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

REGULAR MEETING OF THE CITY COUNCIL
COUNCIL CHAMBERS, CITY HALL
Wednesday, January 18, 2023
6:30 p.m.

Residents may email comments regarding the public hearing to: **publichearingcomments@ryeny.gov**. All comments must be received by 4:00 pm on the day of the meeting. The subject of the email should reference the hearing topic. Please include your name and address.

Please note: The Council will convene at 6:00 p.m. and it is expected they will adjourn into Executive Session at 6:01 p.m. to discuss pending litigation, personnel matters and pending contracts.

1. Pledge of Allegiance.

2. Roll Call.

3. Draft unapproved minutes of the Regular Meeting of the City Council held January 4, 2023.

4. Flooding Update.

5. Consideration of proposed policies for the City of Rye Fire Department:
    a. Policy #901 – Personal Protective Equipment
    b. Policy #905 – Illness and Injury Prevention Program
    c. Policy #1016 – Nepotism and Conflicting Relationships
    d. Policy #1027 – Smoking and Tobacco Use

6. Resolution to authorize the addition of New York Liquid Asset Fund (NYLAF) as an authorized depository of the City of Rye.

7. Resolution authorizing $300,000 of bond proceeds to be used to begin site preparation for the Salt Shed.
   Roll Call

8. Presentation and public comment on Forest Avenue Sidewalk Project.
   Residents may email comments to forestsidewalks@ryeny.gov.

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

10. Consideration to set a public hearing for February 1, 2023 to adopt a local law amending Chapter 191, Article II “Traffic Regulations” of the Code of the City of Rye, by amending § 191-12 “Stop intersections.” to add three new stop signs at Forest Avenue at Van Wagenen Avenue, Highland Road westbound at Club Road and Van Rensselaer Road at Kirby Lane.

11. Consideration to set a public hearing for February 1, 2023 to adopt a local law amending Chapter 191, Article III “Parking Regulations” of the Code of the City of Rye, by amending § 191-19 “No Parking Anytime.” to prohibit parking on the north side of Central Avenue between Maple Avenue and Summit Avenue.

12. Continue the public hearing to consider an application from Airosmith Development engaged with AT&T to modify an existing facility located at 66 Milton Rd that does not substantially change the physical dimensions of the current facility.

13. Set a public hearing for February 1, 2023 for consideration of an application from AT&T to upgrade an existing public utility wireless communications services facility at 350 Theodore Fremd Ave. and refer the application to the BAR for an advisory opinion.

14. Resolution to accept donation of a 4’x 60’ Section of dock as well as (4) 3’x 20’ finger docks to the Boat Basin from Starboard Properties, valued at $85,000.
    Roll Call

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

16. Old Business/New Business.

17. Adjournment

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The next regular meeting of the City Council will be held on Wednesday, February 1, 2023 at 6:30 p.m.

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

DRAFT UNAPPROVED MINUTES of the Regular Meeting of the City Council of the City of Rye held in City Hall on January 4, 2023, at 6:30 P.M.

PRESENT:

JOSH COHN, Mayor
LORI FONTANES
BILL HENDERSON
JOSHUA NATHAN
JULIE SOUZA
BENJAMIN STACKS
Councilmembers

ABSENT:

CAROLINA JOHNSON
Councilmember

The Council convened at 5:30 P.M. Councilwoman Souza made a motion, seconded by Councilman Stacks, to enter into Executive Session to discuss litigation and personnel matters. The Council reconvened for the public meeting at 6:30 P.M. The meeting was held in person and also streamed live at www.ryeny.gov for public viewing.

1. Pledge of Allegiance.

Mayor Cohn led the Council and public in the Pledge of Allegiance.

2. Role Call.

City Clerk Carolyn D'Andrea called the roll and there was a quorum.

In response to questions from the public regarding a recent City of Rye settlement, Mayor Cohn gave what will be the only statement from the City: the case involving allegations from 50 years ago was resolved, and the City respects the language of the agreement, which legally requires the parties not to comment further. He added there was no similar litigation pending or threatened, the statute of limitations was closed, and payment from the settlement came from funds reserved for the settlement.

3. Draft unapproved minutes of the Regular Meeting of the City Council held December 21, 2022.

Ms. D'Andrea stated that during the Special Meeting, the entire Council unanimously supported the appointment of Judge Piscionere, which was reflected in the amended minutes.

Councilwoman Souza made a made a motion, seconded by Mayor Cohn and carried by the majority of those present, to adopt the unapproved minutes of the Regular Meeting of the City Council held December 21, 2022, and the Special Meeting of the City Council held December 23,

2022. Councilwoman Fontanes recused herself from the item, as she was not a voting member o the City Council during the meetings in question.

4. Flooding Update.

Mayor Cohn said the City will begin work with the Council-approved D.C. and Albany lobbyists. In two weeks, there will be a meeting sponsored by the County to review drainage at the Westchester Airport at the top of Blind Brook watershed.

5. Open the public hearing to amend Chapter 196 "Wireless Telecommunications Facilities" of the Code of the City of Rye to remove a mandatory referral to the Board of Architectural Review.

Mayor Cohn explained that referrals to the BAR would become discretionary. This is advantageous to the City to ensure that the time limitations in the law are met. The Council can always decide to refer a matter to the BAR moving forward if it so chooses.

Councilwoman Souza made the motion, seconded by Councilman Stacks, to open the public hearing to amend Chapter 196. The Council unanimously agreed.

There were no members of the public who wished to be heard on the topic.

Councilwoman Souza made the motion, seconded by Councilman Stacks, to close the public hearing on amending Chapter 196.

Councilwoman Souza made the motion, seconded by Councilman Stacks, to amend Chapter 196 and remove a mandatory referral to the BAR and adopt a local law as follows:

CITY OF RYE

LOCAL LAW NO. 1 2022

A local law to amend Chapter 196 "Wireless Telecommunications Facilities" of the Code of the City of Rye to remove a mandatory referral to the Board of Architectural Review as follows:

Section 1.

§ 196-1 **Purpose and legislative intent.**

A. The Telecommunications Act of 1996 affirmed the City of Rye's authority concerning the placement, construction and modification of wireless telecommunications facilities. The City Council finds that wireless telecommunications facilities and related equipment may pose a unique hazard to the health, safety, public welfare and environment of the City and its inhabitants, and may also have adverse visual and sonic impacts on the community, its character and thus the quality of life in the City.

B. By enacting this chapter, the City intends to:

(1) Ensure that the placement, construction or modification of wireless telecommunications facilities and related equipment is consistent with the City's land use policies and Zoning Code;

(2) Minimize the negative and adverse visual and aesthetic impacts of wireless telecommunications facilities to the maximum extent practicable through careful design, siting, landscaping, screening and innovative camouflaging techniques;

(3) Assure a comprehensive review of environmental impacts of such facilities;

(4) Protect the health, safety and welfare of the City of Rye;

(5) Account for when shared use of wireless telecommunication facilities is the more aesthetically sensitive alternative;

(6) Establish fair and efficient processes for review and approval of applications;

(7) Protect City residents and businesses from potential adverse impacts of wireless telecommunication facilities, to the extent permitted under law, and to attempt to preserve the visual character of established communities and the natural beauty of the landscape;

(8) Protect property values;

(9) Minimize the impact of wireless telecommunications facilities on residential properties;

(10) Encourage the siting of wireless telecommunications facilities on properties and areas which are not used exclusively for residential purposes.

C. The City finds that minimization of clutter and structures in the rights-of-way is important to the welfare of the community, and that placement near residential structures and in historical areas should be restricted where not critical to the provision of services.

§ 196-2 **Title.**

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

§ 196-3 **Definitions; word usage.**

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

ACCESSORY FACILITY OR STRUCTURE

An accessory facility or structure serving or being used in conjunction with a base station and located in proximity to the base station, whether or not owned by the person who owns or controls the base station, including but not limited to utility or transmission equipment storage sheds or cabinets; electric meters; and fencing or shielding.

ANTENNA

A device, dish, array, or similar device used for sending and/or receiving electromagnetic waves for any wireless telecommunications.

APPLICANT

Includes any individual, corporation, estate, trust partnership, joint-stock company, association of two or more persons, limited liability company or entity submitting an application to the City of Rye for a special use permit for a wireless telecommunications facility.

APPLICATION

The form as may be amended from time to time, together with all necessary and appropriate documentation that an applicant must submit in order to receive a special use permit for a wireless telecommunications facility.

BASE STATION

A facility or equipment at a fixed location that enables any wireless telecommunications between user equipment and a telecommunications network. The term does not encompass a tower as defined herein or accessory facility or structure associated with a tower. The term base station includes, without limitation:

A. Equipment associated with wireless telecommunications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

B. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems ("DAS") and small-cell networks or micro-wireless facilities); provided that, wireline connections in the rights-of-way linking antennas to other elements of a small cell, DAS or similar network will not be treated as part of the wireless telecommunications facility and instead their placement shall be subject to review consistent with applicable provisions of the Rye City Code, the applicable franchise; and New York law.

C. Any supporting structure, other than a tower, that at the time the relevant application is filed with the City under this section, supports or houses equipment described in Subsections **A** and **B** that has been reviewed and approved for placement of such equipment under this chapter, or under another state or local regulatory review process, even if the supporting structure was not built for the sole or primary purpose of providing that support. For supporting structures that support equipment described in Subsections **A** and **B**, including but not limited to the sides of buildings, water towers, or utility poles, the term includes only that portion of a supporting structure

specifically approved to support the wireless equipment described in Subsections **A** and **B**, and only relates to activities necessary to permit the installation, maintenance, replacement or collocation of wireless equipment described in the preceding paragraph. The exemption of a supporting structure from review is not an approval.

BREAK POINT

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

CARRIER ON WHEELS or CELL ON WHEELS ("COW")

A portable self-contained temporary facility that can be moved to a location and set up to provide personal wireless services. A COW is normally vehicle-mounted and contains a telescoping boom to support the antenna. A COW shall only be in place in connection with an emergency or event, but no longer than required for the emergency or event, provided the installation does not involve excavation, movement or removal of existing facilities.

CITY

The City of Rye, New York.

CITY MANAGER

The chief administrative officer of the City of Rye, or its designee.

COLLOCATION

The use of an existing tower or base station to install additional transmission equipment or antennas for the provision of wireless telecommunications services.

COMMERCIAL IMPRACTICABILITY or COMMERCIALLY IMPRACTICABLE

The meaning in this chapter and any special use permit granted hereunder as is defined and applied under the United States Uniform Commercial Code (UCC).

COMPLETED APPLICATION

An application that contains all information and/or data required by the City on application forms, by ordinance or by written practice and such additional information as the City may reasonably require specific to any application.

CONCEALMENT ELEMENT

Any design feature, including but not limited to painting, landscaping, shielding requirements and restrictions on location, proportions, or physical dimensions in relation to the surrounding area or supporting structures that are intended to and do make a wireless telecommunications facility or any supporting structure supporting it substantially less visible to the casual observer.

COUNCIL

The City Council of the City of Rye, which is the officially designated agency or body of the community to whom applications for a special use permit for a wireless telecommunications facility must be made, and that is authorized to review, analyze, evaluate and make decisions with respect to granting or revoking special use permits

for wireless telecommunications facilities. The Council may, at its discretion, delegate or designate other official agencies of the City to accept, review, analyze, evaluate and make recommendations to the Council with respect to the granting or not granting, recertifying or not recertifying or revoking special use permits for wireless telecommunications facilities.

DISTRIBUTED ANTENNAE SYSTEM (DAS)

Network of spatially separated antenna sites connected to a common source that provides wireless telecommunications service within a geographic area or structure.

EAF

The environmental assessment form approved by the New York Department of Environmental Conservation.

ELIGIBLE FACILITY PERMIT

The official document or permit by which an applicant meets the criteria for administrative review of a wireless telecommunications facility as granted by the City Engineer and Corporation Counsel.

ENVIRONMENTALLY SENSITIVE AREA ("ESA")

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

EXISTING

In place as of the date an application is received for installation or modification of a wireless telecommunications facility.

FAA

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

FCC

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

HEIGHT

When referring to a tower or supporting structure, the distance measured from the preexisting grade level to the highest point on the tower or supporting structure, even if said highest point is an antenna.

HISTORIC STRUCTURE

Any structure in the City of Rye that is:

A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

C. Individually listed on a state inventory of historic places in New York; or

D. Individually listed on a local inventory of historic places in Rye with historic preservation programs that have been certified either:

(1) By an approved state program as determined by the Secretary of the Interior; or

(2) Directly by the Secretary of the Interior in states without approved programs.

E. Designated as a protected site or structure under the City of Rye City Code, Chapter **117** "Landmarks Preservation."

F. Is located in a National Historic District or within a City of Rye designated Preservation District and/or Historic District.

MICRO-WIRELESS FACILITY

A small wireless facility strung between two utility poles having dimensions no larger than 24 inches in length, 15 inches in width and 12 inches in height and an exterior antenna, if any, no longer than 11 inches, and which antenna may be enclosed in an imaginary cylinder no larger than one inch in diameter. The reference to height in this definition is not intended to permit any person to install a facility that violates, or causes the strand to which it is attached to violate, clearance or other requirements under the applicable safety codes. A micro-wireless facility does not create any noise greater than 10 db(A) as measured at the source.

NIER

Nonionizing electromagnetic radiation.

PERSON

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

PERSONAL WIRELESS SERVICES

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

RESIDENTIAL RIGHT-OF-WAY

The right-of-way in a residential zone.

RESIDENTIAL STRUCTURE

A structure located in a residential zone with its principal use being residential.

RESIDENTIAL UNIT or A DWELLING UNIT

One or more rooms with provision for living, cooking, sanitary and sleeping facilities arranged for the use of one family, as defined in Rye City Code, Chapter

197, "Zoning."

RESIDENTIAL ZONE
Those zones designated as "Residence Districts" under the City of Rye City Code, Chapter **197**, "Zoning."

RIGHT-OF-WAY
The strip of land over which facilities such as roads are built as identified on the official City Map.

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

STEALTH FACILITY
Any wireless telecommunications facility that is integrated as an architectural feature of an existing supporting structure or any new wireless telecommunications facility that is camouflaged or concealed so that the presence of the wireless telecommunications facility is either: (1) virtually imperceptible to the casual observer, such as an antenna behind louvers on a building, or inside a steeple or similar structure; or (2) camouflaged, through stealth design, so as to blend in with its surroundings to such an extent that it is indistinguishable by the casual observer from the structure on which it is placed or the surrounding in which it is located. Examples of stealth facilities include wireless telecommunications facilities which are disguised as flagpoles, as indigenous trees, as rocks, or as architectural elements such as dormers, steeples and chimneys. To qualify as "stealth" design, the item in question must match the character of its surroundings and the type of item that it is mimicking in size, scale, shape, dimensions, color, materials, function, and other attributes as closely as possible. The elements that make a facility a stealth facility are concealment elements.

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

SUPPORTING STRUCTURE
Any building, mast, pole, utility pole or other facility capable of supporting or housing a base station. Except as used in the definition of the term "tower," the term "supporting structure" does not include and is not used to refer to a tower.

TALL STRUCTURE
A tall structure includes, but is not limited to, existing towers, nonresidential building rooftops at least four stories in height or greater, and domes, belfries, lanterns, spires, steeples or other architectural features on top of the roof of a building that is at least 45 feet high.

TELECOMMUNICATIONS
The transmission and reception of audio, video, data and other information by

wire, radio frequency, light and other electronic or electromagnetic systems.

TEMPORARY

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

TOWER

Any supporting structure built for the sole or primary purpose of supporting any antennas (and related base station and accessory facilities or structures), including supporting structures that are constructed for wireless telecommunications including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. This definition does not include utility poles.

UNDERGROUND AREAS

Those areas where there are no electrical facilities or facilities of the incumbent local exchange carrier in the right-of-way; or where the wires associated with the same are or are required to be located underground; or where the same are scheduled, at the time of determination to be converted from overhead to underground. If any area that currently has electrical facilities aboveground is later converted to an area with all such facilities underground, then such an area will be considered an "underground areas" and the responsible party for aboveground wireless telecommunications facilities and accessory facilities must comply with all regulations for underground areas within one year of such conversion. For the purposes of this chapter, any residential area outside the FEMA-designated fifty-year floodplain as depicted on the most recently approved FEMA flood maps is considered an underground area. An "electrical facility" is a distribution facility owned by an electric utility and does not include transmission facilities used or intended to be used to transmit electricity at nominal voltages in excess of 35,000 volts.

UTILITY POLE

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

WIRELESS REGULATIONS

Those regulations, adopted by majority vote of City Council pursuant to this chapter and implementing the provisions set forth herein.

WIRELESS TELECOMMUNICATIONS FACILITY

All elements of a facility or proximate to a common location used in connection with the provision of any wireless telecommunications, including the antenna, base station (but excluding any existing supporting structure to which the base station is attached or within which it is enclosed), tower, if any, and accessory facilities or structures serving that base station.

WIRELESS TELECOMMUNICATIONS PROVIDER

A wireless telecommunications infrastructure provider or a wireless telecommunications services provider under 47 U.S.C. § 332(c)(7).

§ 196-4 **Policy and goals for special use permits and special exception permits.**

In order to ensure that the placement, construction and modification of wireless telecommunications facilities conforms to the City's purpose and intent of this chapter, the Council creates a special use permit for wireless telecommunications facilities for the purpose of achieving the following goals:

A. Implementing an application process for person(s) seeking a special use permit or special exception permit for a wireless telecommunications facility.

B. Establishing a policy for examining an application for and issuing special use permits and special exception permits for wireless telecommunications facilities that is both fair and consistent.

C. Establishing timeframes for granting or not granting a special use permits and special exception permits for wireless telecommunications facilities, or recertifying or revoking the special use permit or special exception permit granted under this chapter.

D. Promoting and encouraging, wherever possible, but only where it will result in the least overall visual and sonic impact for residential dwelling units, the collocation of wireless telecommunications facilities.

E. Promoting and encouraging, wherever possible, the placement of a wireless telecommunications facility in such a manner as to cause minimal disruption to the land, property, buildings and other facilities adjacent to, surrounding and in generally the same area as the requested location of such a wireless telecommunications facility and to minimize adverse visual, sonic, and aesthetic impacts to the community and risk of adverse impacts to community character and property value.

§ 196-5 **Special use permit, special exception permits and eligible facility permits.**

A. All wireless telecommunications facilities within the City must comply with this chapter and all other applicable law and regulations. A person who installs wireless telecommunications facilities pursuant to this section must comply with all safety codes; comply with requirements for RF emissions; and must utilize concealment elements and maintain facilities to minimize visibility of the wireless telecommunications facilities. All wireless telecommunications facilities are subject to the registration requirements of Section 167.72, if applicable, regardless of their status under, or the applicability of, this chapter.

B. This chapter does not apply to any device designed for end-user over-the-air reception, not transmission, of television broadcast signals, multichannel multipoint distribution service, or direct broadcast satellite service; or for end user reception of signals from an Internet service provider and end user transmission of signals to an Internet service provider.

C. All wireless telecommunications facilities (including modifications), or construction, modification or replacement of support structures in connection with the installation of wireless telecommunications facilities must be permitted by a special use permit, special exception permit or eligible facility permit. Notwithstanding the foregoing, the

following wireless telecommunications facilities do not require a special use permit, except where the same are on, substantially contiguous to, or affect a historic structure, or an environmentally sensitive area. Requirements that may apply to the underlying supporting structure to which a base station is to be attached, as well as all other applicable laws and regulations continue to apply. Such wireless telecommunications facilities that do not require a special use permit shall require a special exception permit and pay the associated fee to the City Manager or his/her designee. Such wireless telecommunications facilities shall be authorized to be installed on condition that any and all other required permits or approvals have been received.

(1) Wireless telecommunications facilities that are less than one cubic feet in size create no measurable sound and are placed on existing supporting structures without increasing the physical dimensions of the existing supporting structures. The "cubic footage" takes into account all the elements of the wireless telecommunications facility (including accessory facilities or structures).

(2) Wireless telecommunications facilities placed on the rooftop of nonresidential structures; that make no measurable sound beyond the rooftop; that are at least 40 feet from any residential unit; and that include some concealment elements so that the wireless telecommunications facilities are not visible from the street.

(3) Wireless telecommunications facilities within existing supporting structures (other than historical structures) that are not visible from and that do not create any sound greater than 10 db(A) measured at the source from outside the supporting structure and do not change the physical dimensions or appearance of the supporting structure within which they are placed.

(4) Carriers on wheels where the placement is permitted, and complies with, applicable FCC regulations for temporary placement of wireless telecommunications facilities.

(5) Routine maintenance, or replacement of elements of a wireless telecommunications facility or supporting structure that do not change the dimensions, visibility, or audibility of a wireless telecommunications facility or supporting structure.

(6) Micro wireless facilities.

D. The City Manager or his/her designee shall prepare application forms that must be used by persons seeking to place wireless telecommunications facilities in the City and which shall require additional submission of at least the information required by the City Code, and may require information that the City may consider in acting upon an application.

(1) Franchise required. In addition to the special use permit, special exception permit and eligible facilities permit required herein, the placement of a wireless telecommunications facility in the public rights-of-way requires the persons who will own or control those facilities to obtain a franchise or permit to be located within the

City's right-of-way, unless that person holds a franchise from the state which authorizes it to use the right-of-way for that purpose, without further permission of the City. Pursuant to Chapter **167**, "Streets and Sidewalks," such franchise or permit may be approved by the City.

E. As part of the administration of this article, the City Council may adopt by simple majority vote regulations governing the placement and modification of wireless telecommunications facilities consistent with the requirements of this article, including regulations governing collocation and resolution of conflicting applications for placement of wireless telecommunications facilities, and guidelines for placement of wireless telecommunications facilities on City-owned or controlled structures in the rights-of-way.

(1) Develop acceptable designs for wireless telecommunications facilities in particular corridors, taking into account the zoning districts bounding the rights-of-way;

(2) The City Manager shall issue any notices of incompleteness, requests for information, or conduct or commission such studies as may be required to determine whether a permit should be issued. If the City Manager issues a notice of incompleteness, any applicable timeframes to review the application shall be reinitiated upon the delivery of the missing material as if the application was received anew as described in § **196-6C**.

(3) The City Manager shall develop forms and procedures for submission of applications for placement or modification of wireless telecommunication facilities, and proposed changes to any support structure consistent with this article.

F. For eligible facilities requests, as defined in the Federal Communications regulation 47 C.F.R. § 1.40001(b)(3), implementing federal law, 47 U.S.C. § 1455, an eligible facility permit is required prior to installation (including modifications) of wireless telecommunications facilities or modification of existing support structures in connection with the installation of wireless telecommunications facilities.

(1) An eligible facility permit may be issued administratively by the City Engineer and Corporation Counsel jointly after all applicable safety and fire code regulations have been complied with. The eligible facility permit shall specifically provide that it is being issued at the direction of the federal government and without the consent of the City and shall be of no further force and effect when the permit for the underlying facility expires, or the federal law changes so that the permit as issued is no longer required.

(2) The application for any eligible facility permit must contain at least the information required to permit the City Manager and Corporation Counsel to determine that the application is an eligible facilities request, including (i) the underlying approval for the existing tower and base station; (ii) any approved modifications to the same where the modifications were approved prior to February 22, 2012; and (iii) detailed information about the physical dimensions of tower and base station as the same exist

on the date of the application, and as proposed to be modified.

(3) The application shall be denied if it is not an eligible facilities request or if all the information required under § **196-6V** is not submitted. If an application is denied because it is determined that it is not an eligible facilities request, the applicant may request that the application be treated as a request for special permit by submitting all the information required for a special permit within 10 days of the denial of application. The applicant has the burden of proof in all aspects of its permit request by providing clear and convincing evidence.

G. All other wireless telecommunications facility installations (including modifications), or construction, modification or replacement of support structures in connection with the installation of wireless telecommunications facilities require a special use permit or special exception permit.

(1) Special use permits and special exception permits may be granted where applicant shows by clear and convincing evidence:

(a) The wireless telecommunications facility proposed is not being built speculatively (that is, there is a customer for the wireless telecommunications facility), and it will be built and used promptly upon approval.

(b) The applicant is a utility under New York law or a provider described in Subsection **G(1)(e)** below or a governmental entity. The applicant and any entity whose equipment would be included in the installations has all the authorizations required to place the wireless telecommunications facilities from the state, or the City (other than the special use permit requested), or the owner of the property, and to modify, replace or attach to a supporting structure, and the placement, construction and operation of the wireless telecommunications facilities (including supporting structures) will be in compliance with all applicable laws.

(c) The wireless telecommunications facility is designed and placed to minimize the visual and sonic impact on the community.

(d) The wireless telecommunications facility does not significantly impact the site upon which it will be located or the properties that will be disturbed as a result of its installation.

(e) If applicant is confirmed to be a utility under New York law or is confirmed to be a provider, as described below, it must demonstrate that the wireless telecommunications facility is necessary for the provision of services. All applicants must show that the proposed installation is the least intrusive alternative for providing service. If the applicant is a provider of wireless services or facilities under 47 U.S.C. § 332(c)(7), it must show that absent approval, there will be a prohibition in the provision of wireless services within the meaning of federal law.

(2) City may approve a special use permit or special exception permit without the

showing required by Subsection **G(1)(e)** where the facility is not located in or does not affect historic structures or environmentally sensitive areas and the wireless telecommunications facility:

(a) Is a stealth facility that otherwise satisfies the provisions of this chapter.

(b) Contains concealment elements, and is to be placed or shielded on an existing supporting structure in such a way such that the wireless telecommunications facility produces no measureable sound greater than 10 db(A) and is not readily visible to, surrounding properties, and is not subject to modification except at the discretion of the City.

(3) Notwithstanding the foregoing, City may require the showing under Subsection **G(1)(e)** where the City determines installation or modification of the wireless telecommunications facility substantially alters the size, proportions or dimensions of an existing supporting structure.

(4) Notwithstanding any other provisions of this chapter, the City Council may for reasonable cause and based on substantial evidence exempt any applicant from any requirement of this chapter or require the location or character of a wireless telecommunications facility to be other than that which this chapter might otherwise mandate.

(5) Prohibited on certain structures. No wireless telecommunications facility shall be located on single-family detached residences, single-family attached residences, two-family residences, or any residential accessory structure.

H. General standards for wireless telecommunications facilities in the rights-of-way.

(1) Generally. All wireless telecommunications facilities in the rights-of-way shall: first, be located in accordance with the location priorities in Subsection **I** below; and second, be the most aesthetically pleasing alternative for the type of location. In addition, such facilities must meet the minimum requirements set forth in this chapter, the wireless regulations, and the requirements of any other applicable law. An applicant must establish that it is installing stealth facilities to the extent possible and must:

(a) Show that it is installing facilities in the highest priority locations that are available and necessary to the provision of service or to avoid a prohibition. As part of its application, an applicant must describe in detail its efforts to place a wireless telecommunications facility at each higher priority location, including what properties were contacted, and the reasons why applicant claims the wireless telecommunications facility cannot be placed at a higher priority location.

(b) Submit RF engineering data signed by an engineer for the relevant wireless provider, including propagation maps and supporting information identifying areas where a wireless telecommunications facility could be placed that would serve the areas where

applicant believes that service is required, and describing the wireless telecommunications facility required to provide such services;

(c) Submit a written explanation as to why it claims its proposed wireless telecommunications facility is the least intrusive alternative, considered individually, and as part of any project of which it is a part that involves installation of more than one wireless telecommunications facility; and taking into account all potential alternatives, whether or not raised by the City or its citizens, including all those that a diligent applicant acting in good faith would raise.

