

CITY OF RYE

NOTICE

There will be a regular meeting of the City Council of the City of Rye on Wednesday, July 13, 2016, at 7:30 p.m. in Council Chambers at City Hall. *The meeting will be preceded by an Audit Committee Meeting beginning at 6:30 p.m. in the Mayor's Conference room. The Council will convene at 7:00 p.m. and it is expected they will adjourn into Executive Session at 7:01 p.m. to discuss attorney client matters.*

AGENDA

1. Pledge of Allegiance.
2. Roll Call.
3. Recognition of the Rye City School District Boys High School Rugby Team.
4. General Announcements.
5. Draft unapproved minutes of the regular meeting of the City Council held June 8, 2016.
6. Issues Update/Old Business.
7. Presentation on City Financials by Brendan K. Kennedy of the auditing firm of BST & Co, LLP.
8. Presentation by the Finance Committee on the Rye City Debt Limitation.
9. Presentation on improvements in the Forest Avenue corridor by the engineering firm Stantec Consulting Services Inc.
10. Continuation of the Public Hearing regarding the request submitted by Crown Castle to amend their agreement with the City and for the installation of additional locations to their existing wireless telecommunications located in the City of Rye.
11. Continuation of the Public Hearing on the proposed revision to the Rye City Charter to rescind Article 12 "Police Department" and Article 13 "Fire Department" and create a new Article 12 "Department of Public Safety" and to create a new position of "Commissioner of Public Safety" which position shall have charge and supervision of the Police and Fire Departments.
12. Public Hearing to amend local law Article 21, "Financial Procedures", Section §C21-9, "Bond Resolutions", of the Charter of the Rye City Code, to eliminate the City's discretionary debt limit.
13. Public Hearing to amend Local Law Chapter §197, "Zoning", of the Rye City Code, Section §197-86, "Tables of Regulations", to allow accessory seasonal outdoor customer seating in the B-1 Neighborhood Business District.

14. Residents may be heard on matters for Council consideration that do not appear on the agenda.
15. Consideration of the proposed new Rules and Regulations of the City of Rye Police Department General Order #105.5 regarding a Missing Persons Policy.
16. Consideration of the proposed new Rules and Regulations of the City of Rye Police Department General Order #116.10 regarding a Pregnancy and Maternity Leave Policy.
17. Consideration of the proposed new Rules and Regulations of the City of Rye Police Department General Order #119.5 regarding an Anonymous Crimes Tip Policy.
18. Resolution to amend the Boat Basin Commission procedures regarding voting procedures and the Commission level of members.
19. Resolution to amend the 2016 Adopted Fees and Charges for the Rye Boat Basin Enterprise Fund.
Roll Call.
20. Authorization for City Manager to enter into an Inter-municipal Agreement with Westchester County for the Stop-DWI Patrol/Datamaster Project for the City of Rye Police Department.
21. Bid Award for the Solid Waste Containers bid (Bid #1-16).
Roll Call.
22. Bid Award for the Nursery Lane Sewer Extension contract (Contract #2016-05).
Roll Call.
23. Bid Award for the Annual Sidewalk Replacement Program contract (Contract #2016-07).
Roll Call.
24. Bid Award for the Annual Street Resurfacing Program contract (Contract #2016-08).
Roll Call.
25. Bid Award for the Purchase Street Streetscape Improvements contract (Contract #2016-09).
Roll Call.
26. Consideration of a request by Christ's Church Nursery School for use of city streets on Saturday, September 24, 2016 from 7:30 a.m. to 3:00 p.m. for their *Touch a Truck/Vehicle Fair* event.
27. Consideration of request for permission to close a section of Purchase Street for the 64th annual celebration of the Halloween Window Painting Contest.
28. Resolution to declare certain City of Rye equipment as surplus.
Roll Call.
29. Miscellaneous communications and reports.
30. New Business.
31. Adjournment.

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The *Presentation of the 2016-2020 Capital Improvement Plan* will be held on Monday, August 1, 2016 at 7:30 p.m. The next regular meeting of the City Council will be held on Wednesday, August 3, 2016 at 7:30 p.m.

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

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



CITY COUNCIL AGENDA

NO. 3

DEPT.: City Manager

DATE: July 13, 2016

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Recognition of the Rye City School District Boys High School Rugby Team.

FOR THE MEETING OF:

July 13, 2016

RYE CITY CODE,

CHAPTER
SECTION

RECOMMENDATION: That the Council recognize the achievements of the Rye City School District Boys High School Rugby Team as Division 2 State Champions.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND:

The City Council congratulates the Rye High School Boys Rugby Team on winning the New York Rugby Division 2 State Championship. The team was undefeated during the season's divisional play and won the Met New York Division 2 League Title on May 21, 2016 at Randall's Island in New York City. That win secured the team the #1 seed in Division 2 in the State Tournament which was held on June 4th and 5th in Utica, NY where teams from across New York State participated. The Rye High School Rugby Team defeated the Corning Rugby Club 48-5 on Saturday June 4th in the semifinals, and then defeated the Saratoga Mustangs in the final 3-0 on Sunday, June 5th, taking the Championship. The City Council congratulates the team, Head Coach Jim O'Hara, Assistant Coaches Sean Moughty, Jim Rinaldi, and Blake Mannion on a successful season and the Division 2 Championship Title.

RYE HIGH SCHOOL BOYS VARSITY RUGBY TEAM
Division 2 State Champions



Head Coach/Director of Rugby: Jim O'Hara

Assistant Coaches: Sean Moughty, Jim Rinaldi, and Blake Mannion

Team Members:

1. Chase Bekkerus
2. Chris Biga
3. Shane Concavage
4. Will Courtney
5. Michael Davitt
6. Paul Devlin
7. Jason Ehrlich
8. Dylan Fisher
9. Brendan Fox
10. Jack Goldstein
11. Mohamad Hassan
12. Zeyad Hassan
13. Cameron Kamer
14. Santi Mascolo
15. Wally Mason
16. Jack McSweeney
17. Grant Meyerson
18. Dan Millard
19. Stewie Moore
20. Bert Oberlander
21. Johnny O'Keefe
22. Ardian Prenga
23. Tyler Reno
24. Saba Surguladze
25. Robbie Talt
26. Alvaro Varela
27. Dom Weakley
28. John Weakley



CITY COUNCIL AGENDA

NO. 5

DEPT.: City Clerk

DATE: July 13, 2016

CONTACT: Carolyn D'Andrea, City Clerk

AGENDA ITEM Draft unapproved minutes of the regular meeting of the City Council held June 8, 2016.

FOR THE MEETING OF:

July 13, 2016

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council approve the draft minutes.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND: Approve the minutes of the Regular Meeting of the City Council held June 8, 2016, as attached.

DRAFT UNAPPROVED MINUTES of
the Regular Meeting of the City Council of the
City of Rye held in City Hall on June 8, 2016 at
7:30 P.M.

PRESENT:

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

ABSENT: None

The Council convened at 6:30 P.M. Councilman Mecca made a motion, seconded by Councilman McCartney and unanimously carried to immediately adjourn into Executive Session to discuss litigation and personnel matters. Councilman Mecca made a motion, seconded by Councilman McCartney and unanimously carried, to adjourn the Executive Session at 7:30 P.M. The regular meeting convened at 7:35 P.M.

1. Pledge of Allegiance.

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

2. Roll Call.

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

3. Recognition of the Rye City School District Boys Golf Team Section Championship.

Mayor Sack congratulated the Rye High School Boys Golf Team. He announced the name of each member of the team for their excellent work this season which brought them to win the championship.

Mr. Romano, Coach of the Rye Boys Golf Team, made a statement. He said that with 18 members on the team, they had a terrific season and advanced onward, with hard work moving the team into the finals. The Apawamis Golf Club hosted the championship, in which the team made a strong come back. Mr. Romano recognized James McCue who tied for 5th in the State Championship, and who won the Section Championship two years in a row.

Councilman McCartney and Councilman Mecca presented the team with the proclamations from the Mayor, congratulating the students on their hard work and success.

4. General Announcements.

Councilwoman Killian congratulated the Rye High School Boys Rugby team who won the New York Division II State Championship. She also congratulated the Rye Crew Team for competing in the Scholastic Rowing Association of America Championship during Memorial Day weekend. Councilwoman Killian congratulated to all of the City's athletes at Rye High School.

Councilman Mecca announced the sad passing of longtime Rye Resident Kathy Coulier. Mrs. Coulier has had an impact in Rye and is survived by her family. There was a moment of silence to honor Mrs. Coulier.

Mayor Sack stated that the Council would like to create an open dialogue about drug use among young Rye Residents. On July 20, 2016 at the Rye Recreation Damiano Center, the City of Rye with the Westchester Department of Health will host a free training on how to respond to an opioid overdose using something called Narcan. In the recent past, the Rye Police Department has used Narcan successfully to prevent death in the case of an overdose. Mayor Sack stressed the importance that everyone know how to do this. Space is limited and preregistration is required. Anyone interested can register by going to www.westchestergov.com/health or call the Division of Health at (914) 995-6584.

Mayor Sack also announced that on July 9, 2016 there will be a Public Hearing at Crawford Park in Rye Brook on the Last Mile Project of the Thruway near the City of Rye and Port Chester, dealing with improvements to this area. Individual property owners that may be affected have been noticed and will be present at the Hearing if they have questions. The Hearing will be held from 5:00 to 8:30 P.M. There will be a portion of the public hearing dedicated to the eminent domain issues at 6:30 P.M.

Councilwoman Tagger-Epstein announced that there is an IRS scam going around again and warned the community to be aware of potential scam phone calls. Any residents with questions or concerns may contact the Rye Police Department who is aware of the issue. She also stated that Councilman McCartney gave a very moving speech at the recent Memorial Day event.

Councilman McCartney discussed the Memorial Day event. Unfortunately, due to weather, the parade was canceled. However, he stated the Memorial Day event held in City Hall went very well and there were many veterans present. He remembered those lost in combat and recognized that it is important to speak to younger generations about these issues, as they may not be exposed to them otherwise. Councilman McCartney then announced that the Rye Golf Club is up and running and in great shape. He was happy to report that the greens are completely recovered from last year. On the Recreation front, camp signups are still open. Councilman McCartney then announced that on Saturday, June 25, 2016, there will be the first Rye Food Truck Festival at the Rye Rec from 1:00-5:00 P.M.

He encouraged everyone to attend. Lastly, he addressed the subject of drug and alcohol usage, as graduation season is here. He encouraged parents to speak with their children about the dangers that can occur in this season of celebration, as things can get out of hand.

Councilwoman Killian thanked Ms. Debra Davis-Galliard, Rye Middle School science teacher, who created a curriculum with the Billion Oyster Project within the City of Rye. Ms. Davis-Galliard and her students worked with the Recreation Department to implement the program to install an oyster cage at Milton Harbor. Councilwoman Killian hopes that this endeavor will help to bring oysters back in Rye Harbor. She thanked Ms. Davis-Galliard for her work and for the opportunity for students to get involved.

Councilwoman Hurd announced that the Chamber of Commerce Annual Soiree is June 22, 2016 from 6:00 to 8:00 P.M. at American Yacht Club. The Rye Lions Club raffle drawing will also be held June 20, 2016. Lastly, Councilwoman Hurd announced that in June, 2016 the Rye Landmarks Committee will be moving mile marker 25 to a more significant location on Boston Post Road.

5. Draft unapproved minutes of the regular meeting of the City Council held May 25, 2016.

Councilman Mecca made a motion, seconded by Councilman McCartney and unanimously carried, to adopt the minutes of the regular meeting of the City Council held May 25, 2016.

6. Issues Update/Old Business.

Mayor Sack updated the Council on the Purchase Street improvements. He stated that the bids are out right now and a recommendation will be made by staff at the July 13, 2016 City Council meeting. He is hopeful that the bid will be awarded on that date. Mayor Sack recognized that in the downtown area, there is never a good time to do construction, but the plan is to benefit the businesses and residents alike. The plan is to do a bulk of the work in August, 2016, when many residents are away. The Sidewalk Sale will remain July 28-30, 2016 and the construction will commence after that time.

City Engineer Coyne addressed the Council. He stated that the construction will be intrusive and will affect everyone, but the staff has been working on this project for a few years with merchants and residents to put together a responsible construction plan. He confirmed that the work will be done in August and may go into the fall months.

Mayor Sack updated the Council on Rye Town Park. He stated that the Commission has decided as a group to submit an application to be considered for the Capstone Project for NYU. If selected, students would provide a review of the project. This would not change the fact that the City of Rye feels it is in the best position to handle the park on a day to day basis. Mayor Sack also mentioned that there has been some discussion on the Playland sign. He said that he had a conversation with the Deputy County Executive, who stated the sign

will be taken down at the end of the season. The City's position is that the County must go through the City's land use processes.

Mayor Sack then updated the Council on the Thruway property and stated that the City has had positive conversations with Rye Country Day School about being a possible partner in purchasing the land. He mentioned that the City has engaged an environmental consultant to move forward to make a determination about feasibility of the land. Assemblyman Steve Otis has also been extremely helpful in facilitating communication between the City and the Thruway Authority. With regard to the City's Master Plan efforts, the Mayor's subcommittee met yesterday to speak with the City Planner, who will draft an RFP who will help us with this process.

Councilwoman Hurd announced that with respect to the Master Plan, Jack Zahringer, Landmarks Committee Chair, hopes the Committee puts emphasis on the historical aspect of Rye. She also announced that the close of public comment will be June 17, 2016 for the proposed development at the United Hospital site. The County Planning Board is considering the project and will provide their comments.

Mayor Sack urged the County Planning Board to issue a negative review on the project so that by state law, the Village of Port Chester would need to adopt the project by super majority.

City Manager Serrano stated that there was a recent public hearing in Port Chester on the redevelopment of the United Hospital site. He mentioned that one change that has been proposed is the creation of one additional turning lane on the exit 11 ramp off of 287. There was some discussion over this change among the Council. Mr. Serrano further mentioned that the engineering company hired by the NYS Dormitory Authority is reviewing the sluice gate. He stated that the City also met with the Dormitory Authority to discuss the Milton Point Drainage Project, as they are in the process of selecting an engineer for the project.

10. Authorization for City Manager to sign the proposed amendment to the existing License Agreement for 88 Davis LLC.

This item was taken out of order. Mayor Sack stated the Corporation Counsel Wilson has negotiated terms that are mutually beneficial to the applicant and the City. The license fee will be \$1,000/ year. Further, the applicant will make improvements to include a partial turnaround on Davis for the public. Pursuant to this agreement, the applicant will also provide maintenance and plowing on Davis Avenue.

Mr. Leo Napior, attorney for the applicant, stated that his client is agreeable to the terms presented.

Councilwoman Hurd made a motion, seconded by Councilwoman Tagger-Epstein and unanimously carried, to authorize the City Manager to sign the proposed amendment to the existing license agreement for 88 Davis LLC.

7. Presentation and discussion on deer population management.

City Manager Serrano stated that the deer population management consultant, Hank Birdsall, was approved by the Council in 2015 to study and report on the deer population issues throughout the City. Mr. Serrano introduced Mr. Birdsall.

Mr. Birdsall thanked the Council for allowing him to present. He said that the primary objectives of this study were to identify the issue and provide management recommendations with respect to the deer population. The conditions in Rye are inviting to deer, providing food and water to the population. Mr. Birdsall also highlighted that residents' ornamental plants also provide food to the deer. Within seven years, a pair of deer can reproduce and result in 40 deer. The overpopulation of deer prevents forest regeneration, as deer depend on the nutrition provided by a lush environment. Mr. Birdsall then showed slides of the difference between Rye and a healthy forest area. He stated that in Rye this year, there were 17 collisions involving cars with deer. Mr. Birdsall also explained that the biggest instance of motor vehicle incidents occur in November. He also mentioned that the area of Rye between Oakland Beach and the Mamaroneck line of Boston Post Road has the largest population of deer. Mr. Birdsall stated that the conclusion of his study is that there are no less than 159 deer in Rye. He then presented a breakdown of the analysis of each location and the number of deer, discussing a pellet survey analysis.

Mr. Birdsall then explained that there are three different strategies that the City could explore to improve the deer population problem. First, he explained that immunocontraceptives are used by some communities. However, they are a very expensive endeavor and not guaranteed to work. Second, Mr. Birdsall explained that the City can hire sharpshooters, but they are very controversial. Third, he explained that the City may explore the "Host a Hunter" program involved skilled volunteer archers, similar to the Westchester County program. This would be a low-cost option. Mr. Birdsall stated that this program has succeeded at Ward Pound Ridge Reservation. The archers would be required to work more than 150 feet from a house and required to hunt from elevated tree stands. Mr. Birdsall then stated that if this program was adopted, 25% of the venison harvested would be donated to the Westchester Food Bank. Lastly, Mr. Birdsall recommended that regardless of the chosen program, the City should continue to monitor any progress.

Mayor Sack commended Mr. Birdsall on his extremely thorough study and presentation. Mayor Sack then asked about whether Mr. Birdsall was able to study the incidents of lyme disease as it relates to the deer population. Mr. Birdsall responded that with conflicting theories on the topic, he did not provide an analysis as it may be inconclusive.

Councilwoman Tagger-Epstein inquired about the process with the Host a Hunter program with respect to homeowners. Mr. Birdsall responded that any residents interested would contact him directly and he would meet with the owner to scout the property. Following a consultation, Mr. Birdsall would interview and choose only the most skilled archers.

Councilwoman Tagger-Epstein asked Mr. Birdsall when the City should decide to move forward concerning the deer population on City land. Mr. Birdsall responded that any decision by the City should be made by August 1, 2016.

Councilman McCartney asked Mr. Birdsall if the hunters keep the remaining of the 75% of the venison after the first 25% is donated to the Westchester Food Bank. Mr. Birdsall confirmed that this was correct. Councilman McCartney then inquired about the 150 foot hunting setback from a home. Mr. Birdsall responded that this distance was required by State law. Councilman McCartney then asked if there were enough qualified hunters for this project. Mr. Birdsall responded that there were, but that he would be very selective in the process.

Councilwoman Tagger-Epstein recommended that Mr. Birdsall's presentation be aired on Rye TV.

8. Public Hearing regarding the request submitted by Crown Castle to amend their agreement with the City and for the installation of additional locations to their existing wireless telecommunications located in the City of Rye.

Councilwoman Tagger-Epstein made a motion, seconded by Councilman Mecca and unanimously carried, to open the public hearing regarding the request submitted by Crown Castle to amend their agreement with the City and for the installation of additional locations to their existing wireless telecommunications located in the City of Rye.

Corporation Counsel Wilson stated that there was a conference call with Crown Castle prior to the Council meeting on June 8, 2016. The primary subject of the call focused on the needs assessment and coverage analysis provided by Crown Castle to the City. She reported that Crown Castle reviewed the gap analysis with the City and they are prepared to share the gap in coverage areas with the Council and public. The nodes will be place to cover the needs of the end users in structures. Corporation Counsel Wilson explained that the equipment is large enough for possible collocation in the future.

Esme Lombard, Crown Castle, made a statement to the Council. She said that Crown is here this evening seeking an amendment to an existing right-of-way use agreement. Under the existing agreement, Crown is proposing 51 new nodes to improve conditions for the users. The plan was unanimously approved by the BAR at the May 2016 meeting. Ms. Lombard explained that Crown Castle has been issued a Certificate of Convenience and Necessity by the New York State Public Service Commission. She asked that the Council approve the amendment. Ms. Lombard further stated that there had been concern expressed about the number of nodes proposed. This subject was discussed on the conference call mentioned by Corporation Counsel Wilson. Ms. Lombard further explained that each community is very different, with different topography and needs. She recognized the Councilmembers' previous comments on the EMFs and subsequently provided a report to the Council which demonstrated that the nodes were well below the federal limits. Ms. Lombard invited the community to view the City of Rye's proposal at www.crowncastle.com.

Gregory Sharpe, Crown Castle, stated that this process began in Rye when Verizon issued an RFP for DAS (Distributed Antennae System) technology. As a result, Crown Castle was awarded the project within the community. Mr. Sharpe discussed the process about the need-based design of the nodes within the community.

Eli Elbaum, Counsel for Crown Castle, addressed the Council. He felt it was important for the Council to understand the rationale behind the fact that certain poles were selected rather than others. Mr. Elbaum explained that a pole may not be selected if it has a transformer or risers. This eliminated a number of candidates for DAS location. Mr. Elbaum said that Crown Castle must be selective to include the best possible poles to host these nodes.

