least once every three years for inspection, at the owner's expense. The Boat Basin Supervisor may accept a written statement from the manager of a yacht club mooring maintenance program or from a contractor certifying that he/she has inspected the mooring and that it is in safe condition. The inspection certificate shall be dated and signed by the person who has done the inspection and shall certify that the mooring anchor, all ground tackle, including lines, shackles, swivels and chains, are in safe condition.**

G. ~~Moorings anchoring rafts and/or floats, except those governed by upland owners' property rights, must be assigned a permit by the Bay Constable~~ **Boat Basin Supervisor**. The number must be permanently affixed to said raft and/or float. ~~The Bay Constable~~ **Boat Basin Supervisor** may promulgate regulations governing rafts and floats, subject to the approval of the State Commissioner of Parks, Recreations and Historic Preservation and the City Council. **Boat Basin Commission**.

H. Unsafe moorings or abandoned moorings, which represent a hazard to navigation, may be removed **at the direction of the Boat Basin Supervisor or the Rye Police Department** by the enforcement officers if their owners fail to take corrective action following notification. ~~The notification and removal procedures shall be promulgated by the City Police Department using the procedures established under 1224 of the State Vehicle and Traffic Law as a model.~~ **If directions given by the Boat Basin Supervisor with respect to the removal of unauthorized moorings or changes in location are not carried out within seven days after notice from the Boat Basin Supervisor or the Rye Police Department in person, or by the posting of the order in a visible location in a waterproof envelope on the mooring device, or by regular and certified mail, if a mailing address is known, the Boat Basin Supervisor may cause such moorings to be removed and temporarily stored at the owner's expense.**

I. **After removal of any vessel or mooring device as provided in this article, the Boat Basin Supervisor may store or cause such vessel or mooring device to be stored in a suitable place at the expense of the**

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owner. Removal of vessels and moorings shall be removed by a third party contractor for the City. Such owner may redeem the same upon payment of all City fines and fees to the City and of all expenses owed to the person with whom such property is stored.

J. ~~An annual permit fee will be imposed on all privately owned boats having moorings in Rye waters, with the exception of the Durland Scout Center, a nonprofit organization. Said fee will be set annually by the City Council before adoption of the budget for the following year.~~

K. A mooring buoy shall be constructed of Styrofoam, plastic, metal or other material and be spherical, conical or cylindrical in shape and no less than six (6) inches or more than twenty four (24) inches in diameter. The portion above the waters shall be no less than six (6) inches or more than twenty four (24) inches, exclusive of whips or staffs. Each buoy shall be painted white except portions which are painted with anti-fouling paint. The mooring permit number shall be clearly marked on the mooring buoy and shall be of bold, clear numeral, four inches in height, of a contrasting color, or engraved into buoys, clearly visible. Each permanent mooring buoy anchor shall be of mushroom type only.

§ 64-11. Notice of removal and sale at auction.

It shall be the duty of the Boat Basin Supervisor to ascertain, to the extent possible, the last record owner and lienholder, if any, of the vessel or mooring and to notify such owner and lienholder, if any, by regular and certified mail, informing them of the removal and storage of such vessel or mooring and of the amount which will be required to redeem the same; the amount of unpaid summonses, if any, which must be paid at the time of redemption of the vessel or mooring; that title to such vessel shall vest in the City of Rye; and that such vessel may be sold at public auction or otherwise disposed at the direction of the Boat Basin Supervisor if not redeemed within thirty (30) days of such notice.

§ 64-12. Hazards to navigation.

Any boat, raft or float which becomes a menace to navigation or unseaworthy or sinks, grounds or otherwise becomes disabled shall be removed by the owner or person in charge thereof upon order of the enforcement authorities Police Department of the City of Rye, including Bay Constables, Boat Basin Supervisor and any other official authorized pursuant to § 64-16 below. If such boat is not removed within five days after an order to do so, it may be removed by or at the discretion of the enforcement authorities at the expense of the owner or person in charge of said boat. Such removed boats shall be disposed of in accordance with federal, state and City rules and regulations.

§ 64-13. Speed limit.

No motor-drive boat shall be operated at a speed exceeding five statute miles per hour, except for boats and vessels operated by police, emergency officials

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or federal enforcement officials in the line of duty or under emergency circumstances. **In addition, no vessel shall be operated by any persons within such limits so as to make dangerous wakes that have the potential to cause injury to persons on another vessel or to cause damage to another vessel, structure or shoreline.**

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§ 64-14. Observance of navigation laws.

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All provisions of the Navigation Law of the State of New York, all laws enacted by the Congress of the United States and all rules and regulations of the United States Coast Guard governing navigable or inland waters of the United States, insofar as they are applicable to the City waterways, are hereby made applicable to same.

§ 64-15. Power to adopt rules.

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The ~~Recreation Commission~~ **Boat Basin Commission** of the City of Rye shall have the power to adopt rules and regulations governing the use of the City of Rye marina, subject to the approval of the City Council.

§ 64-16. Enforcing authority.

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The enforcing authority of this article shall be the Police Department of the City of Rye or duly authorized ~~deputies~~ personnel, **including Bay Constables and any other official authorized to issue summonses and appearance tickets pursuant to Article 150 of the New York State Criminal Procedure Law.**

§ 64-17. Penalties for offenses.

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A. Any person, firm, association or corporation violating any of the foregoing provisions of this chapter shall be guilty of an offense and may, upon conviction, be punished by a fine not exceeding \$250 or imprisonment not exceeding 15 days, or both, for each and every day in violation.

(1) In addition, any person who has been convicted of a violation of this Chapter herein shall have any current permits revoked and may not be permitted to apply for or to receive permits for two years.

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B. Appeals. The City Manager shall be empowered to hear and decide appeals from and review any order, requirement, decision or determination made by the Boat Basin Supervisor with respect to the issuance or revocation of a mooring permit.