(2) Waiver of requirements. Subject to § **196-5G(4)**, the wireless regulations and decisions on applications for placement of wireless telecommunications facilities in the rights-of-way shall, at a minimum, ensure that the requirements of this chapter are satisfied, unless, in the case only of an applicant who has the requisite status protected by federal laws, it is determined that applicant has established that denial of an application would, within the meaning of federal law, prohibit or effectively prohibit the provision of personal wireless services, or otherwise violate applicable laws or regulations, under circumstances such that deployment of the facilities must be authorized. If that determination is made, the requirements of this chapter, including any regulations and forms to implement this chapter, may be waived, but only to the minimum extent required to avoid conflict with federal law.

(3) Standards. Wireless telecommunications facilities in the rights-of-way shall be installed and modified in a manner that minimizes risks to public safety, avoids placement of aboveground facilities in underground areas, avoids installation of new support structures or equipment cabinets in the public rights-of-way, complies in the rights-of-way with the City's prioritization list in Subsection **I(2)** below and otherwise maintains the integrity and character of the neighborhoods and corridors in which the facilities are located; ensures that installations are subject to periodic review to minimize the intrusion on the rights-of-way and compliance with health and safety codes; and ensures that the City bears no risk or liability as a result of the installations, and that such use does not inconvenience the public, interfere with the primary uses of the rights-of-way, or hinder the ability of the City or other government agencies to improve, modify, relocate, abandon or vacate the rights-of-way or any portion thereof, or the ability of the City or other government agencies to cause the improvement, modification, relocation, vacation or abandonment of facilities in the rights-of-way.

(4) Concealment. The special use permits for wireless telecommunications facilities in the rights-of-way shall incorporate specific concealment elements to minimize visual impacts consistent with the wireless regulations, and shall incorporate design requirements ensuring compliance with all standards for noise emissions and in accordance with Chapter **133** of the Rye City Code. In general, all equipment shall be the smallest and least visibly and sonically intrusive equipment feasible. Unless it is determined that another design is less intrusive or placement is required under applicable law:

(a) Antennas located at the top of support structures shall be incorporated into the

structure, or placed within shrouds of a size such that the antenna appears to be part of the support structure;

(b) Antennas placed elsewhere on a support structure shall be integrated into the structure, or be designed and placed to minimize visual impacts.

(c) Radio units or equipment cabinets holding radio units and mounted on a utility pole shall be placed as high as possible on the utility pole, placed to avoid interfering or creating any hazard to any other use of the public rights-of-way, and located on one side of the utility pole. Unless the radio units or equipment cabinets can be concealed by appropriate traffic signage, radio units or equipment cabinets mounted below the communications space on utility poles shall be designed so that visibility is limited to the fewest number of people, the largest dimension is vertical, and the width is such that the radio units or equipment cabinets are minimally visible from the opposite side of the support structure on which they are placed. In underground areas, the equipment cabinets shall be located underground with any above ground intrusion minimized. If an equipment cabinet must be located aboveground, then the cabinet shall be a stealth facility and shall substantially incorporate all other concealment elements. If an equipment box must be placed on a pole, the box shall be placed on the pole in such a fashion as to have it front facing the closing boundary of the right-of-way.

(d) Wiring and cabling shall be neat and concealed within, or within conduit, flush to the support structure, ensuring concealment of these components to the greatest extent possible.

(e) Ground-mounted or pole-mounted (other than antennas) equipment associated with a wireless telecommunications facility is prohibited in underground areas and shall be permitted only where consistent with the portion of the corridor in which it is to be placed, and may be required to be undergrounded, located in alleys or otherwise shielded. Ground-mounted equipment shall not interfere with pedestrian or vehicular traffic.

(f) Wireless telecommunications facilities shall comply with FCC regulations governing radio frequency ("RF") emissions. At all times, every wireless telecommunications facility shall comply with applicable FCC regulations governing RF emissions, and failure to comply shall be treated as a material violation of the terms of any permit or lease. No special use permit shall be issued or effective unless it is shown that the wireless telecommunications facility will comply with those regulations; any areas where occupational or general public exposures will exceed FCC limits are identified, and there is a clear plan addressing safety for any areas where exposures may exceed those limits.

(g) No towers greater than 80 feet shall be permitted in the public rights-of-way, and no wireless telecommunications facilities shall be permitted aboveground in underground areas; towers less than or equal to 80 feet may be placed in the public rights-of-way only on major roads in the Membership Club zoning district or on golf courses provided that the City Council determines that such towers in the public right-of-way

or on the golf course would be the most aesthetically pleasing means to serve an area with low residential density. Any tower design must be as consistent as possible with the corridor in which the facility is placed, and minimize the obtrusiveness of the facility considered individually and as part of a network of wireless telecommunications facilities. For towers proposed to be located in the right-of-way, all other restrictions including, but not limited to equipment type and placement, setback requirements, safety concerns and aesthetics shall still apply.

(5) No electric meters shall be placed on a utility pole or any other supporting structure.

(6) Underground installations will have no protrusions above pre-existing grade.

(7) Any graffiti on any wireless telecommunications facility support structure or any accessory equipment shall be removed within 30 days upon notification of the owner.

I. Demonstration of compliance with wireless regulations. As part of showing that the proposed location and structure meets the criteria in this law and the wireless regulations, an applicant is required to show how it has complied with the priority lists below unless the applicant can show that compliance is prohibitory:

(1) The highest priority locations for all installations are:

(a) On existing tall structures or telecommunications towers.

(b) Collocation on a site with existing telecommunications towers or tall structures.

(c) In commercially zoned areas along Interstate 95, Interstate 287 or railroad tracks.

(d) In nonresidential areas or on a golf course.

(e) On other property in the City.

(2) The priority of locations for installations in the residential right-of-way are (assuming, first, compliance with Subsection **I(1)** above), in order of priority:

(a) Located on a major road, at least 60 feet or more from the nearest residential unit;

(b) Located on other roads but only when required to be nonprohibitory, and at least 60 feet or more from the nearest residential unit;

(c) Located on a major road, at least 40 feet from the nearest residential unit;

(3) Municipal property in Subsection **I(1)** and **(2)** above shall be a higher priority than other locations in the same category.

(4) Installations in the residential right-of-way shall be micro-wireless facilities only unless this requirement would be prohibitory.

(5) An applicant is further required to show that its proposed installation or modification:

(a) Minimizes the visual impact of the wireless telecommunications facilities and associated supporting structures upon the community, and in particular upon residential units, as proposed and under any modification that could be made to that installation as of right; and

(b) Is designed to be consistent with the overall characteristics of the area where the facilities are located; and

(c) Has minimized the new supporting structures proposed, and the impact of those supporting structures.

(d) In considering the visibility of wireless telecommunications facilities, City may consider separately and in conjunction with any nearby or similar facilities, or any other facilities then proposed, the mass and size of the facilities, the scale of the facilities (or the effect of the placement on the mass, size and scale of supporting structures to which or within which the wireless telecommunications facilities may be attached or concealed), and any other factor that may affect the impact on the community. It may consider the elements of a wireless telecommunications facility separately and collectively, and may require a showing the visibility of each element of the wireless telecommunications facility, and the effect on any supporting structure to which the wireless telecommunications facility will be attached, has been minimized.

(e) It has proposed facilities using universal antennae, each having and utilizing multicarrier capacity to the fullest extent technologically possible.

(6) The City may approve or require placement in a location that is not the highest priority where the record shows a proposed installation at a different location will result in less impact on the community, considering the specific installation that is proposed and any project of which it is a part that involves installation of more than one wireless telecommunications facility.

(7) In considering whether a proposal meets the general requirements of this law and the wireless regulations, the City will consider the impact of a planned project as a whole, taking into account the factors specified above.

§ 196-6 **Special use permit, special exception permit, and eligible facility permit application requirements.**

A. All applicants for a special use permit or a special exception permit (in the case of a special exception permit only to the extent set forth in Subsection **U** and in the case of an eligible facility permit only to the extent set forth in Subsection **V** for a wireless telecommunications facility or any modification of such facility shall comply with the requirements set forth in this section. In addition to the information required by § **196-5E**, an applicant for a special use permit must comply with the requirements of this section, as applicable.

B. An application shall be signed on behalf of the applicant by the person preparing the same and with knowledge of the contents and representations made therein and attesting to the truth and completeness of the information. The landowner, if different than the applicant, shall also sign the application. At the discretion of the Council, any false or misleading statement in the application may subject the applicant to denial of the application without further consideration or opportunity for correction, or to revocation of the permit if the permit is issued. No application shall be accepted and no special use permit, special exception permit or eligible facility permit application shall be issued for a property where the building inspector has found, or there exists, a violation of the City Code and where such violation has not been corrected.

C. Applications not meeting the requirements stated herein or which are otherwise incomplete may be rejected by the Council. Upon notice of incompleteness by the City, the applicable shot clock will reset to zero and the City shall have the original applicable time period permitted by law to act on the completed application. The shot clock shall remain tolled until the applicant submits the required supplemental information. If the application for a wireless telecommunications permit is incomplete, all other permits requested by the same applicant that must be acted upon by the same date as that application will also be deemed incomplete or denied. If any other permit that must be acted upon by the same date as the wireless telecommunications application is incomplete, both it and the wireless telecommunications application shall be declared incomplete or denied.

D. The applicant shall include a statement in writing that:

(1) The applicant's proposed wireless telecommunications facility will be maintained in a safe manner and in compliance with all conditions of the special use permit, special exception permit or an eligible facility permit, without exception, unless specifically granted relief by the Council in writing, as well as all applicable and permissible local codes, ordinances and regulations, including any and all applicable county, state and federal laws, rules and regulations.

(2) The construction of the wireless telecommunications facility is legally permissible, including but not limited to the fact that the applicant is authorized to do business in New York state.

E. Each application for a special use permit or special exception permit shall include a complete plan for the site proposed, and if the application is submitted as part of a larger project that will include multiple sites, a description of that project, and the number and type of installations required, and complete application materials for each site proposed, so that the Council has the ability to and shall review and make a determination with respect to each individually and as part of any larger project. For special use permits or special exception permits, the site plan shall be reviewed and approved by the Council prior to issuance of the special use permit or special exception permit by the City Council. Where a certification is required, the certification shall be in the form of a report containing the information hereinafter set forth, signed by a licensed professional engineer registered in the state and acceptable

to the City, unless otherwise noted. The application shall include, to the extent applicable, the following information:

(1) Documentation that shows applicant satisfies the requirements of § **196-5E** through **H**, as applicable.

(2) Name and address of the engineer or engineers submitting any certifications, and to whom questions regarding the certification should be submitted.

(3) Name and address of the property owner, operator and applicant, to include the legal form of the applicant. Name and address of any person who will own equipment associated with the wireless telecommunications facility.

(4) Postal address and tax map parcel number of the property.

(5) Zoning district or designation in which the property is situated.

(6) Size of the property stated both in square feet and lot line dimensions and a diagram showing the location of all lot lines where the facility is proposed to be located outside of the right-of-way, and within the rights-of-way, the location of the proposed facility in relation to the right-of-way, pedestrian and nonmotorized vehicle pathways and crosswalks, and the location in relation to driveways on the same right-of-way and within 750 feet.

(7) Location of all residential structures within 750 feet.

(8) Location of all habitable structures within 750 feet.

(9) Location of all structures on the property which is the subject of the application, or for the right-of-way, within 250 feet of the proposed facility.

(10) Location, size and height of all proposed and existing wireless telecommunications facilities and supporting structures at the proposed site.

(11) Type, size and location of all proposed and existing landscaping.

(12) The number, type and design of the wireless telecommunications facility(s) proposed and the basis, if any, for the calculations of the wireless telecommunications facility's capacity to accommodate multiple users.

(13) The make, model and manufacturer of each of the elements of the wireless telecommunications facility.

(14) A detailed description of each element of the proposed wireless telecommunications facility and any existing support structure which will be utilized, which description shall include, but not be limited to, a description of the supporting structures, appurtenances and apparatus, including height above preexisting grade, materials, color and lighting. For a modification to a facility, applicant must describe precisely

any change in physical dimensions to any portion of the wireless telecommunications facility or and describe in detail any additional equipment installed as part of the modification and any modifications required to the supporting structure (including, but not limited to, modifications to meters, powers supplies, cabling, and guys).

(15) The frequency, modulation and class of service of radio or other transmitting equipment.

(16) Transmission and maximum effective radiated power of the antenna(s).

(17) Direction of maximum lobes and associated radiation of the antenna(s).

(18) Certification by a qualified RF engineer that NIER levels at the proposed site are within the threshold levels adopted by the FCC.

(19) The applicant's proposed wireless telecommunications facility maintenance and inspection procedures and related system of records.

(20) A copy of the FCC license applicable for the use of the wireless telecommunications facility, if any, and a copy of any certificate issued by the State of New York for the facility; and proof that applicant and any person who will own facilities associated with the proposed wireless telecommunications facility are authorized to place the facilities at the location proposed.

(21) For a tower, certification that a topographic and geomorphologic study and analysis has been conducted and that taking into account the subsurface and substrata, and the proposed drainage plan, that the site is adequate to assure the stability of the proposed tower on the proposed site. The certifying engineer need not be approved by the City.

(22) Propagation studies of the proposed site and all adjoining proposed or in-service or existing sites signed by a suitable engineer and the provider(s) that will utilize the proposed installation.

(23) The applicant shall disclose, in writing, any agreement in existence prior to submission of the application that would limit or preclude the ability of the applicant to share any new wireless telecommunications facility that it constructs.

(24) The applicant shall provide a notarized affidavit that either the proposed installation meets all laws, codes and ordinances or that it meets the same except as specifically listed on said affidavit.

(25) Information relating to the expected useful life of the proposed wireless telecommunications facility.

F. In the case of a new wireless telecommunications facility, the applicant shall be required to submit a report demonstrating its efforts to secure shared use of existing wireless telecommunications facility(s). Copies of written requests and responses for shared use shall be provided to the Council.

G. Certification that the wireless telecommunications facility and, if applicable, the existing supporting structure both are designed and constructed ("as built") to meet all county, state and federal structural requirements for loads, including wind and ice loads.

H. After construction and prior to receiving a certificate of compliance, certification that the wireless telecommunications facility and related facilities are grounded and bonded so as to protect persons and property and installed with appropriate surge protectors.

I. The applicant shall submit a completed long form EAF and a completed visual EAF addendum. The Council may require submission of a more detailed visual analysis based on the results of the visual EAF addendum. Applicants are encouraged to seek preapplication meetings with the City Council to address the scope of the required visual assessment.

J. A visual impact assessment shall be provided with each application which shall include:

(1) A zone of visibility map, which shall be provided in order to determine locations where the facility may be seen.

(2) Pictorial representations of before and after views from key viewpoints, including but not limited to state highways and other major roads; state and local parks; other public lands; historic districts; environmentally sensitive areas; preserves and historic structures normally open to the public; and from any other location where the site is visible to a large number of visitors or travelers. The City will provide guidance concerning the appropriate key sites at a preapplication meeting.

(3) An assessment of the visual impact of the facility base, guy wires and accessory buildings from abutting and adjacent properties and streets.

(4) Scaled and dimensioned photo simulations of the before and after images of the project and project site from at least three different angles and showing the maximum silhouette, viewshed analysis, color and finish palette and proposed screening for the wireless telecommunications facility.

K. The applicant shall identify any concealment elements proposed for the wireless telecommunications facility, and for a stealth facility, shall specifically show that the proposed wireless telecommunications facility qualifies as a stealth facility and effectively screen from view its proposed wireless telecommunications facilities and structures, subject to Council approval.

L. All utilities serving any wireless telecommunications facility shall be installed underground, embedded in existing construction or otherwise shielded from view and in compliance with all laws, rules and regulations of the City, including specifically, but not limited to, the National Electrical Safety Code and the National Electrical

Code, where appropriate. The Council may waive or vary the requirements of undergrounding installation of utilities whenever, in the opinion of the Council, such variance or waiver shall not be detrimental to the health, safety, general welfare or environment, including the visual and scenic characteristics of the area. Where possible, for wireless telecommunications facilities located outside of the rights-of-way wiring and other components shall be located within buildings. Wireless telecommunications facilities installed on the exterior of existing buildings/supporting structures shall be integrated into the design of such buildings/supporting structures. The intent of this provision is to make the installation invisible or indistinguishable from other existing architectural features. Both the wireless telecommunications facility and all accessory or associated facilities shall maximize the use of building materials, colors and textures designed to blend with the existing supporting structure to which it may be affixed and with the natural surroundings. Where possible, for facilities in the rights-of-way, when existing utility poles are replaced, the wireless telecommunications facility will be placed within a pole approved by the City and the utility.

M. An access road and parking to assure adequate emergency and service access shall be provided, should such be deemed necessary by the Council. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and vegetation cutting. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential.

N. Every wireless telecommunications facility, and the existing support structures to which wireless telecommunications facilities are attached shall be constructed, operated, maintained, repaired, modified or restored in strict compliance with the then-current version of all technical, safety and safety-related codes adopted by the City, county, state or United States, including but not limited to the most recent editions of the National Electrical Safety Code and the National Electrical Code, as well as accepted and responsibly workmanlike industry practices and recommended practices of the National Association of Tower Erectors. The codes referred to are codes that include, but are not limited to, construction, building, electrical, fire, safety, health and land use codes. The applicant is responsible for ensuring compliance with the foregoing for the wireless telecommunications facility and any portion of an existing supporting structure affected by the wireless telecommunications facility. In the event of a conflict between or among any of the preceding, the more stringent shall apply.

O. Every person constructing or owning a wireless telecommunications facility shall obtain, at its own expense, all permits and licenses required by applicable law, rule, regulation or law and must maintain the same, in full force and effect, for as long as required by the City or other governmental entity or agency having jurisdiction over the applicant.

P. The Council intends to be the lead agency, pursuant to SEQRA. The Council shall conduct a review of the proposed project in combination with its review of the

application under this chapter.

Q. An applicant shall submit to the City Engineer the number of completed applications determined to be needed at the preapplication meeting. A copy of the notification of application shall be provided to the legislative body of all adjacent municipalities and to the Westchester County Planning Board.

R. If the applicant is proposing the construction of a tower or installation on an existing tower or building, the applicant shall examine the feasibility of designing a multicarrier use to extent practicable and consistent with other requirements of this chapter. This requirement may be waived, provided that the applicant, in writing, demonstrates that the provisions of future shared usage of the wireless telecommunications facility is not technologically feasible, or is commercially impracticable and creates an unnecessary and unreasonable burden, based upon:

(1) The number of FCC licenses foreseeably available for the area.

(2) The kind of wireless telecommunications facility proposed, or existing supporting structure that would be utilized.

(3) Available space on existing and approved towers.

S. Unless waived by the Council, there shall be a preapplication meeting required for every special use permit. The purpose of the preapplication meeting will be to address issues which will help to expedite the review and permitting process. Where the application is for the shared use of an existing tower or supporting structure, the applicant can seek to waive any application requirements that may not be applicable. At the preapplication meeting, the waiver requests, if appropriate, will be decided by the City. Costs of the City's consultants to prepare for and attend the preapplication meeting will be borne by the applicant.

T. Without limiting the foregoing, except where it is demonstrated that denial would result in a prohibition of the provision of wireless services within the meaning of federal law:

(1) In the rights-of-way, no Towers are permitted except as permitted in § **196-5H(4)(g)**.

(2) No wireless telecommunications facilities are permitted within underground areas except those that are located underground.

(3) A new or replacement supporting structure, other than a stealth facility or one permitted in § **196-5H(4)(g)**, street lighting or traffic control structure may not be approved that is greater in height from ground level than the average height of existing distribution utility poles in the same area. No extension of an existing supporting structure (other than street lighting or traffic control structures) to permit installation of a wireless telecommunications facility may be approved that unless the addition complies with Subsection **T(5)** and increases the height of the supporting structure by

no more than the lesser of 20% or six feet.

(4) Except for cabling within a conduit, the lowest edge of any component of the wireless telecommunications facility on a utility pole must be at least 12 feet above the ground unless concealed within the pole.

(5) All wireless telecommunications facilities mounted to the side of a supporting structure in the right-of-way, other than in the communications space, must be flush-mounted, sized and painted so that the facility to the extent possible the facility is concealed;

(6) All wireless telecommunications facilities mounted to the top of a utility pole must be designed so that the facilities form a continuous and uninterrupted line with the pole, and as a concealment element, are no more than 10% greater in diameter than the pole itself; provided that dipole antennas comprised of a single metal rod not more than 40 inches as measured from the top of the pole long fastened straight upright on, and flush to, the top of the pole, are also acceptable.

(7) Any indicator lights should be recessed or otherwise designed so that they present no hazard to traffic or interfere with enjoyment of properties from which the lights may be visible.

(8) In addition to any more restrictive provisions of this chapter, in placing wireless telecommunications facilities, the following rules apply:

(a) Wireless telecommunications facilities should be at least 40 feet from any residential unit, and located so that the facilities are not directly in front of any front window or door of a residential structure.

(b) Locations that are less visible from a residential structure are preferred over locations that are more visible.

(c) With the exception of those facilities that qualify for a special exception permit, locations of wireless telecommunications facilities in the rights-of-way shall be located no closer than 1,000 feet measured in all directions to another wireless telecommunications facility of the same carrier. Wireless telecommunications facilities in the rights-of-way for different carriers shall be located no closer than 600 feet measured in all directions from each other.

[1] For wireless telecommunications facilities that qualify for a special exception permit in the right-of-way, such facilities shall be located no closer than 400 feet measured in all directions to another wireless telecommunications facility of the same carrier and shall be located no closer than 200 feet measured in all directions to another wireless telecommunications facility for different carriers.

(d) All wireless telecommunications facilities shall make maximum use of universal antennas capable of serving multiple carriers.

(e) Stealth and concealment shall have priority over collocation.

(f) Subject to Subsection T(d) and (e), towers shall have provisions to allow for multiple carriers.

U. To the extent applicable, every applicant for a special exception permit shall comply with § 196A through D, E(1) through (8), (10), (12) through (20), (22), (24), F through H, K, N, O, Q, S, and T.

V. To the extent applicable, every applicant for an eligible facility permit shall comply with § 196A through D, E(1) through (8), (10), (11) through (14), (18) through (21), (24), (25), G through J, N, O, Q, and R.

§ 196-7 **Failure to pursue an application.**

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

§ 196-8 **Height of wireless telecommunications facilities.**

A. Wireless telecommunications facilities shall be no higher than the minimum height necessary. Unless an area variance for height is granted by the Board of Appeals, the maximum height of wireless telecommunications facilities approved pursuant to § **196-5H(4)(g)** shall be 80 feet and the maximum height of wireless telecommunications facilities located outside the rights-of-way shall be 90 feet, based on three collocated antenna arrays and ambient tree height of 70 feet. Height shall be measured from ground level, to the highest point on the wireless telecommunications facility, or if higher, the highest point on any extension to an existing supporting structure required to support the wireless telecommunications facility. In towers, universal antennas allowing multicarrier use will be utilized to the extent technologically possible and maximum height shall be reduced accordingly.

B. The maximum height of any wireless telecommunications facility constructed after the effective date of this chapter shall not exceed that which shall permit operation without artificial lighting of any kind in accordance with municipal, county, state and/or any federal law and/or regulation.

§ 196-9 **Visibility of facilities.**

A. Excluding indicator lights satisfying the requirements of § **196-6**, wireless telecommunications facilities shall not be artificially lighted or marked, except as required by law.

B. Except where inconsistent with concealment elements, towers shall be of a galvanized finish, or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings as approved by the Council, and shall be maintained in accordance with the requirements of this chapter.

C. Excluding indicator lights satisfying the requirements of § **196-6**, if lighting is required, the applicant shall provide a detailed plan for sufficient lighting of as unobtrusive and inoffensive an effect as is permissible under state and federal regulations, and an artist's rendering or other visual representation showing the effect of light emanating from the site on neighboring habitable structures within 1,500 feet of all property lines of the parcel on which the wireless telecommunications facility is located.

§ 196-10 **Security of facilities.**

All wireless telecommunications facilities shall be secured in a manner which prevents unauthorized access to hazardous components. Specifically:

A. Where possible, wireless telecommunications facilities and modifications to existing supporting structures, including guy wires, shall be made inaccessible to individuals and constructed or shielded in such a manner that they cannot be climbed or run into; towers will be fenced and shielded to prevent unauthorized access to the structure unless the tower is a stealth facility or the fencing or shielding is inconsistent with required concealment elements; and

B. To the extent possible, wireless telecommunications facilities shall be installed so that powered elements are readily accessible only to persons authorized to operate or service them.

§ 196-11 **Signage.**

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

§ 196-12 **Lot size and setbacks.**

With the exception for towers approved pursuant to § **196-5H(4)(g)**:

A. All proposed towers shall be set back from abutting parcels, recorded rights-of-way and road and street lines a distance sufficient to substantially contain on site all ice-fall or debris from a tower or tower failure and to preserve the privacy and sanctity of any adjoining properties.

B. Towers, other than towers placed on an existing supporting structure, shall be set back from any property line at least a distance equal to the height of the facility plus 10 feet, or the existing setback requirement of the underlying zoning district, whichever is greater. Further, any accessory facility or structure shall be located so as to comply with the minimum zoning setback requirements for the principal building on the property on which it is situated.

C. Where a wireless telecommunications facility involves an attachment to an existing building or supporting structure other than a supporting structure in the rights-of-way, the facility, including but not limited to antennas, accessory supporting structures, and/or other appurtenances, shall be set back from any property line the distance of the setback requirement of the underlying zoning district and shall comply with the setbacks set forth in § **196-5I**.

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

A. The Council may hire any consultant and/or expert necessary to assist the Council in reviewing and evaluating the application and any requests for recertification.

B. An applicant shall deposit with the City funds sufficient to reimburse the City for all reasonable costs of consultant and expert evaluation and consultation to the Council in connection with the review of any application. The necessary application fee(s) shall be set annually by the City Council and the consultant and expert deposit shall be established on an application by application basis.

C. The total amount of the funds set forth in Subsection **B** of this section may vary with the scope and complexity of the project, the completeness of the application and other information as may be needed by the Council or its consultant/expert to complete the necessary review and analysis. Additional funds, as required, shall be paid by the applicant. The initial amount of the escrow deposit shall be established at a preapplication meeting with the City. Notice of the hiring of a consultant/expert shall be given to the applicant at or before this meeting.

§ 196-14 **Existing facilities.**

All wireless telecommunications facilities existing on or before the original effective date of this chapter shall be allowed to continue as they presently exist; provided, however, any owner of such existing facility must submit the inventory report form and provide the City information set forth in § **196-17** to the extent it applies and any modification to existing facilities must comply with this chapter. All other wireless telecommunications facilities existing prior to January 14, 2019 must apply for a special use permit, special exception permit or eligible facility permit and otherwise come into compliance with this chapter.

§ 196-15 **Public hearing required for special use permit and special exception permit.**

A. Public hearing and public notification by applicant. Before the City Council acts on any application for a special use permit or special exception permit, it shall hold a public hearing thereon in accordance with the General City Law. To facilitate notification of the public, a public notification list shall be prepared by the applicant,

using the most current City of Rye tax maps and tax assessment roll, showing the tax map sheet, block and lot number, the owner's name and owner's mailing address for each property located wholly or partially within 300 feet of the perimeter of the property in any direction. If a property on the public notification list is also listed as a cooperative or an apartment on a list entitled "Apartment List City of Rye," maintained by the City Assessor's office, the notice shall only be mailed to the property owner of record. When the public hearing is required by the City Council, the applicant shall deliver a copy of the public notice provided by the City Planner to all of the property owners contained on the public notification list by certified mail with certificate of mailing. The above mailing and posting notice requirements must be performed in accordance with the following requirements:

(1) The delivery of mailing shall be limited solely to the public notice provided by the City Planner.

(2) The public notice shall be mailed to all property owners with a certificate of mailing (no return receipt necessary) at a post office or official depository of the Postal Service, at least 14 calendar days prior to the date of the public hearing.

(3) At least five business days prior to the public hearing, the applicant shall provide to the City Planner all certificates of mailing.