Mayor Sack reiterated that the nodes would be used to improve service within the southern area of Rye. He stated there were community concerns on both health concerns and aesthetic concerns.

Mr. Sharpe stated that the health emissions, even at 100% usage, are well below the federal standards. There was discussion among the Council and consultants regarding the data map provided.

Councilwoman Hurd stated that a node is being proposed in front of her house and she does not want the node to be placed there. She asked if the pole could be removed from in front of her home. Ms. Lombard responded that she could not answer the particular question because it was up to Verizon to provide the gap proposal.

Councilwoman Tagger-Epstein commented that she felt that Crown Castle was considering Verizon's needs, rather than the community's needs.

Mr. Elbaum discussed the size of the nodes and stated that a benefit of the larger nodes being proposed would be that they allow for collocation and reduce the need for more nodes in the future.

Councilwoman Hurd asked that Crown Castle present evidence that every single pole proposed complies with the City's zoning code. Councilwoman Hurd then asked that Crown Castle provide an attachment agreement. There was then general discussion about the license agreements. Councilwoman Hurd then asked about the pole material. Crown Castle responded that any poles constructed would be made of standard wood, consistent with the local infrastructure.

Councilwoman Tagger-Epstein stated that a concern in the community is the idea of the aesthetics and the preservation of the community. She said that residents want to make sure that the beauty of Rye is kept intact, and this is a serious concern.

Councilman Mecca stated that the Council should be careful of criticism of the BAR's decision to approve the nodes.

Ms. Lombard stated that with respect to the aesthetics, the existing feedback of the current nodes were that they were not noticed. She said that the design kept aesthetics in mind.

Eileen Iorio, Rye resident, addressed the Council. She stated that her concerns are about safety and asked that she see the safety data. She stated that she doubted that the node proposed in the vicinity of her home would comply with setback requirements. Ms. Iorio then stated that she would like Crown Castle to provide local comparisons within the County as to the number of nodes proposed. She then stated that she would like to see a third party expert retained in this case. She called on Council to consider the safety, health and opinion of the residents.

Ms. Lombard, Crown Castle, responded that the safety information is on the Crown Castle website.

Councilwoman Bucci asked how long the DAS technology was in existence. Crown castle responded that it was in existence for 35 years. Councilwoman Bucci stated that due to the short time that this has been in existence, there is no way to determine the long term effects of the technology.

Councilwoman Bucci asked Mr. Sharpe to clarify whether the proposed plan is for an existing need or a projected need. Mr. Sharpe explained that the network planning that has already started has encompassed the need, both current and future.

Mr. Elbaum, Crown Castle, stated that the nodes presented address a gap in coverage. There was then general discussion concerning the need-based issues in Rye.

Tom Ausfahl, Rye resident, stated that there is a pole proposed very close to his home. Health is a strong concern and felt it is important to consider. He expressed concern for future nodes.

Mr. Elbaum, Crown Castle, clarified that a 12-18 month timeframe would be the genesis of the project, but each node would be used well beyond that timeframe.

Councilwoman Killian inquired as to whether the City had treated each utility the same. Corporation Counsel Wilson responded that the City has not applied the law uniformly, and by denying their application, the City would not be treating Crown Castle the same as other applicants that have come before.

Mayor Sack suggested putting this matter over to the July 13, 2016 meeting.

Alberto Brezzelli, Parkway Drive, addressed the Council. He stated that he wanted to be publicly noticed on proposed nodes. He then stated that the radiation of wireless compared to the radiation emitted from cable is very different. Mr. Brezzelli said that no one knows the long term effects. He also said that there is an attitude throughout the City of "not

on my land,” and there is always going to be pushback. He then expressed concerns over the validity of the safety report provided by Crown Castle.

Councilman Mecca asked Crown Castle’s engineer to explain the concept of a “hot spot.” Mr. Sharpe responded that he is not familiar with how Cablevision is providing hot spots.

Andy Perrone, 52 Franklin Avenue, addressed the Council. He stated that the radiation emitted from WiFi is not as strong. He then asked why such a high number of nodes has been proposed.

Mr. Sharpe responded that he could not adequately respond to the Wifi hotspots comment. He did address the issue of future collocation, and stated that there would be a new FCC compliance report prior to any collocation.

Diana Page, 806 Forest, stated that she was concerned about health issues. She asked if the City would consider bring in a third party consultant to analyze the safety risks and the need-based report.

The public hearing on this issue was put over to July 13, 2016.

9. Public Hearing on the proposed revision to the Rye City Charter to rescind Article 12 “Police Department” and Article 13 “Fire Department” and create a new Article 12 “Department of Public Safety” and to create a new position of “Commissioner of Public Safety” which position shall have charge and supervision of the Police and Fire Departments.

Councilman Mecca made a motion, seconded by Councilman McCartney and unanimously carried, to open the public hearing on the proposed revision to the Rye City Charter to rescind Article 12 “Police Department” and Article 13 “Fire Department” and create a new Article 12 “Department of Public Safety” and to create a new position of “Commissioner of Public Safety” which position shall have charge and supervision of the Police and Fire Departments.

Mayor Sack stated that this was an innovative and exciting proposal to improve conditions at the Fire Department. He felt it would help provide services in the most efficient and effective way. It is important to take a long glance back and thank the volunteers of the Rye Fire Department, who have served the City and saved a tremendous amount of money by volunteering their service. Mayor Sack that that the volunteers will continue to serve and provide impressive service to the City. This City Council is committed to taking action. Mayor Sack thanked Councilman Mecca and Councilwoman Bucci for their efforts. He felt that this will be the most efficient and effective way to handle the department moving forward.

Councilman Mecca stated that currently the City has a Board of Fire Wardens. The City is looking to replace the Board of Wardens with a volunteer board of directors and

chiefs. This would be accomplished by moving the day-to-day operations up to a Commissioner role. Councilman Mecca stated that there was no intention of doing away with the volunteer fire department which is invaluable. He stated that the department is a fraternity that is no longer male-exclusive and is a fabric of the City of Rye. This change will allow proper mechanism of supervision and training for the career staff. Councilman Mecca said that the goal was to also improve the response to emergencies. He then discussed the training that would occur with the paid staff.

Mayor Sack thanked Councilman Mecca for his insight on the training aspects and how important it is to consider appropriate training. He commended the department on looking inward to improve conditions. The proposed changes would require a change to the Rye City Charter, which requires a referendum.

City Manager Serrano commented that it has been a great experience to work toward this goal of implementing a Public Safety Commissioner position in the City. This would create a cohesive relationship for policies and procedures between the Police and Fire Departments, creating a safer environment.

Corporation Counsel Wilson stated that the City's next step to reaching this goal is for the Council to adopt the Charter revision. If adopted, the item would be put on referendum for public vote. It should be done so by the August meeting to meet the Board of Elections deadline.

Mayor Sack stated that the Public Hearing will be kept open until the July 13, 2016 meeting.

11. Presentation of the City of Rye Stormwater Management Program 2015 Annual Report.

City Engineer Ryan Coyne addressed the Council. He stated that the Department of Environmental Conservation (DEC) requires that the City implement a stormwater management program and report progress annually. He stated that the report focuses on six areas: public education and outreach, public involvement and participation, illicit discharge detection and elimination, construction and post-construction control and municipal operations. City Engineer Coyne then said that throughout the years, the City has educated residents on stormwater issues. He was happy to report that the City had no illicit discharges reported this year. Construction and post construction are handled by the Building Department, and requires a permit and inspection. Concerning municipal operations, DPW oversees the maintenance throughout the City.

Mayor Sack commended Mr. Coyne on his effort and presentation.

12. Discussion and timeline of items to be included in a November, 2016 Referendum.

There was discussion about increasing the City's debt limit. Each referendum must be approved by the Council for the August 2016 meeting. Mayor Sack asked for a public hearing to be set on increasing the debt limit.

Mayor Sack made a motion, seconded by Councilwoman Killian and unanimously carried, to set a Public Hearing on July 13, 2016 on the issue of increasing the City of Rye debt limit.

13. Authorization for the City Manager to enter into an agreement with the Rye Country Day School regarding reimbursement for costs associated with Phase I, Phase II, Environmental and Geotechnical assessment of the NYS Thruway property.
Roll Call.

This issue was deferred.

14. Discussion to amend Local Law Chapter §197, "Zoning", of the Rye City Code, Section §197-86, "Tables of Regulations", to allow accessory seasonal outdoor customer seating in the B-1 Neighborhood Business District.

Mayor Sack stated that at the last meeting, this topic was discussed. Sally Wright, Chamber of Commerce, addressed the Council. She stated that she was looking for clarification on the proposed code change regarding outdoor seating. She stated that in 2009, outdoor seating was approved within the central business district. There was then discussion on the requirement that each business wishing to incorporate outdoor seating must apply first to the Planning Commission. This requirement must be followed regardless of whether the seating is proposed on public or private property.

Councilman Mecca stated that he served on the Planning Commission in the 1990s when this proposal first came about. The law was passed, which allowed tables within the B2 district. Each business requesting outdoor seating must apply annually.

Ms. Wright asked for open communication with the Council on any issues that arise. There was general discussion on the topic among the Council.

Mayor Sack made a motion, seconded by Councilman Mecca and unanimously carried, to hold a Public Hearing to amend Local Law Chapter §197, "Zoning", of the Rye City Code, Section §197-86, "Tables of Regulations", to allow accessory seasonal outdoor customer seating in the B-1 Neighborhood Business District on July 13, 2016 on July 13, 2016.

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

There was no discussion under this agenda item.

16. Resolution to amend the Nominations, Elections and Voting Eligibility procedures for the Rye Golf Club Commission regarding voting procedures.

Councilman McCartney stated that the proposed changes would further streamline the Rye Golf Club Commission voting procedures. This would remove the nominating committee from the process.

Councilman McCartney made a motion, seconded by Councilwoman Bucci, to adopt the proposed changes regarding voting procedures for the Rye Golf Commission.

**Rye Golf Club
Nominations, Elections and Voting Eligibility**

1) Commission

- a) The Rye Golf Club Commission will consist of seven adult Club members in good standing elected by the eligible voting Club members. The Commission shall at no time have more than one non-resident member.
- b) The term of each Commission member shall be three years, commencing January 1 of the year following a regular election year. There is no limit to the number of terms a Commission member may serve.
- c) A Commission member-elect shall be allowed to attend Commission meetings from their date of election but may not participate in voting until they are sworn in.
- d) The Commission members will select a chairperson from their group for a one-year term (the "Chairperson") at the first regular Commission meeting in an applicable calendar year. A Chairperson may serve as Chairperson for an unlimited number of terms. The Chairperson will appoint a Vice Chairperson who will act as Chairperson in his/her absence.
- e) Commission vacancies shall be filled at the next regular election following the vacancy for the remainder of the vacant term. In the event the Commission falls below seven members, the person(s) with the next number of highest votes from the previous election shall, if such person is otherwise eligible and willing to fill such vacancy, be appointed to the Commission to maintain seven Commission members until the next regular election. In the event there is no one to fill the vacancy a special election will be held to fill the vacancy and maintain seven Commission members until the next regular election.
- f) A quorum of the Commission is established by four members present at a meeting.

2) Election

- a) Voting will take place over a two-week period online through a secure online service

approved by the Commission that suits our needs.

- b) An invitation email will be sent to all eligible voters with instructions on how to cast your vote online.
- c) For those members wishing to cast their vote onsite, a computer kiosk will be available at the club during normal business hours throughout the voting time period.
- d) Votes will be tallied in accordance with the instructions provided therewith and will not be counted as a result of any of the following:
 - i) Vote is not cast within the specified time period; or
 - ii) Vote is not cast in accordance with specified instructions; or
 - iii) Vote is rejected for any reason by the online service being used.
- e) Valid ballots shall be tallied for each Commission candidate by the online service. The results will be forwarded to the City Clerk who shall submit a list of election results to the City Council for approval no later than November.

3) Voting eligibility

- a) An invitation email shall be sent (to the email on file) to each eligible voting member. The Golf Club Member Handbook shall indicate the membership categories and members entitled to voting privileges.
- b) To receive an invitation email and vote in an election, the voting member must have an email on file and have a member logon account established prior to the election.
- c) No Club member shall be entitled to vote more than once in an election.

Rye Golf Club Commission Responsibilities

1) The Commission.

- a) *Role.* The Commission shall serve in an advisory capacity on behalf of the members of the Golf Club and shall have the responsibilities set forth in Section 1(c) below. Neither the Commission, any Committee of the Commission nor any member of the Commission or member of any Committee thereof, shall have any direct authority or responsibility for execution, implementation or management of any activity, program, employment matter, or contract involving the Golf Club. The Golf Club Manager (who reports to the City Manager) shall be responsible for the execution, implementation and management of the authorized operation of the Golf Club.

- b) *Advisory Recommendations.* The Commission shall make such recommendations as it deems proper in respect of the current and proposed activities, programs, policies and other matters related to the Golf Club, the Commission shall also make recommendations concerning the duties and responsibilities of independent contractors (e.g., Golf Professional), including recommendations concerning employment of prospective individuals to fill those positions, and any other areas the Commission deems appropriate; such recommendations shall be made directly to the Golf Club Manager. The Commission shall also make recommendations concerning the duties and responsibilities of the Golf Club Manager, including recommendations concerning employment of prospective individuals to fill the position, and any other areas the Commission deems appropriate; such recommendations shall be made directly to the Rye City Manager.
- c) *Responsibilities.* The Commission shall:
- i) Adopt, interpret, apply and enforce such rules and regulations relating to the use of the Golf Club as it deems appropriate, which rules and regulations shall not be inconsistent or conflict with any agreement of the City of Rye or any published policy of the Rye City Council;
 - ii) Review, advise on and approve an annual budget for the Golf Club provided and prepared by Golf Club staff and finance committee. Annual budgets shall include proposed annual membership categories and fees and proposed charges for other services provided by the Golf Club, prior to timely submission of such annual budget to the Rye City Manager;
 - iii) select a Commission Chairperson; and
 - iv) Decide such matters as may be properly brought before the Commission for a decision.
- d) *Commission Chairperson.* The responsibilities of the Commission Chairperson shall be:
- i) to appoint a chairperson to each Standing Committee of the Commission;
 - ii) to organize limited duration Ad Hoc Committees of the Commission as may be necessary from time to time for the purpose of making recommendations to the Commission in respect of matters not properly within the scope of the usual and customary advisory role of a Standing Committee of the Commission;
 - iii) to appoint a chairperson to each Ad Hoc Committee of the Commission;
 - iv) to serve as an ex-officio member on each Committee of the Commission;
 - v) to appoint a Vice-Chairperson of the Commission who shall serve as Chairperson

during the absence of the Chairperson; and

- vi) to direct such matters as the Chairperson deems necessary and appropriate to a Committee of the Commission for the advice and recommendation of such Committee.

2) Committees of the Commission.

- a) *Standing Committees.* The Commission shall have Standing Committees to advise and make recommendations to the Commission on such matters that properly come before a Standing Committee or as may be directed to such Committee by the Commission or the Commission Chairperson. The Standing Committees of the Commission initially shall include Committees relating to Golf, Pool, House and Finance.
- b) *Ad Hoc Committees.* The Commission shall have such Ad Hoc Committees as may be constituted from time to time pursuant to Section 1(d)(ii) above.
- c) *Committee Members and Chairpersons.*
 - i) Each Standing Committee and Ad Hoc Committee of the Commission shall be constituted with no fewer than three members and no more than seven members; provided that a Committee may be constituted with two members and up to nine members in appropriate circumstances with the approval, by majority vote, of the Commission.
 - ii) A Committee member shall be a member of the Golf Club holding a valid current membership entitling such member to voting privileges.
 - iii) The Chairperson appointed to each Standing Committee shall be a Member of the Commission, other than the Chairperson of the Commission.
 - iv) The Chairperson of an Ad Hoc Committee may be a Member of the Commission.
 - v) The Chairperson of a Committee shall make efforts to seek out qualified members to serve as members of such Committee. The Committee Chairperson will then make recommendations to the Commission of any such qualified members it believes should serve on such Committee. Such nominees shall serve as Committee members upon approval by majority vote of the Commission. Such nominees will serve as Committee members at the convenience of the Commission and can be removed from such Committee service at any time and for any reason at the sole discretion of the Commission. A Committee member shall serve until the earlier of the end of the Golf Club year for which he or she serves as a member or the date a Committee terminates, or the date on which such member is removed by the Commission.

ROLL CALL

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

17. Resolution to amend the Boat Basin Commission procedures regarding voting procedures and the Commission level of members.

This item was deferred to the July 13, 2016 City Council agenda.

18. Resolution to transfer \$100,000 from the Contingency account to the Legal Department to fund legal services.
Roll Call.

City Manager Serrano stated that there has been unanticipated bills with Save the Sound litigation and there is a need for further funding. Mayor Sack asked the City staff to prepare a document outlining the litigation cost needs for the Council to review.

Councilman McCartney made a motion, seconded by Councilwoman Killian and unanimously carried, to approve the following amended resolution:

WHEREAS, City staff has determined that the amounts required for the cost of legal services performed and on-going for various legal cases were not anticipated and were not provided for in the adopted 2016 budget, and;

WHEREAS, the General Fund Contingent Account has a balance of \$300,000, now therefore be it

RESOLVED, that the City Comptroller is authorized to transfer \$50,000 from the General Fund Contingent Account to the City Legal Services Account.

ROLL CALL

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

19. Bid Award for 2016 Rye Recreation Summer Camp Bus Services (Contract #2016-04).
Roll Call.

Councilman McCartney made a motion, seconded by Councilwoman Killian, to adopt the following Resolution:

RESOLVED, that the City Council of the City of Rye hereby awards the bid for the 2016 Rye Recreation Summer Camp Bus Services (Contract 2016-04) to County Coach Corp. in the amount of fifty four thousand seven hundred fifty six dollars (\$54,756.00), as it was the sole bidder meeting specifications.

ROLL CALL

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

20. **Miscellaneous communications and reports.**

There was nothing discussed under this agenda item.

21. **New Business.**

Councilwoman Tagger-Epstein asked that the Council meet with the Rye Neck School District and recognize the achievements of their students to include them in the Rye City pride and future recognition.

22. **Adjournment.**

Councilman Mecca made a motion, seconded by Councilman McCartney and unanimously carried, to adjourn the public meeting at 10:56 P.M.

Respectfully submitted,

Carolyn E. D'Andrea
City Clerk



CITY COUNCIL AGENDA

NO. 6

DEPT.: City Council

DATE: July 13, 2016

CONTACT: Mayor Joseph A. Sack

AGENDA ITEM: Issues Update/Old Business

FOR THE MEETING OF:

July 13, 2016

RYE CITY CODE,

CHAPTER

SECTION

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

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND:



CITY COUNCIL AGENDA

NO. 7

DEPT.: Finance

DATE: July 13, 2016

CONTACT: Joseph S. Fazzino, Deputy Comptroller

AGENDA ITEM: Presentation on City Financials by Brendan K. Kennedy of the auditing firm of BST & Co, LLP.

FOR THE MEETING OF:

July 13, 2016

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION:

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND:

A presentation will be made by Brendan K. Kennedy of the auditing firm of BST & Co, LLP on City Financials.

See attached documents: 2015 Comprehensive Financial Annual Report (CAFR)
2015 Management letter



CITY COUNCIL AGENDA

NO. 8

DEPT.: City Manager's Office

DATE: July 13, 2016

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Presentation by the Finance Committee on the Rye City Debt Limitation.

FOR THE MEETING OF:

July 13, 2016

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION:

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND:

A presentation will be made by the Finance Committee on the Rye City Debt Limitation.

See attached.