(1) Request for hearing. Upon the denial of a permit by the Boat Basin Supervisor in connection with the issuance of a mooring permit or upon issuance of a notice of revocation of any such permit, the aggrieved applicant may, within 10 days after receiving written notice from the Boat Basin Supervisor, file an appeal, in writing, in the office of the City Manager requesting a review of any such determination. The City Manager shall hear

and decide such appeals and may reverse or affirm, wholly or partly, or may modify the determination appealed from and/or make such determination and order which, in his or her opinion, should be made under the circumstances.

- (2) Hearing. Upon receipt of a request for a hearing as provided above, the City Manager shall set a time and place for a hearing. Such hearing shall commence no later than thirty (30) days after the date on which the request was filed, unless an extension of said time period is agreed upon by both the City Manager and the aggrieved party. Failure by the City Manager to commence said hearing within the above-specified time period shall not be deemed to constitute approval of such request if good and sufficient reason exists.
- (3) Conduct of hearing. The applicant or his/her representative shall be given an opportunity to show cause why such decision by the Boat Basin Supervisor should be modified or withdrawn. The burden of proof in this regard shall be upon said applicant or his/her representative, who shall be required to demonstrate by a fair preponderance of the evidence that the Boat Basin Supervisor's decision should be withdrawn or modified.
- (4) Findings. Upon consideration of the evidence presented, the City Manager shall sustain, modify or revoke the Boat Basin Supervisor's decision.

§ 64-18. Disclaimer of responsibility for City.

The City assumes no responsibility for the safety of any vessel at the Boat Basin and shall not be responsible for loss or damage or injury to persons or property due to wind, waves, theft, collision, chafing, vandalism, fire, ice, low water levels, or any other cause. The City shall not be liable for any damage to the vessel occurring before, during or after a severe storm, hurricane, or other emergency, for service performed, or for the failure to provide services. In addition, the City shall not be responsible for any damages incurred from the removal, towing, hauling or storage of the vessel, mooring or any other equipment.

Section 2: Severability.

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

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Section 3: Effective date.

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



CITY COUNCIL AGENDA

NO. 7 DEPT.: FINANCE

DATE: March 23, 2018

CONTACT: JOSEPH S. FAZZINO, Deputy City Comptroller

AGENDA ITEM: Adoption of the 2018 County property tax rates.

FOR THE MEETING OF:

March 28, 2018

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the City Council adopt the 2018 County tax rates.

IMPACT: Environmental Fiscal Neighborhood Other

BACKGROUND:

The City must by law collect the County taxes and remit the collected amount of the tax warrant to the County in two installments: 60% on May 25th and the balance of 40% on October 15th.

The County tax rates must be adopted by the City Council in order to provide sufficient lead time for the preparation and mailing of the County tax bills, and to allow sufficient time for property owners to remit their payment within the penalty-free period (the month of May).

Failure to adopt this resolution does not relieve the City of its legal responsibility to remit to the County the amount of the tax warrant due on the dates noted above, and, by State law, the City cannot waive penalties for late payment of property taxes, even if the property owner(s) did not receive a bill or received a bill after the penalty-free period.

For the 2018 Tax Year, the combined county tax rate for the Blind Brook Sanitary Sewer District increased by 1.56% and the combined county tax rate for the Mamaroneck Valley Sanitary Sewer District increased by 2.07%.

RESOLVED, that the tax rates for the amounts of Westchester County, Blind Brook Sewer District, Mamaroneck Valley Sewer District and Refuse Disposal District charges for the fiscal year beginning January 1, 2018, shall be as follows:

<u>Westchester County</u>	
Levy	\$28,627,353
Taxable Assessed Value	139,927,245
Taxable Rate per \$1,000 Assessed Value	204.587

<u>Blind Brook Sewer District</u>	
Levy	\$5,341,306
Taxable Assessed Value	141,863,774
Taxable Rate per \$1,000 Assessed Value	37.651

<u>Mamaroneck Valley Sewer District</u>	
Levy	\$709,264
Taxable Assessed Value	19,601,022
Taxable Rate per \$1,000 Assessed Value	36.185

<u>Refuse Disposal District No. 1</u>	
Levy	\$2,551,725
Taxable Assessed Value	142,012,846
Taxable Rate per \$1,000 Assessed Value	17.968

And be it further

RESOLVED, that the Council does hereby certify to the City Comptroller the above stated levies and tax rates for Westchester County, Blind Brook Sewer District, Mamaroneck Valley Sewer District and Refuse Disposal District No. 1 charges, and the City Comptroller is hereby directed to apportion and extend against each taxable property listed upon the assessment roll of the City of Rye for 2018 at the rates specified, the amount of taxes required to produce the total sums certified and to render tax notices for, and receive and collect, the several sums computed and determined, and, it is further

RESOLVED, that the tax warrant of Westchester County be signed by the Mayor and directed to the City Comptroller to collect the amount of said taxes with interest as provided by law and any special assessment heretofore authorized and approved.



CITY COUNCIL AGENDA

NO. 8

DEPT.: Rye Merchants Association

DATE: March 23, 2017

CONTACT: Margaret Ricketts, President

AGENDA ITEM: Consideration of a request by the Rye Chamber of Commerce for the use of the southern end of the City's Car Park #2 on Sundays from May 13, 2018 through December 8, 2018 from 6:30 a.m. to 3:00 p.m. for the Rye Farmers Market. Market hours are from 8:30 a.m. to 2 p.m.

FOR THE MEETING OF:

March 28, 2018

**RYE CITY CODE,
CHAPTER
SECTION**

RECOMMENDATION: That the Council consider approving the request.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

The Merchants Association requests the use of the southern end of Car Park #2 on Sundays from May 13, 2018 through December 2, 2018 from 6:30 a.m. to 3:00 p.m. for the Rye Farmers Market. Market hours are from 8:30 a.m. to 2 p.m. The City Council is asked to approve the request.

See attached request.