(4) For all application for a special use permit and special exception permit, at least one week preceding the date of the public hearing, at least one sign, a minimum of two feet by three feet in size and carrying a legend prescribed by the City Council announcing the public hearing, shall be posted on the property. The height of the lettering on the sign shall be no less than two inches, except that the words "PUBLIC NOTICE" appearing at the top of the sign shall have no less than five-inch-high lettering. The sign shall be in full public view from the street and not more than 30 feet therefrom. The sign shall be removed from the property within two days after the public hearing.

B. The Council shall schedule the public hearing referred to in Subsection **A** of this section once it finds the application is complete. The Council, at any stage prior to issuing a special use permit or special exception permit, may require such additional information as it deems necessary.

C. Council may waive any requirement hereof and of § **196-16** as required to comply with state or federal law.

§ 196-16 **Action on application for special use permits and special exception permits.**

A. Subject to the requirements of any effective state and federal law or FCC order, the Council will undertake a review of an application pursuant to this chapter in a timely fashion and shall act within a reasonable period of time given the relative complexity of the application and the circumstances, with due regard for the public's interest and need to be involved, and the applicant's desire for a timely resolution.

B. The Council **<u>may</u>** refer any application or part thereof to the Board of Architectural Review (BAR) and may refer any application or part thereof to the Planning Commission for their advisory review and comment prior to the public hearing. This referral shall not preclude any final approvals of these or other City boards or departments required by this chapter or other law.

C. After the public hearing and after formally considering the application, the Council may approve and issue or deny a special use permit or special exception permit. Its decision shall be in writing and shall be based on substantial evidence in the record. The burden of proof for the grant of the permit shall always be upon the applicant.

D. If the Council approves the special use permit or special exception permit for a wireless telecommunications facility, then the applicant shall be notified of such approval, in writing, within 10 calendar days of the Council's action, and the special use permit shall be issued within 30 days after such approval.

E. If the Council denies the special use permit or special exception permit for a wireless telecommunications facility, then the applicant shall be notified of such denial, in writing, within 10 calendar days of the Council's action.

F. The City's decision on an application for a special use permit or special exception permit for a wireless telecommunications facility shall be supported by substantial evidence contained in a written record.

§ 196-17 **Recertification of special use permits, special exception permits, and eligible facility permit.**

A. At any time between 12 months and six months prior to the five-year anniversary date after the effective date of the permit and all subsequent fifth anniversaries of the original special use permit, special exception permit, or eligible facility permit for a wireless telecommunications facility, the holder of such permit shall submit a written request for recertification. In the written request for recertification, the holder of such special use permit or special exception permit shall note the following:

(1) The name of the holder of the special use permit, special exception permit or eligible facility permit for the wireless telecommunications facility.

(2) If applicable, the number or title of the special use permit, special exception permit, or eligible facility permit.

(3) The date of the original granting of the special use permit, special exception permit, or eligible facility permit.

(4) Whether the wireless telecommunications facility has been moved, relocated, rebuilt, repaired or otherwise modified since the issuance of the special use permit, special exception permit, or eligible facility permit.

(5) If the wireless telecommunications facility has been moved, relocated, rebuilt,

repaired or otherwise modified, then whether the Council approved such action, and under what terms and conditions, and whether those terms and conditions were complied with and abided by.

(6) Any requests for waivers or relief of any kind whatsoever from the requirements of this chapter and any requirements for a special use permit, special exception permit, or eligible facility permit.

(7) That the wireless telecommunications facility is in compliance with the special use permit, special exception permit, or eligible facility permit and compliance with all applicable codes, laws, rules and regulations.

(8) Whether the facility is still being used; and whether it is the least intrusive means of providing service, including whether it can be reduced in size, combined with or replaced by other facilities or otherwise altered to make it less visible or less audible.

(9) Whether it complies with then applicable requirements of the City Code for placement of wireless telecommunications facilities.

(10) Whether there have been any changes in the legal status of the applicant or any entity whose facilities are part of the wireless telecommunications facility; and whether all required authorizations and consents are still in full force and effect.

B. If, after such review, the Council determines that the permitted wireless telecommunications facility is in compliance with the special use permit, special exception permit, or eligible facility permit and all applicable codes, laws and rules; that it continues to be used in the provision of wireless services; that all relevant entities continue to have all necessary authorizations; and that the facility cannot be modified or replaced so that it is less visible or less audible, or has a lesser adverse impact on aesthetics, community character or property values, then the Council shall issue a recertification special use permit, special exception permit, or eligible facility permit for the wireless telecommunications facility, which may include any new provisions or conditions that may be lawfully imposed, or that are required by codes, law or regulation.

C. If the Council does not complete its review, as noted in Subsection **B** of this section, prior to the five-year anniversary date of the original permit, or subsequent fifth anniversaries, then the applicant for the permitted wireless telecommunications facility shall receive an extension of the special use permit, special exception permit, or eligible facility permit for up to six months, in order for the Council to complete its review.

D. If the holder of a special use permit, special exception permit or eligible facility permit for a wireless telecommunications facility does not submit a request for recertification of such permit within the time frame noted in Subsection **A** of this section, or if the Council finds that the wireless telecommunications facility has been moved, relocated, rebuilt, or otherwise modified without approval of such having been granted by the

Council under this chapter, or that the conditions for recertification have not been met, then such special use permit, special exception permit, or eligible facility permit and any authorizations granted thereunder shall cease to exist on the date of the fifth anniversary of the original granting of the special use permit, special exception permit, or eligible facility permit or subsequent fifth anniversaries, unless the holder of the special use permit, special exception permit, or eligible facility permit adequately demonstrates to the Council that extenuating circumstances prevented a timely recertification request. If the Council agrees that there were legitimately extenuating circumstances, then the holder of the permit may submit a late recertification request. Council may also recertify subject to additional conditions that it establishes, and contingent on satisfaction of those conditions.

§ 196-18 **Extent and parameters of special use permit, special exception permit and eligible facility permit.**

The extent and parameters of a special use permit, special exception permit or an eligible facility permit for a wireless telecommunications facility shall be as follows:

A. Such permit shall be nonexclusive.

B. Such permit shall not be assignable or transferable without the express written consent of the Council.

C. Such permit may be revoked, canceled or terminated for a violation of the conditions and provisions of the special use permit or special exception permit for a wireless telecommunications facility, or for a material violation of this chapter or applicable law.

D. Such permit shall be valid for a period of five years, or such longer period as is required by state law, but the permit may be recertified upon application, which application must demonstrate:

(1) The wireless telecommunications facility is still in use; and for facilities where a demonstration of need or effective prohibition was required, that the facility remains necessary or that recertification is required to avoid an effective prohibition; and

(2) The impact of the wireless telecommunications facility cannot reasonably be further minimized.

§ 196-19 **Application fee.**

A. At the time that a person submits an application for a special use permit or special exception permit for a new wireless telecommunications facility, such person shall pay an application fee to the City of Rye as set annually by the City Council set forth in the fee schedule. If the application is for a special use permit for collocating on an existing wireless telecommunications facility, the applicant shall also pay a fee as set forth in the fee schedule.

B. Applicants for recertification of a special use permit or special exception permit for a wireless telecommunications facility shall also pay a fee as set forth in the fee

schedule.

§ 196-20 **Performance security.**

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

§ 196-21 **Reservation of authority to inspect wireless telecommunications facilities.**

A. In order to verify that the holder of a special use permit, special exception permit, or eligible facility permit for a wireless telecommunications facility and any and all lessees, renters and/or licensees of a wireless telecommunications facility place and construct such facilities, including towers and antennas, in accordance with all applicable technical, safety, fire, building and zoning codes, laws, ordinances and regulations and other applicable requirements, the City may inspect all facets of said permit holder's, renter's, lessee's or licensee's placement, construction, modification and maintenance of such facilities, including but not limited to towers, antennas and buildings or other supporting structures constructed or located on the permitted site. The applicant shall pay for costs associated with such an inspection.

B. Payment of such costs shall be made to the City within 30 days from the date of the invoice or other demand for reimbursement. In the event that the finding(s) of violation is (are) appealed in accordance with the procedures set forth in this chapter, said reimbursement payment must still be paid to the City, and the reimbursement shall be placed in an escrow account established by the City specifically for this purpose, pending the final decision on appeal.

§ 196-22 **NIER certification.**

A. Every wireless telecommunications facility must meet FCC RF emission standards as the same may be amended from time to time.

B. Except as prohibited by law, City may require any person controlling a wireless telecommunications facility to provide proof that the wireless telecommunications facility satisfies FCC RF emission standards.

C. An applicant for a special use permit, special exception permit, or eligible facility

permit, shall:

(1) At the time of an application provide information sufficient to show that the facility will comply with FCC RF standards; and

(2) Immediately after installation, submit field test measurements sufficient to show compliance with FCC RF standards at full operational power. Measurements should be cumulative, and not just based on facilities that a particular person may own or install at a location.

D. All special use permit, special exception permit, and eligible facility permit holders shall submit an annual recertification showing that the wireless telecommunications facility satisfies FCC RF emission standards.

§ 196-23 **Liability insurance.**

A. A holder of a special use permit or special exception permit for a wireless telecommunications facility shall secure and at all times maintain public liability insurance, property damage insurance and umbrella insurance coverage for the duration of the special use permit in amounts as set forth below:

(1) Special use permits: commercial general liability: $5,000,000 per occurrence, $10,000,000 aggregate.

(2) Automobile coverage: $1,000,000 per occurrence, $2,000,000 aggregate.

B. The commercial general liability insurance policy shall specifically include the City and its officials, employees and agents as additional insureds.

C. The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in the state.

D. The insurance policies shall contain an endorsement obligating the insurance company to furnish the City with at least 30 days' written notice in advance of the cancellation of the insurance.

E. Renewal or replacement policies or certificates shall be delivered to the City at least 15 days before the expiration of the insurance which such policies are to renew or replace.

F. Before construction of a permitted wireless telecommunications facility is initiated, but in no case later than 15 days after the grant of the special use permit or special exception permit, the holder of the special use permit or special exception permit shall deliver to the City a copy of each of the policies or certificates representing the insurance in the required amounts. All insurance carriers must have an A.M. Best rating of at least A and be authorized to do business in New York.

§ 196-24 **Indemnification.**

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

§ 196-25 **Penalties for offenses.**

A. Civil sanctions. Any person who violates any of the provisions of this chapter shall be liable for a civil penalty of not more than $5,000 for every such violation. Each consecutive day of violation will be considered a separate offense. Such civil penalty may be released or compromised by the City Council. In addition, the City Council shall have power, following a hearing, to direct the violator to comply with the provisions of this chapter.

B. Criminal sanctions. Any person, firm or corporation who or which willfully violates any of the provisions of this chapter or permits promulgated thereunder, excluding provisions set forth in the rules and regulations promulgated thereunder, upon conviction thereof of the first offense, shall be guilty of a violation punishable by a fine of not less than $5,000 and not more than $10,000 and, for a second offense and each subsequent offense, shall be guilty of a violation punishable by a fine of not less than $10,000 nor more than $20,000 or a term of imprisonment of not more than 15 days, or both. Each consecutive day of violation will be considered a separate offense.

C. Notwithstanding anything in this chapter, the holder of the special use permit, special exception permit, or eligible facility permit for a wireless telecommunications facility may not use the payment of fines, liquidated damages or other penalties to evade or avoid compliance with this chapter or any section of this chapter. An attempt to do so shall subject the holder of the special use permit, special exception permit, or eligible facility permit to termination and revocation of such permit. The City may also seek injunctive relief to prevent the continued violation of this chapter.

§ 196-26 **Default and/or revocation.**

A. If a wireless telecommunications facility is repaired, rebuilt, placed, moved, relocated, modified or maintained in a way that is inconsistent or not in compliance with the provisions of this chapter or of the special use permit, special exception permit, or eligible facility permit, then the Council shall notify the holder of the special use

permit, special exception permit, or eligible facility permit, in writing, of such violation. Such notice shall specify the nature of the violation or noncompliance and that the violations must be corrected within seven days of the date of the postmark of the notice, or of the date of personal service of the notice, whichever is earlier. Notwithstanding anything to the contrary in this subsection or any other section of this chapter, if the violation causes, creates or presents an imminent danger or threat to the health or safety of lives or property, the Council may, at its sole discretion, order the violation remedied within 24 hours.

B. If within the period set forth in Subsection **A** above the wireless telecommunications facility is not brought into compliance with the provisions of this chapter, or of the special use permit, special exception permit, or eligible facility permit or substantial steps are not taken in order to bring the affected wireless telecommunications facility into compliance, then the Council may revoke such special use permit or special exception permit for a wireless telecommunications facility and shall notify the holder of the special use permit or special exception permit within 48 hours of such action.

C. Without limiting the foregoing, if a supporting structure, accessory facility or structure, or tower no longer complies with applicable codes, and may no longer be safely used to support other elements of a wireless telecommunications facility, the City may require removal of those elements, in addition to taking any action against the owner of the supporting structure or tower.

§ 196-27 **Removal of wireless telecommunications facilities.**

A. Under the following circumstances, the Council may determine that the health, safety and welfare interests of the City warrant and require the removal of a wireless telecommunications facility:

(1) A wireless telecommunications facility with a permit has been abandoned (i.e., not used as a wireless telecommunications facility) for a period exceeding 90 days or a total of 180 days in any 365-day period, except for periods caused by force majeure or acts of God.

(2) A permitted wireless telecommunications facility falls into such a state of disrepair that it creates a health or safety hazard.

(3) A wireless telecommunications facility has been located, constructed or modified without first obtaining the required special use permit, or any other necessary authorization.

(4) A wireless telecommunications facility that has allowed its special use permit or special exception permit to lapse or has otherwise failed to timely comply with providing the City with the required inspection reports, NIER certifications or other information in order to confirm such facility's compliance with this chapter.

B. If the Council makes such a determination as noted in Subsection **A** of this section, then the Council shall notify the holder of the special use permit or special exception

permit for the wireless telecommunications facility within 48 hours that said wireless telecommunications facility is to be removed. The Council may approve an interim temporary use agreement/permit, such as to enable the sale of the wireless telecommunications facility.

C. The holder of the special use permit or special exception permit, or its successors or assigns, shall dismantle and remove such wireless telecommunications facility, and all associated supporting structures or portions of supporting structures and accessory facilities and structures used solely by it, from the site and restore the site to as close to its original condition as is possible, such restoration being limited only by physical or commercial impracticability, within 90 days of receipt of written notice from the Council. However, if the owner of the property upon which the wireless telecommunications facility is located wishes to retain any access roadway to the wireless telecommunications facility, the owner may do so with the approval of the Council.

D. If removal, or substantial progress to complete removal has not occurred within 90 days after the permit holder has received notice, then the Council may order officials or representatives of the City to remove the wireless telecommunications facility and associated structures at the sole expense of the owner or permit holder.

E. If the owner of property that is removed does not claim the property and remove the property from the site to a lawful location within 10 days, then the City may take steps to declare the property abandoned and sell it and its components.

F. Notwithstanding anything in this section to the contrary, the Council may approve a temporary use agreement/permit for the wireless telecommunications facility, for no more 90 days, during which time a suitable plan for removal, conversion or relocation of the affected wireless telecommunications facility shall be developed by the holder of the permit, subject to the approval of the Council, and an agreement to such plan shall be executed by the holder of the permit and the City. If such a plan is not developed, approved and executed within the ninety-day time period, then the City may take possession of and dispose of the affected wireless telecommunications facility in the manner provided in this section.

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

A. Any applicant can request the waiver of application requirements that are inapplicable to their permit application. Such request shall be in writing. Requests should be discussed at the pre-application meeting. The applicant shall have the burden of supporting such requests. Determinations as to applicability of application requirements shall be made by the City.

B. In determining permit conditions, the City Council can waive inapplicable permit requirements, consistent with the policy goals and priorities of this chapter. The applicant shall have the burden of supporting such requests. Determinations as to applicability of permit condition requirements shall be made by the City Council.

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

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

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

§ 196-30 **Conflict with other laws.**

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

§ 196-31 **Severability.**

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

§ 196-32 **Enforcement.**

This chapter shall be enforced by the Building Inspector or the City Engineer in the same manner as provided in Chapter **197**, Zoning.

§ 196-33 **Authority.**

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

Section 2. Severability.

The invalidity of any word, section, clause, paragraph, sentence, part, or provision of this Local Law shall not affect the validity of any other part of this Local Law that can be given effect without such invalid part or parts.

Section 3: Effective Date.

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

ROLL CALL

Ayes:	Mayor Cohn, Councilmembers Fontanes, Henderson, Nathan, Souza, Stacks
Nays:	None
Absent:	Johnson

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

The mayor opened the floor for residents to be heard on matters for Council consideration.

James Fee, 3 Ormond Place, stated that he was there to speak on behalf of himself and other first year members of the Rye Golf Club regarding the recent discussions on membership rates. He expressed that he was dissatisfied with the rate disparity for new members and felt that difference to be discriminatory in nature. Mr. Fee said that he was a new member in 2022 and he objected to the characterization that new members were fine with the rate increase. He maintained there was no clear notice of the rate increase in any RGC meeting agenda or published minutes. He said that the rates should be more reasonable to keep the golf club accessible to the public.

No other residents were there to be heard before the Council.

7. Resolution to amend the 2023 Adopted Fees and Charges for the Boat Basin to increase certain summer fees for residents and non-residents.

City Manager Greg Usry announced Boat Basin Superintendent, Rodrigo Paulino, would present the next agenda item, as Chairman Joe Pecora was unable to attend the meeting. Mr. Paulino reported that the Boat Basin Commission requested the City Council amend the new adopted fees and charges for the Boat Basin Enterprise Fund. The fees are not dredge-related and are in line with other nearby municipal marinas. He said that considering that Rye has to get through another season without dredging the basin, the Commission did not want to increase storage fees or slip fees for the upcoming season. The Commission would consider increases when the dredges are finished next year.

Rodrigo clarified that all new and returning marina customers will pay the same fees, and that the amendment would raise the float and mooring fees from $250 each to $300 each. Rodrigo shared that floats were very popular, and there were just over 30 moored in Rye.

Councilwoman Nathan made the motion, seconded by Councilwoman Souza, to amend the 2023 Adopted Fees and Charges for the Boat Basin.

ROLL CALL
Ayes: Mayor Cohn, Councilmembers Fontanes, Henderson, Nathan, Souza, Stacks
Nays: None
Absent: Councilwoman Johnson

Mr. Usry reported that the dredge was completed well before Christmas, and surveys were being finalized. The next dredging period will be after summer of 2023. Rye has rates locked in with the dredge disposal facility, Clean Earth.

8. Consideration of two appointments to the Golf Club Commission, by the membership, for three-year terms.

Mayor Cohn explained that Terry McCartney and Akhil Kumar had been re-elected to new three-year terms, to expire on December 31, 2025. Corporation Counsel Kristen Wilson confirmed the Golf Club Commission followed proper election procedures and elected two qualified candidates. The Council gave their approval of the appointments.

9. Appointment of the 2023 Deputy Mayor by the Mayor.

Mayor Cohn appointed Councilwoman Carolina Johnson as 2023 Deputy Mayor.

10. Designation of the City Council's Audit Committee by the Mayor.

Mayor Cohn announced that he, Councilmen Henderson and Stacks will be the Audit Committee members for 2023.

11. Designation of the City Council Liaisons by the Mayor.

Mayor Cohn designated the following Liaison assignments to the Council:

Audit Committee- Councilmembers Henderson and Stacks, Mayor Cohn
Board of Appeals – Councilman Nathan
Board of Architectural Review – Councilwoman Fontanes
Boat Basin – Councilman Nathan
Human Rights Commission – Councilwoman Souza
Conservation Commission Advisory Council - Councilman Henderson
Emergency Medical Services – Councilwoman Johnson
Finance Committee – Councilman Stacks
Flood Advisory Committee – Councilwoman Johnson
Landmarks Advisory Committee – Councilman Nathan
Planning Commission - Councilwoman Johnson
Police Advisory Committee- Councilwoman Johnson

Recreation Commission – Councilwoman Souza
Chamber of Commerce – Councilwoman Souza
Rye City School District – Councilwoman Fontanes and Mayor Cohn
Rye Free Reading Room – Councilman Nathan
Rye Golf Club – Councilman Stacks
Rye Playland Advisory Committee – Mayor Cohn
Rye Senior Advocacy Committee- Mayor Cohn
Rye Town Park Commission – Mayor Cohn, Emily Hurd
Sustainability Committee – Councilman Henderson
Traffic and Pedestrian Safety – Councilman Stacks

12. Designation of official City newspaper.

Ms. Wilson explained that the requirements of an official newspaper were outlined the State's General Construction Law. The newspaper must be published in writing at least once a week and have a certain type of circulation for at least one year, in addition to other requirements. As the only local newspaper that met the criteria, the *Journal News* was designated as the official City of Rye newspaper.

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

Mayor Cohn announced appointments to Boards and Commissions:

- Board of Appeals
    - Alan Wiener, reappointed to the Zoning Board of Appeals for a three-year term expiring on December 31, 2025

- Senior Advocacy Committee
    - Michele Thomas, reappointed to the Senior Advocacy Committee for a term expiring December 31, 2023
    - Vivian Linder reappointed to the Senior Advocacy Committee for a term expiring December 31, 2025
    - Linda Ritocco reappointed to the Senior Advocacy Committee for a term expiring December 31, 2024

- Board of Architectural Review
    - Emily Mezskat appointed to the Board of Architectural Review, for a term expiring on December 31, 2025

14. Old Business/New Business.

There was no old or new business items.

15. Adjournment.

Councilwoman Souza made the motion, seconded by Councilman Henderson, to adjourn the City Council meeting at 6:53 P.M.

Respectfully submitted,

Carolyn D'Andrea
City Clerk

CITY COUNCIL AGENDA

DEPT.: City Manager | DATE: December 30, 2022

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Flooding Update.

FOR THE MEETING OF:

January 18, 2023

RECOMMENDATION: That the City Council hear the update.

IMPACT: ☒ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

BACKGROUND:

CITY COUNCIL AGENDA

DEPT.: Fire Department DATE: January 10, 2023

CONTACT: Michael A, Kopy, Commissioner of Public Safety

AGENDA ITEM: Consideration of proposed Rules and Regulations of the City of Rye Fire Department:

Policy # #901 Personal Protective Equipment
Policy ##905 Injury and Illness Prevention Program
Policy ##1016 Nepotism and Conflicting Relationships
Policy ##1027 Smoking and Tobacco Use

FOR THE MEETING OF:
January 18, 2023

RECOMMENDATION: Approval of the listed policies..

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

Enhancement of the operational effectiveness of the Department.

BACKGROUND: The proposed policies have been reviewed by the Commissioner and the Professional Firefighters Local 2029.

See attached memo and new policies.

Michael A. Kopy
Public Safety Commissioner
Rye, New York 10580

Tel: (914) 967-1234
Fax: (914) 967-8867
E-mail: mkopy@ryeny.gov
http://www.ryeny.gov

CITY OF RYE

Department of Public Safety

Memorandum

To: Greg Usry, City Manager

From: Michael A. Kopy, Public Safety Commissioner

Date: 1/18/2023

Re: Fire Department – Lexipol Policy

Reference the captioned subject, the attached policies are being forwarded for review. The city contracted with Lexipol prior to my arrival to develop and establish policies for the fire department based on nationwide standards and best practices, while also incorporating state and federal laws. I have reviewed the policies submitted by Lexipol with a committee at the police department (including the Professional Firefighters Local 2029) and made the appropriate changes where necessary.

I believe that the adoption of the policies below is in the best interest of public safety in the City of Rye and I recommend that it be forwarded to the City Council for action. Below is a brief overview of the policies that were submitted by Lexipol.

I will be available to answer questions when these are reviewed.

Policy 901 – Personal Protection Equipment (PPE)

The purpose of this policy is to reasonably protect Rye Fire Department members by providing and maintaining, at no cost to the member, personal protective equipment, safety devices and safeguards for workplace activities.

Policy 905 – Illness and Injury Prevention Program

The purpose of this policy is to establish an ongoing and effective plan to reduce the incidence of injury and illness for members of the Rye Fire Department.

Policy 1016 – Nepotism and Conflicting Relationships

The purpose of this policy is to ensure equal opportunity and effective employment practices by avoiding actual or perceived favoritism, discrimination or actual or potential conflicts of interest by or between members of this department. These employment practices include: recruiting, testing, hiring, compensation, assignment, promotion, use of facilities, access to training opportunities, supervision, performance appraisal, discipline and workplace safety and security.

Policy 1027 – Smoking and Tobacco Use

This policy establishes limitations on smoking and the use of tobacco products by members and others while on—duty or while in Rye Fire Department facilities or vehicles pursuant to New York law.

Personal Protective Equipment

901.1 PURPOSE AND SCOPE

The purpose of this policy is to reasonably protect Rye Fire Department members by providing and maintaining, at no cost to the member, personal protective equipment (PPE), safety devices and safeguards for workplace activities (29 CFR 1910.132; Labor Law § 27-a; 12 NYCRR § 800.3). PPE information related to patient care is found in the Communicable Diseases Policy.

901.2 POLICY

It is the policy of the Rye Fire Department to provide PPE and safeguards of the proper type, design, strength and quality needed to reasonably eliminate, preclude or mitigate a hazard.

The Rye Fire Department shall also establish a written maintenance, repair, servicing and inspection program for protective clothing and equipment to reduce the safety and health risks associated with improper selection, poor maintenance, inadequate care, excess wear and improper use of PPE.

901.3 PPE STANDARDS AND REQUIREMENTS

The Department will provide approved PPE that is appropriate for the hazard to members who are located in a workplace where there is a risk of injury. Members shall be expected to wear the PPE consistent with department guidelines. PPE shall include all of the following guidelines, requirements and standards (29 CFR 1910.132):

(a) The PPE provided shall minimally meet the standards approved by the American National Standards Institute (ANSI) or other recognized authority.

(b) When no authoritative standard exists for PPE or a safety device, the use of such equipment shall be subject to inspection and acceptance or rejection by the Career Lieutenant in charge of the Bureau where the equipment will be used.

(c) PPE shall be distinctly marked so as to facilitate easy identification of the manufacturer.

(d) The Training Lieutenant shall ensure that the member is properly instructed and uses PPE in accordance with the manufacturer's instructions.

(e) The Department shall ensure that all PPE, whether provided by the Department or the employee, complies with the applicable state standards.

(f) Members are responsible for maintaining their assigned PPE in a safe and sanitary condition.

(g) Supervisors are responsible for ensuring that all PPE is maintained in a safe and sanitary condition.

(h) PPE shall be of such design, fit and durability as to provide adequate protection against the hazards for which they are designed.

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(i) PPE shall be reasonably comfortable and shall not unduly encumber member movements that are necessary to perform work.

901.3.1 HEAD PROTECTION

Members working in locations where there is a risk of head injuries from flying or falling objects and/or electric shock and burns shall wear an approved protective helmet. Each protective helmet shall bear the original marking required by the ANSI standard under which it was approved. At a minimum, the marking shall identify the manufacturer, the ANSI designated standard number and date, and the ANSI designated class of helmet. Where there is a risk of injury from hair entanglements in moving parts of machinery, combustibles or toxic contaminants, members shall confine their hair to eliminate the hazard (29 CFR 1910.135).

901.3.2 FACE AND EYE PROTECTION

Members working in locations where there is a risk of eye injuries, such as punctures, abrasions, contusions or burns from contact with flying particles, hazardous substances, projectiles or injurious light rays that are inherent in the work or environment, shall be safeguarded by means of face or eye protection. Suitable screens or shields isolating the hazardous exposure may be considered adequate safeguarding for nearby members. The Department shall provide and require that members wear approved face and eye protection suitable for the hazard and in accordance with previously cited national standards (29 CFR 1910.133).