Rye City Debt Limitation Review

Table of Contents

1. Review of existing debt limit
2. Historical and current debt review
3. Comparable debt limitations in other municipalities
4. Rating agency perspective
5. Capital markets perspective
6. Appendix

Existing Debt Limit

- City Charter (C21-9) limits as follows
 - Council can authorize debt up to 5% of avg. gross annual budget for preceding 3 years
 - Debt exceeding 5%, but not exceeding 10% requires super-majority council vote and Permissive Referendum ⁽¹⁾
 - Debt in excess of 10% requires approval of voting public in a general or special election
 - Are exceptions for public safety and disaster rebuilding
- NYS Constitutional limit would allow for huge increase in debt ~\$450 million

Debt Limit

- Current debt issuance allowed
 - 5% (council vote) \$699,589
 - 10% (permissive referendum) \$2,783,999
- These debt limits have NOT prevented the city from increasing debt in the past
- Have not completely analyzed how debt was issued in past – assumed great majority through public vote referendums

Historical Debt Trends

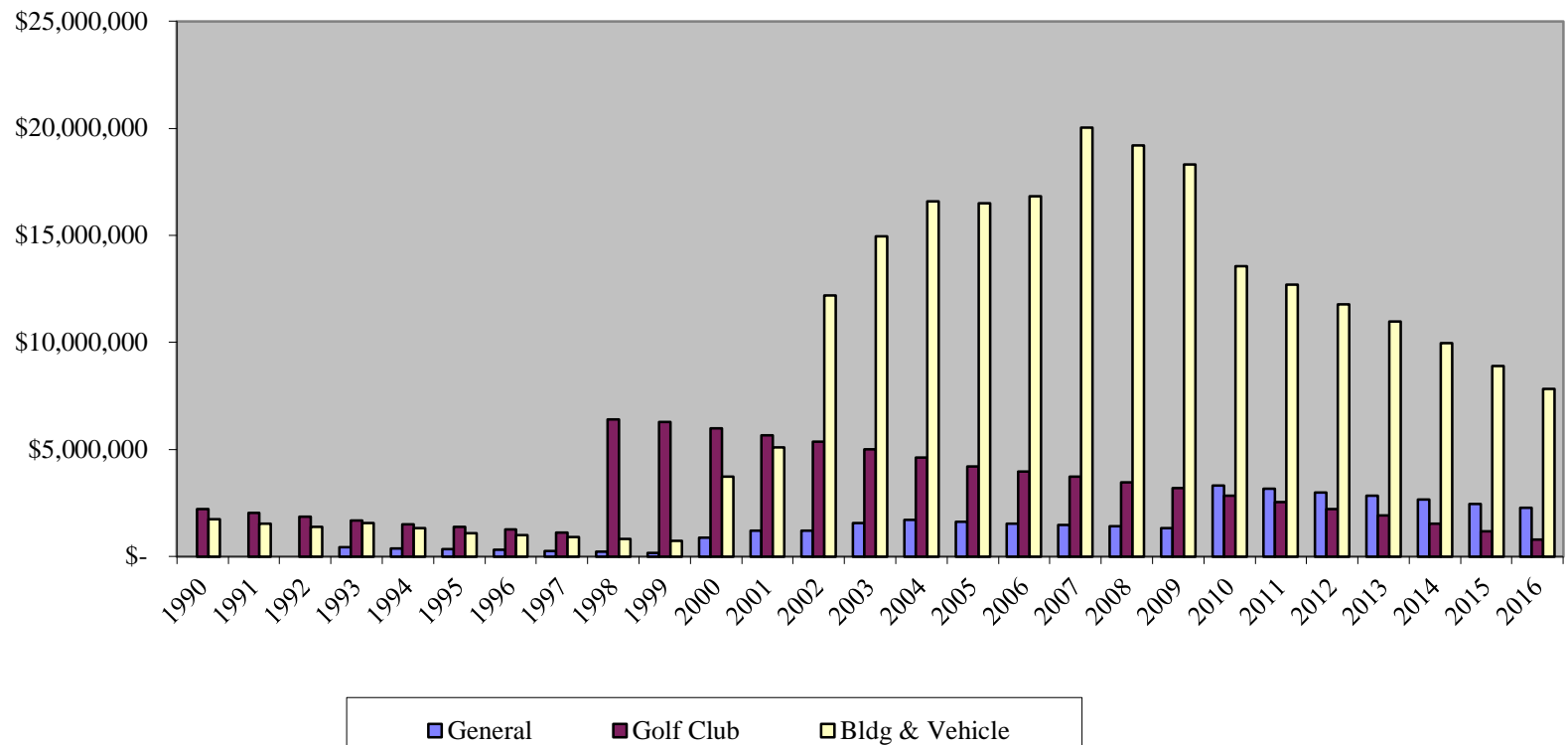
- After staying in the \$2-3 million range for much of the 90s, total debt increased rapidly from \$2.3 million in 1997 to a peak of \$25 million in 2007
 - Building & Vehicle Fund issuances for firehouses and trucks, Damiano, various building improvements (debt from \$0.9 to \$25.2 million '97-'07)
 - Golf Club Fund increased from \$1.1 to \$3.7 million)
 - General Fund from \$0.3 million to \$1.5 million

Historical Debt Trends (con't)

- Since peaking in 2007 total debt has decreased by 50% from \$25.2 million to \$12.5 million at YE 2015. YE 2016 expected to be ~ \$11.0 million.
 - Building and Vehicle Fund debt decreased \$11.1 million
 - Golf Club Fund decreased \$2.5 million
 - General Fund increased \$1.1 million

Historical Debt Trends (con't)

PROFORMA AUTHORIZED DEBT



Comparable Debt Limitations

- Checks of other municipalities indicate that municipal limits are unusual
- Of the 27 municipalities surveyed by the Rye city administration, 26 used the NYS constitutional debt limit

Rating Agency Perspective

- Rye has AAA rating
- Critical criteria
 - Economics and demographics
 - Debt outstanding (and pro forma)
 - Management
- Don't like to see 'serial' issuers coming back year after year

Rating Agency Perspective (con't)

Below is from Rye's Capital Markets Advisor

- Moody's weights debt at 10% in their ratings methodology. Economy/Tax Base is 30%, Finances 30%, Management 20%, and Pension 10% rounds out the other factors.
- Aaa municipalities throughout the country have a ratio of net direct debt to full value of less than 0.75%. The City of Rye comes in around 0.23%. Aaa municipalities throughout the country have a ratio of debt outstanding to total revenues of less than 0.33%. The City of Rye comes in around 0.49%. These ratios are based upon FYE 2014 data, the latest that I have.
- Rye stronger in the first category but a little weaker in the other. While I cannot speak for Moodys, I believe that it would take a significant increase in debt issuance before your rating was impacted.

Capital Markets Perspective

- Current rates attractive (AAA 10 yr ~ 1.54 bps)

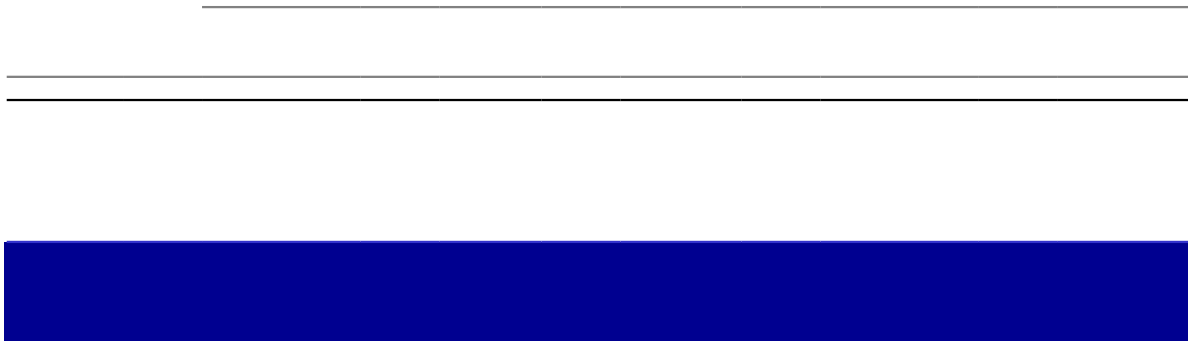
5/16/2016

THE MUNICIPAL MARKET MONITOR (TM3)

Municipal Yield Curves as of 05/13/2016

		General Obligations								"AAA" Coupon Range	
		"AAA"	PRE-RE	INSURED	"AA"	"A"	"BAA"	"LOW"		"HIGH"	
1	2017	0.56	0.56	0.68	0.61	0.73	0.98	5.00		5.00	
2	2018	0.63	0.65	0.76	0.70	0.82	1.10	5.00		5.00	
3	2019	0.74	0.77	0.91	0.83	0.97	1.26	5.00		5.00	
4	2020	0.83	0.86	1.04	0.93	1.11	1.40	5.00		5.00	
5	2021	0.93	0.96	1.19	1.04	1.25	1.54	5.00		5.00	
6	2022	1.04	1.08	1.34	1.17	1.40	1.69	5.00		5.00	
7	2023	1.14	1.19	1.46	1.29	1.53	1.83	5.00		5.00	
8	2024	1.26	1.31	1.63	1.43	1.71	1.99	5.00		5.00	
9	2025	1.39		1.79	1.58	1.87	2.14	5.00		5.00	
10	2026	1.54		1.94	1.73	2.02	2.29	5.00		5.00	
11	2027	1.67		2.09	1.87	2.17	2.44	5.00		5.00	
12	2028	1.74		2.18	1.94	2.26	2.54	5.00		5.00	
13	2029	1.81		2.25	2.01	2.33	2.61	5.00		5.00	
14	2030	1.86		2.30	2.06	2.38	2.66	5.00		5.00	
15	2031	1.91		2.35	2.11	2.43	2.71	5.00		5.00	
16	2032	1.97		2.41	2.17	2.49	2.77	5.00		5.00	
17	2033	2.03		2.47	2.23	2.55	2.83	5.00		5.00	
18	2034	2.09		2.52	2.29	2.60	2.88	5.00		5.00	
19	2035	2.15		2.58	2.34	2.66	2.93	5.00		5.00	
20	2036	2.20		2.61	2.39	2.70	2.97	5.00		5.00	
21	2037	2.25		2.65	2.44	2.74	3.01	5.00		5.00	
22	2038	2.28		2.68	2.47	2.77	3.03	5.00		5.00	
23	2039	2.31		2.70	2.50	2.79	3.05	5.00		5.00	
24	2040	2.34		2.73	2.53	2.82	3.06	5.00		5.00	
25	2041	2.37		2.75	2.55	2.84	3.07	5.00		5.00	
26	2042	2.38		2.76	2.56	2.85	3.08	5.00		5.00	
27	2043	2.39		2.77	2.57	2.86	3.09	5.00		5.00	
28	2044	2.40		2.78	2.58	2.87	3.10	5.00		5.00	
29	2045	2.41		2.79	2.59	2.88	3.11	5.00		5.00	
30	2046	2.42		2.80	2.60	2.89	3.12	5.00		5.00	

Capital Markets Perspective



Capital Markets Perspective

Appendix

Footnotes

- (1) Permissive Referendum – Council passes bond resolution by a super majority vote and at least 5% of voters from last general election, opposed to such resolution would have opportunity to file a petition with city clerk.



CITY COUNCIL AGENDA

NO. 9

DEPT.: City Council

DATE: July 13, 2016

CONTACT: Mayor Joseph A. Sack

ACTION: Presentation on improvements in the Forest Avenue corridor by the engineering firm Stantec Consulting Services Inc.

FOR THE MEETING OF:

July 13, 2016

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION:

IMPACT: ☐ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

BACKGROUND: At the request of local Rye residents the City engaged Stantec Consulting Services Inc. to prepare a pedestrian improvement study to identify potential alternative improvement projects that better accommodate pedestrian needs in the roadway right-of-way of Forest Avenue and Manursing Avenue. The project scope includes the right-of-way along Forest Avenue between Apawamis Avenue and Manursing Avenue and along Manursing Avenue between Forest Avenue and Davis Avenue. Stantec Consulting Services Inc. will present the study to the City Council.

See attached.



FOREST AVENUE / MANURSING AVENUE PEDESTRIAN IMPROVEMENT STUDY

Prepared for:
City of Rye, New York
July 1, 2016

DRAFT



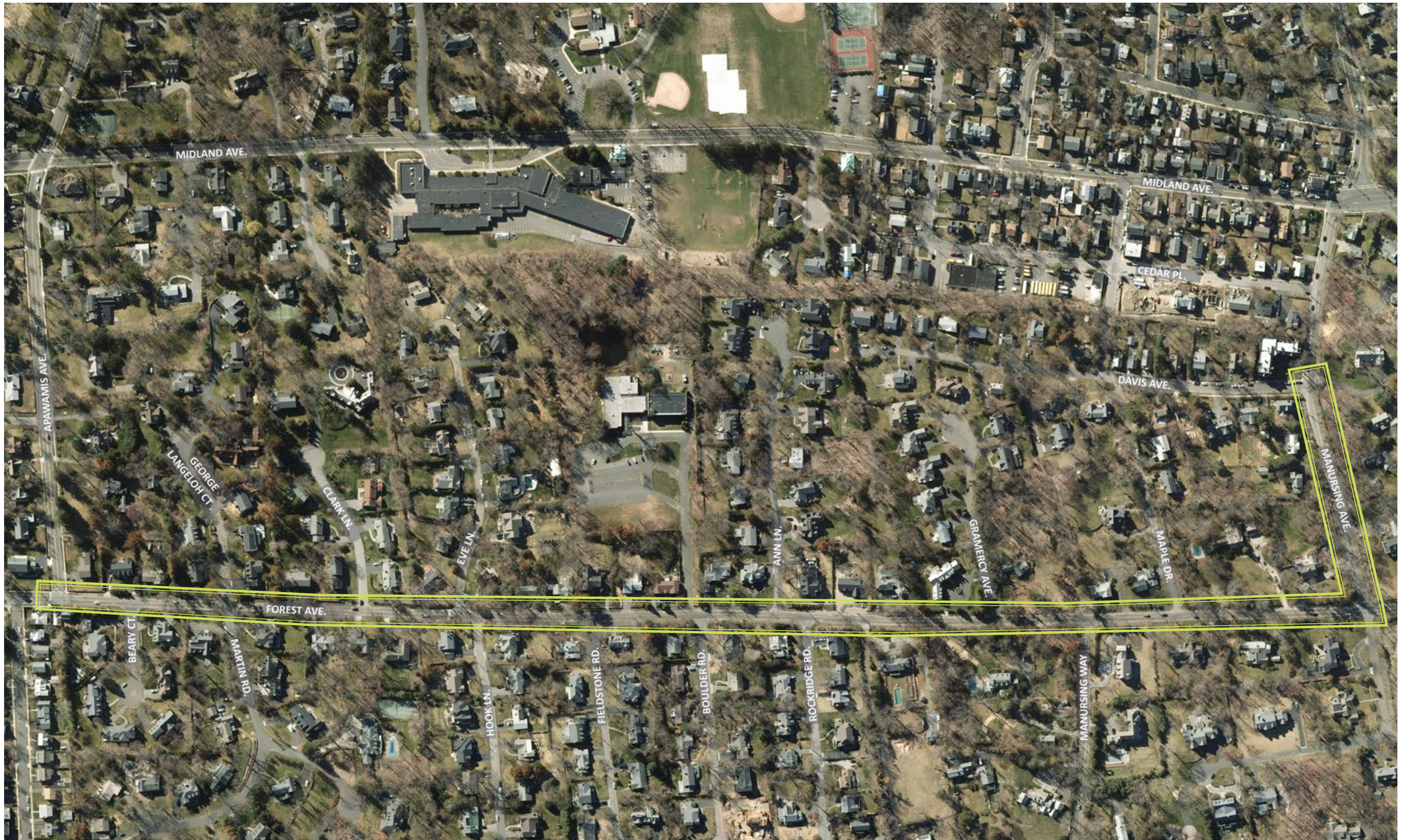


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- Opinion of Construction Cost Matrix Overview

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- Public Open House - Meeting Minutes
- Resident Comments sent to the City of Rye, NY

(Opposite page) Aerial photo with yellow line delineating the project study limits.



CHAPTER

- Overview
- Process
- Public Involvement
- Acknowledgements

PROJECT SUMMARY

Overview

In the spring of 2016 the City of Rye contracted with Stantec Consulting Services Inc. to prepare a pedestrian improvement study that would identify potential alternative improvement projects that better accommodate pedestrian needs in the roadway right-of-way of Forest Avenue and Manursing Avenue. The project scope includes the right-of-way along Forest Avenue between Apawamis Avenue and Manursing Avenue (approximately 3,700 linear feet) and along Manursing Avenue between Forest Avenue and Davis Avenue (approximately 650 linear feet). The study will be used to inform the City and the public of possible pedestrian improvement options and is meant to encourage a formal discussion as a design alternative is chosen by the City for future detailed engineering and implementation.

Process

The City of Rye supplied a topographic and property boundary survey for the project area. The survey included the location of any visible structure within three (3) feet of the edge of the City right-of-way including: topography; pavement edges, centerline and elevation; curbs (including top and bottom of curb elevations); driveways and intersections; walls (face, width and elevation); fences; utility structures, manholes, gas/water valve boxes, sewer/drainage structures, fire hydrants, utility poles and guy wire supports; and trees and vegetation. Using the survey provided by the City of Rye, Stantec completed a walking tour and review of the vegetation, right-of-way conditions, materials and neighborhood character of the area.

Stantec developed options for potential pedestrian improvements for Forest Avenue and Manursing Avenue, including sidewalks with on-road bicycle lanes, off-road multi-use path and expanding the width of the roadway pavement shoulders to provide space for pedestrians. Each of the alternatives was designed with sensitivity to the needs of its prospective users, adjacent property owners, and potential environmental and traffic impacts. Options were evaluated, noting opportunities and constraints of each, incorporating a preliminary traffic review and identifying viable pedestrian improvements options from an active transportation and a pedestrian perspective.

Detailed preliminary plans (40%) for each of the viable alternatives were prepared with sufficient detail to properly assess project impacts, physical constraints and anticipated cost. A narrative discussing the challenges, issues and constraints of each alternative was included. The cost estimate for each option includes the costs for final design, construction documents and construction inspection.

Public Involvement

One of the critical elements of the study was engaging the community and soliciting public input during the development process. An initial meeting was held prior to any refined routes being suggested to state the goals of the project as well as obtain stakeholder input on potential improvement options and community concerns and/or priorities. Subsequent to pathway development, a second public outreach session will be held to further provide the community with updates on routing, details, and typical sections and to solicit response to the alternatives.

Acknowledgements

City of Rye, New York

- Marcus A. Serrano, City Manager
- Christian K. Miller, AICP, City Planner, Department of Planning
- Ryan Coyne, P.E., City Engineer, Department of Engineering/Public Works



2

CHAPTER

- Overview
- Opportunities / Constraints
- Existing Conditions - 1
- Existing Conditions - 2
- Existing Conditions - 3
- Existing Conditions - 4

EXISTING CONDITIONS ANALYSIS

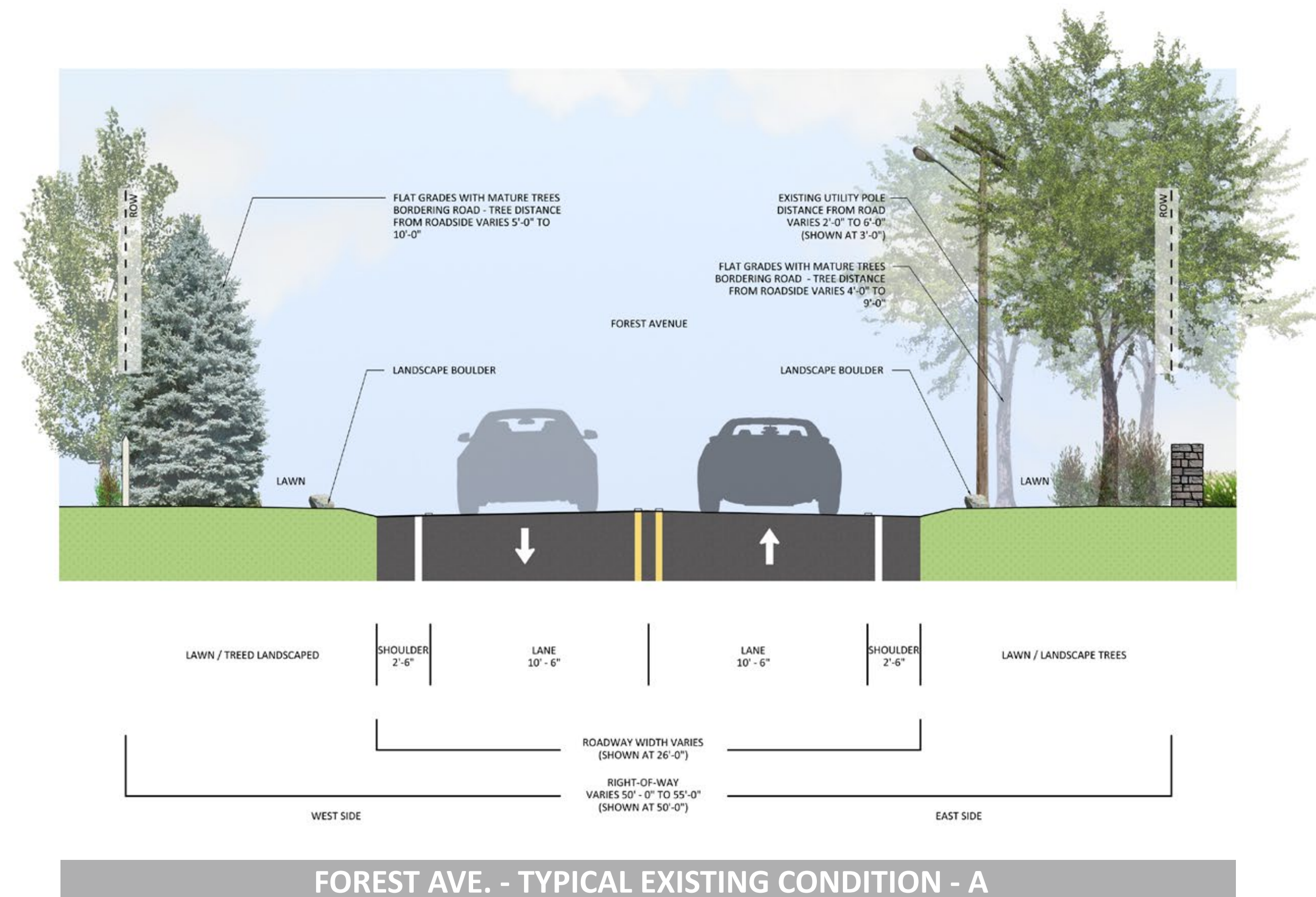
Overview

Using the survey provided by the City of Rye, Stantec completed a walking tour of the Forest Avenue and Manursing Avenue site corridor and completed a review of vegetation, right-of-way conditions, materials and neighborhood character of the area. Using the information collected from the walking tour, Stantec prepared an existing conditions analysis of the Forest Avenue and Manursing Avenue corridors. The following are bullet points of observations regarding opportunities and constrains throughout the site:

On the following plan sheets existing conditions are depicted for the location of overhead utility lines and poles, steep grade change/ledge, mature vegetation growing close to the road edge, and the location of existing condition images shown on the plans. Representative sections of the roadway existing conditions are also provided.