March 7, 2018

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

RE: Rye Farmers Market

Dear Ms. D'Andrea:

On behalf of the Rye Chamber of Commerce, I am writing to request permission from the City for use of Parking Lot # 2 southern end on Sundays from 6:30 am – 3:30 pm from May 13–December 2, 2018 for the Rye Farmers Market. Market hours are from 8:30 am – 2 pm.

Our members will be setting out their own tables and tents with a mindful eye to keep the ends delineated with traffic cones.

I will contact Commissioner Corcoran of the Rye City Police Department to make sure the village officer is aware of this seasonal activity. An insurance certificate will be provided upon approval.

Thank you in advance for your consideration.

Very truly yours,

.

Margaret Ann Ricketts

President,
Rye Chamber of Commerce



CITY COUNCIL AGENDA

NO. 9

DEPT.: City Manager

DATE: March 23 2018

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Consideration of a request by the Rye Chamber of Commerce for the use of City streets for the Annual Sidewalk Sale to be held on Thursday, July 26, 2018 through Saturday, July 28, 2018 from 9:00 a.m. to 5:00 p.m.

FOR THE MEETING OF:

March 28, 2018

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council consider granting the request.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

The Rye Chamber of Commerce is requesting the Council authorize the use of City streets for the Annual Sidewalk Sale to be held on Thursday, July 26, 2018 through Saturday, July 28, 2018 from 9:00 a.m. to 5:00 p.m.

See attached request.



27 February 2018

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

Re: Rye Chamber of Commerce Sidewalk Sale

Dear Ms.D'Andrea;

On behalf of the Rye Chamber of Commerce, I am writing to request permission from the City for use of city streets on **July 26, 27 & 28, 2018** for our annual Sidewalk Sales.

Our members will be setting out their own tables and tents with a mindful eye to keep an area clear for pedestrian right of way.

I will contact Commissioner Corcoran of the Rye City Police Department to make sure the village officer has extra help to cover the extra traffic and shoppers. An insurance certificate will be provided upon approval.

Thank you in advance for your consideration.

Very truly yours,

Margaret Ann Ricketts

President,
Rye Chamber of Commerce



CITY COUNCIL AGENDA

NO. 10

DEPT.: Police

DATE: March 23, 2018

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

AGENDA ITEM: Consideration of the proposed revisions and addition to the Rules and Regulations of the City of Rye Police Department: General Order #109.3, General Order #113.18, General Order #116.1, General Order #118.0, and General Order #120.5.

FOR THE MEETING OF:

March 28, 2018

RYE CITY CODE,
CHAPTER
SECTION

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

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

BACKGROUND:

- General Order #109.3 regarding arrest processing policy.
- General Order #113.18 regarding vehicular pursuit policy.
- General Order #116.1 regarding recruitment, selection and appointment policy.
- General Order #118.0 regarding computerized records management systems policy.
- General Order #120.5 regarding firearm discharge reporting policy.

The General Orders have been provided to the Rye Police Association for review pursuant to the provisions of the collective bargaining agreement.

CITY OF RYE POLICE DEPARTMENT

General Order # 109.3	New [] Revised [X] Supersedes: G.O. 109.3 issued 7/10/00
Subject: Arrest Processing	
Date Issued XXXX	Date Effective XXXX
Page 1 of 7	
Issuing Authority: Michael C. Corcoran, Jr., Commissioner of Public Safety	

PURPOSE

To establish the policy of the City of Rye Police Department and to clearly define responsibilities and procedures for its members to follow when involved with the processing of arrested persons.

BACKGROUND

The arrest and detention of individuals is one of the most important and complex responsibilities a police officer performs. However, this responsibility does not end with the taking into custody of the individual. The subsequent procedures and filing of paperwork all serve as a formalization process with respect to the arrest, and generate other components of the Criminal Justice system. Some of these functions are constitutionally mandated and others are administrative in nature. These combined functions have as their goal the successful prosecution and conviction of the individual.

POLICY

It is the policy of this Department that all necessary paperwork and procedures incidental to an arrest be prepared or performed in a proper and timely manner. This department will maintain full participation in the State Automated Biometric Identification System (SABIS) and the National Incident Based Reporting System (NIBRS).

PROCEDURE

- A. Upon arrival at headquarters, the prisoner will be immediately taken to the booking area, where he/she is to be searched again by the processing officer. Any contraband or personal property, including shoelaces,

- belts, chains, etc. that is taken from the prisoner will be inventoried and secured pursuant to G.O. 111.1.
- B. After the prisoner has been searched and secured in the Holding Cell or Prisoner Bench, the arresting officer will record the defendant's name, address, date of birth, offense committed and other pedigree or pertinent information. This information will be given to the desk officer.
 - C. The arresting officer will make an inquiry through e-Justice to check for outstanding warrants and criminal history.
 - D. If the defendant is to be questioned, on facts of the crime, the arresting officer will read and complete the constitutional rights (Miranda) form prior to questioning.
 - E. If it is determined that the defendant requires custodial detention, the defendant will be placed in the Cell Block in conformance with G.O. 110.2.
 - F. The arresting officer will then cause the following forms to be generated. These forms include, but are not limited to:
 - 1. Complete Incident Report and Arrest Report, as well as all appropriate forms.
 - 2. Civilian data (pedigree); all civilians involved, supplemental reports from witnesses.
 - 3. Appropriate information/complaint, depositions, accusatory instrument(s) and/or simplified traffic information(s).
 - 4. Any statements and admissions.
 - 5. Suicide Prevention Screening Form 330 ADM and Prisoner log (if applicable).
 - 6. Appearance ticket and bail receipt (if applicable).
 - G. The Tour Supervisor will ensure that all appropriate follow-up reports are generated, e.g., medical aided, impound, auto accident.
 - H. The arresting officer will make any additional e-Justice entries or notifications required as per G.O. 113.12.
 - I. Photographs of all adult prisoners will be taken prior to release by the arresting officer or a detective (for

arrestees that will not be fingerprinted the Patrol Camera may be utilized and a notification email sent to the Detective Division).