901.3.3 BODY PROTECTION

Body protection may be required for members whose work exposes parts of their bodies that are not otherwise protected from hazardous or flying substances or objects. Clothing appropriate for the work being done shall be worn. Loose sleeves, tails, ties, lapels, cuffs or other loose clothing that can be entangled in moving machinery shall not be worn. Clothing saturated with flammable liquids, corrosive substances, irritants or oxidizing agents shall either be removed and not worn until properly cleaned, or shall be destroyed (29 CFR 1910.132).

901.3.4 HAND PROTECTION

Hand protection shall be required for members whose work involves unusual and excessive exposure of hands to cuts, burns, harmful physical or chemical agents or radioactive materials that are encountered and capable of causing injury or impairment.

Hand protection (e.g., gloves) shall not be worn where there is a danger of the hand protection becoming entangled in moving machinery or materials. Use of hand protection around smooth-surfaced rotating equipment does not constitute an entanglement hazard if it is unlikely that the hand protection will be drawn into the danger zone.

Wristwatches, rings or other jewelry should not be worn while working with or around machinery with moving parts in which such objects may be caught or around electrical equipment (29 CFR 1910.138).

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901.3.5 FOOT PROTECTION
Appropriate foot protection shall be required for members who are exposed to foot injuries from electrical hazards; hot, corrosive or poisonous substances; falling objects; or crushing or penetrating actions, or who are required to work in abnormally wet locations. Footwear that is defective or inappropriate to the extent that its ordinary use creates the possibility of foot injuries shall not be worn. Footwear shall be appropriate for the hazard and shall comply with recognized national standards (29 CFR 1910.136).

901.3.6 EMERGENCY ESCAPE SYSTEMS
Emergency escape systems must be provided for, properly maintained and practiced with by those members determined to be at risk of entrapment at elevations. Such determination must be made as the result of a risk assessment conducted for the Rye Fire Department response area and any mutual aid response areas. Such system must meet the requirements of NFPA 1983: Standard on Life Safety Rope and Equipment (2006 edition or newer) (Labor Law 27-a; 12 NYCRR § 800.3).

901.4 SELECTION, CARE AND MAINTENANCE OF PPE
PPE exists to provide the member with an envelope of protection from multiple hazards and repeated exposures. For structural firefighting, PPE is a system of components designed to work as an ensemble. Typical firefighting PPE consists of a hood, helmet, jacket, trousers, gloves, wristlets and footwear. A program for selection, care and maintenance of PPE consists of the following.

901.4.1 SELECTION

Prior to procurement, a risk assessment may be performed to include expected hazards, frequency of use, past experiences, geographic location and climatic conditions. The selection process should evaluate comparative information on all ensemble elements to ensure they will interface and perform based on the risk assessment. The process should consider the following:

(a) PPE performance expectations, to include thermal and physiological effects

(b) Style and design for user comfort and wear performance

(c) Construction for quality, durability and garment life

(d) Manufacturer ability to meet performance demand requirements, technical information, service, warranty and customer support needs

901.4.2 INSPECTION
There are two primary types of PPE inspection:

Routine inspection - Each firefighter shall conduct daily inspections of his/her issued PPE each time the elements are exposed or are suspected of having been exposed to damage or contamination.

(a) Coat, trouser, gloves and hood should be checked for the following:

1. Soiling

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2. Contamination from hazardous materials or biological agents
3. Physical damage, such as:
    (a) Rips, tears and cuts
    (b) Damaged/missing hardware and closure systems
    (c) Thermal damage, such as charring, burn holes and melting
    (d) Damaged or missing reflective trim
    (e) Shrinkage
    (f) Loss of elasticity or flexibility at openings

(b) Helmets should be checked for the following:
    (a) Soiling
    (b) Contamination from hazardous materials or biological agents
    (c) Physical damage to the shell, such as:
        (a) Cracks, crazing (small cracks), dents and abrasions
        (b) Thermal damage to the shell, such as bubbling, soft spots, warping or discoloration
    (d) Physical damage to ear flaps, such as:
        (a) Rips, tears and cuts
        (b) Thermal damage, such as charring, burn holes and melting
    (e) Damaged or missing components of suspension and retention systems
    (f) Damaged or missing components of the goggle system including:
        (a) Discoloration
        (b) Crazing (small cracks)
        (c) Scratches to goggle lens, limiting visibility
    (g) Damaged or missing reflective trim

(c) Footwear should be checked for the following:
    1. Soiling
    2. Contamination from hazardous materials or biological agents
    3. Physical damage, such as:
        (a) Cuts, tears and punctures
        (b) Thermal damage, such as charring, burn holes and melting
        (c) Exposed or deformed steel toe, steel midsole and shank
        (d) Loss of water resistance

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Advanced inspection - Advanced inspection of PPE ensembles and elements shall be conducted every 5 years or whenever routine inspections indicate a problem may exist.

Advanced inspections shall only be conducted by trained and certified employees or a manufacturer-approved vendor certified to conduct advanced inspections. All findings from advanced inspections shall be documented on an inspection form. Universal precautions shall be observed, as appropriate, when handling elements. Advanced inspections shall include, at a minimum, the inspection criteria outlined in the applicable NFPA standard and manufacturer guidelines.

901.4.3 CLEANING AND DECONTAMINATION

The following rules and restrictions shall apply to the cleaning and decontamination of PPE:

(a) Soiled and contaminated PPE elements shall not be taken home, washed in the home or washed in public laundries unless the business is dedicated to handling firefighting protective clothing.

(b) Commercial dry cleaning shall not be used.

(c) The Department will examine the manufacturer's label and user information for specific cleaning instructions.

(d) Chlorine bleach or chlorinated solvents shall not be used to clean or decontaminate PPE elements.

(e) Scrubbing or spraying with high-velocity water jets, such as a power washer, shall not be used.

(f) All contract cleaning or decontamination businesses shall demonstrate procedures for cleaning and decontamination that do not compromise the performance of PPE ensembles and elements. Department standards identify and define three primary types of cleaning: routine, advanced and specialized.

1. **Routine cleaning** - Any elements that are soiled shall receive routine cleaning. It is the firefighter's responsibility to routinely clean his/her PPE ensemble or elements using the following process:

    (a) When possible, initiate cleaning at the incident scene.

    (b) Brush off any dry debris.

    (c) Gently rinse off debris with a water hose.

    (d) If necessary, scrub gently with a soft bristle brush and rinse off again if necessary. Spot clean utilizing a utility sink.

    (e) Inspect for soiling and contamination and repeat the process if necessary.

    (f) All elements shall be air-dried in an area with good ventilation. Do not dry in direct sunlight or use a machine dryer.

2. **Advanced cleaning** - Should routine cleaning fail to render the elements clean enough to be returned to service, advanced cleaning is required. In addition,

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elements that have been issued, used and soiled shall undergo advanced cleaning every six months, at a minimum.

(a) The department's Health and Safety Officer (HSO) shall manage all advanced cleaning.

(b) Advanced cleaning will be coordinated with the HSO by either the crew or by the individual.

(c) Station laundering machines shall only be used to clean PPE elements.

3. **Specialized cleaning** - PPE elements that are contaminated with hazardous materials or biological agents shall undergo specialized cleaning as necessary, as directed by the Career Captain to remove the specific contaminants.

(a) The PPE elements that are contaminated or suspected to be contaminated shall be isolated, tagged, bagged and removed from service until they undergo specialized cleaning to remove the specific contaminant. All bagged PPE shall include the member's name, company and shift. Universal precautions shall be observed when handling known or suspected contaminated PPE elements. For more information on decontamination of PPE after exposure, refer to the Communicable Diseases Policy.

(b) The department's HSO shall manage all specialized cleaning and will utilize a qualified contract cleaner. The Department, if possible, shall identify the suspected contaminant and consult the manufacturer for an appropriate decontamination agent and process.

901.4.4 REPAIR OF PPE

The department's HSO shall, under the direction of the Career Captain, manage all PPE repairs utilizing a manufacturer-recognized repair facility. All elements shall be subject to an advanced or specialized cleaning before any repair work is done.

901.4.5 ISSUING PPE

All PPE ensembles or elements shall be issued through the department’s HSO. All fittings shall be completed by the HSO and/or by a manufacturer's representative.

- Members shall only use department-issued PPE.
- Members shall minimize the public’s exposure to soiled or contaminated PPE and avoid wearing PPE to non-fire related emergencies.
- Members shall not wear PPE inside station living quarters or other department facilities.

901.4.6 STORAGE OF PPE

The parameters for the storage of all PPE ensembles or elements include the following:

(a) PPE shall not be stored in direct sunlight or exposed to direct sunlight when it is not being worn.

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(b) PPE shall be clean, dry and well ventilated before storage.

(c) PPE shall not be stored in airtight containers unless the container is new and unused.

(d) PPE shall not be stored at temperatures below 40 degrees or above 180 degrees.

(e) PPE shall be stored in a protective case or bag to prevent damage if stored in compartments or trunks.

(f) PPE shall not be subjected to sharp objects, tools or other equipment that could damage the ensemble or elements.

(g) PPE shall not be stored inside living quarters or with personal belongings, or taken or transported within the passenger compartment of personal vehicles unless it is stored in a protective case or bag.

(h) PPE shall not be stored in contact with hydraulic fluids, solvents, hydrocarbons, hydrocarbon vapors or other contaminants.

901.4.7 PPE TRAINING

The Training Lieutenant shall be responsible for the following:

(a) Upon issue, all employees shall be provided training on this policy along with the manufacturer’s written instructions on the care, use and maintenance of their PPE, including any warnings issued by the manufacturer.

(b) New firefighters shall receive training in the care, use and maintenance of their PPE before participating in live fire training or operations. All other firefighters shall receive training as needed when PPE ensembles or elements are upgraded or changed.

901.4.8 PPE RECORD KEEPING

The Department shall maintain or require contracted vendors to maintain records on all structural firefighting ensembles or elements to include:

(a) The name of the member to whom the element is issued.

(b) The date and condition of the element when issued.

(c) The manufacturer, model name or design.

(d) The manufacturer’s identification number, lot number or serial number.

(e) The month and year of manufacture.

(f) The dates and findings of all advanced inspections.

(g) The dates of advanced cleaning, specialized cleaning or decontamination, and by whom it was performed.

(h) The date of any repairs, the person who repaired the PPE and a brief description of the repair.

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(i) The date the element was removed from service (retirement).

(j) The date and method the element was disposed.

901.4.9 PPE RETIREMENT

All PPE ensembles and elements that are worn or damaged to the extent that the Department deems that it is not possible or cost effective to repair shall be retired. All PPE ensembles and elements that are no longer useful for emergency operations but are not contaminated, defective or damaged shall be removed from service with the City of Rye Fire Department and handled as surplus within city policy.

901.4.10 SPECIAL INCIDENT PROCEDURE

If any member of the Rye Fire Department suffers a serious injury or death while wearing PPE, the following procedure should be followed:

(a) The PPE will immediately be removed from service.

(b) Custody of the PPE will be maintained by the Career Captain or the authorized designee, and the PPE shall be kept in a secure location with controlled, documented access.

(c) All PPE shall be non-destructively tagged and stored only in paper or cardboard containers to prevent further degradation or damage. Plastic airtight containers shall not be used.

(d) The PPE shall be made available to the department's investigation team (see the Line-of-Duty Death and Serious Injury Investigations Policy) or outside experts as approved by the Career Captain or the authorized designee, to determine the condition of the PPE.

(e) The Career Captain or the authorized designee shall determine the retention period for storage of the PPE.

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Illness and Injury Prevention Program

905.1 PURPOSE AND SCOPE

The purpose of this policy is to establish an ongoing and effective plan to reduce the incidence of injury and illness for members of the Rye Fire Department.

Although this policy provides the essential guidelines for a plan that reduces injury and illness, it may be supplemented by department procedures outside the Policy Manual.

This policy does not supersede, but supplements any related Citywide safety efforts.

905.2 POLICY

The Rye Fire Department will adopt an Illness and Injury Prevention Program (IIPP) in order to increase the safety of its members.

905.3 ILLNESS AND INJURY PREVENTION PROGRAM PLAN

The Health and Safety Officer (HSO) is responsible for developing an IIPP that shall include:

(a) Workplace safety and health training programs.

(b) Safety inspections.

(c) Informing members of IIPP guidelines.

(d) Recognizing members who perform safe work practices.

(e) Member evaluation processes, including member safety performance.

(f) A system ensuring that all safety and health policies and procedures are clearly communicated and understood by all members.

(g) A communication system facilitating the continuous flow of safety and health information between supervisors and members. This system shall include:

1. New member orientation, including a discussion of safety and health policies and procedures.
2. Regularly scheduled safety meetings.
3. Regular member review of the IIPP.

(h) Posting or distributing safety information.

(i) A system for members to anonymously inform management about workplace hazards.

(j) A system for reviewing whether safety mandates are being met that relate to:

1. Communicable diseases (29 CFR 1910.1030; Labor Law § 27-a; 12 NYCRR § 800.3).
2. Respiratory protection (29 CFR 1910.134; 12 NYCRR § 800.3).
3. Exit routes, Emergency Action Plans and Fire Prevention Plans (29 CFR 1910 Subpart E; 12 NYCRR § 800.3).

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4. Workplace safety and violence prevention (Labor Law 27-b; 12 NYCRR § 800.6).

5. Workplace safety and loss prevention, when applicable (Workers' Compensation Law § 134; 12 NYCRR § 59-1.1 et seq.).

(k) Availability of forms that address:

1. Identification, documentation and correction of hazards, any unsafe condition or work practice and actions taken to correct them.

2. Investigations and corrective actions taken regarding individual incidents or accidents.

3. Training records of each member, including the member's name or other identifier, training dates, type of training and training providers.

(l) Establishing a safety and health committee comprised of Department Health Safety Officer, Career Captain, and Union representative which will:

1. Meet annually.

2. Prepare a written record of safety and health committee meetings.

3. Review investigations of accidents and exposures.

4. Make suggestions to command staff for the prevention of future incidents.

5. Review investigations of alleged hazardous conditions.

6. Submit recommendations to assist in the evaluation of member safety suggestions.

7. Assess the effectiveness of efforts made by the Department to meet standards.

The HSO must conduct and document a review of the IIPP at least annually.

905.4 HEALTH SAFETY OFFICER RESPONSIBILITIES

Health Safety Officer responsibilities include, but are not limited to:

(a) Notifying the Career Captain of:

1. New substances, processes, procedures or equipment that present potential new hazards are introduced into the work environment.

2. New, previously unidentified hazards are recognized.

3. Occupational injuries and illnesses occur.

4. New and/or permanent or intermittent members are hired or reassigned to processes, operations or tasks for which a hazard evaluation has not been previously conducted.

5. Workplace conditions warrant an inspection.

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905.5 HAZARDS

All members should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices or procedures immediately. Members should make their reports to the on duty supervisor who shall notify the Career Captain of the hazard or unhealthy work environment by end of shift.

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner, based on the severity of the hazard. These hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering members or property, supervisors should protect or remove all exposed members from the area or item, except those necessary to correct the existing condition.

Members who are necessary to correct the hazardous condition shall be provided with the necessary protection.

All significant actions taken and dates they are completed shall be documented on the appropriate form. This form should be forwarded to the Career Captain via the chain of command.

The Career Captain will take appropriate action to ensure the IIPP plan addresses potential hazards upon such notification.

905.6 INSPECTIONS

Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards and permit mitigation of those hazards. A hazard assessment checklist should be used for documentation and to ensure a thorough assessment of the work environment.

The Health Safety Officer will ensure that the appropriate documentation is completed for each inspection.

905.7 RECORDS

Records relating to injury and illness prevention will be maintained in accordance with the established records retention schedule, as well as state and federal law.

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Nepotism and Conflicting Relationships

1016.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure equal opportunity and effective employment practices by avoiding actual or perceived favoritism, discrimination or actual or potential conflicts of interest by or between members of this department. These employment practices include: recruiting, testing, hiring, compensation, assignment, promotion, use of facilities, access to training opportunities, supervision, performance appraisal, discipline and workplace safety and security.

1016.1.1 DEFINITIONS

Definitions related to this policy include:

Business relationship - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder or investor in an outside business, company, partnership, corporation, venture or other transaction, where the employee has an interest, receives compensation, investment or anything in value.

Conflict of interest - Any actual, perceived or potential conflict of interest in which it reasonably appears that an employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationship.

Nepotism - The practice of showing favoritism to relatives over others in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

Personal relationship - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

Public official - A supervisor, officer or employee vested with authority by law, rule or regulation or to whom authority has been delegated.

Relative - An employee's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling or grandparent.

Subordinate - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

Supervisor - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

1016.2 POLICY

The Rye Fire Department is committed to fair and equitable treatment of all members and to creating a work atmosphere that is free of both actual and apparent conflicts of interest that could compromise this principle.

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DRAFT

1016.3 RESTRICTED DUTIES AND ASSIGNMENTS

The Department will not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions should apply:

(a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.

1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor should make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.

2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing such employees in supervisor/subordinate situations. The Department, however, reserves the right to transfer or reassign any employee to another position within the same classification in order to avoid conflicts with any provision of this policy.

(b) Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.

(c) Whenever possible, trainers should not be assigned to train relatives. Trainers are prohibited from entering into or maintaining personal or business relationships with any member they are assigned to train until such time as the training has been successfully completed and, if an employee, off probation.

(d) To avoid actual or perceived conflicts of interest, members of this department should refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of or as a direct result of any official contact.

(e) Except as required in the performance of official duties, or in the case of immediate relatives, employees should not develop or maintain personal or financial relationships with any individual they know or reasonably should know is under criminal investigation, is a convicted felon, parolee, fugitive, registered sex or arson offender, or who engages in serious violations of state or federal laws.

1016.3.1 EMPLOYEE RESPONSIBILITY

Prior to entering into any personal or business relationship, or other circumstance which the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee should promptly notify his/her uninvolved, next highest level of supervisor.

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Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide official information or services to any relative or individual with whom the employee is involved in a personal or business relationship, the employee should promptly notify his/her uninvolved, immediate supervisor. In the event that no uninvolved supervisor is immediately available, the employee should promptly notify dispatch to have another uninvolved employee either relieve the involved employee or, minimally, remain present to witness the action.

1016.3.2 SUPERVISOR'S RESPONSIBILITY

Upon being notified of, or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor will take all reasonable steps to promptly mitigate or avoid such violations whenever possible.

Supervisors will promptly notify the Career Captain of such actual or potential violations through the chain of command.

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Smoking and Tobacco Use

1027.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in Rye Fire Department facilities or vehicles pursuant to New York law (Public Health Law § 1399-o).

For the purposes of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

1027.2 POLICY

The Rye Fire Department recognizes that tobacco use is a health risk and can be offensive to others. Smoking and tobacco use also presents an unprofessional image for the Department and its members. Therefore smoking and tobacco use is prohibited by members and visitors in all department facilities, buildings and vehicles, and as further outlined in this policy.

1027.3 SMOKING AND TOBACCO USE

It shall be the responsibility of each member to ensure that no person under their supervision smokes or uses any tobacco product inside City facilities and vehicles.

1. Smoking and tobacco use by members is prohibited any time members are in public on duty representing the Rye Fire Department.
2. There shall be no tobacco use on calls.
3. Tobacco use shall be strictly limited to the designated ares at either fire house.
4. Tobacco shall be used when not in close proximity to any other members.

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CITY COUNCIL AGENDA

DEPT.: Finance | DATE: January 12, 2023

CONTACT: Joseph S. Fazzino, Deputy City Comptroller

AGENDA ITEM: Resolution to authorize the addition of New York Liquid Asset Fund (NYLAF) as an authorized depository of the City of Rye.

FOR THE MEETING OF:
January 18, 2023

RECOMMENDATION: That the City Council adopt the following resolution:

WHEREAS, the City of Rye's Cash Management and Investment Policy requires that bank and investment companies holding deposits and investments of the City must be approved as authorized depositories of the City, and,

WHEREAS, it is the recommendation of the City Comptroller to add New York Liquid Asset Fund (NYLAF) as an authorized depository of the City of Rye to encourage competition for the deposits of the City, now therefore be it;

RESOLVED that the following banking and investment company be approved as an authorized depository of the City of Rye:

New York Liquid Asset Fund (NYLAF)

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND: The City Charter, section §C10-2, "Powers and duties of City Comptroller"
States that the City Comptroller has fiduciary control over the funds of the city which should be "deposited in interest-bearing bank accounts approved by the Council." The authorized depositories the City is currently using are Webster Bank, Wells Fargo, JP Morgan, Customers Bank and People's United Bank. The request to add this additional bank as a depository is based on:

- Monies will be deposited into interest bearing accounts.
- There will be no charge to the City. Webster Bank would still be the City's primary bank; no fees are currently paid to them.

The City Council is asked to approve the above resolution which authorizes New York Liquid Asset Fund (NYLAF) as an authorized depository of the City, and authorizes the City Comptroller and Deputy City Comptroller to act on behalf of the City for such accounts.

See attached information on New York Liquid Asset Fund (NYLAF).

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CITY OF RYE
Finance Department

Inter-Office Memorandum

To: Mayor Cohn and Rye City Council

From: Greg Usry, City Manager
Joe Fazzino, Comptroller

Date: January 11, 2023

Re: Addition of New Bank to the City's Authorized Financial Institutions and Dealers

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In the course of every year the City invests upwards of $30 million. Much of this is the result of the timing of tax receipts versus expenses incurred over the course of the year. In addition, the General Fund, bond proceeds and other reserves are invested until drawn upon for Council authorized purposes.

The investment of City monies is limited/designated by City Investment Policy, as authorized by the Council, and requisite State law. The Policy is included as an exhibit in the annual budget. In addition to a reasonable rate of return, the primary objectives of the City's Cash Management and Investment policy are to conform with all applicable federal, state and other legal requirements (legality), to adequately safeguard principal (safety), to provide sufficient liquidity to meet all operating requirements (liquidity).

It is also the policy of the City to diversify its deposits and investments by financial institution, by investment instrument, and by maturity schedule. City Staff periodically explores/reviews other banking institutions to further diversify the City's investment opporutunities. In terms of Cash Flow, the City is in its greatest position between the months of February and June and Staff would like to set up any new accounts prior to this period. Furthermore, given the accumulated reserve for Capex and bond proceeds we have an unusually large amount of monies being invested.

By this memo we are requesting that the City Council approve the addition of the New York Liquid Asset Fund (NYLAF) to the City's Authorized Financial Institutions and Dealers. NYLAF meets all City Investment Policy and State requirements, and is AAA rated. The fund utilizes PMA Asset Management, a nationally know and recognized asset management company.

At present the fund has approximately $1.89 billon of AUM, and is being utilized by the Rye City School District, the Village of Scarsdale, the City of White Plains, among numerous other School Districts throughout Westchester County, as well as Counties, Municipalities and School Districts throughout Greater New York.

For your information I am attaching here a fact sheet on the and an information statement.

ASBO NY's Strategic Partner for Investing Public Funds

ASBO NEW YORK | ASSOCIATION OF SCHOOL BUSINESS OFFICIALS

Complete Cash Management Solutions

Take advantage of NYLAF's Overall Package of Investments

Max Series

- Rated AAAm by Standard & Poor's*
- Safety of funds is the primary goal
- Competitive daily yields
- Professionally managed diversified portfolio
- 100% Liquid - No deposit requirements

Fixed Income Investments

NY CHOICE Full Flex Investment

- Weekly liquidity
- Competitive interest rates
- Collateral is secured for NYLAF on behalf of Participants only
- Approved collateral consists of:
  - 102% of Principal Deposit
    — U.S. Treasuries and Agencies only
  - Federal Home Loan Bank (FHLB) Irrevocable Letter of Credit
  - Federal Deposit Insurance Corporation (FDIC) Insurance

NY CHOICE Fixed Income Investment

- Competitive interest rates
- Flexible maturity dates
- Collateral is secured for NYLAF on behalf of Participants only
- Approved collateral consists of:
  - 102% of Principal Deposit
    — U.S. Treasuries and Agencies only
  - Federal Home Loan Bank (FHLB) Irrevocable Letter of Credit
  - Federal Deposit Insurance Corporation (FDIC) Insurance

FDIC Insured Certificates of Deposit (CDs)

- Competitive interest rates
- Flexible maturity dates
- Principal and interest insured up to $250,000, per Participant, per institution by Federal Deposit Insurance Corporation (FDIC)
- Stringent credit criteria required for all institutions

U.S. Treasury Securities

- Securities are held in the Participant's name by a third-party Custodian Bank
- Flexible maturity dates

Cash Flow Optimization (CFO)

- An Investment portfolio is customized for each individual Participant in concert with cash flow
- Experienced investment professionals provide recommendations based on the individual needs of the Participant
- Continued monitoring of receipts and disbursements
- Liquidity to meet unexpected expenditures
- Keep 100% of funds invested 100% of the time

Bond Proceeds Investments

- Portfolio customized to specifically match the draw schedule (expenditures)
- Continued monitoring of receipts and disbursements
- Separate account(s) may be maintained to facilitate accounting and tracking
- Unlimited "No-Cost" check writing available
- Arbitrage calculations and reports included at "No-Cost" to the Participant

The Fund provides Local Governments multiple investment programs, in accordance with Article 5-G of the New York General Municipal Law, as amended, and Article 3-A of the General Municipal Law (Chapter 623 of the Laws of 1998).

All NYLAF Investments Fully comply with the New York General Municipal Law.

The rating is based on Standard & Poor's analysis of the fund's credit quality, market price exposure, and management. The rating signifies excellent safety of invested principal and a superior capacity to maintain a $1.00 per share net asset value. However, it should be understood that the rating is neither a "market" rating nor a recommendation to buy, hold or sell securities.

300 Westage Business CTR Dr., Suite 405 Fishkill, NY 12524 | nylaf.org | 866.996.9523 Option 2

NYLAF Added Program Benefits

NYLAF Cash Management Online www.nylaf.org

Online access to all NYLAF account activities at no cost to Participants

Account Information

- Current Account Balance and Summary
- Current Fixed Income Portfolio
- Wire Instructions
- Previous Day Balances
- Previous Month Summary
- Monthly Statements
- Daily Confirms
- Posted Transactions
- Monthly Average Balances

Transactions

- Transfers, Purchases and Redemptions
- Review/ Reverse Pending Transactions
- Review Posted Transactions

Personalized

- Change email address and/or password
- Monthly Statement Delivery
- Daily Confirm Delivery

General Information

- Quarterly Economic Review & Updates
- NYLAF Contacts
- S&P Rating Report

NYLAF Customized Features

NYLAF is a premier comprehensive cash management service developed and managed for New York school and municipal entities.

Benefits

- Rated AAAm by Standard & Poor's signifying excellent safety of invested principal*
- Automated Clearing House (ACH) - eliminates the cost of wire transfers to NYLAF
- No charge for wire transfers from NYLAF to banking institutions
- Customized cash management services
- Financial management and investment services
- Same day cash for state subsidies and all deposits to MAX
- Independently audited financial statements
- Online access to account information through NYLAF online www.nylaf.org

About NYLAF

In 1998, NYLAF (the Fund) was created specifically to assist Local Governments (School and Municipal Entities) in the state of New York to help manage their investment needs. The Fund provides Local Governments multiple investment programs, in accordance with Article 5-G of the New York General Municipal Law, as amended, and Artile 3-A of the General Municial Law (Chapter 623 of the Laws of 1998). Additionally, NYLAF has maintained Standard and Poor's (S&P) highest credit rating of AAAm since the foundation of the Fund.

NYLAF's continued focus is to provide an unrivaled experience of investment and client service excellence on a daily basis to every Participant of the Fund.

NYLAF is the only cash management program that is Strategic Partners with ASBO NY.

For complete details on all NYLAF products and services, please refer to the NYLAF Information Statement, available at www.nylaf.org.

Cash Management Group

NYLAF offers investment opportunities that can be customized to coordinate with the cash flow needs of all Participants. These investment options are available daily, and include the Cash Flow Optimization (CFO) Program.