Opportunities/ Constraints

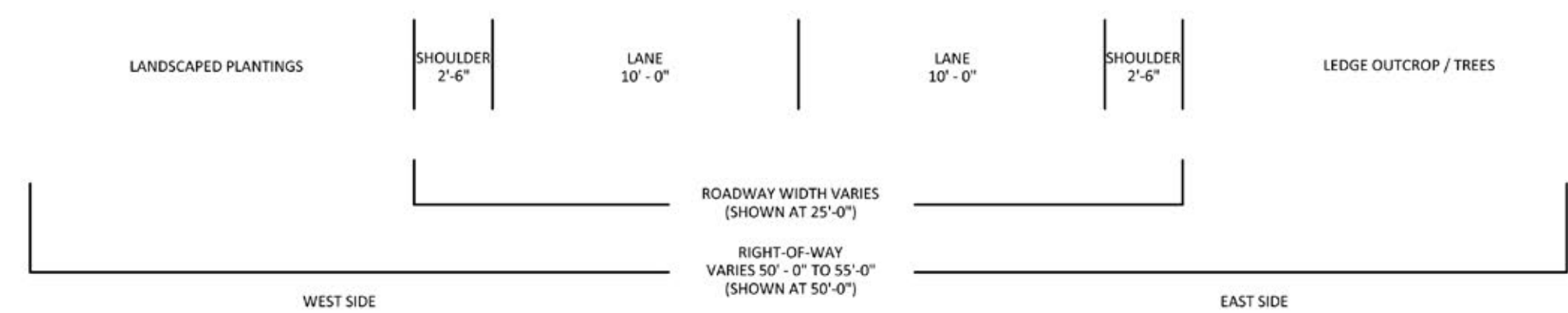
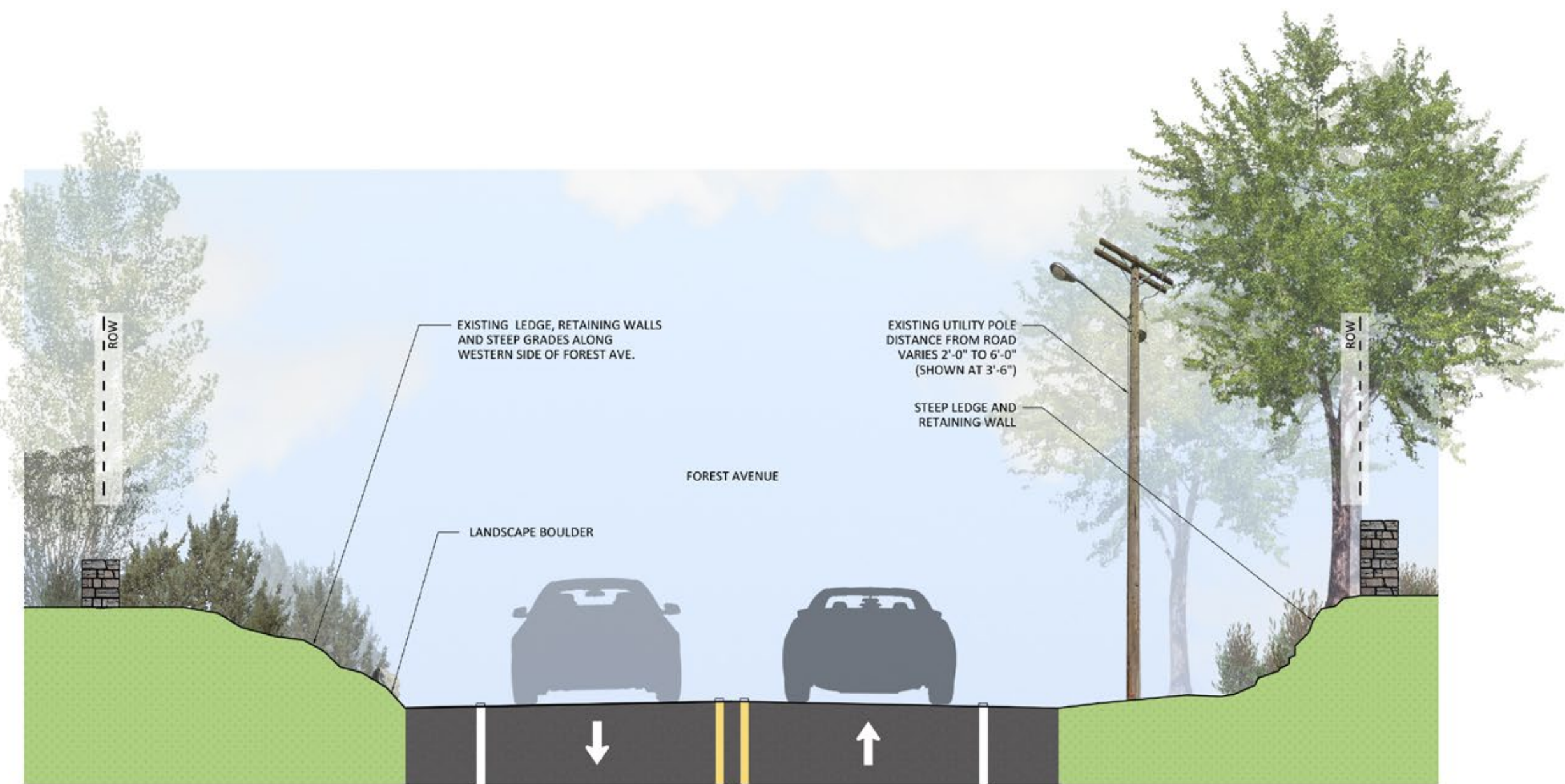
- Areas of wide lawn exist in some portions of the right-of-way.
- The southern portion of Forest Avenue has a good, open view corridor.
- The number of driveway crossings are similar on both sides of the roadway.
- Utility impacts exist on both east and west sides of Forest Avenue.
- While ledge exists on both east and west sides of Forest Avenue, the minimal quantity and type of rock outcrops on the east side offer more opportunity for integration of sidewalk and/or multi-use path.
- Mature tree and shrub locations within the right-of-way will be impacted by the potential sidewalk and/or multi-use path locations.
- Retaining walls exist on the west side of Forest Avenue between Ann Lane and Gramercy Avenue.
- Steep slopes exist on the west side of Forest Avenue after Gramercy Avenue and on the south side of Manursing Avenue.
- The intersection of Forest Avenue and Manursing Avenue has poor site lines, and vehicles tend to roll through the stop signs.
- Storm drainage issues exist in the corridor, especially between Fieldstone Road and Boulder Road.



EXISTING CONDITIONS - 1

FOREST AVENUE / MANURSING AVENUE PEDESTRIAN IMPROVEMENT STUDY





FOREST AVE. - TYPICAL EXISTING CONDITION - B



EXISTING CONDITIONS - 2

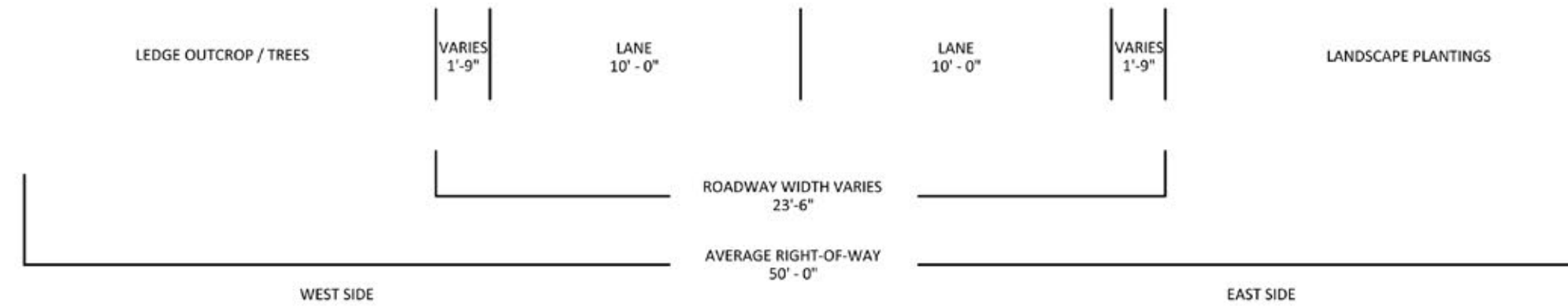
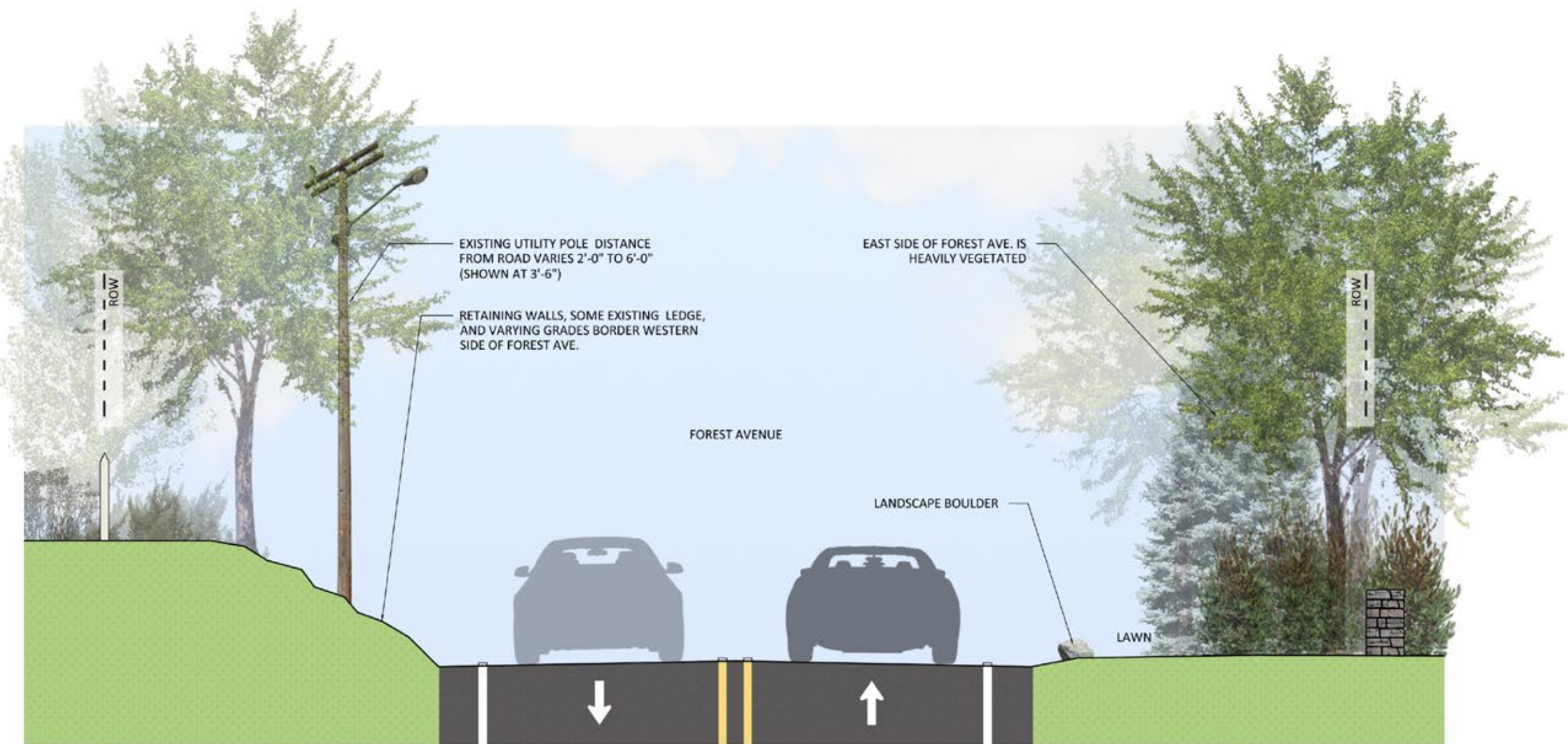


Stantec
STANTEC CONSULTING SERVICES
55 CHURCH ST. SUITE 601
NEW HAVEN, CT 06510-3014

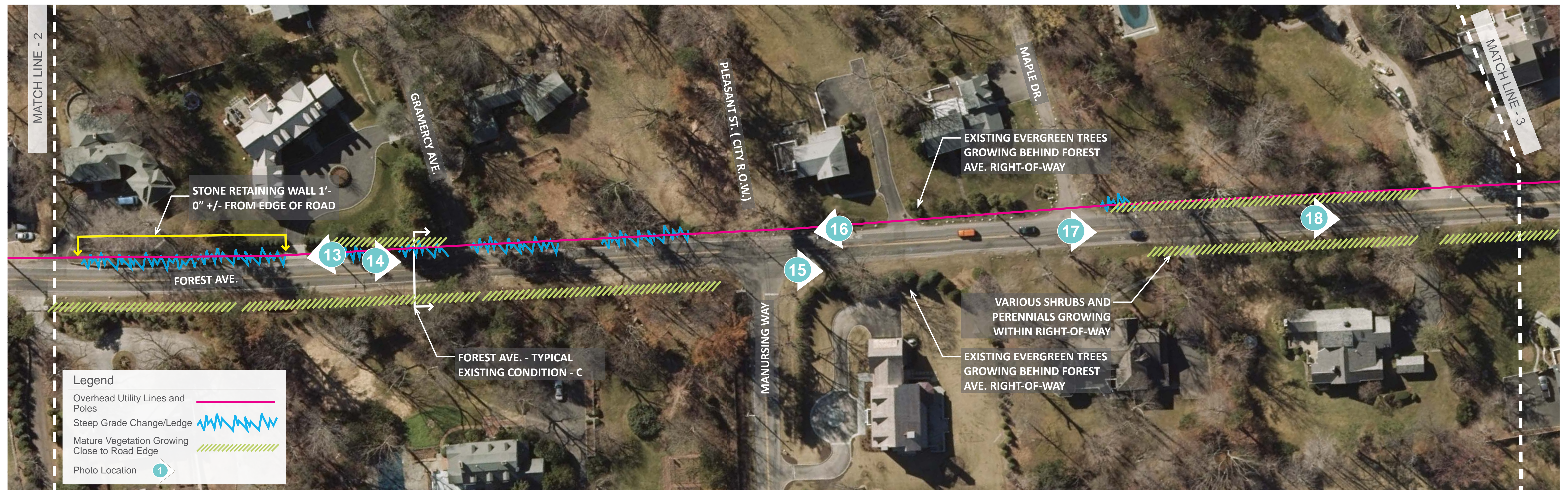
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FOREST AVENUE / MANURSING AVENUE PEDESTRIAN IMPROVEMENT STUDY



FOREST AVE. - TYPICAL EXISTING CONDITION - C



EXISTING CONDITIONS - 3

FOREST AVENUE / MANURSING AVENUE PEDESTRIAN IMPROVEMENT STUDY



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55 CHURCH ST. SUITE 601
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3

CHAPTER

- Sidewalk (Alternating Sides) - Option A
- Multi-Use Path (Alternating Sides) - Option B
- Sidewalk on East Side Only - Option C
- Multi-Use Path on East Side Only - Option D

PEDESTRIAN IMPROVEMENT OPTIONS

Overview

Four pedestrian improvement options are outlined and discussed within this chapter. The final layout of these four options stems from extensive study of the existing site conditions, a review of various pedestrian improvement options with the City, and acknowledgement of the comments made by the Rye community.

The following sidewalk and path options have been labeled “A” through “D”. These labels are meant to serve as name recognition only. It is not Stantec’s intent to suggest one path or sidewalk option should be considered over the other; rather a path or sidewalk will be chosen based on the City’s decision after considering the opportunities and constraints of each option, reviewing the associated costs of each option, and reviewing how the options will impact Rye residents.

Typical site impacts along the Forest Avenue and Manursing Avenue corridor have been identified and are outlined to the right with a corresponding icon. See each plan for specific locations of site impacts.



Utility Pole Relocation

Existing utility pole to be relocated. For multi-use paths, the distance between a utility pole and the pathway shall be a minimum of 2 feet.



Catch Basin Relocation

Existing catch basin to be relocated.



Fire Hydrant Relocation

Existing fire hydrant to be relocated. For multi-use paths, the distance between a fire hydrant and the pathway shall be a minimum of 2 feet.



Road Centerline Shift

Newly painted road centerline and travel lanes to be shifted, allowing for additional room on one side of the road.



Large Tree Removal

Existing mature tree to be removed due to proximity of proposed sidewalk or path. Significant root impacts expected to compromise the health of the tree.



Small Tree Removal

Existing small tree to be removed due to proximity of proposed sidewalk or path. Significant root impacts expected to compromise the health of the tree.



Potential Tree Root System Impact

Existing tree roots are in close proximity to proposed pathway, and care is to be taken to preserve the root system.



Potential Shrub Root System Impacts

Existing shrub roots are in close proximity to proposed pathway, and care is to be taken to pre-serve the root system.



Ledge or Grading

Locations with significant grading needs. Includes existing ledge, retaining walls, and sloping areas that will need to be addressed to make way for sidewalk or multi-use path construction.