- J. The arresting officer will make an entry in the arrest blotter and all appropriate paperwork will be given to the Tour Supervisor for review.

Booking

- A. Every effort will be made to fingerprint and photograph a defendant at the time of arrest, if appropriate, and a qualified member is available.
1. Fingerprints are required when an arrest by a police officer on a police officer complaint or an arrest by either a peace officer or a private person and turned over to a police officer.
 2. Fingerprints are required by law, for any felony, any misdemeanor defined in the Penal Law, any misdemeanor defined in a law other than the Penal Law that would constitute a felony if the arrestee had a previous conviction for a crime; these include:
 - a. ABC Law
 - Section 152 (Sale of illicit alcoholic beverage)
 - Section 154 (premises used for manufacture or storage of illicit alcoholic beverage)
 - b. Election Law

Article 17 (Violations of elective franchise)
 - c. General Business Law

Section 354 (Examination of witnesses and preliminary injunction)
 - d. Social Service Law

Section 374.6 (Acceptance of fees for placing out children by authorized agencies)
 - e. Tax Law

Section 481 (Sale, possession, transportation of unstamped or unlawfully stamped cigarettes)

f. Vehicle and Traffic Law

- Section 392A (Sale of false or fraudulent license, registration, or number plate)
- Section 1192 Sub. 2, 3, and 4 (DWI)

g. Penal Law

Section 240.37, Sub 2 (Loitering for the purpose of engaging in a prostitution offense)

h. Family Court Act (FCA) - Juveniles

- The arrested person is at least 11 years old and he/she has committed an act, that if done by an adult would constitute a Class A or Class B felony; or
- The arrested person is at least 13 years old and he/she has committed an act, which if done by an adult would constitute a Class C Felony.

B. Fingerprints and photographs may be taken of adults placed under arrest for any offense if the officer:

1. Is unable to ascertain the prisoner's identity
2. Reasonably suspects that the identification of the prisoner is not accurate; or
3. Reasonably suspects that the prisoner is being sought by law enforcement officials for the commission of some other offense.

C. All booking, fingerprinting and booking photographs will be taken on the Livescan machine.

D. For Juvenile's, ensure that appropriate Livescan procedures are followed and records are kept separate from adult offenders. See G.O. 109.4.

Criminal Summons

A. If the Criminal Summons was issued as a result of a police officer's complaint, the court, upon appearance of the defendant, must direct that the defendant be fingerprinted, if required by law.

- B. If the Criminal Summons was issued as a result of a citizen's complaint, fingerprints are not permitted to be taken.

Arraignments and Appearance Tickets

- A. When an appearance ticket is used, follow the instructions set out below:

1. If the defendant is to post pre-arraignment bail, take his fingerprints and photographs as soon as possible.
2. If the defendant is not granted pre-arraignment bail, and you did not take fingerprints at the time the Appearance Ticket was issued, the Detective Division must notify the court that the fingerprints were not obtained and request the court to order the defendant to appear to be fingerprinted.
3. An Appearance Ticket or bail in lieu of prolonged detention will be at the direction of the Tour Supervisor. A Desk Appearance Ticket or bail without arraignment will not be acceptable under the following circumstances:
 - a. Arrest on a warrant.
 - b. Any felony other than a Class E felony where the CPL allows pre-arraignment release.
 - c. Defendant under the influence of drugs/alcohol to the degree he/she may endanger him/herself or others.
 - d. Family offenses where complainant/victim and offender are members of the same family/household as defined in the Family Court Act or as defined in the expanded definition of a family/household and:
 - i. Offender has violated an Order of Protection.
 - ii. Offense charged is disorderly conduct (including acts amounting to disorderly conduct NOT committed in a public place), harassment, menacing, reckless endangerment 2nd degree, assault 3rd degree, or attempted assault.
 - iii. Complainant/victim requests opportunity to obtain a Temporary Order of Protection, OR facts of the case indicate the immediate need for a Temporary Order of Protection

because of a strong possibility of a recurrence of violence against complainant/victim (e.g. past history of assaults against complainant/victim, statements made by the defendant, active present hostility against complainant/victim, etc.)

- B. When practical, Appearance Tickets should give a minimum of 7 days and a maximum of 14 days for the defendant to appear.
- C. If a defendant is to be arraigned, the local criminal court justice will be contacted and arrangements made to escort the defendant to court as directed by the judge. If a local criminal court justice or acting justice are unavailable contact the on duty ADA.
- D. There will be no felony arraignments from 1630 to 0900 hours unless the defendant has counsel present or there are special circumstances.
- E. For felony arrests made 0900 Sunday through 1500 hours Fridays, arraignments may take place during regular business hours of the Court.
- F. For felony arrests made from 1500 Fridays through 0900 hours Sundays, arraignments will take place at 1000 hours on Saturday or Sunday.
- G. Prior to calling the judge, make sure to:
 - 1. Have a rap sheet;
 - 2. Have a bail recommendation from the duty ADA; &
 - 3. Call the Legal Aid Society to advise them to have their "on call" attorney available for arraignment.

Arrest for Other Authority (FOA)

- A. After performing all recording and other preliminary police duties required in the particular case, the defendant will be released to the custody of the wanting agency.
- B. If the arrest is on an FOA warrant issued by a court located in a county outside of this county or adjoining this county, release and/or arraignment of the defendant will be in conformance with CPL 120.90.

Bail

All officers are to be familiar with Section 150.20 & 150.30 of the CPL in issuing appearance tickets and posting bail. Pre-arraignment bail will be set on the highest charge only. Under no circumstances will bail be set by an officer for the below listed E felonies. If an arrest is made for one of the below listed felonies the ADA will be contacted for a bail recommendation, and the subject will be held for arraignment:

- PL 130.25 Rape 3
- PL 130.40 Sodomy 3
- PL 205.10 Escape 2
- PL 205.17 Absconding from Temporary Release 1
- PL 205.19 Absconding from Community Treatment Facility
- PL 215.56 Bail Jumping 2

Disposition of Pre-Arraignment Bail

- A. Only CASH bail, in United States currency, will be accepted by officers of this department. Whenever cash bail is received by the processing officer, in accordance with the New York State Criminal Procedure Law, the officer will:
1. Prepare an Official Bail Affidavit form, entering all of the required information including the amount received, the person from whom it was received, the defendant's name, and signature from party bail was received from.
 2. Cash bail will be attached to the Bail Receipt and placed in the lock box located at the desk area.
 3. After the court clerk accesses the security box and secures the bail he/she will initial the receipt of the bail in the arrest blotter.