For investment consultation call:
866.996.9523 Option 2

Securities, public finance services and municipal advisory institutional brokerage services are offered through PMA Securities, LLC. PMA Securities, LLC is a broker-dealer and municipal advisor registered with the SEC and MSRB, and is a member of FINRA and SIPC. PMA Asset Management, LLC, an SEC registered investment adviser, provides investment advisory services to local government investment pools and separate accounts. All other products and services are provided by PMA Financial Network, LLC. PMA Financial Network, LLC, PMA Securities, LLC and PMA Asset Management (collectively "PMA") are under common ownership. Securities offered through PMA Securities, LLC are available in CA, CO, FL, IL, IN, IA, MI, MN, MO, NE, OH, OK, PA, SD, TX and WI. This document is not an offer of services available in any state other than those listed above, has been prepared for informational and educational purposes and does not constitute a solicitation to purchase or sell securities, which may be done only after client suitability is reviewed and determined. All investments mentioned herein may have varying levels of risk, and may not be suitable for every investor. PMA and its employees do not offer tax or legal advice. Individuals and organizations should consult with their own tax and/or legal advisors before making any tax or legal related investment decisions. Additional information is available upon request. For more information visit www.investmocaat.com.
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NEW YORK LIQUID ASSET FUND

A Strategic Partner of ASBO New York

Information Statement

July 1st, 2022 INFORMATION STATEMENT

A Comprehensive Cash Management Program exclusively for, and controlled by, New York School Districts, Municipal Corporations, Boards of Cooperative Educational Services and Fire Districts.

NYLAF is rated 'AAAm' by S&P Global Ratings ("S&P"). According to S&P, a fund rated 'AAAm' demonstrates extremely strong capacity to maintain principal stability and to limit exposure to principal losses due to credit risk. 'AAAm' is the highest principal stability fund rating assigned by S&P. An 'AAAm' rating by S&P is obtained after S&P evaluates a number of factors including credit quality, market price exposure, and management. Ratings are subject to change and do not remove credit risk. These ratings are neither a market rating nor a recommendation to buy, hold, or sell the securities by the rating agencies.

NEW YORK LIQUID ASSET FUND

Liquid Portfolio (currently inactive) and MAX Portfolio

This Information Statement provides detailed information about the investment objective, organization, structure and operations of the New York Liquid Asset Fund ("NYLAF" or "The Fund"), the trade name for those Municipal Corporations, or other eligible entities, participating in a Municipal Cooperation Agreement, as amended and restated as of February 1st, 2021 (the "Agreement"), and the investment opportunities provided by NYLAF. Prospective participants should read this Information Statement carefully before participating in the Agreement and retain it for future reference. In addition, prospective participants should read the Agreement itself as referred to above. This Information Statement is qualified in its entirety by the Agreement, and if there is any conflict between this Information Statement and any provision of the Agreement, the terms and provisions of the Agreement supersede the statements in this Information Statement. Capitalized terms contained in this Information Statement and not otherwise defined herein shall have the respective meanings ascribed to them in the Agreement.

No person or entity has been authorized to give any information or to make any representations other than those contained in this Information Statement, and, if given or made, such information or representations may not be relied upon as having been authorized by any party to the Agreement, any third party referred to in the Agreement, or any other person associated with NYLAF, including NYLAF, the Governing Board, PMA Asset Management, LLC, PMA Securities, LLC, PMA Financial Network, LLC, U.S, Bank or any agent of the above.

The date of this Information Statement is July 1st, 2022.

THIS INFORMATION STATEMENT IS NOT A PROSPECTUS OR OFFERING STATEMENT MADE IN CONNECTION WITH THE SALE OF SECURITIES. NEITHER NYLAF NOR THE AGREEMENT CONSTITUTES A CORPORATION OR OTHER ENTITY COMPRISED OF SHARES, INVESTMENT UNITS OR OTHER EQUITY INTERESTS. PARTICIPATING IN THE AGREEMENT IS ONLY THE EXERCISE BY PARTICIPANTS OF THE POWER TO CONTRACT JOINTLY AND IS LIMITED ONLY TO CARRYING OUT THE PUBLIC PURPOSE OF TEMPORARILY INVESTING MONEYS OF ELIGIBLE MUNICIPAL CORPORATIONS, SCHOOL DISTRICTS, BOARDS OF COOPERATIVE EDUCATIONAL SERVICES, DISTRICT CORPORATIONS OR OTHER ELIGIBLE ENTITIES OF THE STATE OF NEW YORK. NEITHER THE AGREEMENT, ANY THIRD PARTY AGREEMENT NOR THIS INFORMATION STATEMENT HAS BEEN FILED OR REGISTERED WITH OR REVIEWED OR APPROVED BY ANY STATE OR FEDERAL AGENCY, INCLUDING THE COMPTROLLER AND THE ATTORNEY GENERAL OF THE STATE OF NEW YORK. INVESTMENTS IN NYLAF INVOLVE CERTAIN RISKS WHICH SHOULD BE CONSIDERED BY EACH POTENTIAL PARTICIPANT BEFORE INVESTING. FOR FURTHER INFORMATION REGARDING CERTAIN RISKS ASSOCIATED WITH INVESTMENTS IN NYLAF, SEE "CERTAIN RISKS OF INVESTMENT IN NYLAF" ON PAGES 17 THROUGH 20.

No person or entity has been authorized to give any information or to make any representations other than those contained in this Information Statement, and, if given or made, such information or representations may not be relied upon as having been authorized by any party to the Agreement, any third party referred to in the Agreement, or any other person associated with NYLAF, including

NYLAF, the Governing Board, PMA Asset Management, LLC, PMA Securities, LLC, PMA Financial Network, LLC, U.S. Bank or any agent of the above.

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NEW YORK LIQUID ASSET FUND

The New York Liquid Asset Fund ("NYLAF" or "The Fund") is a cooperative investment program established by participating New York school districts, municipal corporations, boards of cooperative educational services and fire districts (collectively, "Municipal Corporations"). NYLAF was organized on April 24, 1998, by the adoption by the participating Municipalities of a Municipal Cooperation Agreement in accordance with Article 5-G of the New York General Municipal Law, as amended, and Article 3-A of the General Municipal Law (Chapter 623 of the Laws of 1998). The original Municipal Cooperation Agreement has been amended several times (such agreement, as amended from time to time, is herein referred to as the "Agreement"), most recently by an agreement amended and restated as of February 1st, 2021 to (i) change the Investment Consultant to PMA Asset Management, LLC (hereinafter "PMA Asset Management" or "Investment Consultant"), and (ii) change the Marketing Agent to PMA Securities, LLC, (hereinafter "PMA Securities" or the "Marketing Agent"). NYLAF is not a corporation or other entity comprised of shares, units or other equity interests.

The Agreement provides for the joint temporary investment of the moneys of the participating Municipal Corporations. The Municipal Corporations that participate in NYLAF are referred to as "Participants" in this Information Statement.

Under the Agreement, the cooperative investment program is managed by a Governing Board elected by the Participants. The Red Hook Central School District currently acts as Lead Agent and has responsibility for maintaining custody of the investments. The Governing Board and the Lead Agent have entered into agreements with PMA Financial Network, LLC, PMA Asset Management, LLC, PMA Securities, LLC, and U.S. Bank to provide certain administrative, advisory, marketing and custodial services to NYLAF.

NYLAF is a Strategic Partner of the Association of School Business Officials New York ("ASBO New York").

The cooperative investment program consists of multiple investment "Portfolios" or Series, as described in this Information Statement. At present, NYLAF consists of the Liquid Portfolio (currently inactive) and the MAX Portfolio.

As of October 1, 2016 the Governing Board has suspended the operations of the Liquid Series for the purpose of enhancing the operational efficiency of the Fund

until such time as the Governing Board may elect to reactivate the Liquid Series. All discussion in this Information Statement regarding the Liquid Series applies to the Liquid Series when it is active and in operation. All Shares of the Liquid Series held by Participants of the Fund at the start of the Fund's 2017 fiscal year on October 1, 2016 were automatically converted at a one for one basis to Shares of the Fund's MAX Series, and all services such as check writing that were available through the Liquid Series are now available through the Max Series.

NYLAF has the power to contract with a securities firm or broker/dealer registered with the U.S. Securities and Exchange Commission and member of the Financial Industry Regulatory Authority, Inc. ("FINRA") to develop and offer additional investment services to Participants consistent with the investment objective and policies of NYLAF. Pursuant to this power, and in conjunction with PMA Securities and PMA Financial Network, is offering the New York Choice Fixed Income Investment Program (also known as the "Fixed Term Program") to Participants. Participants may elect to participate in the New York Choice Fixed Income Investment Program in their sole discretion. While the Governing Board oversees PMA Securities and PMA Financial Network, neither the Governing Board nor the Lead Agent is directly involved with the Participants' choice of investments made under the New York Choice Fixed Income Investment Program. The Governing Board has appointed PMA Securities and PMA Financial Network to serve as Fixed Income Program Providers to provide certain marketing services and make investments available to Participants in connection with the New York Choice Fixed Income Investment Program. Under the New York Choice Fixed Income Investment Program, Participants who desire and elect to do so may purchase federally insured or collateralized deposits in savings accounts or certificates of deposit and fixed rate/fixed term investments that are Permitted Investments (as defined below) as outlined in the Agreement from or through PMA Securities or its affiliate, PMA Financial Network. Participants may purchase investments of varying maturities issued by a variety of issuers. All purchases of Permitted Investments must be recommended by PMA Securities or PMA Financial Network and under the Investment Guidelines established by the Governing Board which are applicable to each Portfolio as set forth in Exhibit A, amended from time to time, to the Agreement (the "Investment Guidelines"). However, the Governing Board makes no recommendation with respect to any Participant's participation in the New York Choice Fixed Income Investment Program. The Governing Board has appointed PMA Securities and PMA Financial Network to consult and otherwise cooperate

with the Governing Board to provide certain services to the Participants relating to the New York Choice Fixed Income Investment Program.

The organization of NYLAF in accordance with New York law has been passed upon by Harris Beach, PLLC. See "Legal Counsel and Independent Accountants" on page 38.

The address of the Governing Board is c/o PMA Financial Network, LLC,300 Westage Business Center Dr, Fishkill, NY 12524 . The telephone number of NYLAF is 1-866-99-NYLAF.

INVESTMENT OBJECTIVE AND POLICIES

NYLAF's investment objective is to provide Participants with high current income consistent with the preservation of capital and the maintenance of liquidity while investing only in instruments authorized by the provisions of New York law that govern the temporary investment of funds by Municipal Corporations. NYLAF seeks to attain its investment objective by pursuing a professionally advised investment program consistent with the policies and restrictions described below. NYLAF seeks to maintain a rating of AAAm from Standard & Poor's ("S&P").

Permitted Investments

NYLAF is specifically designed for New York school districts, municipal corporations, boards of cooperative educational services and fire districts. Accordingly, its Portfolios at all times invest solely in instruments in which school districts, municipal corporations, boards of cooperative educational services and fire districts are permitted to invest funds temporarily, including:

- Special time deposit accounts issued by a bank or trust company located in and authorized to do business in New York State;
- Certificates of deposit issued by a bank or trust company located in and authorized to do business in New York State;
- Obligations of the United States of America;

- Obligations of agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America;
- Obligations of the State of New York;
- With approval of the State Comptroller, obligations issued pursuant to Local Finance Law Sections 24.00 or 25.00 by any municipality, school district or district corporation other than a Participant;
- Obligations of a Participant, but only with any moneys in a reserve fund established pursuant to General Municipal Law Sections 6-c, 6-d, 6-e, 6-g, 6-h, 6-j, 6-k, 6-1, 6-m, or 6-n; Qualified Reciprocal Deposit Program as allowed under Chapter 128 of NYS Laws of 2012 amended sections 10 and 11 of the General Municipal Law; and
- Any other investments authorized by applicable statutes or permitted by applicable regulatory authority.

These investment instruments are referred to in this Information Statement as "Permitted Investments."

The Investment Guidelines permit the purchase and sale of Permitted Investments or interests in Permitted Investments through master repurchase agreements, and the substitution of securities through custodial undertaking agreements on the terms prescribed by the Securities Industry and Financial Markets Association ("SIFMA") to which all transaction parties are bound. These transactions do not and are not intended to constitute "securities lending." The securities subject to these transactions are intended not to be included in the bankruptcy, reorganization or similar proceedings of any transaction party. Each transaction is subject to notice to and opportunity for rejection by the person who serves as the Chief Fiscal Officer of the Lead Agent under the Agreement, or such other officer of the Participant which is the Lead Agent under the Agreement who has been appointed Executive Director by the Governing Board (hereinafter the "Chief Investment Officer"). The Investment Guidelines have been sent to the Office of the New York State Comptroller, receipt of which has been acknowledged without comment.

The Governing Board may approve short sales or margin transactions, investment in futures contracts, or hedging strategies.

Investment Restrictions

NYLAF, through authority granted by the Governing Board to the Chief Investment Officer, may buy and sell, and enter into agreements to buy and sell, Permitted Investments, subject to the restrictions described below. These restrictions are considered to be fundamental to the operation and activities of NYLAF and may not be changed without an amendment of the Agreement by the Participants.

NYLAF may not:

(a) make any investment other than a Permitted Investment;

(b) purchase any Permitted Investment for the Liquid (currently inactive) or MAX Portfolios (only) that has a maturity date more than 397 days from date of NYLAF's purchase thereof without an irrevocable agreement on the part of a Responsible Person to purchase it from NYLAF within one year (however, the Chief Investment Officer may, in its discretion, waive such one year limitation with respect to any one or more group of specialized Portfolios with a common maturity or common average dollar-weighted maturity and other similar characteristics and privileges (each, a "Series");

(c) purchase any Permitted Investment for the Liquid (currently inactive) or MAX Portfolios (only) if the effect of such purchase by NYLAF would be to make the average dollar-weighted maturity of either Portfolio greater than 60 days (however, in determining the effect of a purchase on the average maturity of the portfolio, any Permitted Investment that is subject to an irrevocable agreement of the nature referred to in the preceding clause (b) is deemed to mature on the day on which NYLAF is obligated to sell such Permitted Investment back to a Responsible Person or the day on which NYLAF may exercise its rights under such agreement to require the purchase of such Permitted Investment by a Responsible Person);

(d) borrow money or incur indebtedness whether or not the proceeds thereof are intended to be used to purchase Permitted Investments; or

(e) invest in investment instruments of the nature commonly referred to as "derivatives."

No Portfolio of NYLAF constitutes a "money market fund."

A Responsible Person is a securities firm or broker/dealer registered with the U.S. Securities and Exchange Commission ("SEC") and member of the Financial Industry Regulatory Authority ("FINRA"), and designated by the Governing Board.

No assurance can be given that NYLAF will achieve its investment objective or that any benefits described in this Information Statement will result from the placement of moneys in NYLAF by a Participant.

THE LEAD AGENT

Pursuant to the provisions of Section 13.2 of the Agreement, the NYLAF Governing Board has appointed Red Hook Central School District as Lead Agent of NYLAF. Red Hook Central School District by resolution of its governing body has agreed to serve as Lead Agent. The Lead Agent oversees and maintains the operations and transactions of NYLAF and otherwise implements and adheres to the guidelines and limitations contained in its investment policy. The Lead Agent is required to carry at all times officers and directors liability/errors and omissions insurance. The Lead Agent must resign immediately upon notice to any Person that the Lead Agent intends to file for bankruptcy, reorganization or otherwise seek judicial protection from creditors. Moneys, funds and investments held in the name of the Lead Agent under the Custody Agreement are not subject to claims against the Lead Agent in bankruptcy or reorganization.

The Lead Agent is paid an annual fee equal 1.25 (.0125%) basis points on the first $100,000,000 in assets, 0.5 (.005%) basis point on next $400,000,000 in assets, and 0.25 (.0025%) basis points on assets over the $400,000,000 mark. The fees and expenses of the Lead Agent are borne by NYLAF and further described below under "Expenses of NYLAF – Payment of Fees and Expenses."

THE NYLAF GOVERNING BOARD

The Governing Board, through the Lead Agent, has full and exclusive control and authority over the business of NYLAF and NYLAF's joint property, subject to the rights of the Participants as provided in the Agreement. The Governing Board oversees reviews and supervises the activities of all consultants and professional

advisors to NYLAF.

As outlined in Article 3-A of the New York General Municipal Law, the Governing Board administers all aspects of the Agreement, enters into appropriate contracts to assist in the management of the Agreement and monitors compliance with investment policy and maturity limitations established both under the Agreement and in the law. A full outline of the operating procedures of the Governing Board is found in the Agreement.

The Governing Board serves without compensation, but members of the Governing Board are reimbursed by NYLAF or the Administrator for reasonable travel and other out-of-pocket expenses incurred in connection with their duties as board members. See "Expenses of NYLAF – Payment of Fees and Expenses" below. Members of the Governing Board are not required to devote their entire time to the affairs of NYLAF.

The Governing Board has appointed Dennis Kane as the Executive Director of NYLAF, effective 10/29/2015.

The Governing Board Members of NYLAF as of July 1st, 2022 are:

Jennifer Avery

Chairperson, Otsego Northern Catskills Board of Cooperative Educational Services (BOCES)

Bruce Martin

Chief Investment Officer, Red Hook Central School District

Carol Stein

Vice Chairperson, Irvington Union Free School District

Jim Fregelette

Secretary, Erie 1 Board of Cooperative Educational Services (BOCES)

Cheri Rosenblatt

Treasurer, Ardsley Union Free School District

Scott Hoot

Director, North Colonie Central School District

Monica LaClair

Director, Onteora Central School District

Louise Lynch

Director, Poughkeepsie City School District

Victor Manuel

Director, Jericho Union Free School District

Matthew Metzger

Director, Dutchess County Board of Cooperative Educational Services (BOCES)

Ann Scaglione

Director, Village of Scarsdale

THE INVESTMENT CONSULTANT AND MARKETING AGENT

PMA Asset Management, LLC, an Illinois limited liability company ("PMA Asset Management"), has been appointed by the Governing Board and the Lead Agent and each of the Participants to act as NYLAF's Investment Consultant to provide investment advice to the Chief Investment Officer in connection with the Portfolios of NYLAF. PMA Asset Management also arranges for trades and exchanges of Permitted Investments to carry out the investment purposes of NYLAF (Liquid (currently inactive) and MAX Portfolios). PMA Asset Management is responsible for recommending and reviewing all relationships with Responsible Persons. Decisions regarding the selection and purchase of Permitted Investments for the Portfolios are made solely by the Chief Investment Officer. However, all such purchases must be recommended by PMA Asset Management.

NYLAF's agreement with PMA Asset Management (the "Investment Advisory Agreement") remains in effect until June 30th, 2025, and is subject to renewal. The agreement is not assignable and may be terminated without penalty on 90 days' written notice at the option of NYLAF or PMA Asset Management.

NYLAF may engage in the trading of Permitted Investments for the Portfolios with

or through PMA Asset Management and one or more Responsible Persons.

PMA Securities, LLC, an Illinois limited liability company, has been appointed as the Marketing Agent. As marketing agent, PMA Securities engages in marketing efforts (the promotion of the use of NYLAF by Participants and prospective Participants), assists Participants in execution of the Agreement, completion and submission of registration forms, and assists in the preparation and dissemination of information with respect to the existence and operation of NYLAF and its various series. The marketing agent advises the Governing Board regarding methods of seeking and obtaining additional Participants for NYLAF. The marketing agent also markets the New York Choice Fixed Income Investment Program.

NYLAF's agreement with PMA Securities (the "Marketing Service Agreement") remains in effect until June 30th, -2025, and is subject to renewal. The agreement is not assignable and may be terminated without penalty on 90 days' written notice at the option of NYLAF or PMA Securities.

In addition, the NYLAF Governing Board has entered into a Fixed Income Program Service Provider Agreement relating to the New York Choice Fixed Income Investment Program, with PMA Financial Network and PMA Securities. The Governing Board has appointed PMA Asset Management to consult and otherwise cooperate with the Governing Board to provide certain services to the Participants relating to the New York Choice Fixed Income Investment Program. See "New York Choice Fixed Income Investment and Other Programs."

PMA Asset Management is registered as an investment adviser with the Securities and Exchange Commission. PMA Securities is registered as a broker-dealer and municipal advisor with the Securities and Exchange Commission and Municipal Securities Rulemaking Board, and is a member of FINRA and SIPC. PMA Asset Management, PMA Securities and PMA Financial Network are affiliated entities..

THE ADMINISTRATOR

The Governing Board has appointed PMA Financial Network, LLC as the Administrator of NYLAF.

The Administrator provides a variety of services to NYLAF, including servicing all Participants' balances in NYLAF; determining and allocating income of NYLAF;

providing administrative personnel and facilities to NYLAF; determining the net asset value of each of the Liquid Portfolio (currently inactive) and the MAX Portfolio of NYLAF on a daily basis; bearing certain expenses for NYLAF; and performing related administrative services for NYLAF. On a quarterly basis, the Administrator provides the Governing Board with an evaluation of the performance of NYLAF's investment activities. This evaluation includes a comparative analysis of each Series' investment results in relation to industry standards.

Participants are provided with checking account privileges on their Portfolio Balances and the State Department of Education may directly deposit State aid payments into a Participant's account in NYLAF.

NYLAF's agreement with the Administrator remains in effect through June 30th, -2025 and is subject to renewal. This agreement is not assignable and may be terminated without penalty on 120 days' written notice at the option of NYLAF or the Administrator.

THE CUSTODIAN AND BANKING SERVICES PROVIDER

U.S. Bank serves as the Custodian/Banking Services Provider for the Liquid Portfolio (currently inactive) and the MAX Portfolio pursuant to the Custody Agreement. The Custodian/Banking Services Provider holds all investments in the Liquid Portfolio (currently inactive) and the MAX Portfolio on behalf of the Fund. U.S. Bank serves as the depository in connection with the deposit, checking, and withdrawal services ("Banking Services") with respect to the Portfolios under the Agreement. The Custodian/Banking Services Provider also provides collateral where required for un-invested moneys held by the Custodian/Banking Services Provider. The Custodian/Banking Services Provider does not participate in NYLAF's investment decision-making process.

NYLAF's agreement with the Custodian/Banking Services Provider remains in effect through June 30th, -2025 and is subject to renewal. The agreement is not assignable and may be terminated without penalty on 30 days' written notice at the option of NYLAF or the Custodian/Banking Services Provider.

The Custodian/Banking Services Provider does not act as the safekeeping agent for Fixed Term Investments (as defined below). The safekeeping and custodial arrangements for Fixed Term Investments are described below under the heading

"New York Choice Fixed Income Investment Program". NYLAF has no indemnification obligation in connection with such safekeeping and custodial arrangements.

THE PORTFOLIOS (OR SERIES)

Overview

The Agreement provides for the creation of multiple specialized investment portfolios (or "Series") within NYLAF and sets forth the manner in which Portfolios may be created and managed. At present, NYLAF consists of two Portfolios: the Liquid Portfolio (currently inactive) and the MAX Portfolio. Fixed Term Investments of various maturities also may be offered by PMA Financial Network, LLC and PMA Securities, LLC under the New York Choice Fixed Income Investment Program for Participants who elect to participate in such program. No Fixed Term Investment shall constitute a "Portfolio" or a "Series" of NYLAF. See "New York Choice Fixed Income Investment Program and Other Programs."

The Portfolios are invested in Permitted Investments. The Governing Board determines when and what types of Portfolios are made available to Participants. A Participant may participate in as few or as many Portfolios as it chooses. All NYLAF investments in all Portfolios are restricted to Permitted Investments.

The Governing Board has the power to designate one or more Portfolios in which all Participants must participate. Participants may deposit funds into any Portfolio. A Participant can participate in as few or as many of the Portfolios offered by NYLAF as it chooses. Information is provided to the Participants from time to time regarding how they can elect to participate in any particular Portfolio.

The Portfolios
At present, the Fund consists of two Portfolios of Permitted Investments, the Liquid Portfolio (currently inactive) and the MAX Portfolio. Each Portfolio is invested in Permitted Investments in such a manner as to result in an average dollar-weighted maturity to reset for such Portfolio of no greater than sixty (60) days. In addition, each Portfolio seeks to maintain a constant net asset value of $1.00 for each $1.00 invested by a Participant. The Permitted Investments in which the Portfolios are invested are recommended by the Investment Consultant to the Chief Investment Officer of NYLAF and consist of short-term instruments that meet the applicable deposit

insurance or collateral requirements under New York Law.

A Participant only receives earnings from the investments of the Portfolio in which it participates. The Portfolios are separate from and independent of each other and the investments of the New York Choice Fixed Income Investment Program. In the event of the incurrence of a loss on any securities in any Portfolio (whether of principal or interest), no contribution will be made to such Portfolio from the assets of any other Portfolio or Fixed Term Investments. No investment in a Portfolio constitutes security or collateral for any other Portfolio in which a Participant owns securities or any Fixed Term Investments.

The Liquid Portfolio (currently inactive)

The Liquid Portfolio (currently inactive) has no minimum portfolio balance requirements and no minimum requirements for deposits or withdrawals for Participants who do not utilize NYLAF's Online Banking Services. A Participant may withdraw funds from the Liquid Portfolio (currently inactive) in any amount not in excess of its account balance in such Liquid Portfolio (currently inactive). Moneys in the Liquid Portfolio (currently inactive) can be withdrawn at any time.

Participants invested in the Liquid Portfolio (currently inactive) have a pro rata ownership in the underlining securities of that portfolio.

The underlining securities of the Liquid Portfolio (currently inactive) are restricted to the allowable investments of New York General Municipal Law only ("Permitted Investments").

Interest is posted to the Liquid Portfolio (currently inactive) monthly by the Fund's Administrator.

In accordance with New York General Municipal Law Article 3-A Cooperative Investments (General Municipal Law - GMU § 43 (13)) NYLAF provides each Participant:

1) All activity by the participant and the value of the participant's interest under the agreement at the beginning and end of the month ("NYLAF Monthly Statement per account"); and

2) A general itemization of all investments held under the agreement as of the end of the month, including the market value of each investment as of that date ("NYLAF Net Asset Statement").

It is not anticipated that NYLAF will have more than one Liquid Portfolio (currently inactive) at any time. There is no minimum portfolio balance requirement.

The MAX Portfolio (Plus Online Banking Services)

The MAX Portfolio has no minimum portfolio balance requirements and no minimum amount requirements for deposits or withdrawals for Participants who do not utilize NYLAF's Online Banking Services.

The MAX Portfolio offers to all Participants a fully Online Banking program through U.S. Bank at no-cost* which includes the following services:

- Checking Services with Positive Pay Features
- Direct Deposit Services
- Vendor Payments
- Deposit-on-site

*A minimal balance investment requirement in NYLAF (which is determined in consultation with the Marketing Agent) and the direct deposit of State aid payments into the NYLAF is required to qualify for these enhanced services. This is not an Earning Credit or Compensating Balance structure as Participants will continue to earn interest on all funds invested in NYLAF.

Additionally, all checking accounts offered through NYLAF will include both Check Positive Pay and ACH Positive Pay fraud prevention services at no-cost, subject to the balance requirement, to the Participant(s). These services must be utilized by the Participant, and cannot be removed at any time.

A full disclosure of all of U.S. Bank services is available on the NYLAF website www.nylaf.org under "Banking Services Disclosures".

A Participant may withdraw funds from the MAX Portfolio in any amount not in excess of its account balance in the MAX Portfolio.

Participants invested in the MAX Portfolio have a pro rata ownership in the underlining securities of that portfolio.

The underlining securities of the MAX Portfolio are restricted to the allowable investments of New York General Municipal Law only (Permitted Investments).

Interest is posted to the MAX Portfolio monthly by the Fund's Administrator.

In accordance with New York General Municipal Law Article 3-A Cooperative Investments (General Municipal Law - GMU § 43 (13)) NYLAF provides each Participant:

1) All activity by the participant and the value of the participant's interest under the agreement at the beginning and end of the month ("NYLAF Monthly Statement per account"); and

2) A general itemization of all investments held under the agreement as of the end of the month, including the market value of each investment as of that date ("NYLAF Net Asset Statement").