SIDEWALK (Alternating Sides)

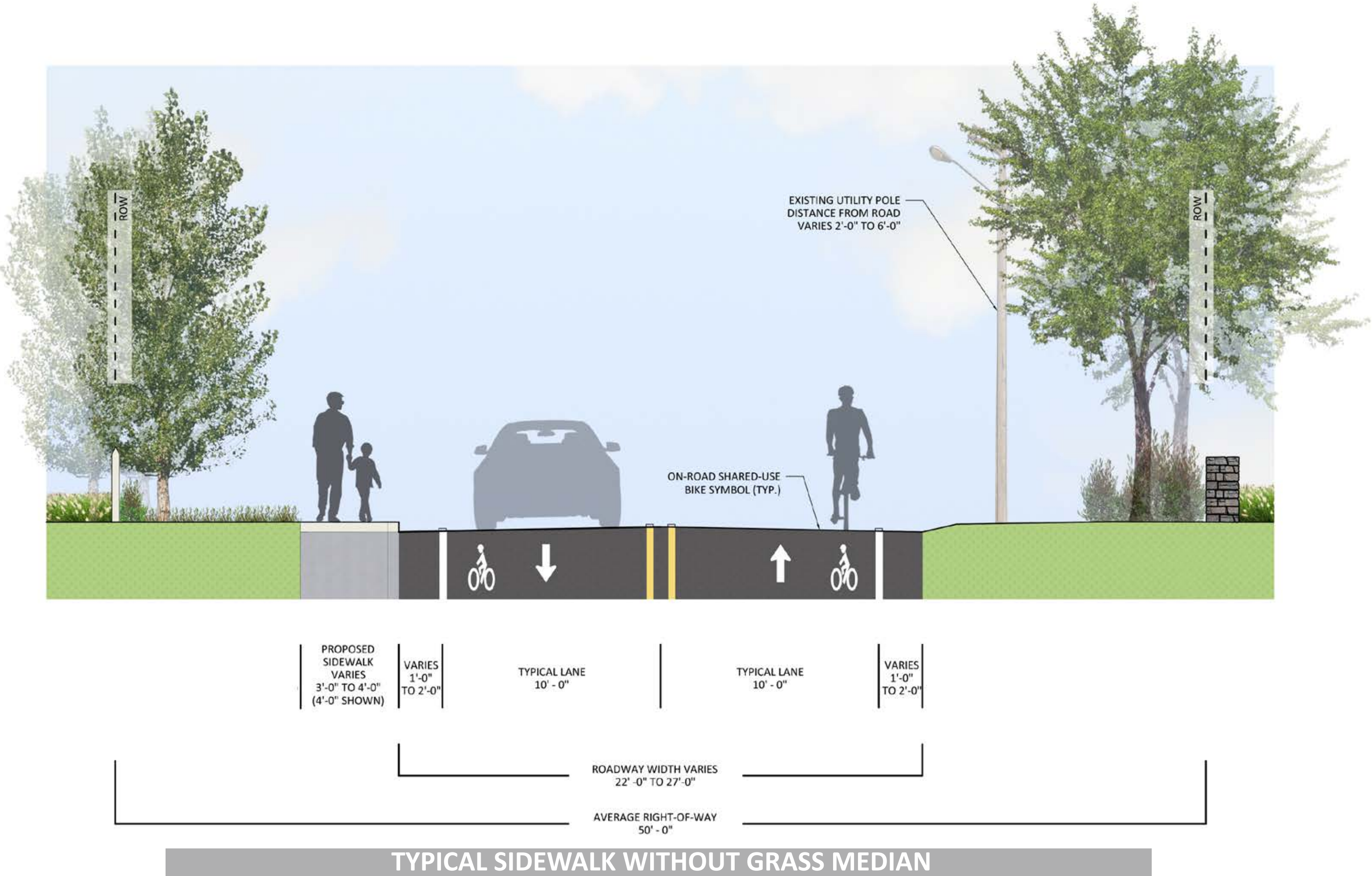
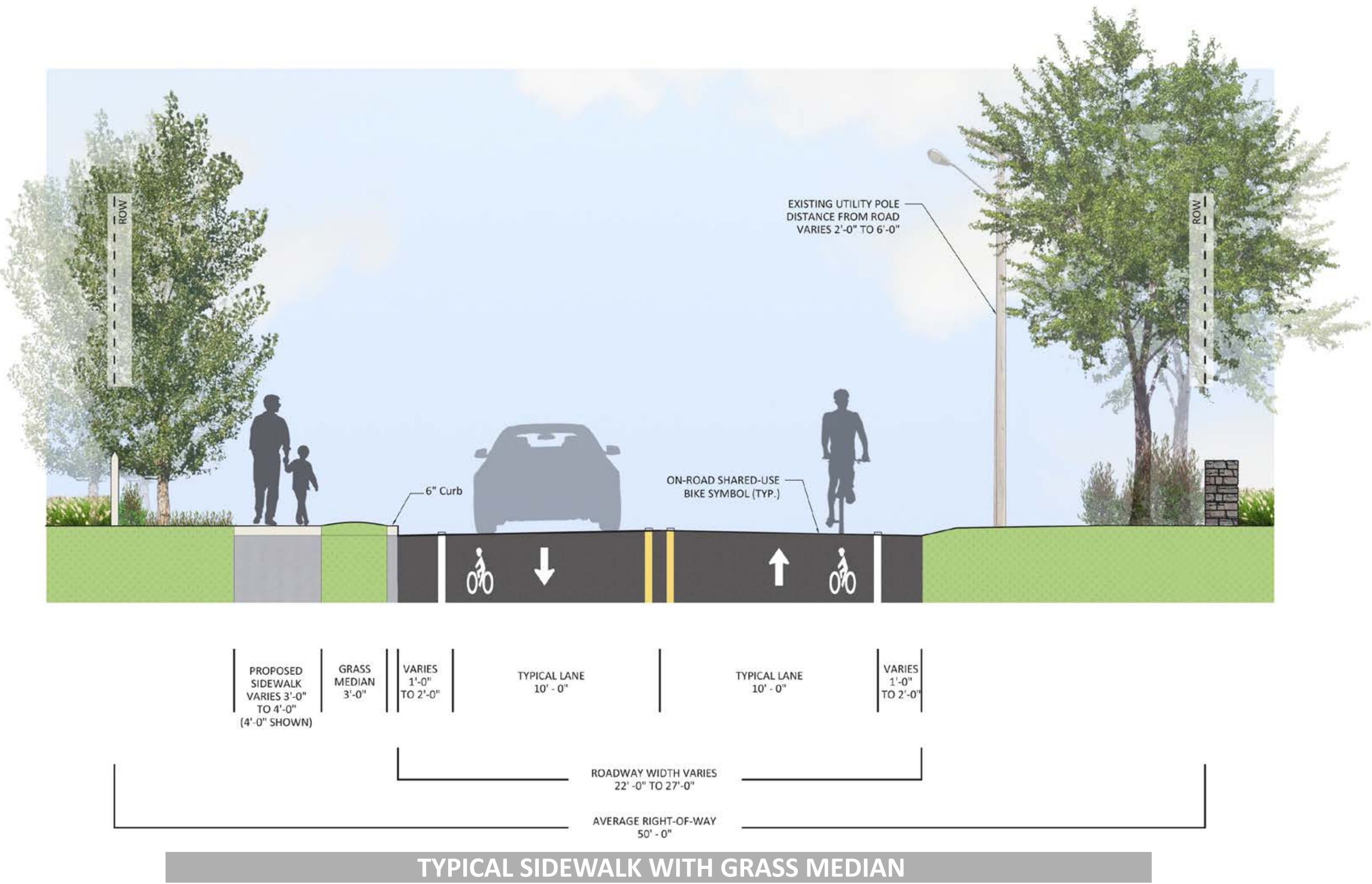
OPTION A

Overview

The sidewalk (alternating sides) begins along the west side of Forest Avenue at the intersection with Apawamis Avenue. The new sidewalk will begin where the existing sidewalk ends and then continues north towards Manursing Avenue. Where there is room, the sidewalk utilizes a grass median to provide separation from the street. At several locations, the sidewalk jogs and is placed adjacent to the curb to avoid existing mature trees (for example, between George Langeloh Court and Clark Lane). At the intersection of Forest Avenue and Eve Lane, crosswalks are proposed, and the sidewalk switches to the east side of Forest Avenue. The sidewalk remains on the east side of the roadway corridor as it continues north, making adjustments to its location to avoid existing trees and mature shrubs as needed. At the intersection of Manursing Avenue and Forest Avenue, the sidewalk crosses Manursing Avenue on the east side of the intersection, then crosses Forest Avenue on the north side. The sidewalk continues along the north side of Manursing Avenue before terminating at Davis Avenue. A new crosswalk is proposed to aid pedestrians in crossing the street and connecting to the existing sidewalk on the south side of Manursing Avenue. The objective of this option was to minimize vegetative impacts to Forest Avenue and Manursing Avenue as much as possible. Roadway travel lanes on Forest Avenue are 10’ wide with 1’ to 2’ shoulders.

Opportunities/Constraints:

- Concrete sidewalk width varies from 3’ to 4’.
- In areas where there is adequate room along the roadside, a 3-foot grass median/snow-shelf has been incorporated.
- A 6” raised curb is to be incorporated onto the side of the road with the sidewalk.
- Minimal impacts to the existing vegetation are expected.
- The crosswalks at Apawamis Avenue, Eve Lane/Hook Road and Manursing Avenue provide potential traffic calming opportunities.
- Bicycles are to remain on-road and travel within the travel lane using the shared-use bicycle and sharrow pavement symbols.
- The centerline of the roadway shifts to allow for additional room to accommodate a sidewalk and grass median.



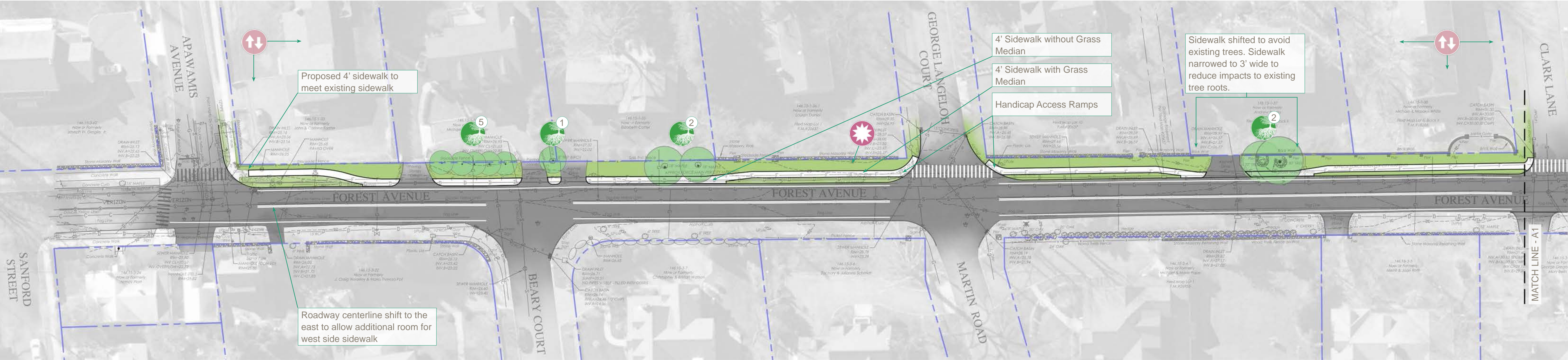
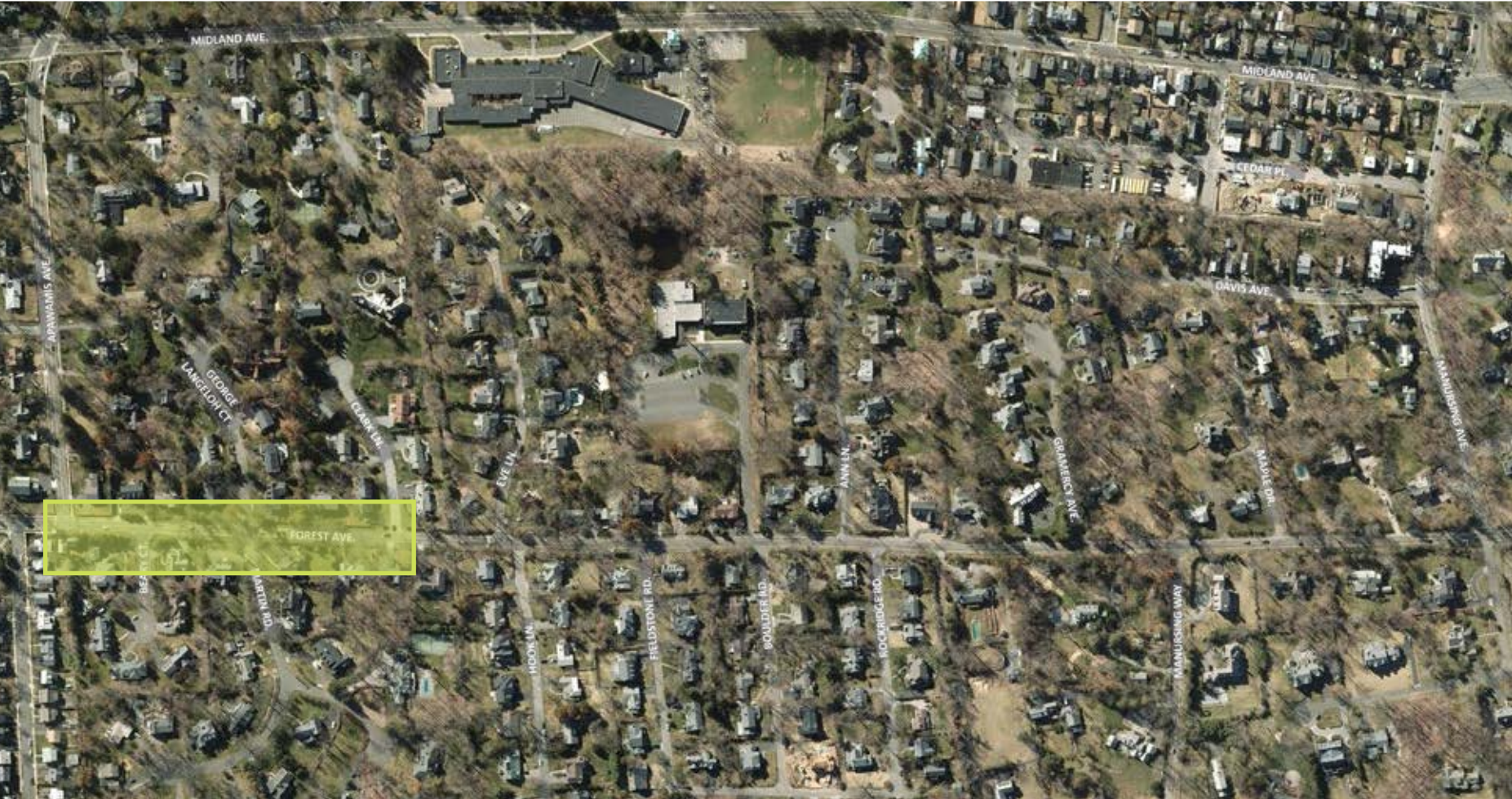
SIDEWALK (ALTERNATING SIDES) - OPTION A

FOREST AVENUE / MANURSING AVENUE PEDESTRIAN IMPROVEMENT STUDY

PRECEDENT IMAGES



KEY MAP



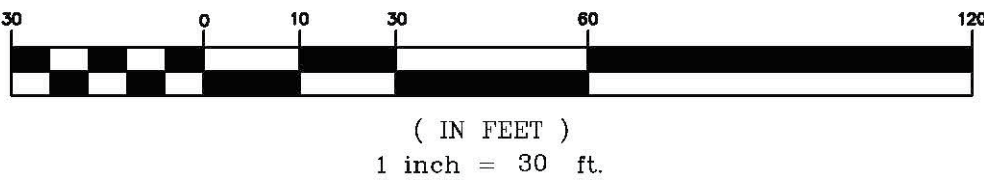
Legend

	Utility Pole Relocation		Large Tree Removal		Potential Shrub Root System Impacts		Crosswalk
	Catch Basin Relocation		Small Tree Removal		Ledge or Grading		Existing Tree
	Fire Hydrant Relocation		Potential Tree Root System Impact		Property Line		Existing Shrubs
	Road Centerline Shift		Indicates Number Impacted		Proposed Sidewalk/Multi-Use Path		Existing Lawn
					Roadway Pavement Markings		

SIDEWALK (ALTERNATING SIDES) - OPTION A

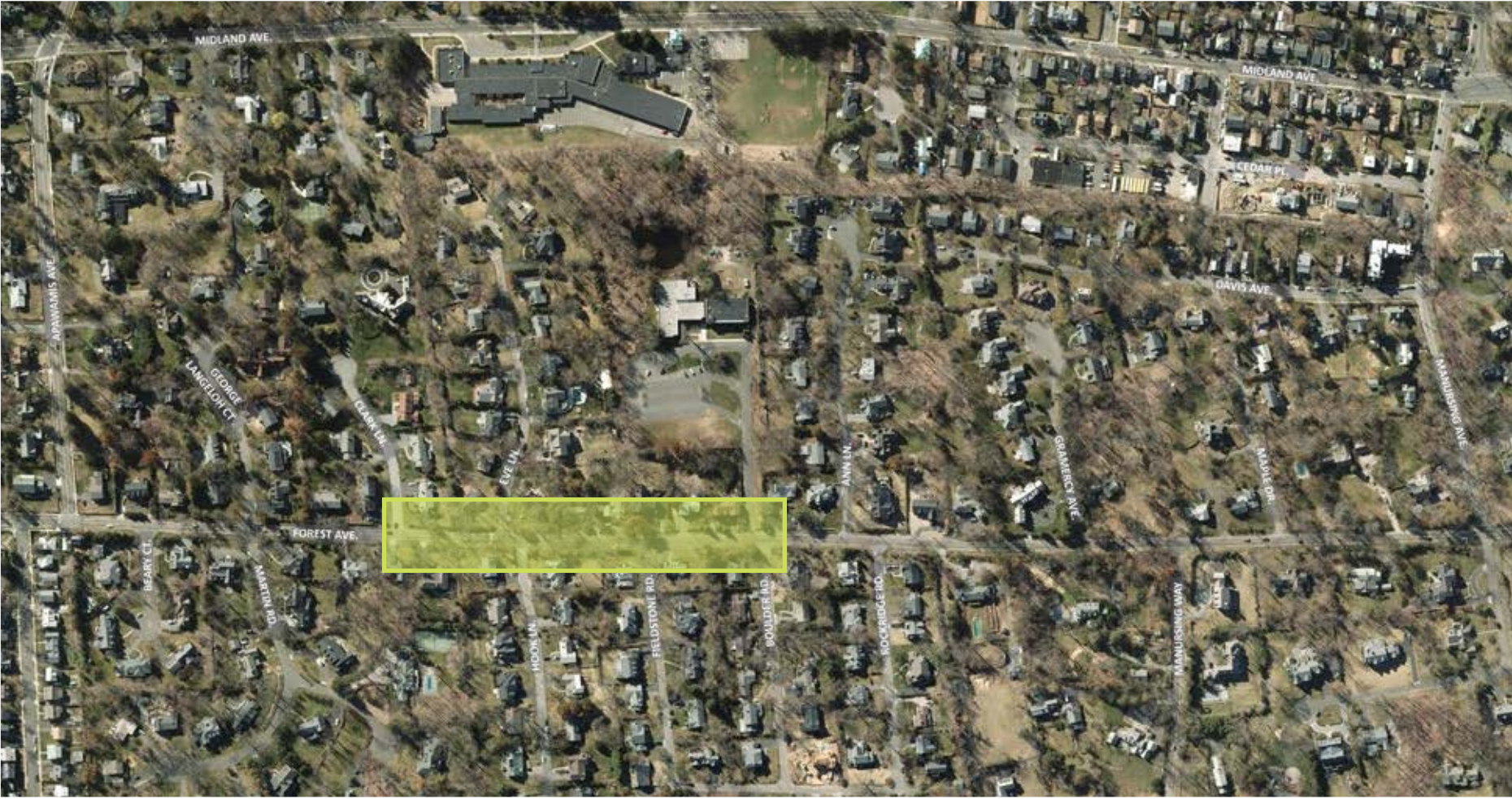


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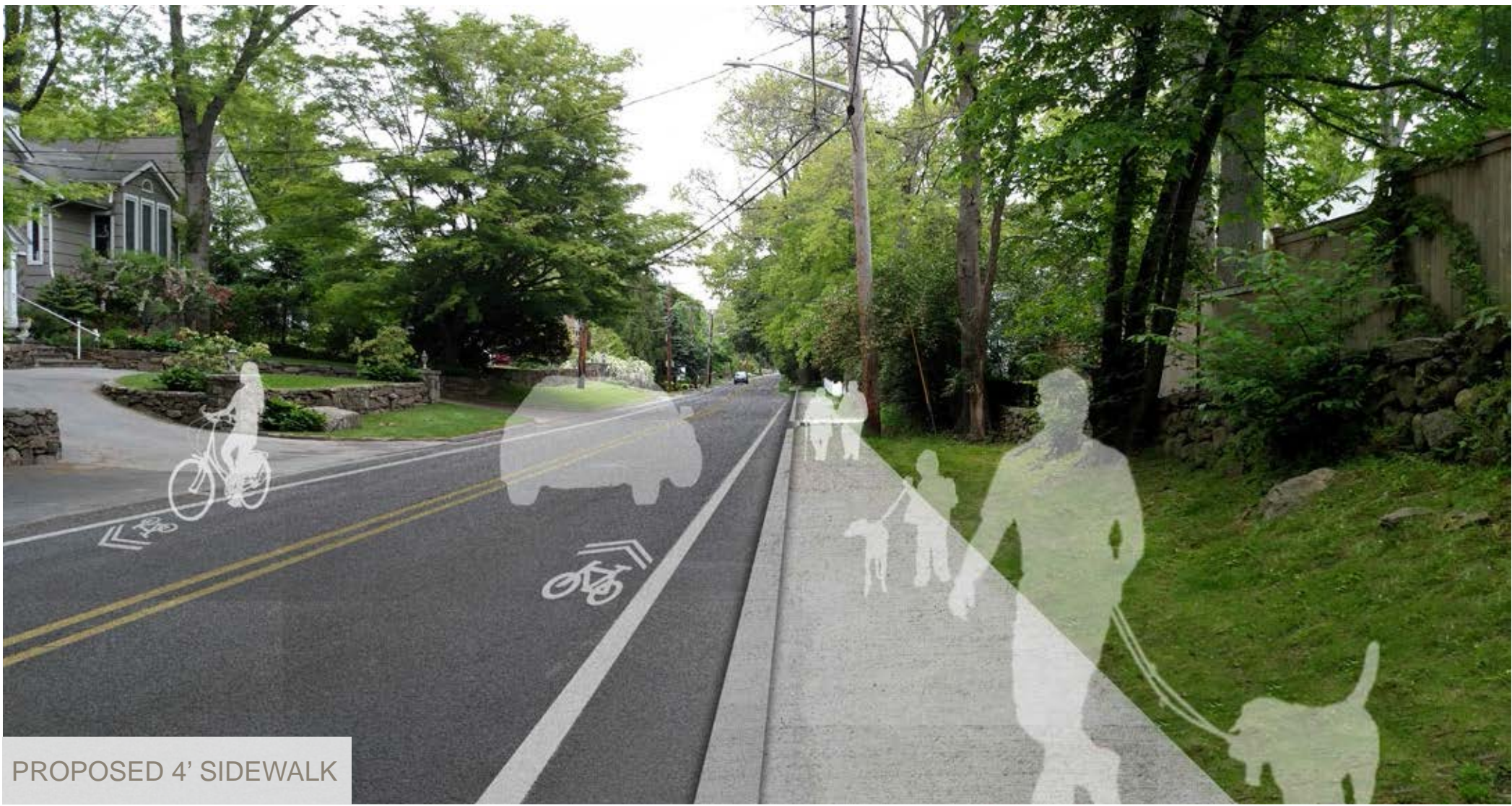