CITY OF RYE POLICE DEPARTMENT

General Order # 113.18	New []	Revised [X]
Supersedes: 113.18 issued on 11/1/96		
Subject: Pursuit	Page 1 of 7	
Date Issued XXXX	Date Effective XXXX	
Issuing Authority: Michael C. Corcoran, Jr., Commissioner of Public Safety		

PURPOSE

The purpose of this order is to establish department policy and procedure for vehicular pursuits.

BACKGROUND

Under Section 1104 of the Vehicle and Traffic Law, police officers are generally not liable for civil damages on account of personal injury to, or death of, any person or damages to property resulting from the operation, in the line of duty, of an emergency call. However, this immunity from liability is only in force when the vehicle is operating with red lights and sounding a siren, and then only when the vehicle is operated with due regard for the safety of all persons using the highway.

Pursuit driving at high speeds is inherently dangerous to the Officer, to the occupants of the pursued vehicle and others. It can result in a serious accident causing deaths, injuries, and the destruction of property, to the officer, to the person(s) being pursued or to innocent bystanders.

A reckless disregard for the safety of others may subject the Officer and the City to civil and criminal liability.

POLICY

Pursuits are governed by all laws, policies and rules applicable to emergency responses. Additionally, it is the policy of the City of Rye Police Department that the apprehension of a fleeing suspect is to be considered secondary in importance to public safety. This department places the responsibility for the use of due care directly upon the Officer operating the vehicle.

DEFINITIONS

- A. **Emergency Equipment** - includes, but is not limited to; emergency red lights, emergency flashers, take-down lights, spotlight, siren and public address system.
- B. **Vehicular Pursuit** - is defined as an active attempt by an on-duty police officer, in a police vehicle equipped with operating emergency equipment, to apprehend one or more occupants of a moving vehicle, who are resisting apprehension by increasing their speed, disregarding traffic controls or by ignoring the officer's attempts to stop them.

PROCEDURE

Vehicular pursuits must always be conducted in the safest way possible. When deciding to initiate and/or terminate a pursuit, the officers must consider the present danger, seriousness of the crime involved, length of the pursuit and the possibility of identifying the suspect at a later time. Additional factors to be considered include speed of vehicle, weather/traffic conditions, and area or location.

The initiating or primary unit will be in command and bears operational responsibility for the pursuit unless relieve by a supervisor.

The authority of the primary pursuit unit pertains to the immediate field operation and is, at all times, subordinate to the command of a supervisor.

All Sworn Members involved in a vehicular pursuit will be held accountable for the continuation of the pursuit when circumstances indicate that it should have been discontinued. Any doubt concerning the propriety of a pursuit should be resolved in favor of the safety of Sworn Members and other users of the roadway.

A. Initiating Officer

1. When a decision is made to initiate a vehicular pursuit, the Sworn Member will activate the emergency equipment, both audible and visual, if not already activated and advise the Desk Officer as soon as possible of the following:
 - a. That a vehicular pursuit has been initiated;
 - b. The location, speed and direction of travel;

- c. The reason for the pursuit;
 - d. All known identifying and pertinent information concerning the vehicle and the vehicles occupants;
 - e. Direction and area being approached (to be reported as frequently as safety permits).
2. Pursuit of two-wheeled vehicles will be undertaken only in clearly justifiable cases. The extreme vulnerability of the operators of these vehicles must be considered in making the determination to pursue.
3. While in pursuit, the primary unit should space his/her self at a distance that will ensure proper braking and reaction time in the event the pursued vehicle stops, slows or turns.
4. When a pursuit has been initiated, all employees on the same channel will refrain from radio transmissions during the pursuit except for short transmissions of their locations as safety permits. A secondary channel will be utilized for other emergencies.
5. Intentional use of a police vehicle for ramming, boxing in, heading off or driving along side will not be employed. A vehicle may be used to block a suspect vehicle which has stopped and danger of injury or damage would be minimal.
6. Units with no overhead light bar should, if safety allows, make an effort to have a marked unit take the primary position.
7. Upon completion of the pursuit, the Initiating Officer will submit a report including:
 - a. Reason for pursuit/offense.
 - b. Suspect(s) name, address, and age (if known).
 - c. Charges filed and any additional charges after apprehension.
 - d. Speed/duration of the chase.
 - e. Injuries or accidents.
 - f. Number of Police Department vehicles involved and/or outside agencies assisting.

- g. Any deviation from the established procedures and justification for such deviation.

B. Secondary Unit(s)

1. Secondary units will also activate emergency equipment and will conduct all radio communications with headquarters, allowing the primary unit to concentrate on the pursuit.
2. Secondary Units will maintain a safe distance behind the primary unit, but be close enough to render backup assistance if and when required.
3. There will be no attempt to stop the suspect through the use of roadblocks.
4. No attempt to pass other patrol vehicles involved in the pursuit will be made unless the passing unit received specific permission from the lead unit.
5. Whenever possible, the number of vehicles in a pursuit should be limited to two vehicles, the primary unit and a secondary unit. If more assistance is specifically requested, the amount will be determined by the nature of the offense and the number of suspects. The additional units will not actively participate in the pursuit but respond in the general direction to be available as back-up when the pursuit terminates; this is done to avoid a caravan type effect.
6. Upon completion of the pursuit, Secondary Unit(s) will submit supplemental reports at the request of the Tour Supervisor.