NEW YORK CHOICE FIXED INCOME INVESTMENT PROGRAM AND OTHER PROGRAMS

Under the New York Choice Fixed Income Investment Program (also known as "Fixed Term Program"), Participants have the opportunity to invest in:

- Federally Insured savings accounts, or time deposits issued by a bank or trust company located in and authorized to do business in New York State Qualified Reciprocal Deposit Program as allowed under Chapter 128 of NYS Laws of 2012 amended sections 10 and 11 of the General Municipal Law ("GML");

- Collateralized savings accounts, or time deposits issued by a bank or trust company located in and authorized to do business in New York State provided that approved collateral therefor is pledged by the depository in accordance with the requirements of GML; Obligations of the United States of America; and

- Any other investments authorized by applicable statutes or permitted by

applicable regulatory authority.

Each Fixed Term Investment is an independent transaction. The decision to acquire any Fixed Term Investment is to be made solely by the Participant. The Fixed Term Investments to be offered shall be selected by PMA Financial Network and PMA Securities. The Governing Board has no role in the selection of these Fixed Term Investments and each Participant should consult with PMA Financial Network/PMA Securities and consider any investment recommendation rendered by PMA Financial Network/PMA Securities independently.

The New York Choice Fixed Income Investment Program provides each Participant with the opportunity to select fixed rate/fixed term investments with an investment date and a maturity date selected by the Participant to meet its individual investment requirements. The minimum term for an investment in the New York Choice Fixed Income Investment Program is 30 days.

Funds of a Participant may be invested in a Fixed Term Investment through transfers from the Participant's account in the MAX Portfolio. At the maturity of a Fixed Term Investment, the Participant's funds are transferred to the Participant's account in the MAX Portfolio. All investments in a Fixed Term Investment by a Participant are intended to be deposited for the full term of the particular Fixed Term Investment. No investment made in a Fixed Term Investment Program may be withdrawn by a Participant prior to the maturity date of such investment with the exception of investments in a Fixed Term Investment Program that has been designated on its inception date as a "Full Flex." *Early redemptions with no interest penalty can be made from Full Flex investments that have been so designated.*

By requiring all Participant investments to be deposited for the full term of the Fixed Term Investment, it is anticipated that each Fixed Term Investment will have an average dollar-weighted maturity equal to the term of such Fixed Term Investment. This is intended to result in a Fixed Term Investment normally having a higher yield than that of the Liquid Portfolio (currently inactive) and the MAX Portfolio. However, there can be no assurance that such a result will occur. Fixed Term Investments should be selected to mature on or before the day such moneys will be needed for the purposes of the Participant.

The interest to be earned by a Participant through a Fixed Term Investment is fixed when the investments are purchased. A Participant only receives earnings from

Fixed Term Investments it owns.

Fixed Term Investments that are U.S. Treasury securities are held in custody by a third party custodian (in the name of the Participant) pursuant to a custody agreement between PMA Financial Network/PMA Securities and the third party custodian. At present, U.S. Bank also serves as the third party custodian with respect to all such securities. Participants must individually determine to use U.S. Bank as custodian for securities purchased under the New York Choice Fixed Income Investment Program. The custodian for third party repurchase agreements varies for each counterparty. The custodian for collateralized certificates of deposits varies for each deposit.

Reporting related to the New York Choice Fixed Income Investment Program Only

NYLAF provides each Participant a Monthly Statement of activities which is specific to each Participant's account(s) and details the Fixed Income Investments held by the Participant.

An additional report of underlining collateral or FDIC insured institutions is provided to the Participants for the following investments per New York General Municipal Law ("GML"):

- Collateralized savings accounts, or time deposits issued by a bank or trust company located in and authorized to do business in New York State provided that approved collateral therefor is pledged by the depository in accordance with the requirements of the GML; and
- Qualified Reciprocal Deposit Program as allowed under Chapter 128 of NYS Laws of 2012 amended sections 10 and 11 of the GM L.

The following investments do not have any additional reporting requirements per New York GML:

- Obligations of the United States of America; and
- Federally Insured savings accounts, or time deposits issued by a bank or trust company located in and authorized to do business in New York State in which the principal investment is less than $250,000.

NYLAF has the power to contract with Responsible Persons to develop and offer additional investment services or programs to Participants consistent with the investment objective and policies of NYLAF. These additional programs, such as the New York Choice Fixed Income Investment Program, may be offered by NYLAF to its Participants from time to time, and each Participant may determine whether or not to participate in any such additional program. The Governing Board has appointed PMA Financial Network and PMA Securities to act as NYLAF's Fixed Income Investment service providers to offer investments in connection with New York Choice Fixed Income Investment Program. PMA Securities, LLC, an SEC and MSRB registered broker-dealer and municipal advisor, effects transactions which require the use of a registered broker-dealer or municipal advisor. All Fixed Term Investments are acquired by independent third parties unrelated to PMA Financial Network or PMA Securities. The Governing Board has appointed the Investment Consultant to consult and otherwise cooperate with the Governing Board to provide certain services to the Participants relating to the New York Choice Fixed Income Investment Program.

PMA Asset Management, LLC or its affiliates may make alternate services or programs available to Participants when approved by the Governing Board. At the discretion of the NYLAF Marketing Agent, an amount equal to 10.00% (annualized) of the revenue derived from the Fixed Income Program shall be transferred each month by PMA Financial Network or PMA Securities to: (i) a marketing account to be used for the payment of NYLAF's Marketing expenses; or (ii) an approved expense relating to the Liquid Portfolio (currently inactive) and the MAX Portfolio; or (iii) any sponsorship payments to New York State Association of School Business Officials ("ASBO New York"), pursuant to the Memorandum of Understanding between NYLAF and ASBO New York that may be in effect from time to time. See "The New York Choice Fixed Income Investment Program" for additional information.

Participants are advised that the Liquid Portfolio (currently inactive), the MAX Portfolio and the New York Choice Fixed Income Investment Program have different investment objectives.

CERTAIN RISKS OF INVESTMENT IN NYLAF

Risks associated with investment in NYLAF should be considered carefully by Participants and potential Participants in light of their particular circumstances. NYLAF may not be an appropriate investment for some Participants and potential Participants. Although NYLAF has been designed and is operated with the goal of minimizing risk, Participants and potential Participants should carefully consider the factors described in this section in light of their particular circumstances.

NYLAF is rated 'AAAm' by S&P Global Ratings. According to S&P, a fund rated 'AAAm' demonstrates extremely strong capacity to maintain principal stability and to limit exposure to principal losses due to credit risk. 'AAAm' is the highest principal stability fund rating assigned by S&P. An 'AAAm' rating by S&P is obtained after S&P evaluates a number of factors including credit quality, market price exposure, and management. Ratings are subject to change and do not remove credit risk. These ratings are neither a market rating nor a recommendation to buy, hold, or sell the securities by the rating agencies.

Income, Market and Credit Risk

Income Risk. Risk that changes in interest rates will affect the current income of the investment portfolio.

Market Risk. Risk that a rise in interest rates will cause a decline in the market value of fixed-income securities held in an investment portfolio.

Credit Risk. Risk that an issuer of securities held in an investment portfolio fails to make timely payments of principal or interest.

Repurchase Agreement Risk. Risk that the agreed upon repurchase amount will not be paid on the designated date.

Collateral Recovery Risk. Risk that delays may occur in the recovery of proceeds of collateral in the event of a default on a collateralized certificate of deposit held in an investment portfolio or that the value of such collateral may not be sufficient.

Insurance Recovery Risk. Risk that delays may occur in the recovery of FDIC insurance proceeds in the event of the insolvency of a bank that issued a certificate of deposit held in an investment portfolio or that the value of such proceeds may not be sufficient.

Investment Consultant Risk. Risk that poor security selection by the Investment Consultant will cause an underperformance in comparison to relevant benchmark or other investment vehicles with a similar investment objective.

Repurchase Agreements

The Chief Investment Officer, on behalf of NYLAF, may invest in Permitted Investments that are subject to what are commonly known as repurchase agreements. In such a situation a Permitted Investment is sold to the Lead Agent of NYLAF and placed in the applicable Portfolio. At the time of the sale of the Permitted Investment of NYLAF, the seller agrees to repurchase the Permitted Investment from the Lead Agent of NYLAF at a specified time and at an agreed upon price. The difference between the price paid by the Lead Agent of NYLAF and the price at which it sells the Permitted Investment sets the Portfolio's yield with respect to the transaction. This yield may be more or less than the interest rate on the underlying Permitted Investment.

Although NYLAF will enter into such repurchase agreements only with recognized and established securities firms designated as Responsible Persons from time to time by NYLAF's Chief Investment Officer acting with the advice and counsel of PMA Asset Management, LLC, **there can be no assurance that such a Responsible Person will pay the agreed upon repurchase amount on the designated date.** If such a person fails to pay the agreed upon price at the specified time, the applicable Portfolio of NYLAF might suffer a loss resulting from: (i) diminution of the value of the underlying Permitted Investment to an amount below the amount of the anticipated repurchase price; (ii) the costs associated with the resale of the Permitted Investment; and (iii) any loss that may result from any delay experienced in foreclosing upon and selling the Permitted Investment.

When NYLAF enters into a repurchase agreement, the underlying Permitted Investment must have a market value equal to 102% of the price paid by the Portfolio and equal to or greater than the anticipated repurchase price. However, there can be no

assurance that such market value will continue to equal or exceed the repurchase price or have a market value equal to 102% of the price paid by the Portfolio. If the market value of the underlying Permitted Investment falls below the agreed upon repurchase price, the Responsible Person with which NYLAF has entered into the repurchase agreement will be required to deliver additional Permitted Investments to NYLAF. If such a delivery is not made and the Responsible Person does not pay the repurchase price on the specified date, the amount of the Portfolio's loss may be increased because the value of the underlying Permitted Investments on which NYLAF will seek to foreclose may be less than the amount originally paid by the Lead Agent.

FDIC Insured Certificates of Deposit

Assets of NYLAF may be invested in certificates of deposit ("CDs") issued by depository institutions that are insured by the Federal Deposit Insurance Corporation (the "FDIC") and authorized to do business in New York State. Any such institution could become insolvent. Accordingly, NYLAF invests in FDIC insured institutions only on a fully collateralized basis in accordance with New York law or in amounts that will result in full insurance in accordance with the regulations of the FDIC as interpreted by the FDIC from time to time. Under these regulations, however, Participants' deposits in each insured institution are insured up to $250,000 in the aggregate, regardless of whether the deposits are made through NYLAF or directly by a Participant.

If an institution issuing a CD in which NYLAF has invested becomes insolvent, or in the event of any other default with respect to such a CD, an insurance claim will be filed with the FDIC by NYLAF, if appropriate. In such a case, there may be delays before the FDIC, or other financial institution to which the FDIC has arranged for the deposit to be transferred, makes the relevant payments. Such delays may result from the filing and processing of insurance claims, including requests for additional information by the FDIC. Furthermore, if the defaulted deposit is transferred to another institution, the transferee institution may, instead of paying the insured amount, elect to keep the deposit in existence with or without changing its original terms. Such changes of terms may include a reduction of the original interest rate paid on the deposit. Any of these actions may have adverse consequences to the particular Participants participating in the Portfolio to which the defaulted deposit relates.

The amount insured by the FDIC is the principal of the relevant deposit and the interest accrued on the deposit to the date of default, up to $250,000 in the aggregate. There is

no insurance with respect to interest on a deposit between the date of the default and the date of the payment of insurance by the FDIC. Accordingly, a default by an institution might result in a delay in the receipt of invested principal and pre-default accrued interest by an affected Participant and a loss of interest related to the period between the date of the default and the payment of the insurance.

The FDIC may deny any claim that it does not consider valid. Any such denial might have to be challenged in judicial or administrative proceedings brought by the Portfolio and any affected Participant. Furthermore, there can be no assurance that the FDIC will have sufficient assets to pay any or all insurance claims resulting from the insolvency of any institution. If funds are not made available to it by the United States or other sources, a Participant could experience a loss due to a full or partial non-payment of insurance claims by the FDIC.

Generally, CDs may not be redeemed prior to maturity:(i) the secondary market for CDs is generally illiquid; (ii) an accurate market value may be difficult to ascertain; (iii) their actual value may be different from their purchase price; (iv) and a significant loss of principal may result if they are sold prior to maturity.

Collateralized Deposits

NYLAF may invest in collateralized savings accounts, time deposits or share accounts of institutions, provided that approved collateral therefor is pledged by the depository in accordance with the requirements of New York GML. In the event of a default on these investments, it may be necessary to foreclose on the collateral. Such foreclosure would entail certain risks for the Participants. These include losses resulting from a diminution in the value of the collateral, procedural delays and costs of foreclosure. NYLAF, accordingly, might be unable to realize an amount in the foreclosure equal to the principal of and interest on the defaulted investment.

CERTAIN RISKS OF INVESTMENT IN NEW YORK CHOICE FIXED INCOME INVESTMENT PROGRAM

Investment in the New York Choice Fixed Income Investment Program is subject to the same risks as investment in NYLAF. However, other risks to a Participant purchasing fixed income investments through the New York Choice Fixed Income

Investment Program include reinvestment risk, the risk that rates of return will shift during or after ownership of a security, credit risk, and the risk of default or non-payment by an obligor.

Payments after Maturity Date of a Fixed Income Investment

If moneys are received with respect to the New York Choice Fixed Income Investment Program after the maturity date of a fixed income investment held by a Participant under the New York Choice Fixed Income Investment Program as a result of an FDIC deposit insurance claim, foreclosure of collateral or for any other reason, the amounts of such payments will not be distributed to the participating Participant until after the maturity date of such fixed income investment. Accordingly, care should be exercised by Participants in determining whether such investment in a particular fixed income security under the New York Choice Fixed Income Investment Program is appropriate if some or all of the moneys invested by the Participant under the New York Choice Fixed Income Investment Program would be needed without delay on or before the maturity date of the fixed income investment.

EXPENSES OF NYLAF

The Liquid Portfolio (currently inactive) and the MAX Portfolio

Under the Investment Advisory Agreement, PMA Asset Management is paid a fee at an annual rate equal to 0.06% of the average daily net asset value of the combined portfolios that are $1 billion or less, 0.055% of the average daily net asset value of the combined portfolios that are in excess of $1 billion to $2 billion, and 0.05% of the average daily net asset value of the combined portfolios that are in excess of $2 billion. These fees are calculated daily on each Portfolio, charged to the Liquid Portfolio (currently inactive) or MAX Portfolio, as applicable, and paid monthly.

Under the Marketing Service Agreement, PMA Securities is paid a fee at an annual rate equal to 0.05% of the average daily net asset value of the combined portfolios that are $1 billion or less, 0.045% of the average daily net asset value of the combined portfolios that are in excess of $1 billion to $2 billion, and 0.04% of the average daily net asset value of the combine portfolios that are in excess of $2 billion. These fees are calculated daily on each Portfolio, charged to the Liquid Portfolio (currently inactive) or MAX Portfolio, as applicable, and paid monthly.

Under the Administrative Service Agreement, PMA as Administrator is paid a fee for administrative services it provides to the Liquid Portfolio (currently inactive) and the MAX Portfolio. For administrative services provided to the Liquid (currently inactive) and MAX Portfolios collectively, PMA as Administrator is paid a fee at an annual rate equal to 0.06% of the average daily net asset value of the combined portfolios that are $1 billion or less, 0.05% of the average daily net asset value of the combined portfolios that are in excess of $1 billion to $2 billion, and 0.04% of the average daily net asset value of the combined portfolios that are in excess of $2 billion..

Under the Custody Agreement, U.S. Bank as Custodian is paid an annual fee equal 1.5 (.015%) basis points on the first $100,000,000, 1.0 (.01%) basis point on next $400,000,000, and 0.75 (.0075%) basis points on the balance of the total market value of the assets in the account. Fees are payable monthly. In addition, the Custodian/Banking Services Provider is paid disbursement charges, security transaction charges and other charges.

The Lead Agent is paid an annual fee equal 1.25 (.0125%) basis points on the first $100,000,000 in assets, 0.5 (.005%) basis point on next $400,000,000 in assets, and 0.25 (.0025%) basis points on assets over the $400,000,000 mark. The fees and expenses of the Lead Agent are paid by the Liquid Portfolio (currently inactive) or MAX Portfolio, as applicable.

The advisory, administrative, marketing, cash management and custodial fees are calculated daily on each Portfolio, charged to the Liquid Portfolio (currently inactive) or MAX Portfolio, as applicable, and paid monthly. All expenses are currently allocated to the MAX Portfolio due to the Liquid Portfolio being currently inactive. From time to time, the Administrator, Investment Consultant, Marketing Agent and other service providers may voluntarily waive a portion of their fees to support a positive yield during periods when the yields of the Liquid Portfolio (currently inactive) or the MAX Portfolio are reduced because of low interest rates.

The New York Choice Fixed Income Investment Program

Participants purchasing Permitted Investments through the New York Choice Fixed Income Investment Program pay up to a 0.25% annualized fee on the original principal amount of the Permitted Investments. These fees are separate and apart from those assessed to the Liquid (currently inactive) and MAX Portfolios.

At the discretion of the NYLAF Marketing Agent, an amount equal to 10.00%

(annualized) of the revenue derived from the Fixed Income Program shall be transferred each month by PMA Financial Network or PMA Securities: to (i) a marketing account to be used for the payment of NYLAF's Marketing expenses; or (ii) an approved expense relating to the Liquid Portfolio (currently inactive) and the MAX Portfolio; or (iii) any sponsorship payments to ASBO New York, pursuant to the Memorandum of Understanding between NYLAF and ASBO New York that may be in effect from time to time. This amount is calculated and accrued daily and transferred monthly.

Payment of Fees and Expenses

NYLAF pays the fees of the Administrator, Investment Consultant, Marketing Agent, Custodian and Lead Agent, and pays expenses for S&P ratings, reasonable out of pocket expenses incurred by the Governing Board and the Lead Agent in connection with the discharge of their duties, brokerage commissions, the legal fees of NYLAF, the fees of NYLAF's independent accountants, the costs of appropriate insurance and indemnity coverage for the Lead Agent, cash management fees and various other expenses not included as an expense of any NYLAF service provider. Such costs and expenses are not included in the fees of the Administrator or the Marketing Agent and are paid from the net assets of the Portfolios in such proportion as may be determined by the Governing Board, from time to time, in consultation with the Administrator.

As described above, the Investment Consultant, the Administrator, the Marketing Agent and the Custodian receive fees in connection with their activities relating to the Liquid Portfolio (currently inactive) and the MAX Portfolio and the New York Choice Fixed Income Investment Program of NYLAF. As detailed above, those fees are calculated on the basis of, and paid from, the assets in those Portfolios. Also, as described, certain other costs, not included in the fees payable to Investment Consultant, the Administrator, the Marketing Agent and the Custodian, are payable from the assets of the Portfolios. Investment earnings paid on the Portfolio Assets in the Liquid Portfolio (currently inactive) and MAX Portfolio and the investment earnings on the New York Choice Fixed Income Investment Program are paid to Participants net of the fees discussed in the preceding paragraphs. All funds received by NYLAF from a Participant with respect to a particular Portfolio, together with all assets in which such funds are invested or reinvested, all income, earnings, profits and proceeds thereof, including any proceeds derived from the sale, exchange or liquidation of such assets, and (except to the extent otherwise determined by the Governing Board) any funds or payments derived from any reinvestment of such proceeds in whatever form the same

may be, irrevocably belong to that Portfolio for all purposes, subject only to the rights of creditors, and will be so recorded upon the books of account of NYLAF. If there are any assets, income, earnings, profits, and proceeds thereof, funds, or payments that are not readily identifiable as belonging to any particular Portfolio, NYLAF will allocate them among any one or more of the Portfolios (or to a reserve) established and designated from time to time in such manner and on such basis as the Governing Board, in its sole discretion, deems fair and equitable. Each such allocation by the Governing Board will be conclusive and binding upon the Participants for all purposes.

The Portfolio Assets of each Portfolio are charged with the liabilities of NYLAF in respect of that Portfolio and all expenses, costs, charges and reserves attributable to that Portfolio in such manner and on such basis as the Governing Board in its sole discretion deems fair and equitable. Any general liabilities, expenses, costs, charges or reserves of NYLAF that are not readily identifiable as attributable to any particular Portfolio are allocated and charged by NYLAF to and among any one or more of the Portfolios established and designated from time to time in such manner and on such basis as the Governing Board in its sole discretion deems fair and equitable. Each allocation of liabilities, expenses, costs, and charges by the Governing Board is conclusive and binding upon the Participants of all Portfolios for all purposes. The Governing Board has full discretion to determine which asset items will be treated as income and which as funds placed in the Portfolios by Participants and each such determination and allocation will be conclusive and binding upon the Participants of all Portfolios.

INCOME ALLOCATIONS

The Portfolios

The net income of each Portfolio is determined as of the close of each day on which the Federal Reserve Bank of New York is open ("Business Day") (and at such other times as the Governing Board may determine) and is credited immediately thereafter pro rata to each Participant's account. Net income that has thus accrued to the Participants is added as of the close of business of each calendar month to each Participant's Portfolio account. Such net income is converted into units of the Portfolio at the rate of one unit for each one dollar credited. Although daily income accruals are not automatically transmitted in cash, Participants may obtain cash by withdrawing funds at their net asset value without charge.

Net income for each income period consists of (i) all accrued interest income on the Portfolio's assets, (ii) plus or minus all realized gains or losses on the Portfolio's assets and any amortized purchase discount or premium and (iii) less the Portfolio's accrued and paid expenses (including accrued expenses and fees payable to PMA Asset Management, LLC and Administrator) applicable to that income period.

Since net income of each Portfolio (including realized gains and losses on the assets, if any) is allocated among the Participants each time net income is determined, the net asset value per unit applicable to each Portfolio remains at $1.00 for each unit. The Governing Board expects the Portfolios to have net income each day. If for any reason there is a net loss on any day, the Governing Board will reduce the value of the net assets of the impacted Portfolio by having each Participant contribute to the Portfolio its pro rata portion of the total funds required to be cancelled in order to maintain the net asset value of the Portfolio at a constant value of $1.00 for each unit. Each Participant will be deemed to have agreed to such a contribution in these circumstances by its adoption of the Agreement and its investment of funds.

COMPUTATION OF YIELD

Liquid Portfolio (currently inactive) and MAX Portfolio

The "seven-day average yield" of the Liquid Portfolio (currently inactive) and MAX Portfolio may, from time to time, be quoted in reports, literature and information published by NYLAF. Seven-day average yield is computed in connection with an identified seven-day period with respect to a hypothetical Participant account having a balance of exactly $1.00 at the beginning of such seven-day period. The unannualized seven-day period return is the change during such period in the value of the hypothetical account divided by $1.00. For this purpose, the change in value of the hypothetical account is accrued investment income, including investment income accrued or income earned during the period and including realized capital gains and losses but excluding unrealized appreciation and depreciation, plus or minus any amortized purchase discount or premium, less all paid and accrued expenses. The seven-day average yield is calculated by multiplying the unannualized seven-day period return by 365 divided by 7. NYLAF may also prepare an effective annual yield computed by compounding the unannualized seven-day period return as follows: by adding 1 to the unannualized seven-day period return, raising the sum to a power equal to 365 divided by 7, and subtracting 1 from the result. NYLAF may also quote the Liquid Portfolio (currently

inactive) and MAX Portfolio yield from time to time on other bases for the information of its Participants.

The yields quoted from time to time should not be considered a representation of the yield of the Liquid Portfolio (currently inactive) and the MAX Portfolio in the future since the yield is not fixed. Actual yields will depend not only on the type, quality and maturities of the investments held in the Liquid Portfolio (currently inactive) and MAX Portfolio, but also on changes in NYLAF's expenses during the period. *Performance data quoted represents past performance, which is no guarantee of future results.* In addition, any waivers of expenses, as set forth herein, may positively impact the performance of the Portfolios.

Yield information may be useful in reviewing the performance of the Liquid Portfolio (currently inactive) and MAX Portfolio and for providing a basis for comparison with other investment alternatives. However, the Liquid Portfolio (currently inactive) and MAX Portfolio yields fluctuate, unlike certain other investments which may pay a fixed yield for a stated period of time.

New York Choice Fixed Income Investment Program Information regarding the yield of securities and CDs purchased through the New York Choice Fixed Income Investment Program may be obtained by contacting PMA Financial Network, LLC or PMA Securities, LLC.

DETERMINATION OF NET ASSET VALUE

Liquid Portfolio (currently inactive) and MAX Portfolio

The net asset value of each unit in the Liquid Portfolio (currently inactive) and MAX Portfolio for the purpose of calculating the price at which units are issued and redeemed is determined by the Administrator as of the close of business of each Business Day. Such determination is made by subtracting from the value of the assets of such Portfolio the amount of the applicable liabilities and dividing the remainder by the number of outstanding units of the Portfolio. Net asset value is calculated by Portfolio.

In making these computations, the Administrator values each Portfolio's investments by using the amortized cost method. The amortized method of valuation involves valuing an investment at its cost at the time of purchase and thereafter assuming a

constant amortization to maturity of any discount or premium, regardless of the impact of fluctuating interest rates on the market value of the instrument. While this method provides certainty in valuation, it may result in periods during which value, as determined by amortized cost, is higher or lower than the price NYLAF would receive if it sold the instrument. During such periods the yield to Participants may differ somewhat from that which would be obtained if NYLAF used the market value method for all its Portfolio investments. For example, if the use of amortized cost resulted in a lower (higher) aggregate portfolio value on a particular day, a prospective Participant of the Liquid Portfolio (currently inactive) would be able to obtain a somewhat higher (lower) yield than would result if NYLAF used the market value method and existing Participants would receive less (more) investment income. The purpose of this method of calculation is to attempt to maintain a constant net asset value of $1.00 for each unit for the Liquid Portfolio (currently inactive) and MAX Portfolio.

The Governing Board has adopted certain procedures with respect to NYLAF's use of the amortized cost method to value its Portfolio. These procedures are intended to stabilize the net asset value as computed for the purpose of investment and redemption at $1.00 for each unit, taking into account market conditions and NYLAF's investment objective. The procedures include a weekly valuation of the relationship between the net asset value based upon the amortized cost value of the portfolio investments and the net asset value based upon available indications of market value with respect to such portfolio investments. PMA Asset Management, LLC, at the direction of the Governing Board, has established procedures to (i) monitor differences between the amortized cost value and the market price value and (ii) recommend what steps, if any, should be taken in the event of a difference of more than 0.2% between such values. Industry "mark to the market" standards are established at 0.5% difference in amortized cost value and market price value. If there is a difference of more than 0.2% between the amortized cost value and the market value, it is anticipated that the Governing Board will take such steps as it considers appropriate (such as shortening the average portfolio maturity or realizing gains or losses) to minimize any material dilution or other unfair results which might arise from differences between the amortized cost value and the market value. The periodic determination of net asset value does not apply to securities in the New York Choice Fixed Income Investment Program.

Letter of Credit; Sensitivity Testing

The Fund, at least monthly, stress tests each of the Portfolios for sensitivity to changes

in interest rates, and provides a stress test of each of the Portfolios to the Governing Board on a quarterly basis. The stress test employs a testing methodology which is reasonably designed to reliably quantify the effect of a change in interest rates on the market prices obtained from a nationally recognized security pricing service or from a minimum of three primary reporting dealers in government securities as determined by the Federal Reserve Bank ("Market Value") of each of the Portfolios. Sensitivity testing is based on Bloomberg analytics, using the Portfolios' current yields and average maturities as of the end of the preceding month, and tests the Portfolios' sensitivity to for different scenarios including rate movements, spread shocks and withdrawls. In addition, PMA Asset Management, LLC may undertake additional sensitivity testing in situations where it appears a rate change may be imminent or other causes of market volatility have occurred.