FOREST AVENUE / MANURSING AVENUE PEDESTRIAN IMPROVEMENT STUDY

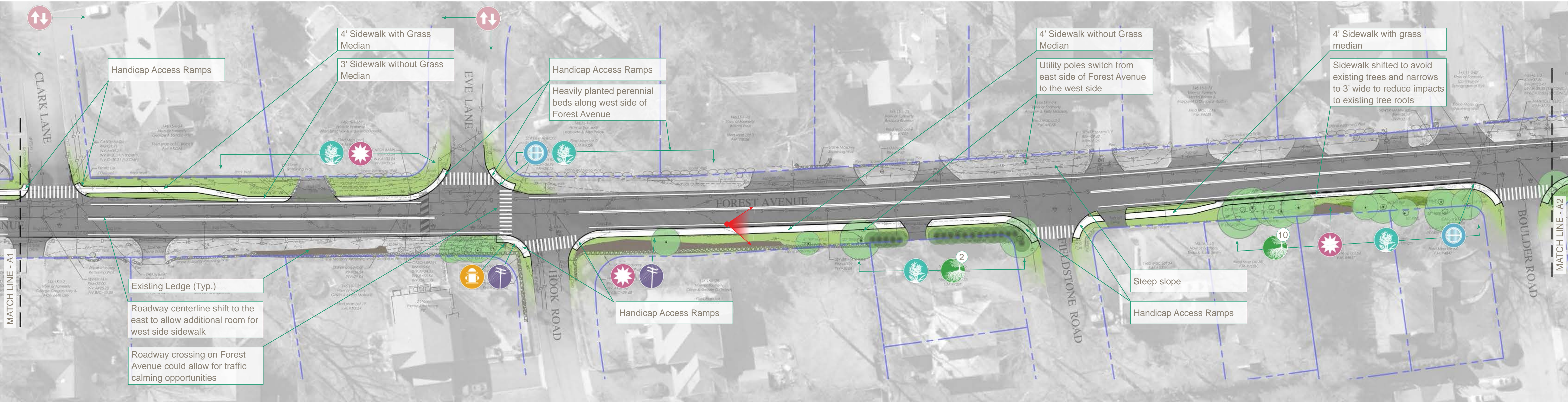
KEY MAP



EXISTING CONDITIONS



PROPOSED 4' SIDEWALK

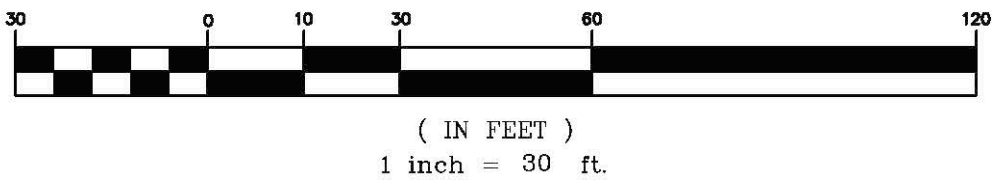


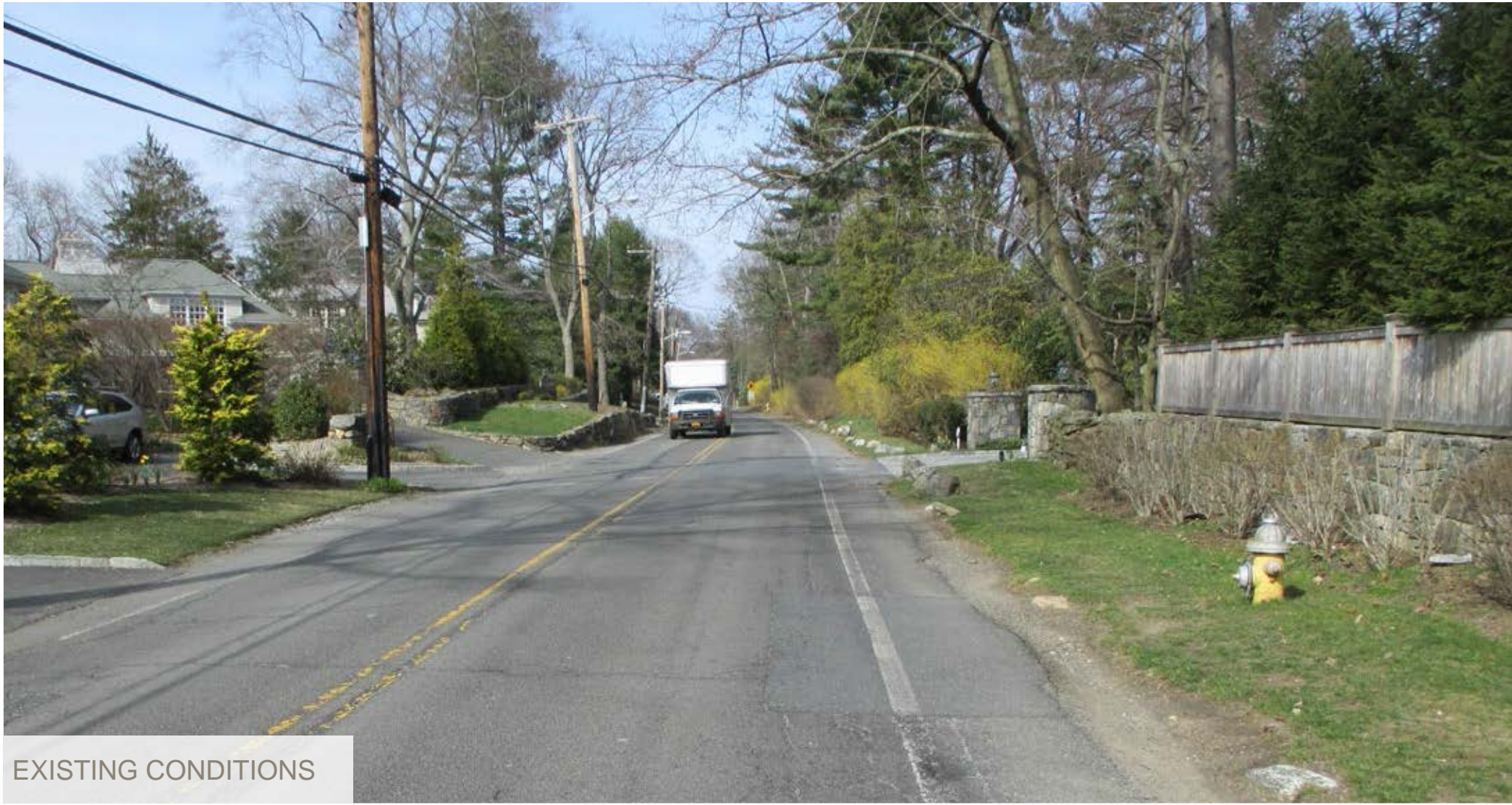
Legend

	Utility Pole Relocation		Large Tree Removal		Potential Shrub Root System Impacts		Crosswalk
	Catch Basin Relocation		Small Tree Removal		Ledge or Grading		Existing Tree
	Fire Hydrant Relocation		Potential Tree Root System Impact		Property Line		Existing Shrubs
	Road Centerline Shift		Indicates Number Impacted		Proposed Sidewalk/Multi-Use Path		Existing Lawn
					Location & View of Photo Rendering		Roadway Pavement Markings

SIDEWALK (ALTERNATING SIDES) - OPTION A

FOREST AVENUE / MANURSING AVENUE PEDESTRIAN IMPROVEMENT STUDY



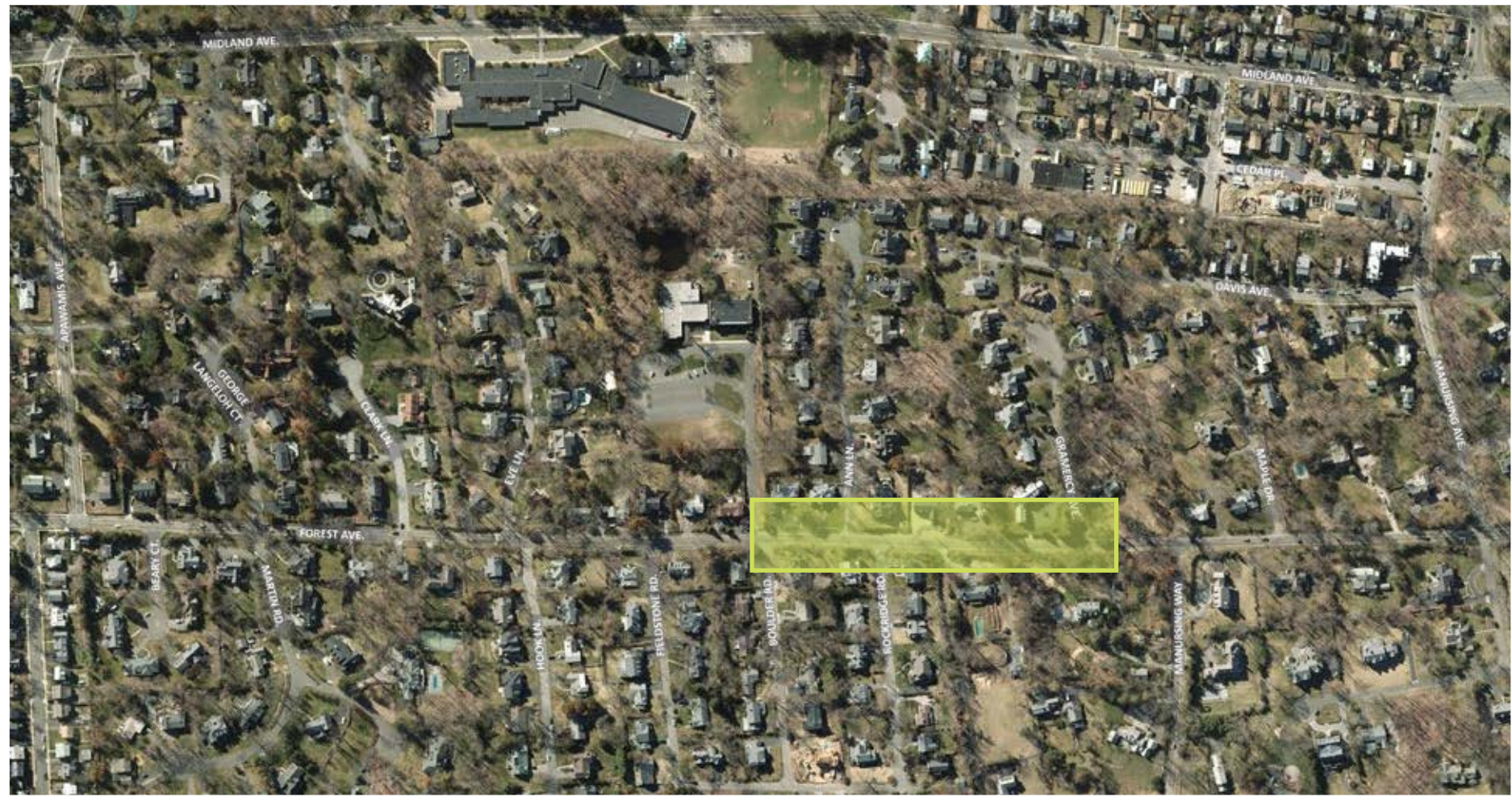


EXISTING CONDITIONS



PROPOSED 4' SIDEWALK

KEY MAP

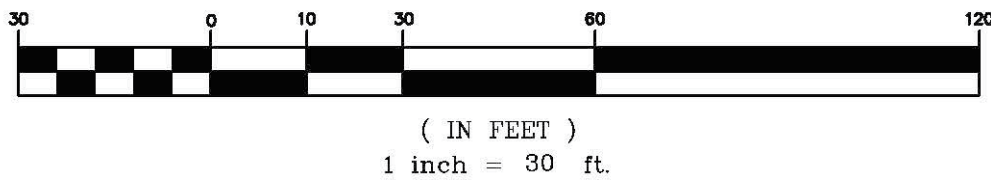


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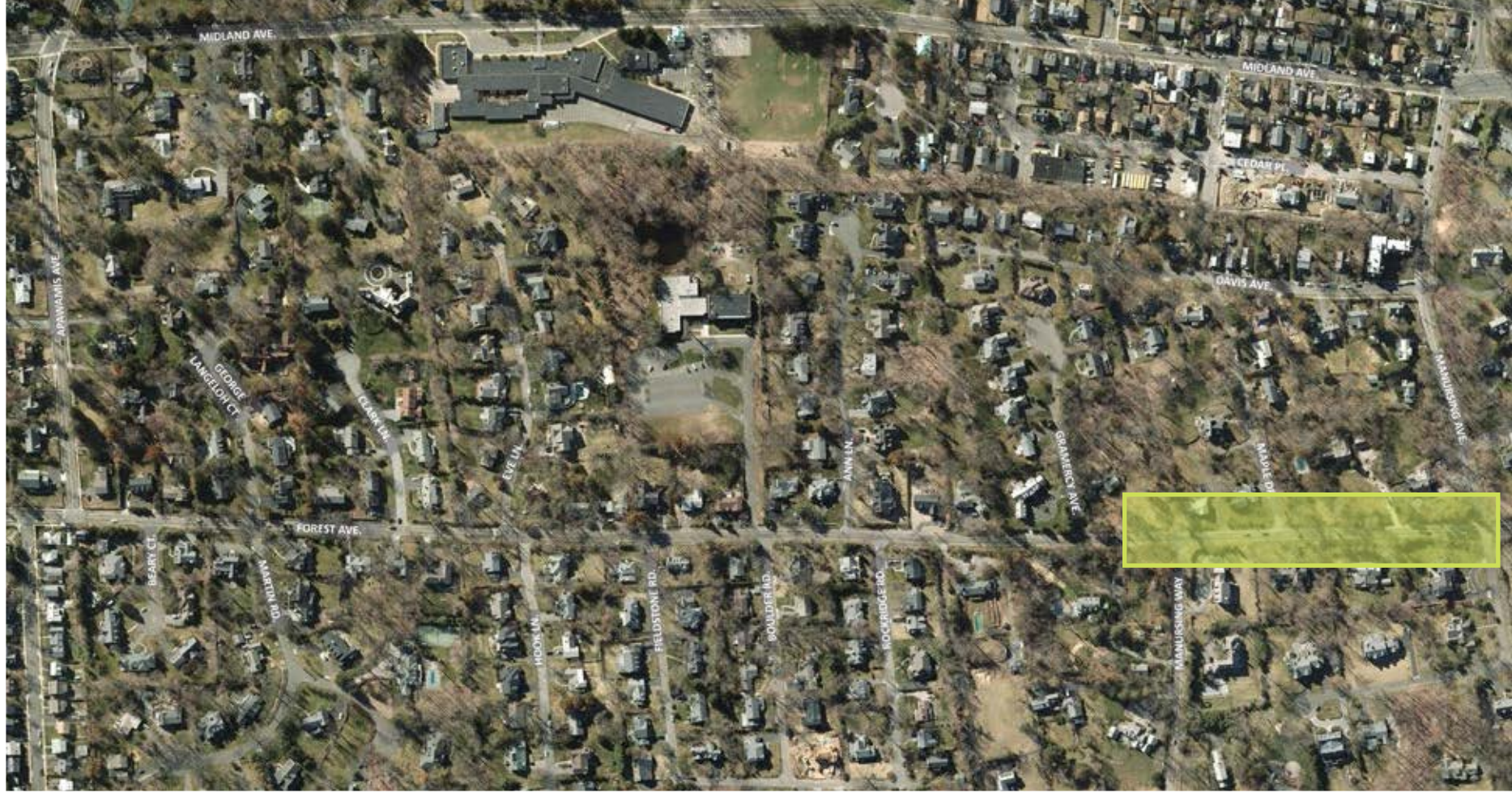
- | | | | | | | | |
|--|-------------------------|--|-----------------------------------|--|-------------------------------------|--|---------------------------|
| | Utility Pole Relocation | | Large Tree Removal | | Potential Shrub Root System Impacts | | Crosswalk |
| | Catch Basin Relocation | | Small Tree Removal | | Ledge or Grading | | Existing Tree |
| | Fire Hydrant Relocation | | Potential Tree Root System Impact | | Property Line | | Existing Shrubs |
| | Road Centerline Shift | | Indicates Number Impacted | | Proposed Sidewalk/Multi-Use Path | | Existing Lawn |
| | | | | | Location & View of Photo Rendering | | Roadway Pavement Markings |