C. Desk Officer

1. The Desk Officer will discontinue non-emergency activities, and assist the officer pursuing the vehicle.
2. He/she will make an entry call for service indicating initiation of the pursuit and advise other units of the pursuit.
3. He/she will notify the Tour Supervisor so they can actively supervise the pursuit situation.
4. The Desk Officer will run registration and criminal records searches via computer ASAP and broadcast when time permits.

5. For pursuits that extend outside the city limits see **Intra-jurisdictional Pursuit** section of this G.O.
6. Upon termination of the pursuit he/she will make all proper notifications.

D. Supervisor's Responsibilities

1. The Tour Supervisor will make every effort to actively supervise the pursuit and if he/she considers that the situation and circumstances do not warrant continued pursuit, he/she will order the officer(s) to terminate it.
2. The Tour Supervisor will submit a supplemental report to the Patrol Commander analyzing all available information after his initial review of the incident.
3. The Patrol Commander will review all reports arising from incidents involving vehicular pursuits to determine if:
 - a. Any modifications to this procedure are required, due to unforeseen events detected during the pursuit;
 - b. Any additional training is indicated for individual members or the department; and
 - c. Any disciplinary action should be recommended, for violations of any written directive that may have occurred.
4. Upon completion of his/her review the Patrol Commander will notify the Commissioner of Public Safety of his/her findings.
5. The annual re-evaluation of this directive will take into consideration collective experience within the Department and experiences of other departments, including experience revealed through court cases.

E. Termination of Pursuit

1. The pursuing officer(s) will terminate the pursuit if he/she feels it is unnecessary or unsafe as stated elsewhere in this order or if:
 - a. There is a clear and unreasonable danger to the officer and other users of the roadway, occurring when vehicular or pedestrian traffic necessitates

dangerous maneuvering, exceeding the performance capabilities of the police vehicle or driver.

- b. When the violator can be identified to the point where an apprehension can be more safely made at a later time.
- c. When it is a result of action by another agency traversing our jurisdiction and our assistance is no longer needed.
- d. Pursuing vehicle loses radio communication with headquarters.

F. Inter-jurisdictional Pursuits

1. Notification by another jurisdiction of a pursuit into our jurisdiction shall not be construed as a request to join the pursuit.
2. The outside agency will be asked if they are requesting our assistance. If participation is not needed, officer(s) will monitor and lend assistance if necessary.
3. Sworn Members will not become involved in another agency's pursuit unless authorized by the Tour Supervisor or unless the emergency nature of the situation necessitates immediate assistance.
4. When a pursuit is initiated by another department for V&T violations or minor crimes leaves our boundaries, we will discontinue our assistance as long as the primary pursuing unit has assistance from his/her agency or another agency. If during a pursuit by another department into our jurisdiction, additional crime(s) are committed within our boundaries, then our procedures for pursuing will be enacted.

G. Intra-jurisdictional Pursuits

1. Should the pursuit extend outside the city limits all units will reevaluate the merits of the pursuit.
2. The Desk Officer will notify outside agencies if this department is in pursuit in their jurisdiction. The notification will include whether it is a call for assistance or merely a notification with no participation needed. Telephone contact may be made for agencies that cannot be reached via the hot line.

H. Review

All reports, additional paperwork and recordings, arising from a pursuit, will be reviewed by the Tour Supervisor, Patrol Commander and the Commissioner of Public Safety.

CITY OF RYE POLICE DEPARTMENT

General Order #116.1	New [] Revised [x] Supersedes: 116.1 issued 12/15/03	
Subject: Recruitment, Selection and Appointment		
Date Issued XXXX	Date Effective XXXXX	Page 1 of 3
Issuing Authority: Michael C. Corcoran Jr., Commissioner of Public Safety		

PURPOSE:

To ensure that well qualified candidates are recruited and selected for hire as Police Officers and that the selection process is valid, job related, nondiscriminatory, and appropriately documented.

POLICY:

It is the policy of the City of Rye Police Department to recruit and select candidates for the position of Police Officer in accordance with New York State Civil Service law and the Westchester County Civil Service rules, as administered by the Westchester County Department of Personnel, and to afford equal employment opportunity to all eligible candidates. To be eligible for appointment, candidates must meet the prescribed standards set forth by the New York State Bureau for Municipal Police and the Westchester County Department of Personnel. In cases of inter-agency transfer, only candidates from competitive civil service agencies shall be considered for appointment to the City of Rye Police Department. However, the Commissioner of Public Safety has been given the authority and responsibility by the City of Rye to coordinate the selection activities and administer the Department's role in the final selection process.

PROCEDURE:

Recruitment:

Recruitment is the first step in the hiring process. The primary method of recruitment for the position of Police Officer within the City of Rye Police Department is through the Westchester County Department of Personnel continuous recruitment testing program. Any new officers applying for appointment to this Department, either as a new officer or a resignation/reinstatement (transfer), must get the approval from Westchester County Department of Personnel that they meet the eligibility criteria established by the Westchester County Department of Personnel. Job Announcements for the City of Rye Police Department are made by the Westchester County Department of Personnel.

Candidates considered for appointment to the City of Rye Police Department must be of good moral character and must satisfy the age restrictions (at least 20 on appointment date, can't have reached their 35th birthday to take police exam, unless a veteran as defined by NYS Law) and physical fitness requirements prescribed by the New York State for Municipal Police and New York State Civil Service Law.

Oral Interview

Candidates meeting all of the requirements will be administered an oral interview by a panel consisting of the Commissioner of Public Safety and other supervisory officers of the Department as designated by the Commissioner. Oral interviews will employ a set of uniform questions and the results obtained will be recorded. The recorded results will be kept on file for a minimum of one year after appointments are made that resulted from any series of interviews.