In order to limit the exposure of the Portfolios to changes in interest rates, the Governing Board may secure an irrevocable letter of credit issued in favor of every Participant in the Agreement from a bank or depository institution whose commercial paper and other unsecured short-term debt obligations (or, in the case of a bank which is the principal subsidiary of a holding company, whose holding company's commercial paper and other unsecured short-term debt obligations) are rated in one of the three highest rating categories (based on the credit of such bank or holding company) by at least one nationally recognized statistical rating organization or by a bank that is in compliance with applicable federal minimum risk-based capital requirements ("Letter of Credit").

The Letter of Credit would be in an amount estimated by the Governing Board in consultation with PMA Asset Management, LLC to be sufficient from time to time to cover potential losses in any Portfolio which may result from the difference in the amortized cost value and the Market Value of any Portfolio exceeding 0.2%. Unless otherwise provided, the Chief Investment Officer or the Governing Board would draw on the Letter of Credit in such amounts and at such times to cover any potential losses in any Portfolio quantified pursuant to the monthly sensitivity testing described in this section.

The Governing Board reviews the variance in the amortized cost value and the market value, the WAM reports, and the Sensitivity Testing to determine if a Letter of Credit is required to be procured. The Governing Board has determined that no such Letter of Credit is presently required because the Portfolios are managed to maintain a stable value of $1.00 per unit and are invested in short-term securities with relatively

stable values.

The Letter of Credit would be made payable to the Lead Agent for the benefit of the Governing Board and the Participants. Repayment of drawings on the Letter of Credit to the Letter of Credit provider would be made from Portfolio Assets to the extent the net asset value of Portfolio Assets exceeds $1.00 per unit, if and when available, pursuant to an agreement with the Letter of Credit provider. The cost of the Letter of Credit would be an expense chargeable as an annual fee as set forth in the Agreement. The procedures pertaining to the Letter of Credit and the requirement of interest rate sensitivity testing do not apply to securities in the New York Choice Fixed Income Investment Program.

PORTFOLIO TRANSACTIONS

The Chief Investment Officer, acting on the advice and counsel of PMA Asset Management, LLC, is responsible for the investment decisions and authorizing orders for Portfolio transactions. Portfolio transactions occur primarily with major dealers in money market and government instruments acting as principals. Such transactions are normally done on a net basis, which do not involve payment of brokerage commissions but instead normally include mark-ups. Transactions with dealers normally reflect the spread between bid and asked prices.

NYLAF will not purchase securities for the Portfolios from PMA Asset Management, PMA Securities, U.S. Bank, or any affiliates thereof, unless the Governing Board specifically approves such purchase.

The Chief Investment Officer authorizes orders for all purchases and sales of Portfolio securities. Although the Governing Board does not ordinarily seek, but may nonetheless make, profits through short-term trading, the Chief Investment Officer may, on behalf of the Participants, dispose of any investment in Portfolios prior to its maturity if it believes such disposition is advisable. However, since brokerage commissions are not normally paid on the types of investments which the Governing Board may make for the Portfolios, any turnover resulting from such investments should not adversely affect the net asset value or net income of the Liquid Portfolio (currently inactive) or MAX Portfolio.

Portfolio investments in the Portfolios will not be purchased from or sold to the Investment Consultant, the Custodian or any affiliate of PMA Asset Management or

the Custodian. However, the Governing Board may permit the Investment Consultant, the Administrator or the Custodian or one of their respective affiliates to purchase a Portfolio security with a market value at the time of the sale that is less than the Governing Board's amortized cost therefor for a purchase price that is no lower than the Governing Board's amortized cost therefor.

Participant investments through the New York Choice Fixed Income Investment Program are separate and distinct from transactions made in the Portfolios. Although the Chief Investment Officer approves the scope of Permitted Investments, neither the Governing Board nor the Lead Agent is involved in marketing or administering the New York Choice Fixed Income Investment Program.

TAXES

NYLAF is of the view that the Portfolios are not subject to federal or New York State income tax upon the income realized or distributed to the Participants. Participants are urged to consult with their tax advisors as to the treatment of such realized or distributed income under federal or New York State law.

REPORTS TO PARTICIPANTS

Each Participant and the New York State Comptroller will receive immediate written or electronic (e-mail) notice of (i) any event or circumstances that, in the judgment of the Chief Investment Officer, may require the deferral of distributions or may cause investment losses not anticipated or provided against pursuant to the terms of the Agreement or the Investment Guidelines and (ii) any other material adverse event relating to activities or operations of any person with respect to the Agreement or any applicable third party agreement, in the judgment of the Governing Board.

Each Participant may, upon request, obtain electronically quarterly statements of financial information regarding the performance of the Portfolios in which it is invested. In addition, annual reports for the Portfolios are provided electronically which include audited financial statements of each Portfolio of indefinite duration. At present, this includes the Liquid Portfolio (currently inactive) and the MAX Portfolio. In addition, a Participant may view its daily activity electronically; confirmation of purchases and redemptions is available online within 24 hours after the transaction occurs.

Monthly statements are available to each Participant. The statement includes any investments in the Liquid Portfolio (currently inactive), the MAX Portfolio and the New York Choice Fixed Income Investment Program. In the case of the New York Choice Fixed Income Investment Program, each Participant participating in the New York Choice Fixed Income Investment Program may confirm its investment electronically within 24 hours after the investment is made. In addition, a Participant's participation in the New York Choice Fixed Income Investment Program is shown on the monthly statements provided to the Participant by the Administrator.

NYLAF's fiscal year ends on September 30 of each calendar year. The most recent annual report of NYLAF (including audited financial statements for the most recent fiscal year of any Portfolio of indefinite duration), when available, for its most recent fiscal year and NYLAF's most recent unaudited quarterly report are available to any Municipal Corporation considering participation in NYLAF. Potential Participants are advised to request and review such reports.

NYLAF answers inquiries at any time during business hours from a Participant concerning the status of its account (value of net assets owned, etc.) and the current yield available through NYLAF's investment program. Such inquiries can be made via mail at NYLAF Administration, 2135 CityGate Lane, 7th Floor, Naperville, IL 60563 fax (1-866-548-8633), or by calling toll-free (1-866-99-NYLAF, option 1).

PURCHASE AND REDEMPTION OF UNITS

Purchase of Units

Eligible Municipal Corporations may become Participants and purchase units by calling the Administrator at 1-866-99-NYLAF, option 1, or contacting:

PMA Financial Network, LLC
2135 CityGate Lane, 7th Floor
Naperville, Illinois 60563

Eligible Municipal Corporations will be provided with a new account application form. The governing body of an eligible Municipal Corporation must adopt a resolution authorizing participation in NYLAF. Upon approval of the new account application, an account number will be provided within 24 hours.

Units of NYLAF may also be purchased via the Internet using PMA GPS® at www.NYLAF.org.

Units of NYLAF may be purchased on any Business Day through the Fund.

All purchases of units are effected at the net asset value per unit next determined after a properly executed order is received by the Fund prior to 11:30 a.m. Eastern Standard Time. Orders received after the close of business will be executed on the following Business Day. Net asset value is normally computed as of 4:00 p.m., Eastern Standard Time. However, on days for which SIFMA recommends an early closing of the U.S. Government securities markets, net asset value is computed as of the earlier closing time.

Participants are entitled to receive allocations of income beginning on the day of purchase. For this reason, NYLAF must have collected funds available to it in the amount of a Participant's investment on the day the purchase order is accepted. A purchase order is accepted, following notification to the Administrator, immediately upon receipt of a federal funds wire, or when collected funds in the amount of the purchase become available in NYLAF's concentration account. For purchases by check, availability is determined in accordance with the funds availability policy then in effect with respect to NYLAF's concentration account at U.S. Bank. Checks drawn on a U.S. Bank controlled disbursement account will be available on the Business Day following deposit.

To permit PMA Asset Management to manage the Portfolio most effectively, Participants should place purchase orders as early in the day as possible, but not later than 11:30 a.m. Eastern Standard Time, by calling 1-866-99-NYLAF, option 1.

Purchase by Federal Funds Wire

Units may be purchased by wiring federal funds to the Fund's concentration account at U.S. Bank. NYLAF does not impose any transaction charges to accept a wire. However, charges may be imposed by the bank that transmits the wire. Wire instructions will be provided in the participant materials provided by the Administrator or can be obtained by calling 1-866-99-NYLAF, option 1.

Purchase by ACH

Units may be purchased by initiating a next-day Automated Clearing House ("ACH") transaction through the NYLAF Deposit Concentration System. Purchases initiated through the Deposit Concentration System will be made on the Business Day following initiation. ACH purchases may also be made through the direct deposit of State aid payments into the NYLAF concentration account. ACH transfer instructions will be provided in the participant materials provided by the Administrator or can be obtained by calling 1-866-99-NYLAF, option 1.

Purchase by Check

Units may also be purchased by depositing a check through a check scanner (enhanced service). Units will be issued when funds become available in NYLAF's concentration account. Normally, this occurs on the Business Day following receipt of a check by U.S. Bank, but may take longer depending on the availability policy then in effect with respect to NYLAF's concentration account at U.S. Bank.

Participant Accounts

NYLAF does not issue certificates representing units or interests in the Portfolios. Instead, an account is maintained for each Participant by NYLAF's Administrator. A Participant's account will reflect the full and fractional units of NYLAF that the Participant owns. Participant balances and transactional information will be made available to the Participants via daily confirmation and monthly statements.

Redemption of Units—General Information

Participants may redeem all or a portion of their units of NYLAF on any Business Day without any charge. Units are redeemed at their net asset value per unit next computed after the receipt of a redemption request in proper form. Redemption requests received prior to 11:30 a.m. Eastern Standard Time is affected at the net asset value computed at 4:00 p.m., Eastern Standard Time, that day. Redemption requests received after 11:30 a.m. Eastern Standard Time will be computed based on the next Business Day's net asset value. However, on days for which SIFMA recommends an early closing of the U.S. Government securities markets, net asset value is computed as of the earlier closing time. Units are not entitled to receive dividends declared on the day of redemption. If units have recently been purchased by check (including certified or cashier's check), the payment of redemption proceeds will be delayed

until the purchase check has cleared, which may take up to 15 days.

Telephone Redemption Procedures

Participants may redeem units by calling 1-866-99-NYLAF, option 1. Participants will be asked to provide the account name and number, and the amount of the redemption. Proceeds of the redemption will be paid by federal funds wire, internal book transfer or ACH transaction only to those bank accounts previously designated by the Participant. Normally, redemption proceeds will be available by 11:30 a.m. Eastern Standard Time or before the closing of the U.S. Government securities markets on days when SIFMA recommends an early closing of those markets.

A telephone redemption request may be made only if the telephone redemption procedure has been selected on the account application or if written instructions authorizing telephone redemption are on file. Reasonable procedures are used to confirm that telephone redemption requests are genuine, such as recording telephone calls, providing written confirmation of transactions, or requiring a form of personal identification or other information prior to affecting telephone redemption. If these procedures are used, NYLAF and its agents will not be liable to Participants for any loss due to fraudulent or unauthorized telephone instructions. During periods of severe market or economic conditions, it may be difficult to contact NYLAF by telephone. In that event, Participants should follow the procedures described below for written redemption requests and send the request by overnight delivery service.

Written Redemption Requests

Participants may redeem units by sending a written redemption request. The request must include the complete account name, number and address and the amount of the redemption and must be signed by an authorized signatory of the account pursuant to the account application. NYLAF reserves the right to request additional information from, and to make reasonable inquiries of, any eligible guarantor institution. Proceeds of a redemption will be paid by federal funds wire, internal book transfer or ACH, as selected by the Participant.

Written redemption requests should be sent to:

PMA Financial Network, LLC
2135 CityGate Lane, 7th Floor
Naperville, Illinois 60563

Units of NYLAF may also be redeemed via facsimile at 1-866-548-8633, or via the Internet using PMA GPS® at www.NYLAF.com.

Check or ACH Redemption Privilege

Participants may make arrangements to utilize the cash management and check writing services provided by U.S. Bank that allow Participants to redeem units by check or ACH. Checks may be written in any dollar amount not exceeding the balance of the Participant's account and may be made payable to any person. The honoring of checks or ACH transfers will be governed by normal Uniform Commercial Code practices. Redemption checks will not be honored if there is an insufficient share balance to pay the check or ACH or if the check or ACH requires the redemption of units recently purchased by a check or ACH that has not cleared. Check writing and ACH transfer privileges may be modified or terminated at any time. For additional information on redeeming units, Participants should call the Administrator at 1-866-99-NYLAF, option 1.

Transfers between the Liquid Portfolio (currently inactive) and MAX Portfolio

Participants may request a transfer from or to the Liquid Portfolio (currently inactive) and the MAX Portfolio by calling 1-866-99-NYLAF, option 1, or via the Internet using PMA GPS® at www.NYLAF.org.

A New York Choice Fixed Income Investment Program account can be opened any time after the opening of a Portfolio account. Participants who already have a Portfolio account and wish to add a New York Choice Fixed Income Investment Program account can do so by calling a Fixed Income Representative at 1-866-99-NYLAF, option 2, or contacting:

PMA Financial Network, LLC
2135 CityGate Lane, 7th Floor
Naperville, Illinois 60563

Upon receipt and approval of the necessary account paperwork, a Fixed Income Representative will contact the Participant. While the Governing Board oversees PMA Financial Network, LLC and PMA Securities, LLC, neither the Governing Board nor the Lead Agent is involved with the recommendation, management,

supervision, marketing or administration of the New York Choice Fixed Income Investment Program.

MUNICIPAL COOPERATION AGREEMENT

Each potential Participant is given a copy of the Agreement before it becomes a Participant. Certain portions of the Agreement are summarized in this Information Statement. These summaries are qualified in their entirety by reference to the text of the Agreement.

Participant Contributions

The Agreement authorizes an unlimited contribution of funds that may be invested to represent the proportionate allocation of investments of moneys among Participants. The moneys invested do not entitle the Participant to whom the investments relate to preference, preemptive, appraisal, conversion or exchange rights, and are used solely to facilitate administration of the Portfolios of a particular Series.

The Chief Investment Officer may from time to time establish, maintain and liquidate a group or category of Permitted Investments pursuant to the Agreement. The Lead Agent has authorized the division of invested moneys into the Portfolios and may in the future authorize the establishment of additional Series, with each Series relating to a separate portfolio of investments and additional investment and service programs. In addition, the Governing Board has authorized the creation of the New York Choice Fixed Income Investment Program to service the fixed income investment needs of the Participants.

No moneys invested may be transferred to any transferee other than the Lead Agent at the time of redemption. Furthermore, moneys invested may not be pledged, hypothecated or otherwise encumbered by a Participant.

Participant Liability

The Agreement provides that no Participant can be called upon to share or assume any Portfolio Liability other than its investment in a Portfolio of a Series, including losses in connection with the Portfolio Assets, or suffer an assessment or offset of any kind

by virtue of its being a Participant in any of the Portfolios. The Governing Board intends to conduct the operations of NYLAF, with advice of counsel, in such a way as to avoid ultimate liability of the Participants for liabilities of NYLAF.

Suspension of Payments

The Chief Investment Officer may, without prior notice, temporarily suspend the Participants' right to request payments out of the Portfolio Assets of a particular Portfolio or postpone the time or date of payment for requests already made for the whole or any part of any period (i) during which trading in securities generally on the New York Stock Exchange, the American Stock Exchange or the over-the-counter market has been suspended or minimum prices or maximum daily changes have been reached on such exchanges or market, (ii) a general banking moratorium has been declared by federal or New York state authorities, or (iii) an outbreak or material escalation of hostilities, or other calamity or crisis, has occurred the effect of which on the financial markets is such as to make it impracticable (a) to dispose of any Portfolio Assets because of the substantial losses that might be incurred in such disposition, or (b) to determine the Portfolio Value of a particular Portfolio in accordance with the Valuation Procedures, taking into account the use of the Letter of Credit, if any. Such a suspension or postponement will not itself directly alter a Participant Balance in a particular Portfolio.

Responsibility of Lead Agent, Chief Investment Officer and Governing Board

The Lead Agent, the Chief Investment Officer and the Governing Board will not be liable for loss with respect to investments in Permitted Investments made within the terms of the Agreement, even if such investments were of a character, or in an amount, not considered proper for the investment of funds by one or more of the Participants.

Indemnification

Subject to certain conditions and limitations, the Administrator will indemnify the Governing Board, the Lead Agent and the Chief Investment Officer pursuant to its Administrative Service Agreement against all direct costs, expenses, damages and liabilities arising from and attributable to the gross negligence, bad faith or willful misconduct of the Administrator in its performance or failure to perform its specific duties under such Administrative Service Agreement. In no event will the Administrator be liable for special, indirect or consequential damages.

Termination of the Agreement

The Agreement may be terminated by the affirmative vote of a majority of the Participants entitled to vote at any meeting of Participants or by an instrument in writing, without a meeting, signed by a majority of the Governing Board and consented to by a majority of the Participants entitled to vote. Upon the termination of the Agreement and after paying or adequately providing for the payment of all of its liabilities, and upon receipt of such releases, indemnities and refunding agreements as it deems necessary for its protection, the Lead Agent may distribute the remaining Portfolio Assets held under the Agreement, in cash or in kind or partly in cash and partly in kind, among the Participants according to their respective proportionate beneficial interests.

Amendment of the Agreement

The Agreement may be amended by the affirmative vote of a majority of the Participants entitled to vote or by an instrument in writing, without a meeting, signed by a majority of the Governing Board and consented to by not less than a majority of Participants entitled to vote.

However, the Agreement may also be amended by a majority of the Governing Board to replace the Lead Agent, the Administrator or the Custodian/Banking Services Provider, or to make related changes to the Agreement which the Governing Board expects to be in the best interest of the Participants. Notice of any amendment must be given to the Participants within 5 Business Days and shall not take effect until at least 30 days after each Participant has been notified of the terms of the amendment.

Trade Name

The names “New York Liquid Asset Fund” or its acronym “NYLAF” are trade names designated and owned by the Participants under the Agreement.

LEGAL COUNSEL AND INDEPENDENT ACCOUNTANTS

Harris Beach, PLLC of New York, New York serves as legal counsel to the Governing Board under the Agreement. An opinion of legal counsel regarding the Agreement is available from the Administrator. Harris Beach PLLC has not passed upon the completeness, accuracy, veracity or adequacy of any of the statements or information contained in this Information Statement.

Eide Bailly LLP serves as NYLAF's independent accountants.

NYLAF SERVICE PROVIDERS

ADMINISTRATOR
PMA Financial Network, LLC
2135 CityGate Lane, 7th Floor
Naperville, Illinois 60563

INVESTMENT CONSULTANT
PMA Asset Management, LLC2135 CityGate Lane, 7th Floor
Naperville, Illinois 60563

MARKETING AGENT
PMA Securities, LLC
300 Westage Business Center Drive, Suite 405
Fishkill, NY 12524

FIXED INCOME INVESTMENT PROGRAM PROVIDERS
PMA Financial Network, LLC/PMA Securities, LLC
300 Westage Business Center Drive, Suite 405
Fishkill, NY 12524

CUSTODIAN/BANKING SERVICES PROVIDER
U.S. Bank, N.A.
800 Nicollet Mall
Minneapolis, MN 55402

INDEPENDENT AUDITORS
Eide Bailly LLP
24 2nd Ave. S.W.
Aberdeen, SD 57401

LEGAL COUNSEL
Harris Beach PLLC
100 Wall Street
New York, NY 10005

CITY COUNCIL AGENDA

DEPT.: City Manager | DATE: January 18, 2023

CONTACT: Greg Usry, City Manager

AGENDA ITEM:
Resolution authorizing $300,000 of bond proceeds to be used to begin site preparation for the Salt Shed.

FOR THE MEETING OF:
January 18, 2023

RECOMMENDATION: That the Council authorize the use of monies for Salt Shed site preparation.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: See attached memo and resolution.

CITY OF RYE
Department of Public Works

Interoffice Memorandum

To: Greg Usry, City Manager

From: Ryan Coyne, City Engineer RXC

Date: January 13, 2023

Subject: Request for funding to begin earthwork as part of the new salt shed project

The first step of the construction of the salt shed is to remove stockpiled material from the area surrounding the proposed salt shed at Disbrow Park. Much of the stockpiled material in the area will be used a fill as part of the project; however, some will need to be removed and disposed of.

Please accept this request to allocate $300,000 to begin that process. It would be our intention that any unused funds would roll into future phases of the project.

This estimate is based on the volume of material that needs to be removed at this time as well as the cost of the rental of machinery needed to move it. All work will be done by DPW staff at a fraction of the price of a general contractor. It is our hope that we can begin this work now to take advantage of the mild winter we are experiencing so far this year.

RESOLUTION

Resolution authorizing three-hundred thousand dollars ($300,000) of bond proceeds to begin site preparation for the Salt Shed

WHEREAS, the City's Capital Improvement Plan includes the replacement of the salt shed at Disbrow Park for use by the City of Rye Department of Public Works; and

WHEREAS, the improvements include demolishing and removing the existing salt shed and building a new salt shed; and

WHEREAS, the design was approved by the City Council following an advisory opinion from the Planning Commission; and

WHEREAS, the City Council determined that the proposed action is considered an Unlisted Action under the the State Environmental Quality Review Act; and

WHEREAS, the City Council adopted a Negative SEQR Declaration and LWRP Coastal Consistency; and

WHEREAS, the City issued a bond resolution for four million, two-hundred thousand dollars ($4,200,000) on March 2, 2022 to be used for Capital Projects,

NOW, THEREFORE, BE IT RESOLVED, that the City Council authorizes $300,000 of the March 2022 bond proceeds to begin site preparation for the Salt Shed

CITY COUNCIL AGENDA

DEPT.: City Manager DATE: January 18, 2023

CONTACT: Greg Usry, City Manager

AGENDA ITEM:
Presentation and public comment on Forest Avenue Sidewalk Project.

FOR THE MEETING OF:
January 18, 2023

RECOMMENDATION:

IMPACT: ☐ Environmental ☐ Fiscal ☒ Neighborhood ☒ Other:

BACKGROUND:

In October 2022, the City's engineering consultant, Creighton Manning, completed draft plans for new sidewalks and other pedestrian improvements on Forest Avenue and Manursing Avenues between Apawamis and Davis Avenues. On November 16, 2022, City staff and its consultants conducted a meeting with neighbors immediately adjacent to or on the opposite side of the proposed sidewalk to review and discuss the draft plan. Approximately 20 residents attended the November meeting at the Damiano Center and raised a number of questions, comments and concerns. The purpose of the January 18, 2023, meeting is for the City Council to have the consultant present the draft plans and to continue to hear public comments. Those unable to attend the City Council meeting can email comments to forestsidewalks@ryeny.gov.

Planning for this project began in 2015 and culminated in a 2016 Study of preferred pedestrian improvement alternatives based on public comments and resident surveys. In 2019, the City Council accepted a $1.488 M grant from the New York State Department of Transportation (NYSDOT) to fund a portion of the project. Prior to submitting to the NYSDOT for their review of the draft plans the City Council will need to complete the environmental (SEQR) and coastal consistency (LWRP) review.

You can view the latest draft plans and other relevant information online at www.ryeny.gov by clicking on the "Services" tab at the top of the page, then clicking on "City Projects" and scrolling down to "Forest Avenue Sidewalk" or click here.

CITY COUNCIL AGENDA

DEPT.: City Manager DATE: January 18, 2023

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Consideration to set a public hearing for February 1, 2023 to adopt a local law amending Chapter 191, Article II "Traffic Regulations" of the Code of the City of Rye, by amending § 191-12 "Stop intersections." to add three new stop signs at Forest Avenue at Van Wagenen Avenue, Highland Road westbound at Club Road and Van Rensselaer Road at Kirby Lane.

FOR THE MEETING OF:
January 18, 2023

RECOMMENDATION: That the Council set the public hearing.

IMPACT: ☐ Environmental ☐ Fiscal ☒ Neighborhood ☒ Other:

BACKGROUND: See attached memo and draft law.

CITY OF RYE
MEMORANDUM

TO: Mayor Cohn and City Council

ALSO TO: G. Usry, C. Miller, R. Coyne, Commissioner Kopy

FROM: Traffic and Pedestrian Safety Committee

SUBJECT: Intersection of Forest Avenue, Van Wagenen Avenue, Parsonage Point and Fords Lane

DATE: January 12, 2023

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Introduction

Some City Residents have separately approached the Traffic and Pedestrian Safety (TPS) Committee requesting that a Stop sign be installed at the southern end of Forest Avenue at the intersection of Forest Avenue, Van Wagenen Avenue, Parsonage Point and Fords Lane, modifying the intersection from the existing three-way Stop to an All-Way Stop. One of the residents lives adjacent to the intersection and provided pictures of a recent crash where a young driver traveling southbound on Forest Avenue drove through the intersection and went through the bushes into his yard.

Current Conditions

Forest Avenue serves as the southbound approach and ends at the intersection. Van Wagenen Avenue forms the eastbound approach. Parsonage Point forms the northbound approach while Fords Lane forms the westbound approach. The overwhelming majority of traffic at the intersection turns from Forest Avenue to Van Wagenen Avenue or the reverse movement. The other two approaches are private and have limited traffic, but the traffic on those approaches has increased over the years.

There is a Stop Sign facing the eastbound approach of Van Wagenen Avenue. This is accompanied by a “Traffic From Left Does Not Stop” sign. The Stop bar is also pulled back from the intersection due to the wide curb radius for Parsonage Point. There is no Stop Sign facing the southbound approach of Forest Avenue. There are no Stop Signs facing the two private approaches.

Resident Concerns/Requests

The residents that brought this issue to the Committee are requesting the intersection of Forest Avenue, Van Wagenen Avenue, Parsonage Point and Fords Lane be modified from the existing three-way Stop to an All-Way Stop. Their reasons/concerns include:

- Drivers stopped at the Stop bar on Van Wagenen Avenue cannot see the southbound Forest Avenue traffic due to the significant bushes/trees at the southwest corner of the intersection.
- Drivers not familiar with the intersection are sometimes confused with the traffic control/operation of the intersection.
- Some drivers traveling southbound on Forest Avenue and are turning right do not use their blinker to signal, confusing the other drivers stopped at the intersection.

- Drivers exiting the two private approaches are not alerted that the southbound traffic does not stop.
- There are pedestrians and bicyclists at the intersection going to and from the clubs.

TPS Actions

For the request, the TPS Committee drove the roadway at various times and days of the week to observe operating conditions. The Committee also discussed the issue during our standard meetings.

Emergency Services

Emergency vehicles would not be significantly impacted at this intersection.

Crash History

A review of the crash history did not indicate a significant amount of accidents at the intersection. A crash did recently occur there, as mentioned above.

TPS Recommendations

There are various options that were considered for this intersection including:

- Maintain existing conditions/signage at intersection.
- Maintain existing intersection control at intersection but increase signage to further alert drivers.
- Convert the intersection to an All-Way Stop.
- Remove/cut-back the bushes at the northwest corner of the intersection. The TPS does not know whether the vegetation is on private property or is in the public right-of-way. A review of older photos of the intersection illustrate that the bushes have significantly grown/increased over the years.

The TPS is acceptable to the addition of a Stop sign and Stop bar at the southern end of Forest Avenue and recommends it be installed. It is acknowledged that some drivers may not stop at the intersection when making the right turn but they will slow up and roll through the turn. The post on the Stop sign pole should be supplemented with a reflective strip for the length of the pole. A “Stop Ahead” sign should be added along with a yellow “New” sign (which should be in place for a limited amount of time). If the bushes could be cut back some (while still maintaining the screening of the property), it would also be beneficial, possibly allowing drivers on the southbound and eastbound approaches to see each other.