SIDEWALK (ALTERNATING SIDES) - OPTION A

FOREST AVENUE / MANURSING AVENUE PEDESTRIAN IMPROVEMENT STUDY



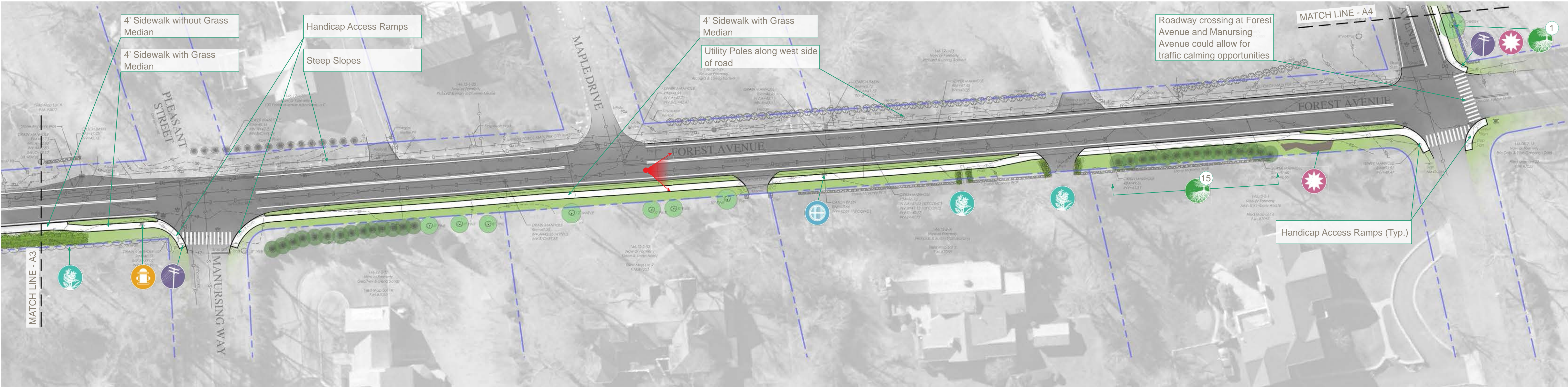
KEY MAP



EXISTING CONDITIONS



PROPOSED 4' SIDEWALK



Legend

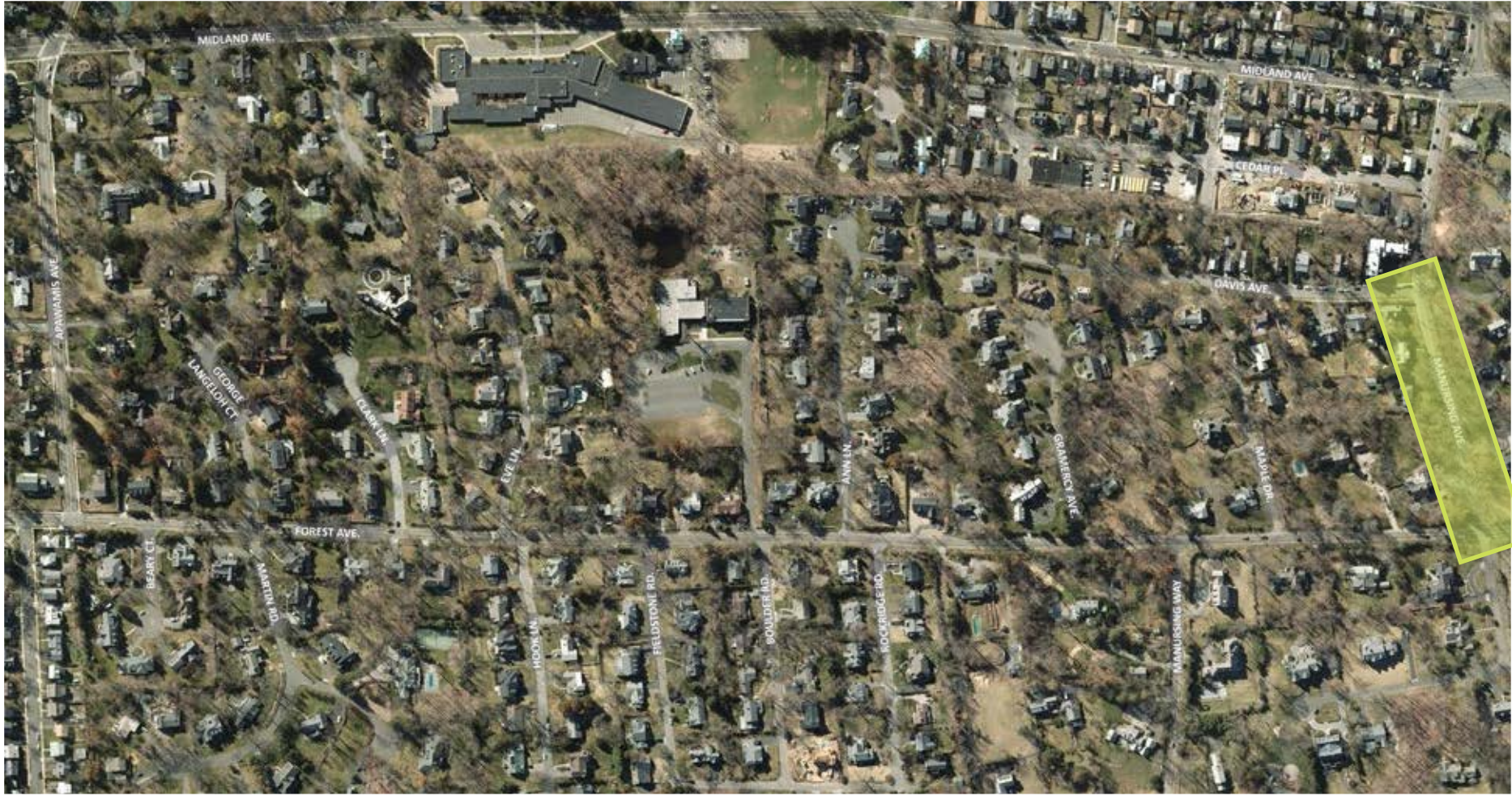
Utility Pole Relocation	Large Tree Removal	Potential Shrub Root System Impacts	Crosswalk
Catch Basin Relocation	Small Tree Removal	Ledge or Grading	Existing Tree
Fire Hydrant Relocation	Potential Tree Root System Impact	Property Line	Existing Shrubs
Road Centerline Shift	Indicates Number Impacted	Proposed Sidewalk/Multi-Use Path	Existing Lawn
		Location & View of Photo Rendering	Roadway Pavement Markings

SIDEWALK (ALTERNATING SIDES) - OPTION A

FOREST AVENUE / MANURSING AVENUE PEDESTRIAN IMPROVEMENT STUDY



KEY MAP



Total Estimated Road Corridor Impacts	Sidewalk (Alternating Sides)
Utility Pole Relocation	5
Catch Basin Relocation	6
Fire Hydrant Relocation	3
Road Centerline Shift	YES
Large Tree Removal	1
Small Tree Removal	1
Potential Tree Root System Impact	48
Potential Shrub Root System Impacts	14
Ledge / Grading Challenges	8
Number of Driveways Crossed	12

Legend

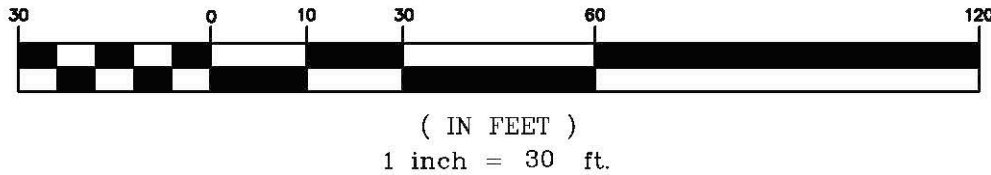
- Utility Pole Relocation
- Catch Basin Relocation
- Fire Hydrant Relocation
- Road Centerline Shift
- Large Tree Removal
- Small Tree Removal
- Potential Tree Root System Impact
- Indicates Number Impacted
- Potential Shrub Root System Impacts
- Ledge or Grading
- Property Line
- Proposed Sidewalk/Multi-Use Path
- Location & View of Photo Rendering
- Crosswalk
- Existing Tree
- Existing Shrubs
- Existing Lawn
- Roadway Pavement Markings

SIDEWALK (ALTERNATING SIDES) - OPTION A

FOREST AVENUE / MANURSING AVENUE PEDESTRIAN IMPROVEMENT STUDY



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MULTI-USE PATH (Alternating Sides)

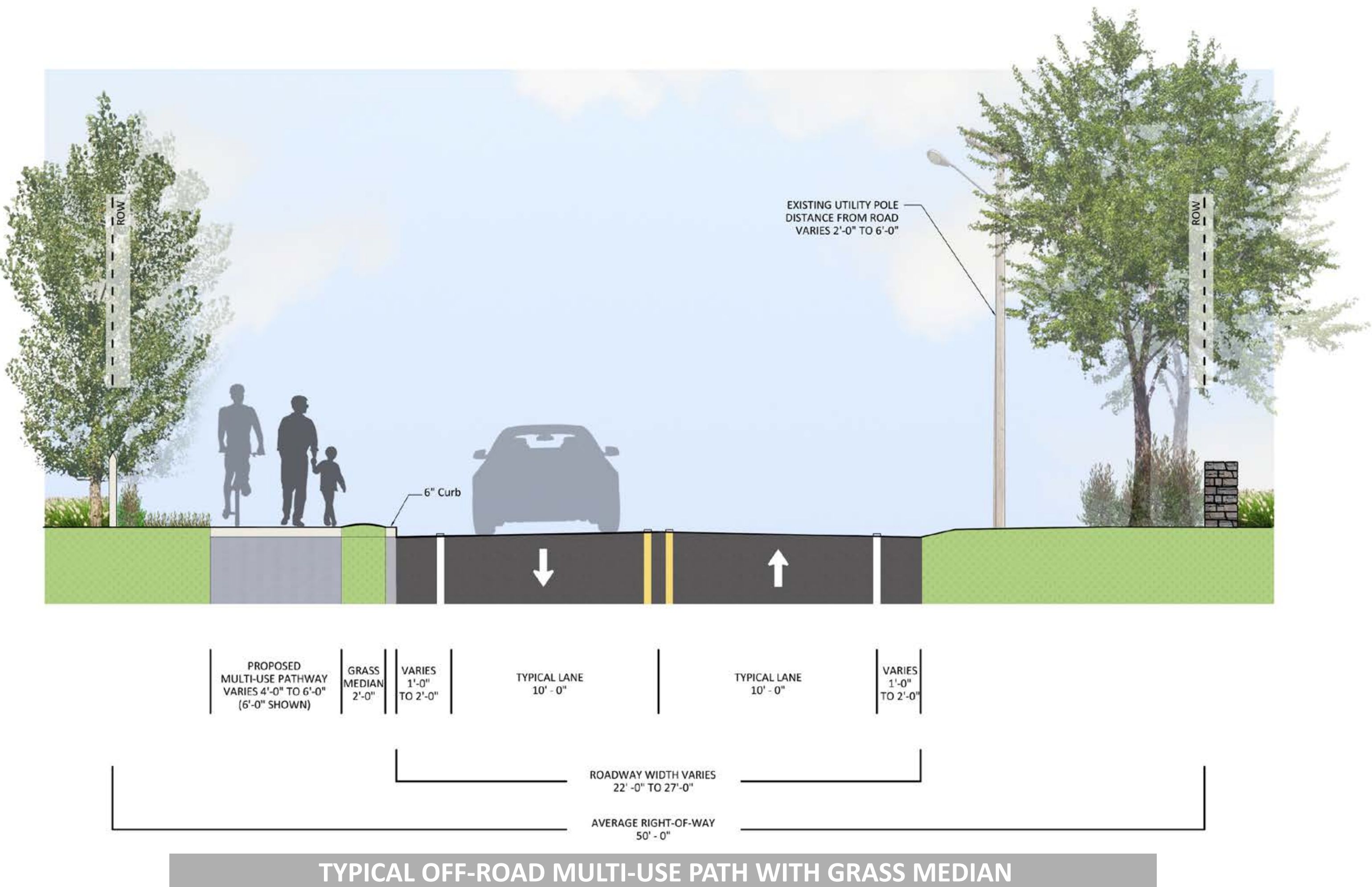
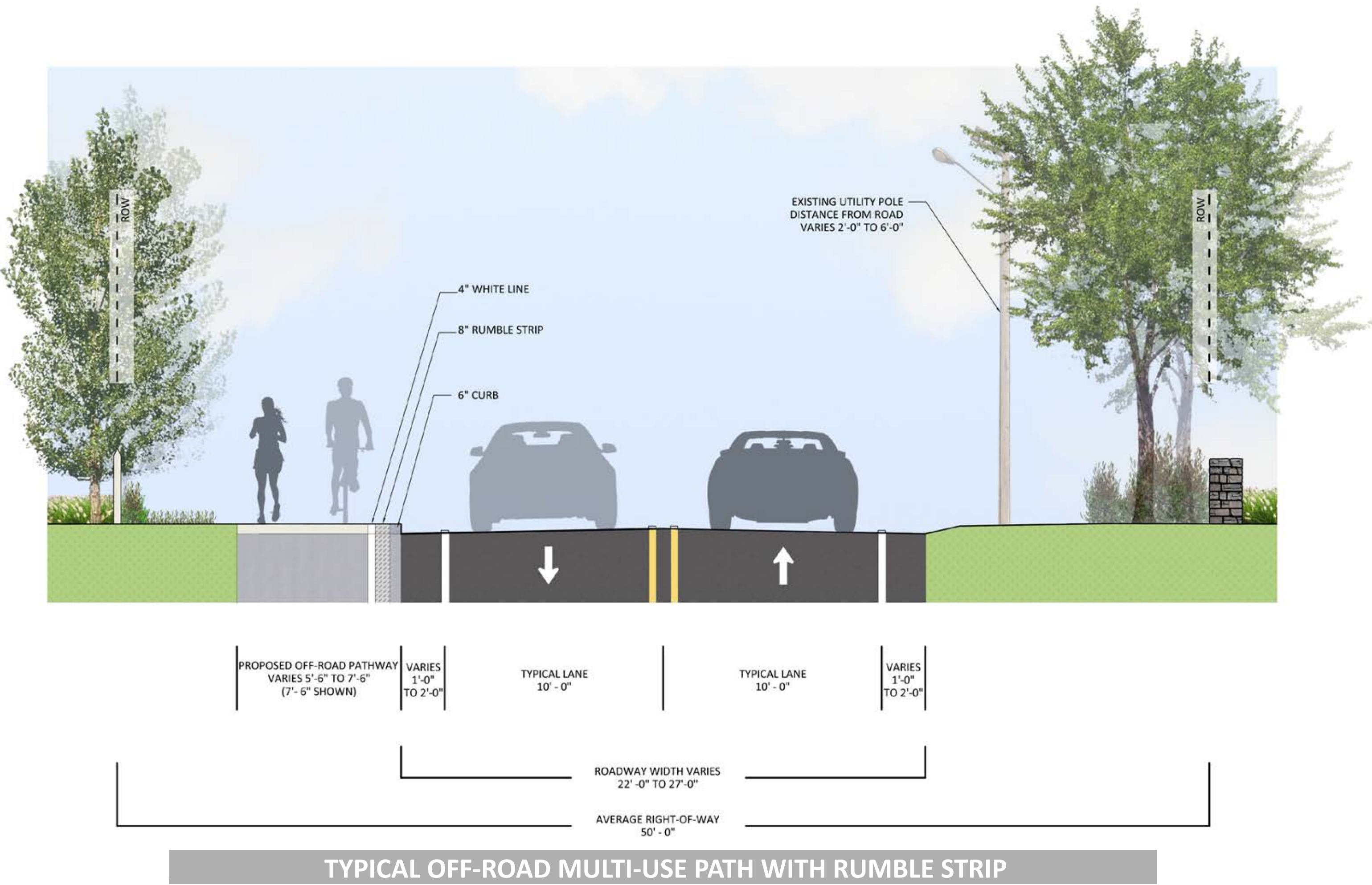
OPTION B

Overview

The multi-use path (alternating sides) begins along the west side of Forest Avenue at the intersection Apawamis Avenue. The new multi-use path merges with the existing Apawamis sidewalk and continues north along the west side of Forest Avenue. Where there is room, the path utilizes a grass median to provide separation from the street. At several locations, the multi-use path jogs and is placed adjacent to the curb to minimize impacts to existing mature trees (for example, between George Langeloh Court and Clark Lane). At these locations where the pathway is adjacent to the curb, a rumble strip is implemented as a visual safety guide. At the intersection of Forest Avenue and Clark Lane, crosswalks are proposed and the multi-use path switches to the east side of Forest Avenue. The multi-use path remains on the east side of the roadway corridor as it continues north, making adjustments to its location and/or width to avoid or minimize impacts to existing trees. At the intersection of Manursing Avenue and Forest Avenue, the path crosses Manursing Avenue on the east side of the intersection, then crosses Forest Avenue on the north side. The multi-use path continues along the north side of Manursing Avenue before terminating at Davis Avenue. A crosswalk is proposed to connect pedestrians to the existing sidewalk on the south side of Manursing Avenue. The objective was for minimal roadway character impact to Forest Ave. and Manursing Ave. while using a multi-use path at 6' wide. Roadway travel lanes on Forest Avenue are 10' wide with 1' to 2' shoulders. Option B is a possible option if the community is looking for completely off-road travel options for pedestrians and bicyclists.

Opportunities / Constraints

- The multi-use path is a bituminous pathway with a standard width of 6' and changes to 4' wide at key locations to reduce impact to existing mature trees.
- In areas where there is adequate room along the roadside, a 2-foot grass median/snow-shelf has been incorporated.
- A 6" raised curb is to be incorporated onto the side of the road with the multi-use path.
- The crosswalks at Apawamis Avenue, Eve Lane/Hook Road and Manursing Avenue provide potential traffic calming opportunities.
- Impacts to existing infrastructure and vegetation are expected.
- A multi-use path accommodates both pedestrians and bicyclists.
- The centerline of the roadway shifts to allow for additional room to accommodate the multi-use path and grass median.



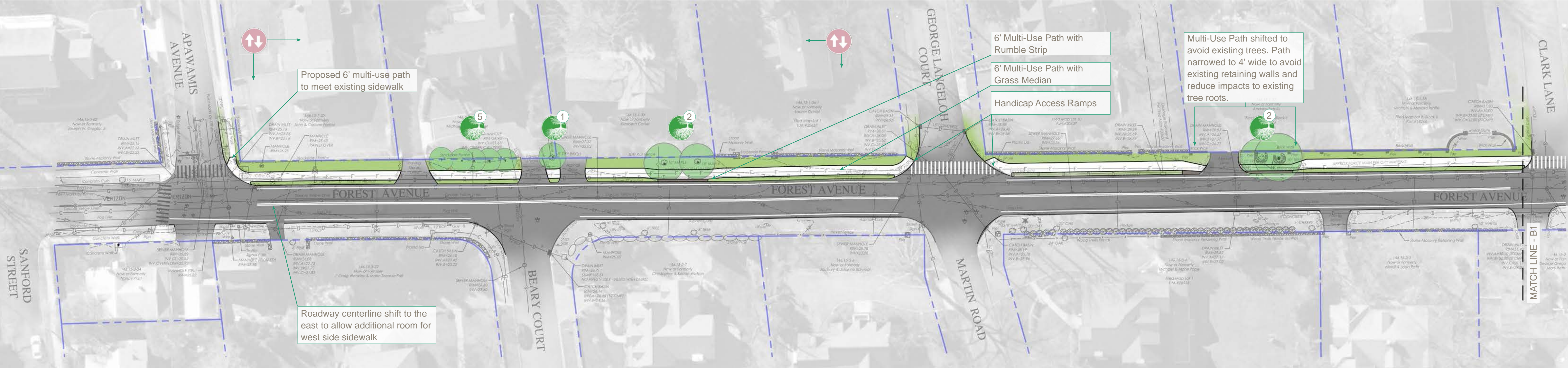
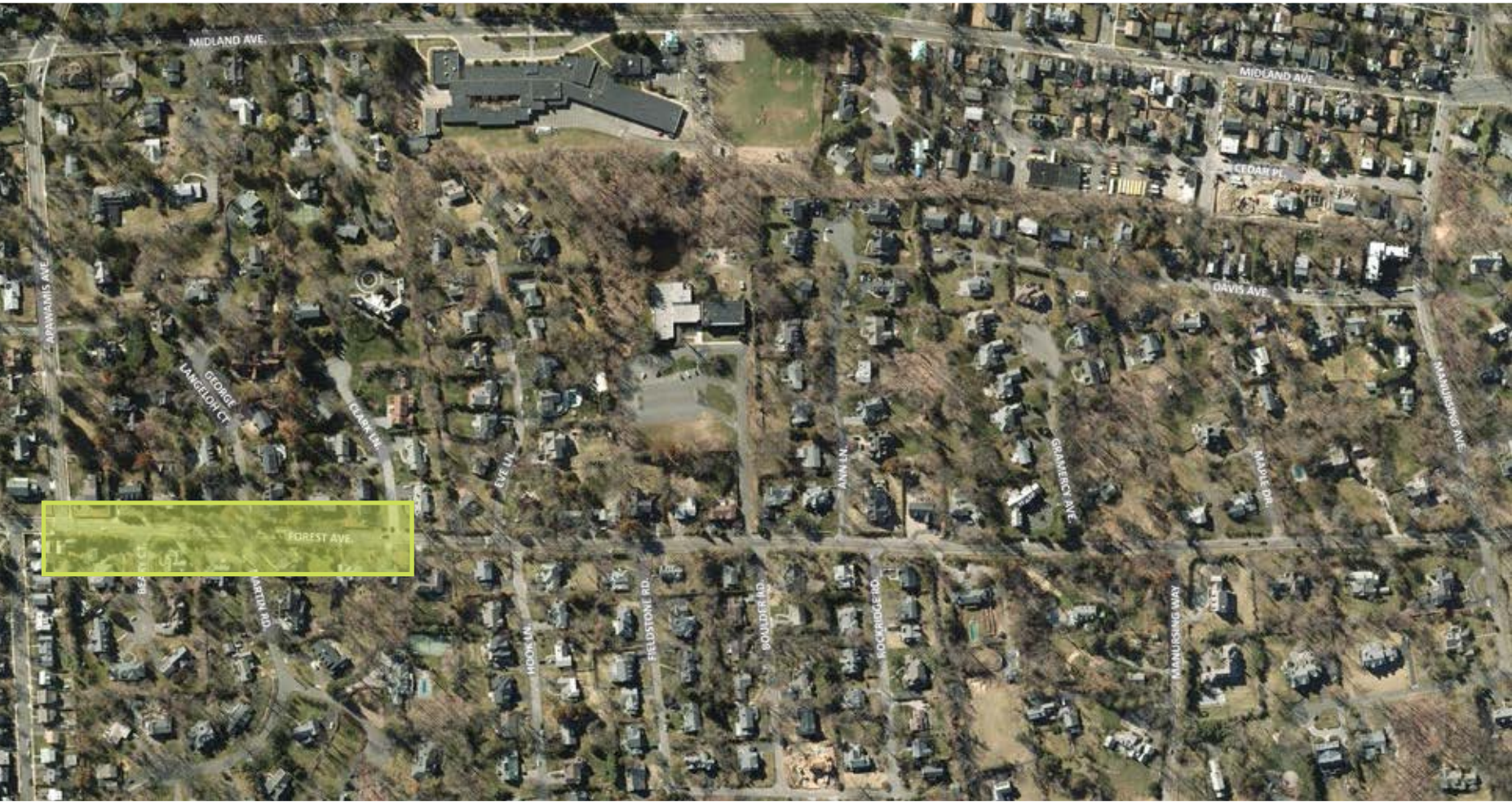
MULTI-USE PATH (ALTERNATING SIDES) - OPTION B