Background Investigation

All candidates being considered for appointment to a position in the Department shall be subject to a background investigation. Candidates must complete and submit the City of Rye Police Department Background Investigation Packet. Upon submission of the completed packet, a thorough background investigation will be conducted by the Detective Division Commander. The investigation will include, but not be limited to, a fingerprint based criminal history check, investigation of the candidate's family, education, residence(s), work record, physical and emotional health, organizations and affiliations, references, social contacts, credit record, Department of Motor Vehicles record, military history, county records such as liens and judgments and criminal history record. On completion of the background investigation, the Detective Commander will forward the results to the Commissioner of Public Safety. Each candidate's background investigation file shall be maintained for at least six years after the termination of his/her employment.

Physical Examination

All candidates (to include new hires, lateral appointments, full-time and part-time employees, seasonal employees(for initial hiring process), and Auxiliary Officers) will be given a physical examination by a licensed physician, approved by Westchester County, in accordance with the standards prescribed by the Bureau of Municipal Police Training Council Standards. When such physical examination has not been conducted during the course of the Westchester County Department of Personnel testing, as in the case of some transfer candidates, the same standards and procedures will be applied.

Emotional and Psychological Fitness Examination

All candidates(to include new hires, lateral appointments, full-time and part-time employees, seasonal employees(for initial hiring process), and Auxiliary Officers)who successfully complete the oral interview and background investigation process shall be evaluated by a qualified psychiatrist or psychologist to establish a level of emotional stability and psychological fitness compatible with the position of Police Officer. No matter when their last emotional and psychological fitness examination was given.

Probationary Appointment

At the conclusion of the selection process, the Commissioner of Public Safety will make any appointments, in accordance with the City of Rye Charter, to the City of Rye for appointment to the position of Police Officer. Prior to being granted permanent status, candidates are required by Westchester County Civil Service Rules to complete a probationary term of not less than 12 weeks nor more than 78 weeks, except when the newly appointed officer is a resignation/reinstatement, in which case the probationary term shall be not less than 12 weeks nor more than 52 weeks. During the probationary term, members will be evaluated in accordance with this Department's Field Training Manual.

Maintenance of Records

All records of appointed candidates that are not maintained by the Westchester County Civil Service Commission shall be maintained by the City of Rye Police Department for a period of six years beyond the duration of employment.

Oath

All new appointees will be issued the oath of office subsequent to the effective date of the appointment and prior to commencement of official duty. The oath shall read as follows:

"I DO HEREBY PLEDGE AND DECLARE THAT I WILL SUPPORT THE CONSTITUTION OF THE UNITED STATES, AND THE CONSTITUTION OF THE STATE OF NEW YORK, AND THAT I WILL FAITHFULLY DISCHARGE THE DUTIES OF THE POSITION OF POLICE OFFICER, ACCORDING TO THE BEST OF MY ABILITY."

CITY OF RYE POLICE DEPARTMENT

General Order #118.0	New [] Revised [X] Supersedes: 118.0 Issued 11/01/96
Subject Computerized Records Management System	
Date Issued	Date Effective
Page 1 of 7	
Issuing Authority: Michael C. Corcoran, Jr, Commissioner of Public Safety	

PURPOSE

To establish procedures for the prompt and efficient documentation of the following:

1. All requests for police services which result in a member of this department taking an action including a referral to any other municipal service, public utility or other law enforcement agency.
2. Reports of all crimes, attempted crimes and other offenses.
3. Criminal and non-criminal investigations instituted by members of this Department or by outside law enforcement agencies related to activity within this jurisdiction.
4. Follow-up reports, including but not limited to:
 - a. Incident Master and Supplemental Reports.
 - b. Arrest/case report (computer directory will list events that require a case).
 - c. Aided reports.
 - d. Vehicle impound reports.
 - e. Reports of property taken into the possession of this Department.

POLICY

It is the policy of this Department to fully utilize all facets of its computerized records management system and to ensure thorough documentation of all contacts with the public, outside agencies and actions taken by its members.

COMPUTERIZED RECORDS MANAGEMENT SYSTEM FUNCTIONS

The department computerized records management system or hereto referred to as RMS, functionally is divided into four parts:

1. Dispatch/CAD
2. Incident/Arrest Reporting
3. Investigations/Case Management
4. Records

PROCEDURE

Dispatch/CAD

1. Every event entry will automatically be assigned a chronological/sequential CAD Event Number and RMS Case Number by the RMS system. The RMS Case Number will reset to 1 January 1st of each year.
2. Events that result in an arrest will automatically be assigned a chronological/sequential arrest number by the RMS system.
3. It is the Desk Officers responsibility to verify that the correct complaint number is assigned to reporting officers.
4. All complaints/incidents are to be entered as they are received.
5. The desk officer will obtain the following information and supply to responding units when necessary whenever possible for the complaint/incident record:
 - a. Type/nature of event (CAD CFS Code)
 - b. Incident Address
 - c. Involved Names including address and contact information.

Caller, Witnesses, Suspects, Victims/Complainants and any other involved persons/businesses

- d. Any weapons involved

6. Incident will be assigned to a primary officer via the CAD system and by radio, unless circumstances determine silent dispatch is necessary. Back up officers will be assigned as needed based on call type and circumstances.

7. The desk officer will monitor and manage officer statuses as necessary and provide additional resources when needed. Additional resources can be, but are not limited to:
 - a. EMS
 - b. Fire
 - c. Tow Company Dispatch
 - d. Medical Examiner
 - e. Mutual Aid Agencies

8. The incident will be closed, after the event is complete, with the appropriate CAD Disposition code by the reporting officer or desk officer.

Incident/Arrest Reporting

The Primary officer assigned to an incident will be responsible for the completion the Master Incident Report:

1. Incident Reporting - Whenever practical, incident reports will be completed by responding officers using the Mobile Field Reporting client.