STOP

Forest

Forest Ave
2
Topsail Ln
43
Van Wagenen Ave
2
10
Parsonage Point Rd
2
Fords Ln

CITY OF RYE
MEMORANDUM

TO: Mayor Cohn and City Council

ALSO TO: G. Usry, C. Miller, R. Coyne, Commissioner Kopy

FROM: Traffic and Pedestrian Safety Committee

SUBJECT: Intersection of Highland Road, Club Road and the Apawamis Club Driveway

DATE: January 12, 2023

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Introduction

Some City Residents have approached the Traffic and Pedestrian Safety (TPS) Committee requesting that the intersection of Highland Road, Club Road and the Apawamis Club Exit Driveway be modified from the existing three-way Stop to an All-Way Stop.

Current Conditions

Highland Road turns at the intersection, forming an "L" and provides the westbound and southbound approaches of the intersection. Club Road forms the northbound approach while the Apawamis Club Driveway (which is an exit only) forms the eastbound approach. Highland Road is under City jurisdiction while Club Road and the Club Driveway are private.

There is a Stop Sign facing the southbound approach of Highland Road. This is accompanied by a "Traffic From Left Does Not Stop" sign. However, there is no Stop Sign facing the westbound approach of Highland Road, which is the heaviest approach at the intersection with the drivers predominantly making a right turn. There are small non-standard Stop Signs facing the two private approaches.

Resident Concerns/Requests

The residents that brought this issue to the Committee are requesting that the intersection of Highland Road, Club Road and the Apawamis Club Driveway be modified from the existing three-way Stop to an All-Way Stop. Their reasons/concerns include:

- Drivers not familiar with the intersection are sometimes confused with the traffic control/operation of the intersection.
- Some drivers stopped at the Stop sign on the Highland Road southbound approach mistakenly assume that all traffic traveling westbound on Highland Road will be turning right so they start to leave the Stop sign and enter the intersection.
- Some drivers traveling westbound on Highland Road and are turning right do not use their blinker to signal, confusing the other drivers stopped at the intersection.
- Drivers exiting the two private approaches are not alerted that the westbound traffic does not stop.
- Pedestrians crossing between the northeast corner of the intersection (from the main portion of Indian Village) and the Club have issues crossing since the Highland Road westbound traffic does not always stop for them to cross.

TPS Actions
For the request, the TPS Committee drove the intersection at various times and days of the week to observe operating conditions. The Committee also discussed the issue during our standard meetings. TPS also reviewed the crash history of the intersection.

Emergency Services
Emergency vehicles would not be significantly impacted at this intersection.

Crash History
A review of the crash history did not indicate a significant amount of accidents at the intersection.

TPS Recommendations
There are various options that can be applied to this intersection including:

- Maintain existing conditions/signage at intersection.
- Maintain existing intersection control at intersection but increase signage to further alert drivers.
- Convert the intersection to an All-Way Stop.

There was not complete consensus amongst the Committee Members, however, the Committee is acceptable to the addition of a Stop sign and Stop bar on the western approach of Highland Road to be consistent with standard operating procedures for an intersection, especially for drivers that are not familiar with the area. It is acknowledged that some drivers may not stop at the intersection when making the right turn but may roll through the turn. The post on the Stop sign pole should be supplemented with a reflective strip for the length of the pole. A "Stop Ahead" sign should be added along with a yellow "New" sign (which should be in place for a limited amount of time). Full size Stop signs would be more appropriate for the two private approaches. In addition, official "Do Not Enter" signs should be provided at the Apawamis Club Exit along with a directional arrow pointing towards Club Road as the entrance, as various vehicles were observed entering through the exit.

STOP
Highland Rd

Highland Rd

Highland Rd
99
Seneca St
37
79
Mendota Ave
67
Club Rd
Highland Rd
43
21

CITY OF RYE
MEMORANDUM

TO: Mayor Cohn and City Council

ALSO TO: G. Usry, C. Miller, R. Coyne, Commissioner Kopy

FROM: Traffic and Pedestrian Safety Committee

SUBJECT: Intersection of Kirby Lane, Van Rensselaer Road and Island Drive
DATE: January 12, 2023

==

Introduction
A City Resident has approached the Traffic and Pedestrian Safety (TPS) Committee requesting that a Stop sign be installed at the end of Van Rensselaer Road at the three-way intersection of Van Rensselaer Road, Kirby Lane, and Island Drive.

Current Conditions
Van Rensselaer Road ends at the intersection as the northbound approach of the intersection. Kirby Lane forms the eastbound approach while Island Drive forms the westbound approach. Van Rensselaer Road and Kirby Lane are under City jurisdiction while Island Drive is private.

There is an unofficial Stop Sign facing the northbound approach of Van Rensselaer Road, but it is located at the far end of the intersection. (see photos) This sign was likely put up by someone other than the City and does not meet the Manual on Uniform Traffic Control Devices (MUTCD) standards. It is the wrong size, is not retroreflective, and is in the wrong location.

Resident Concerns/Requests
The resident that brought this issue to the Committee is requesting that a real Stop sign be properly located at the end of Van Rensselaer Road at its intersection with Island Drive and Kirby Lane. The resident's reasons/concerns include:

- Drivers not familiar with the intersection are sometimes confused with the traffic control/operation of the intersection and some do not stop when exiting the Clubs on Van Rensselaer Road thus interfering with traffic (vehicular, bicycle and pedestrian) traveling on Kirby Lane and Island Drive.

TPS Actions
For the request, the TPS Committee drove the intersection at various times and days of the week to observe operating conditions. The Committee also discussed the issue during our standard meetings.

Emergency Services
Emergency vehicles would not be significantly impacted at this intersection by the requested modification.

Crash History
A review of the crash history did not indicate a significant amount of accidents at the intersection.

TPS Recommendations

It is recommended that an official Stop sign meeting MUTCD standards (proper size, retroreflectivity and location) be installed on the Van Rensselaer Road approach at this intersection, along with a Stop bar. The unofficial Stop sign should be removed.

It is also recommended that the vegetation in the southwest corner be trimmed back slightly in the spring/summer to provide better sight distance.

STOP

Kirby Ln
Island Dr
1
98
Van Rensselaer Rd

DRAFT

LOCAL LAW NO. ___________-2023

A Local Law to amend Chapter 191, Article II "Traffic Regulations" of the Code of the City of Rye, by amending § 191-12 "Stop intersections." to add three new stop signs at Forest Avenue at Van Wagenen Avenue, Highland Road westbound at Club Road and Van Rensselaer Road at Kirby Lane.

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

Section 1. **Chapter 191, titled "Vehicles and Traffic," Article II titled Traffic Regulations" is hereby amended in the Rye City Code as follows:**

New material is underlined and in blue.

Article II

Traffic Regulations

§ 191-12 Stop intersections.

Pursuant to § 1603 of the Vehicle and Traffic Law of the State of New York, the City Manager is hereby authorized to designate, subject to the approval of the City Council, full-stop locations. The following locations are designated full-stop locations, and a stop sign shall be installed at the designated location:

Name of Street	Location
Anchor Drive	At Rye Road
Avon driveway	At Peck Avenue
Boulder Road	At Stoneycrest Road
Bradford Avenue	At Florence Avenue
Brevoort Lane	At Captains Lane
Brevoort Lane	At Greenhaven Road
Brevoort Lane	At Rye Road
Brown Avenue	At Apawamis Avenue
Brown Avenue	At Orchard Lane
Captains Lane	At Rye Road
Cedar Place	At Manursing Avenue
Cedar Place	At Sylvan Place
Central Avenue	At Maple Avenue
Central Avenue	At Summit Avenue
Centre Street	At Brown Avenue
Chester Drive	At Harbor Lane

Name of Street	Location
Chestnut Street	At Central Avenue
Claremont Avenue	At Morehead Drive
Clinton Avenue	At Central Avenue
Colby Avenue	At Morehead Drive
Coolidge Avenue	At Glen Oaks Drive
Coolidge Avenue	At Harding Drive
Coolidge Avenue	At Osborn Road
Coolidge Avenue	At Park Avenue
Coolidge Avenue	At Wilson Drive
Cowles Avenue	At Apawamis Avenue
Cowles Avenue	At Intervale Place
Dalphin Drive	At Hix Avenue
Davis Avenue	At Manursing Avenue
Elizabeth Street	At Grandview Avenue
Evergreen Avenue	At Elizabeth Street
Evergreen Avenue	Where the north fork meets the south fork
Fairway Avenue	At Green Avenue
Fairway Avenue	At Hewlett Avenue
First Street	At Purdy Avenue
First Street	At Smith Street
Florence Avenue	At Bradford Avenue
Florence Avenue	At Glen Oaks Drive
Florence Avenue	At Harding Drive
Florence Avenue	At Park Avenue
Forest Avenue	At Van Wagenen Avenue
Fulton Avenue	At Parkway Drive
Glendale Road	At Locust Avenue
Glen Oaks Drive	At Coolidge Avenue
Grandview Avenue	
Grandview Avenue	At Cedar Street
Grapal Street	At Palisade Road
Green Avenue	At Fairway Avenue
Greenhaven Road	At Rye Road
Halls Lane	At Stuyvesant Avenue
Harbor Lane	At Barlow Lane
Harding Drive	At Coolidge Avenue
Hewlett Avenue crosswalk	Opposite the southerly entrance of the driveway which runs along the easterly side of Milton School, when school is in

Name of Street	Location
	session (A portable stop sign shall be maintained at that location.)
Highland Road, westbound	At Club Road
Hillside Road	At Grandview Avenue, 4-way
Lake Road	At Brevoort Lane
Lindbergh Avenue	At Chamberlain Street
Lindbergh Avenue	At Hix Avenue
Loewen Court	At Central Avenue
Lynden Street	At Brown Avenue
Macy Road	At Sunnyside Avenue
Maple Avenue	At Central Avenue
Maple Avenue	At High Street
Maple Avenue	At Locust Avenue
Milton Road	At the driveway exit from 520 Milton Road
Norman Drive	At Rye Road
North Island Drive	At Van Rensselaer Road
Oakland Beach Avenue	At the driveway exit from 520 Milton Road
Old Post Road, at turnoff	From Post Road
Old Post Road, eastbound	At Triangle
Ormond Place	At Halstead Place
Ormond Place	At Overlook Place
Overdale Road	At Greenhaven Road
Playland Access Drive	At Old Post Road
Redfield Street	Old Rye Beach Avenue
Reymont Avenue	At Morehead Drive
Ridge Street	At High Street
Rye Country Day School exiting driveways	
Rye Road	At Captains Lane
Rye Road	At Greenhaven Road
Rye Road	At Norman Drive
Rye Road	At Sound Road
Rye Road, westbound	At Brevoort Lane
Station Plaza	At Peck Avenue
Station Plaza	At Third Street
Stuyvesant Avenue	At Milton Road
Stuyvesant Avenue	At Van Wagenen Avenue
Summit Avenue	At Central Avenue
Summit Avenue	At Locust Avenue

Name of Street	Location
Sylvan Place	At Davis Avenue
Theall Road	At Osborn Road
Theall Road	At Playland Access Drive
Third Street	At Purdy Avenue
Thruway Access Drive	At Old Post Road
Van Rensselaer Road	At Kirby Lane
Van Wagenen Avenue	At Stuyvesant Avenue
Walden Lane	At Brevoort Lane
Walnut Street	At Central Avenue
Wappanocca Avenue	At Natoma Street
Wappanocca Avenue	At Blind Brook Lane
Wilson Drive	At Coolidge Avenue
Woodland Drive	At Rye Road

Section 2. Severability.

The invalidity of any word, section, clause, paragraph, sentence, part, or provision of this Local Law shall not affect the validity of any other part of this Local Law that can be given effect without such invalid part or parts.

Section 3: Effective Date.

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

CITY COUNCIL AGENDA

DEPT.: City Manager DATE: January 18, 2023

CONTACT: Greg Usry, City Manager

AGENDA ITEM:
Consideration to set a public hearing for February 1, 2023 to adopt a local law amending Chapter 191, Article III "Parking Regulations" of the Code of the City of Rye, by amending § 191-19 "No Parking Anytime." to prohibit parking on the north side of Central Avenue between Maple Avenue and Summit Avenue.

FOR THE MEETING OF:
January 18, 2023

RECOMMENDATION: The Council set the public hearing.

IMPACT: ☐ Environmental ☐ Fiscal ☒ Neighborhood ☒ Other:

BACKGROUND: See attached memo from Traffic and Pedestrian Safety Committee as well as draft law.

CITY OF RYE
MEMORANDUM

TO: Mayor Cohn and City Council

ALSO TO: G. Usry, C. Miller, R. Coyne, Commissioner Kopy

FROM: Traffic and Pedestrian Safety Committee

SUBJECT: Central Avenue Parking Between Maple Avenue to Summit Avenue

DATE: January 13, 2022

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Introduction

Some City Residents with properties along Central Avenue and Summit Avenue have approached the Traffic and Pedestrian Safety (TPS) Committee and requested that parking on the portion of Central Avenue between Maple Avenue and Summit Avenue be modified from on-street parking on both sides to on-street parking on only the south side of the street. With this change, this section of Central Avenue would be consistent with the adjacent portion of Central Avenue.

Current Conditions

On the western end Central Avenue between Summit Avenue and Maple Avenue, parking is currently permitted on both sides of the street (see attached aerial photo). However, Central Avenue between Maple Avenue and Clinton Avenue, the next section to the east, is signed (and codified) "No Parking This Side of Street" on the north side. Between Clinton Avenue and Theodore Fremd Avenue, no parking is permitted on either side of the street. There is a notation in the City Code that references Central Avenue that was added on 12-2-1981 and repealed 10-20-1982. No roadway section is referenced but the next section in the order of the Code would be from Maple Avenue to Summit Avenue. However, TPS is unaware of why the regulation was repealed.

In the vicinity of Maple Avenue, both portions of Central Avenue have a similar roadway cross section of approximately 28 feet. However, one major difference between the two sections is that the portion east of Maple Avenue also has sidewalks on both sides of Central Avenue while the portion west of Maple Avenue does not have sidewalks on either side.

The properties along the north side of this section of Central Avenue are single family houses while there are some multi-family houses on the south side so there is more of a desire to park on the south side. There are only two driveways on the north side (there were previously three but one was recently located to Maple Avenue) and three driveways (with one being two-vehicle-wide) on the south side so there is slightly less room to park on-street on the south side.

Resident Concerns/Requests

The residents that brought this issue to the Committee are requesting the elimination of the on-street parking on the north side of the street, the side that abuts their properties. Their concerns regarding the parking on both sides of the street included:

- The impact on emergency vehicles, including fire trucks, to travel along the street.

- Pedestrian safety as some pedestrians walk in the street as there are no sidewalks on this section of Clinton Avenue.
- Limited sight distance backing out of driveways.

The residents presented various pictures of the parking conditions. Some of the pictures are attached. During most of our visits, there were less cars on the roadway than in the pictures.

TPS Actions

The Stop signs were added on Central Avenue at Maple Avenue to make the intersection a four-way Stop on 4-6-1994 while the Stop signs were added at Summit in 1986. Based upon earlier requests a few years ago, TPS and the City had previously made some minor parking modifications in this section of Central Avenue including installing a "No Parking Here to Corner" signs as vehicles were parking right up to the corner and blocking sight distance of the Stop Sign (State Law indicates that a driver cannot park within 30 feet of a Stop sign unless there is signage permitting so).

TPS reduced the accident history for this section of the roadway and there were not a significant number of accidents.

For the current request, the TPS Committee drove the roadway at various times and days of the week to observe parking conditions. The Committee also discussed the issue during our standard meetings. Based upon our observations, there were generally a limited number of vehicles parked on the roadway and it appears that they all can park on the one side or off-street (which occurs during the Winter/Snow Overnight rules). Some of the vehicles parked may not necessarily be for properties on Central Avenue. TPS also asked the Fire Department about their opinion in terms of impacting emergency responses (see discussion below).

Emergency Services

The Fire Department (during new driver training) drove this portion of Central Avenue at different times and reported back that they had no issues driving the road with parking on both sides of the road during their trial runs. Because of the limited traffic on this portion of the roadway, they did not experience the potential case where a vehicle is traveling in the opposite direction that could not pull over and thus possibly interfere with the fire engine traveling along the roadway.

TPS Recommendations

The TPS is acceptable to this modification but recommends that the City Council hold a public hearing on the subject as the Committee has only heard from those in favor of the change. One concern that the Committee originally had was that could all vehicles either park on the one side of the street or in the adjacent driveways without overflowing onto the adjacent streets, just pushing the issue up the block. As there are no cars permitted to park on-street overnight due to winter parking rules, it appears that all cars can be supported. As stated above, the TPS Committee is not aware of the reason why there was a repeal in 1982 of some of the parking regulations on Central Avenue, possibly the section in question.

Summit Ave
299
Central Ave
32
299
Central Ave
Maple Ave
38
231
Maple Ave
99
High St
Central Ave

LOCAL LAW NO. ___________-2023

A Local Law to amend Chapter 191, Article III "Parking Regulations" of the Code of the City of Rye, by amending § 191-19 "No Parking Anytime." to prohibit parking on the north side of Central Avenue between Maple Avenue and Summit Avenue.

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

Section 1. **Chapter 191, titled "Vehicles and Traffic," Article III titled "Parking Regulations" is hereby amended in the Rye City Code as follows:**

New material is underlined and in blue.

Article III

Parking Regulations

§ 191-19 No parking any time.

The parking of vehicles is hereby prohibited in all of the following locations:

Name of Street	Side	Location
Promulgated by City Manager with approval of City Council.		
Apawamis Avenue	North	From Milton Road to Midland Avenue
Apawamis Avenue	South	Extending 40 feet east and west of Cowles Avenue
Blind Brook Lane	South	
Boston Post Road	East	From northeast corner of Parsons Street to Mamaroneck line
Boston Post Road	East	From Rectory Street to Port Chester boundary line
*Boston Post Road	West	From Port Chester line to Mamoroneck line
Boston Post Road	West	From Rectory Street to Port Chester boundary line
*Cedar Street	North	From Purchase Street to Post Road
Central Avenue	Both	From Clinton Avenue to Theodore Fremd Avenue
Central Avenue	North	From Maple Avenue to Clinton Avenue

Name of Street	Side	Location
Central Avenue	North	From Maple Avenue to Summit Avenue
Central Avenue [Added 12-2-1981; repealed 10-20-1982]		
*Chestnut Street	West	From Orchard Avenue to Central Avenue
*Clinton Avenue	West	From High Street to Central Avenue
*Cottage Street	Both	From Midland Avenue to the Port Chester line
Davis Avenue	East	From Manursing Avenue to Sylvan Place
Elizabeth Street	South	
Evergreen Avenue	All	On all three sides of the triangle abutting Grandview Avenue and Evergreen Avenue
*First Street	Both, except within designated parking area	
*First Street	Both	From Purdy Avenue to Station Plaza
*First Street	West	From loading zone from Purdy Avenue to Smith Street
*Forest Avenue	East	From Cornell Place to Playland Parkway
Gramercy Avenue	Both	
Grandview Avenue	East	From High Street to Cedar Street
Grandview Avenue	West	From the northern property boundary of Rye Country Day School property on the west side of Grandview Avenue to Cedar Street
Grapal Street	Both	From Grace Church Street to a point 30 feet southwest of its intersection with Grace Church Street
Hammond Road	Both	
Harbor Terrace Drive	East	To Westbank Road
Harbor Terrace Drive	South	From Westbank Road to Hix Avenue
*Haviland Lane		Parking lot side of main firehouse — "Firemen Only"
Hewlett Avenue	East	From the crosswalk opposite the southerly entrance of the driveway which runs along the easterly side of Milton School for a distance of 50 feet northerly

Name of Street	Side	Location
Hewlett Avenue	East	From Forest Avenue to a point 50 feet north of the southerly crosswalk to Milton School at the exit of their driveway
Hewlett Avenue [Repealed 6-17-1992]		
*Highland Road	South	From Mendota Avenue to Purchase Street
*Highland Road	West	Harrison line to Club Road
*High Street	North	From Summit Avenue to Clinton Avenue
Hillside Road	Both	From Purchase Street to Boston Post Road
*LaSalle Avenue	East	At the terminus for a distance of 50 feet
*LaSalle Avenue	West	At the terminus for a distance of 35 feet
*Locust Avenue	Both	From Purchase Street to the easterly corner of Mead Place
Locust Avenue	Both	From Theodore Fremd Avenue to Harrison boundary line
Locust Avenue	North	From the easterly end of Mead Place to Theodore Fremd Avenue
*Manursing Avenue	North	From Davis Avenue to Midland Avenue
*Manursing Avenue	South	From Davis Avenue east to Forest Avenue
*Maple Avenue	East	From North Street to Locust Avenue
Maple Avenue	West	From North Street to Locust Avenue
*Mead Place	South	
*Mead Place	West	Across from side of YMCA Locust Avenue to curve in road
*Midland Avenue [Added 12-2-1981; repealed 8-16-1995]		
Midland Avenue	East	Ellis Court to Grace Church Street
*Midland Avenue	East	From a point 20 feet north of northerly entrance to Midland School circle from 8:15 a.m. to 8:45 and from 2:30 p.m. to 3:30 p.m. Monday through Friday
Midland Avenue	East	From entrance ramp of New England Thruway to Cottage Street
*Midland Avenue	West	From Cottage Street to Peck Avenue
*Milton Road	East	Palisade Road to Halstead Lane then from Hewlett Avenue to Stuyvesant Avenue
*Milton Road	West	Parsons Street to Brookdale Place

Name of Street	Side	Location
Natoma Street	South	
*North Street	Both	From Old Post Road to Harrison line
*Oakland Beach Avenue	Both	From Post Road to Milton Road
*Orchard Avenue	South	Entire length
Osborn Road	North	Between Theall Road and the Harrison line
Osborn Road	South	Between Boston Post Road and the Harrison line
Osborn Road	North	From Boston Post Road to the entrance driveway to the Osborn School
*Palisade Road	Both	From a point 153 feet east of the intersection with Richard Place to a point 158 feet west of the intersection with Midland Avenue
*Palisade Road	North	From a point 153 feet east of the intersection with Richard Place to a point 158 feet west of the intersection with Midland Avenue
*Palisade Road	South	From a point 153 feet east of the intersection with Richard Place to Midland Avenue
Parsons Street	North	Milton Road to Post Road, except Sundays
Pondview Road	Both	From northerly driveway to Theodore Fremd Avenue
Purdy Avenue	Both	From Purchase Street to First Street
Purdy Avenue	North	From Boston Post Road to east side of post office property
Purdy Avenue	North	From Third Street to a point 50 feet west thereof
Purdy Avenue	South	From School Street to Boston Post Road
*Rectory Street	North	Entire length, except Sundays
*Rye Beach Avenue		
Rye Beach Avenue	South	From Forest Avenue to Old Rye Beach Avenue
School Street	East	
Second Street	Both	
Smith Street	Both	
*Summit Avenue	East	From High Street to Locust Avenue
Theodore Fremd Avenue	Both	From Purchase Street to entrance of Car Park No. 2
*Walnut Street	West	From Orchard Avenue to Central Avenue
West Purdy Avenue	Both	

Section 2. Severability.

The invalidity of any word, section, clause, paragraph, sentence, part, or provision of this Local Law shall not affect the validity of any other part of this Local Law that can be given effect without such invalid part or parts.

Section 3: Effective Date.

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

CITY COUNCIL AGENDA

DEPT.: City Manager DATE: December 7, 2022

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Continue a public hearing to consider an application from Airosmith Development, engaged by AT&T to modify an existing facility located at 66 Milton Rd. that does not substantially change the physical dimensions of the current facility.

FOR THE MEETING OF:
January 18, 2023

RECOMMENDATION: That the Council continue the public hearing.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND:
All wireless telecommunications facilities within the City must comply with Chapter 196 "Wireless Telecommunications Facilities" of the City Code and all other applicable law and regulations. All wireless telecommunications facilities (including modifications), or construction, modification or replacement of support structures in connection with the installation of wireless telecommunications facilities must be permitted by a special use permit, special exception permit or eligible facility permit. Before the Council considers this application, the Council shall refer it to the Board of Architectural Review for and advisory opinion.

See attached and with further application details here: https://ryeny.sharefile.com/

CITY COUNCIL AGENDA

DEPT.: City Manager DATE: January 5, 2023

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Set a public hearing for February 1, 2023 for consideration of an application from AT&T to upgrade an existing public utility wireless communications services facility at 350 Theodore Fremd Ave. and refer the application to the BAR for an advisory opinion.

FOR THE MEETING OF:
January 18, 202

RECOMMENDATION: That the Council set the public hearing and refer the application to the BAR.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND:
All wireless telecommunications facilities within the City must comply with Chapter 196 “Wireless Telecommunications Facilities” of the City Code and all other applicable law and regulations. All wireless telecommunications facilities (including modifications), or construction, modification or replacement of support structures in connection with the installation of wireless telecommunications facilities must be permitted by a special use permit, special exception permit or eligible facility permit. Before the Council considers this application, the Council shall refer it to the Board of Architectural Review for and advisory opinion.

See attached and with further application details here: https://ryeny.sharefile.com/

CITY COUNCIL AGENDA

DEPT.: City Manager | DATE: January 18, 2023

CONTACT: Greg Usry, City Manager

AGENDA ITEM:
Resolution to accept donation of a 4'x 60' Section of dock as well as (4) 3'x 20' finger docks to the Boat Basin from Starboard Properties, valued at $85,000.

FOR THE MEETING OF:
January 18, 2023

RECOMMENDATION: The Council accept the donation of the docks.

IMPACT: ☐ Environmental ☐ Fiscal ☒ Neighborhood ☒ Other:

BACKGROUND: See attached memo from the Superintendent of the Boat Basin as well as Mark Castaldi of Starboard Properties.

Rodrigo Paulino
Boat Basin Supervisor
650 Milton Rd
Rye, New York 10580

CITY OF RYE

Tel: (914) 967-2011
E-mail:Rpaulino@ryeny.gov
http://www.ryeny.gov

Boat Basin

Memorandum

To: Greg Usry, City Manager

From: Rodrigo Paulino, Boat Basin Supervisor

Date: 1/11/2023

Re: Dock Donation

Starboard Properties, LLC C/O Marc Castaldi who is the property owner of 668 Milton Rd would like to donate a 4'x60' Section of dock as well as (4) 3'x20' finger docks to the Boat Basin. Marc mentioned that the docks are only 3-4 years old and have an estimated replacement value of $85,000. The docks include all hardware, two power pedestals, bumpers and synthetic decking.

The Boat Basin can benefit from the donation of these docks in order to replace and improve parts of our aged wooden floating docks. If you have any questions, please feel free to reach out at any time.

STARBOARD PROPERTIES LLC

32 High Street
Rye, New York 10580

January 13, 2023

Re: Dock Donation for the Benefit of the City of Rye Residents

Dear Mr. Mayor and the City Council,

My name is Marc Castaldi, the owner of the property located at 668 Milton Road under the name Starboard Properties, LLC. It is my intention to make a donation for the benefit of the City of Rye Residents the following items:

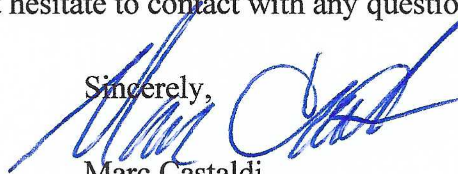
- 4' Wide by 60' Long Motor Boat Dock Sections
- Quantity of Four (4) 3' wide x 20' long finger sections
- Hatteras Dock Stations for water and power supply
- Custom HDPE Dock Bumpers in Black
- All Docks have upgraded long life composite decking with hidden fasteners, upgraded Pressure Treated Framing Lumber and all other needed galvanized hardware

The present Market-Value based on the review of recent dock construction projects of this donation is $85,000.00 say: Eighty-Five Thousand and Zero Dollars.

It is my hope and desire this donation assists and benefits the City of Rye Residents as a whole and in particular the ones who are blessed to use the public marina facilities.

Thank you for your time on this matter. Please do not hesitate to contact with any questions or concerns.

Sincerely,



Marc Castaldi
President / Owner