Report Data Collection Standards - Review or edit the following:

Incident

- a. Incident Occurrence Date/Time range
- b. Actual Incident location
- c. Actual nature of incident defined using the RMS CFS Code
- d. Incident RMS Disposition if an arrest is made or investigation follow up is required by detectives

Names

Add to thereport alladditional persons associated with the event including but not limited to the following:

- a. Persons Name
- b. DOB or Age
- c. Address
- d. All available telephone number(s)
- e. Persons role in event as defined by Name Reason Code

Offenses

Criminal incident reports will include applicable offense(s) and supporting data including but not limited to:

- a. Primary Premise Type (NIBRS Required)
- b. Other supplemental offense information

Property

Criminal and Non-Criminal reporting where property is involved, seized, turned into agency possession, etc. will include but is not limited to the following information:

- a. Property Type Code
- b. Property Reason Code (Involvement)
- c. Description code
- d. Descriptors including Serial numbers, types, models, etc.
- e. Property Owner if known
- f. In possession of - person possession property if known

Narrative

Complete the narrative portion of the Incident Report clearly articulating all pertinent facts and information reported by person(s) involved. This should be summarized with the specific actions, investigation or service provided by this department.

Incident reports will be forwarded to tour supervisor for approval without delay upon completion.

2. Arrest Reporting - Whenever practical, arrest reports will be completed by reporting officers using the Mobile Field Reporting client.

Arrest Report Data Collection Standards

- a. Arrest Type (Arrest Type Code)

- b. Supervisor
- c. Arrest Date/Time
- d. Arrest Location
- e. Miranda Rights notification
- f. Use of Force notification
- g. Arrested person name information and descriptors
- h. Charge information will include all applicable charges for the arrest event
- i. Arrest narrative text

Arrest reports will be forwarded to tour supervisor for approval without delay upon completion.

Additional Incident Related Forms to be completed when applicable:

- a. DWI Alcohol Influence
- b. DWI Operator Report
- c. DWI NYSTAGMUS Form
- d. Vehicle Tow/Impound
- e. Property Sheet
- f. Supplementary Reports
- g. Youth Referral Form

3. Supervisory Review of Incident, Arrest Reports and Forms:

All reports will be reviewed by the on-duty tour supervisor to ensure the completeness and accuracy of the reports.

The following will be checked:

- a. Incorrect spelling
- b. Improper grammar and punctuation
- c. Errors in addresses and telephone numbers
- d. Failure to ascertain the name(s) of witnesses
- e. Exaggerated value of property
- f. Incompleteness and inaccuracies
- g. Report conforms to agency standards

Any deficiencies identified by the tour supervisor will be brought to the attention of the reporting officer who will in turn make appropriate corrections.

Incidents requiring investigation follow up will be reviewed and assigned by the Detective Division Commander or his/her designee. These follow up investigation cases will be recorded in the RMS system case management module and assigned to a primary and if necessary secondary investigating officers.

Investigator Case Responsibilities

Assigned case documentation will include but not be limited to:

- a. Assigned detectives
- b. Case Efforts and Tasks
- c. Case Report(s)
- d. Image and other digital file attachment to each case as necessary

Supervisory Case Review

Upon receipt of a case report, the Detective Division Commander will review the case in its entirety.

The following will be checked:

- a. Incorrect spelling
- b. Improper grammar and punctuation
- c. Errors in addresses and telephone numbers
- d. Failure to ascertain the name(s) of witnesses
- e. Exaggerated value of property
- f. Incompleteness and inaccuracies
- g. Report conforms to agency standards

Any deficiencies identified will be brought by the Detective Division Commander to the attention of the reporting detective, who will make the appropriate corrections without delay and resubmit for approval.

Upon completion of the case, the Detective Division Commander will close the record using the appropriate Case Disposition, including any necessary notations in the Case Close comments.

Cases may also be suspended by the Detective Division Commander when investigative efforts are exhausted or other conditions merit such action.

Records

1. Upon receipt of all paperwork to be filed, the Records Division will review such paperwork for completeness and accuracy.
2. If any deficiencies are identified or reports are deemed missing, records division personnel will bring such deficiency to the attention of the Tour Supervisor responsible for the reporting officer. The supervisor and reporting member will make the appropriate corrections without delay and resubmit same.
3. Processing of public reports will be performed by the records division.

CITY OF RYE POLICE DEPARTMENT

General Order #120.5	New [] Revised [x] Supersedes: 120.5 issued 02/17/06
Subject: Firearm Discharge Report	
Date Issued	Date Effective
Page 1 of 2	
Issuing Authority: Michael C. Corcoran Jr., Commissioner of Public Safety	

POLICY:

It shall be the policy of this department to fully investigate incidents in which an officer discharges a firearm, either accidentally or in the performance of their official capacity (warning shots are not permitted G.O. 103.3). Therefore, in addition to any necessary police action, rendering medical assistance to any person(s) injured as a result of the firearms discharge, and safeguarding the incident scene, the following procedures will be followed:

1. Notify the Tour Supervisor regarding the circumstances surrounding the weapons discharge. The supervisor concerned will then make required notifications as per General Order #114.2.
2. Complete a Firearms Discharge Report regarding the incident which includes all pertinent details relating to the accidental discharge or justification for deliberate discharge. A Firearms Discharge Report is to be completed regarding all firearm discharges except discharges during authorized training. In the case of firearm discharge for destruction of animals, the tour supervisor will be informed, if possible, prior to the destruction. The desk officer will generate a Computer Aided Dispatch (CAD) number. The detailed officer will complete a Firearms Discharge Report (Destruction of Animal) which will be forwarded through channels for review.
3. In the event the member who discharged the weapons is unable to complete the written report, the Tour Supervisor will be responsible for completing said report.
4. A Use of Force form will be completed when applicable. (G.O. 103.3)

Supervisor's Responsibilities

1. In every instance when a member of this department has occasion to discharge a firearm, except when destroying an animal or during training, including accidental discharges, it will be the responsibility of the supervisor on duty to ensure that the desk officer has notified the Commissioner of Public Safety, the Patrol Commander, and the Detective Commander, in accordance with General Order #114.2.
2. The supervisor will respond to the scene of the weapon discharge without delay and will safeguard the scene pending the investigation.

Command Officers Responsibility

1. All appropriate notifications must be made without delay.
2. Investigation will be initiated as directed.