FOREST AVENUE / MANURSING AVENUE PEDESTRIAN IMPROVEMENT STUDY

PRECEDENT IMAGES



KEY MAP



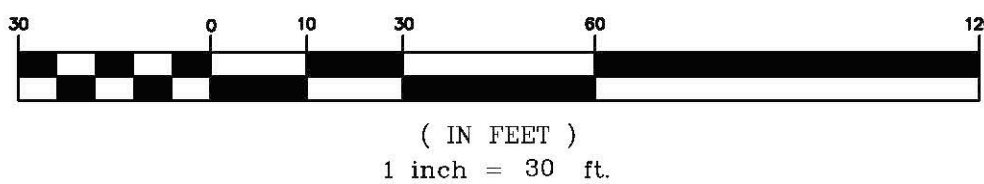
Legend

- | | | | |
|-------------------------|-----------------------------------|-------------------------------------|-----------------|
| Utility Pole Relocation | Large Tree Removal | Potential Shrub Root System Impacts | Crosswalk |
| Catch Basin Relocation | Small Tree Removal | Ledge or Grading | Existing Tree |
| Fire Hydrant Relocation | Potential Tree Root System Impact | Property Line | Existing Shrubs |
| Road Centerline Shift | Indicates Number Impacted | Proposed Sidewalk/Multi-Use Path | Existing Lawn |
| | | Roadway Pavement Markings | |

MULTI-USE PATH (ALTERNATING SIDES) - OPTION B

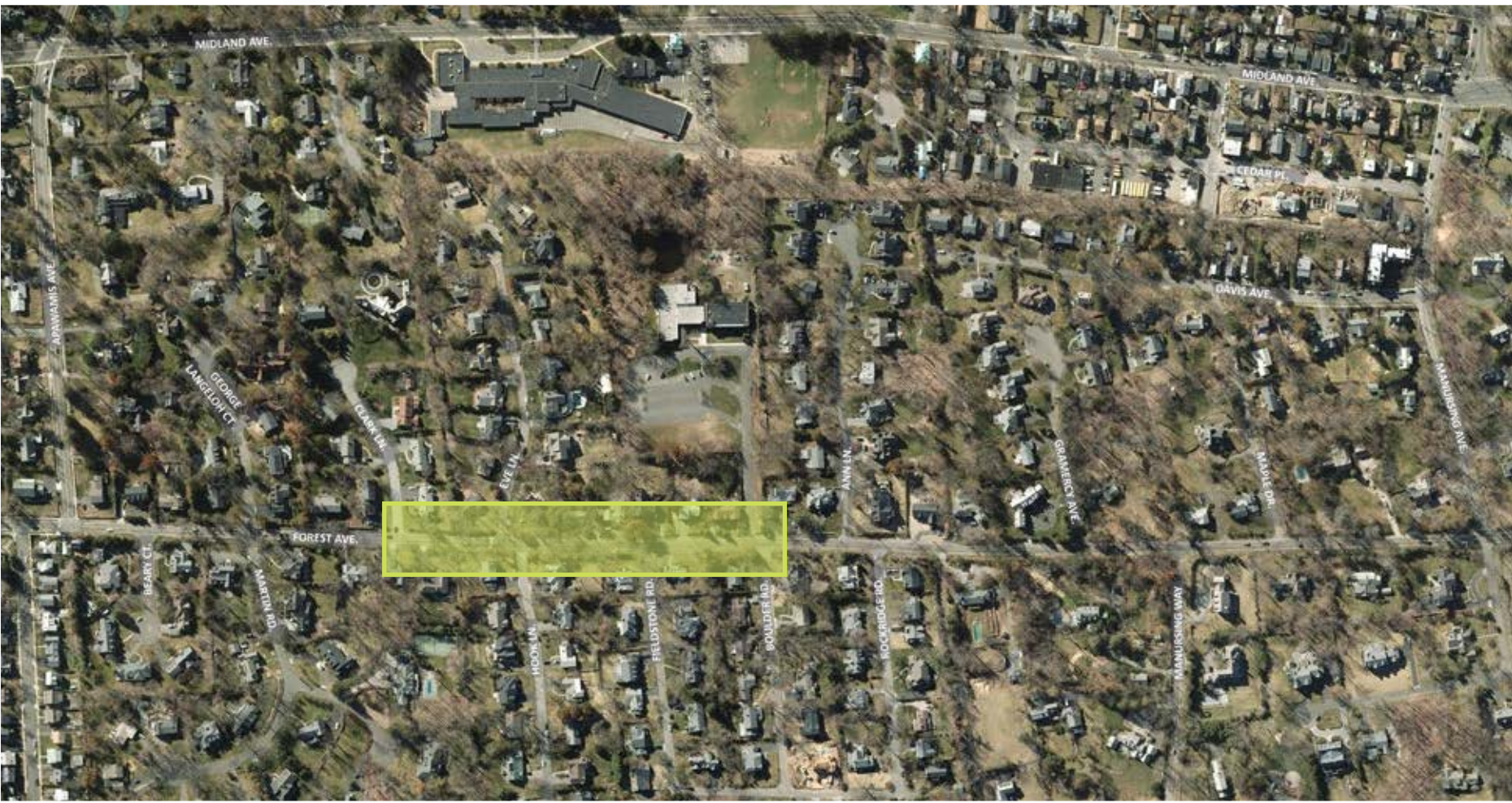


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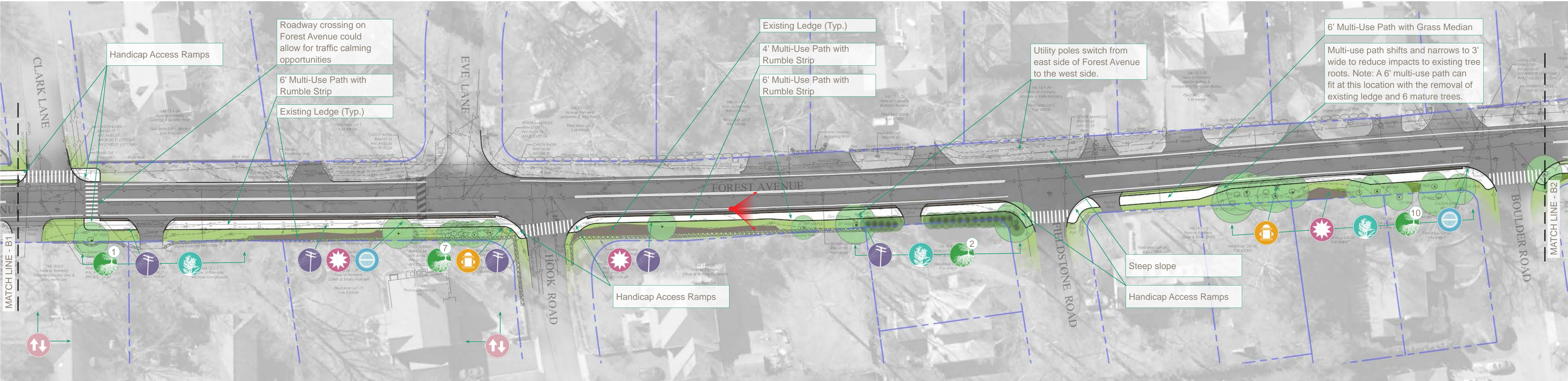
KEY MAP



EXISTING CONDITIONS



PROPOSED 4' SIDEWALK

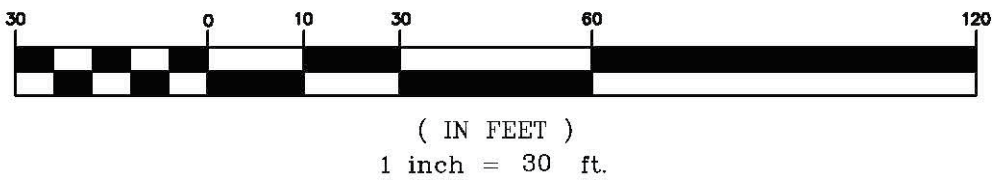


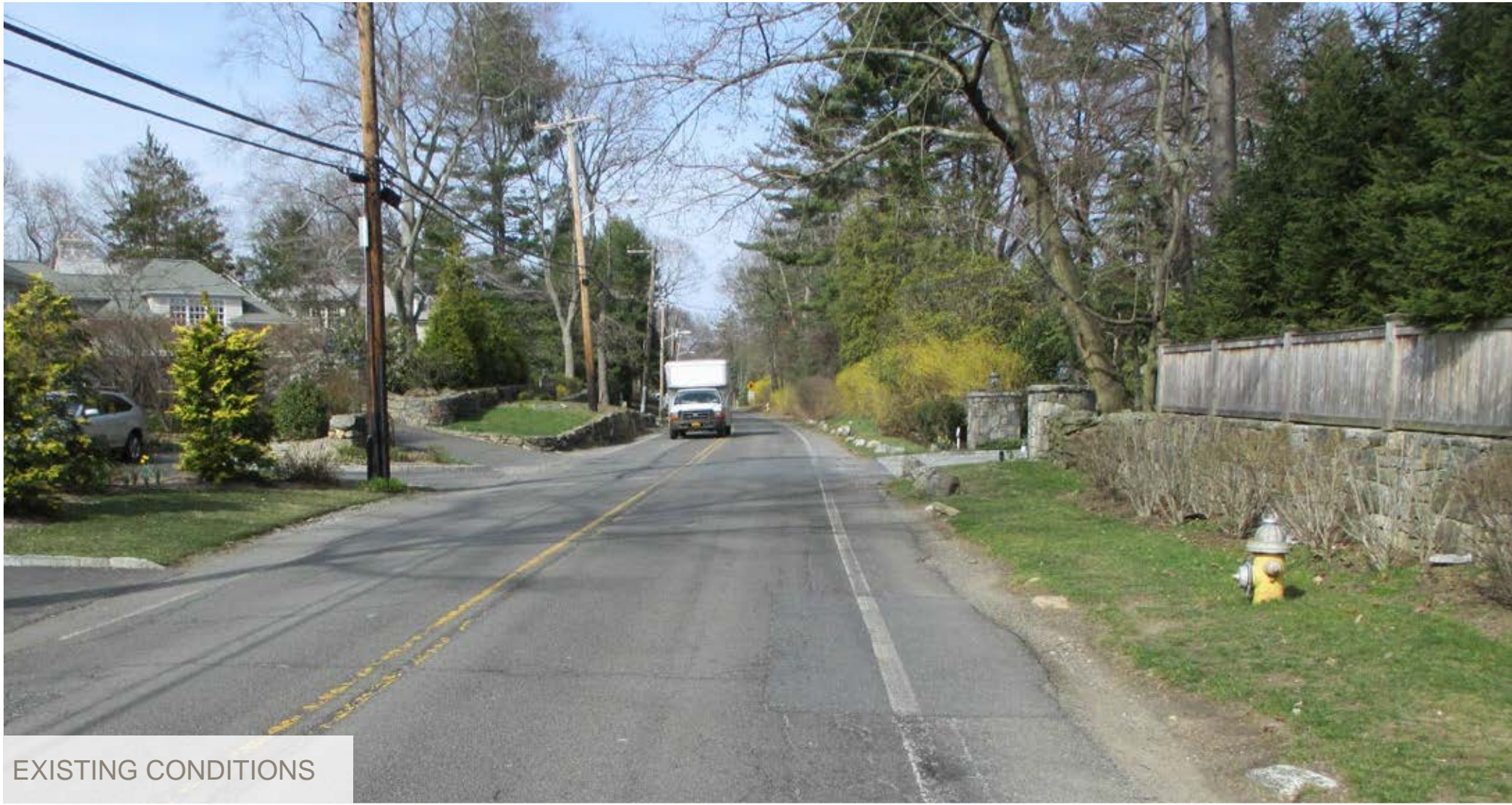
Legend

- | | | | |
|-------------------------|-----------------------------------|-------------------------------------|---------------------------|
| Utility Pole Relocation | Large Tree Removal | Potential Shrub Root System Impacts | Crosswalk |
| Catch Basin Relocation | Small Tree Removal | Ledge or Grading | Existing Tree |
| Fire Hydrant Relocation | Potential Tree Root System Impact | Property Line | Existing Shrubs |
| Road Centerline Shift | Indicates Number Impacted | Proposed Sidewalk/Multi-Use Path | Existing Lawn |
| | | Location & View of Photo Rendering | Roadway Pavement Markings |

MULTI-USE PATH (ALTERNATING SIDES) - OPTION B

FOREST AVENUE / MANURSING AVENUE PEDESTRIAN IMPROVEMENT STUDY



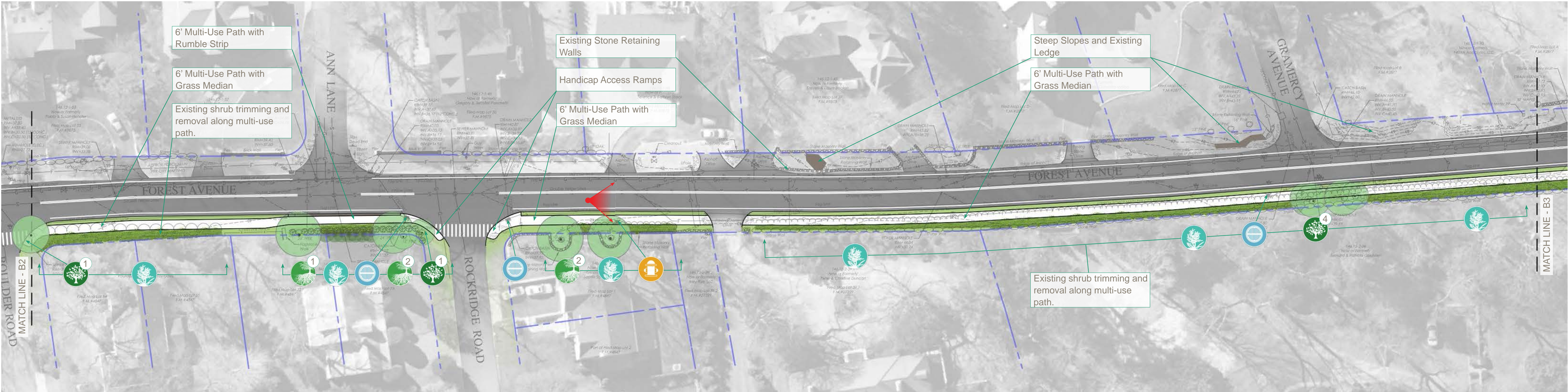
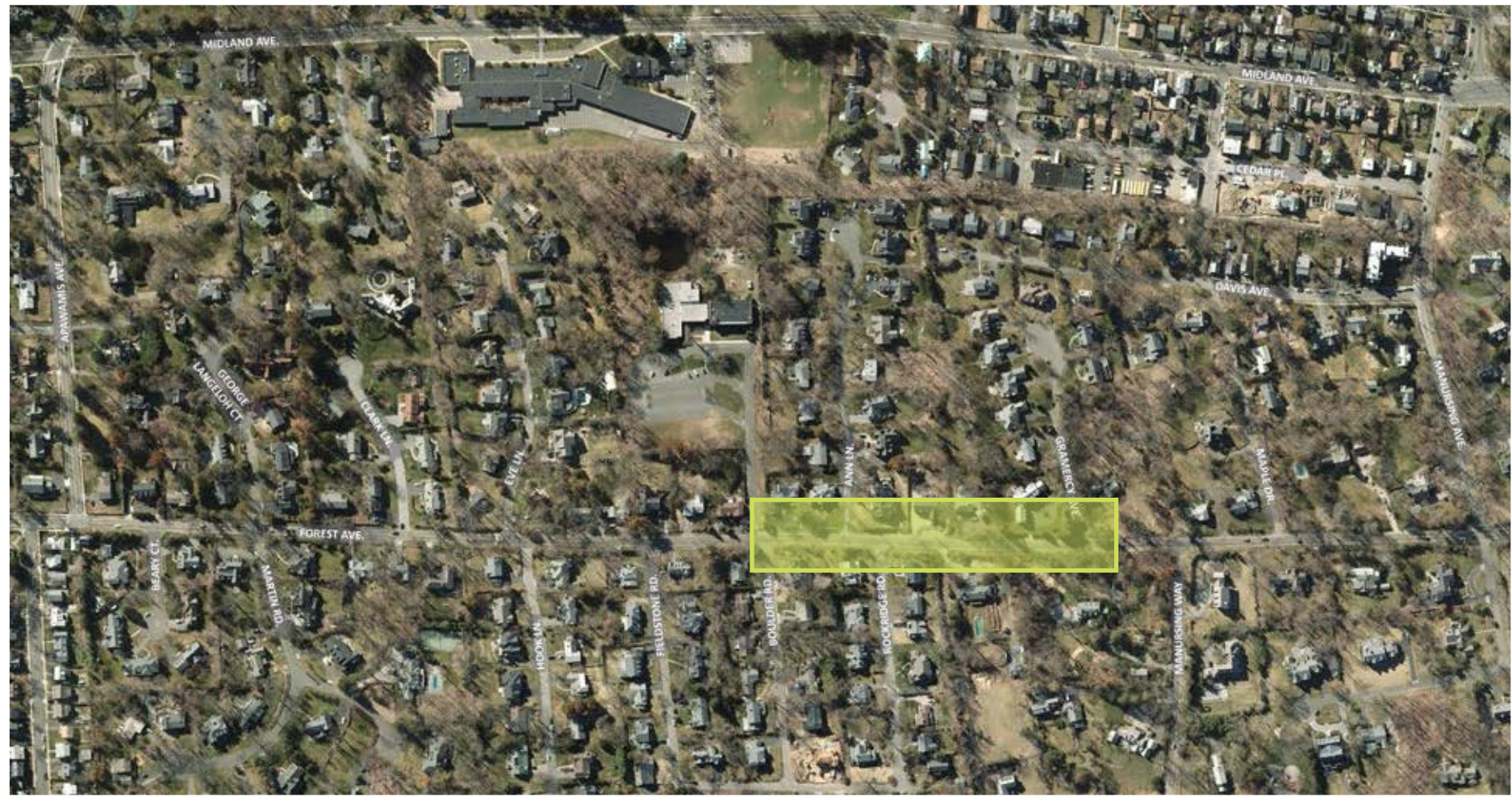


EXISTING CONDITIONS



PROPOSED 6' MULTI-USE PATH

KEY MAP



Legend

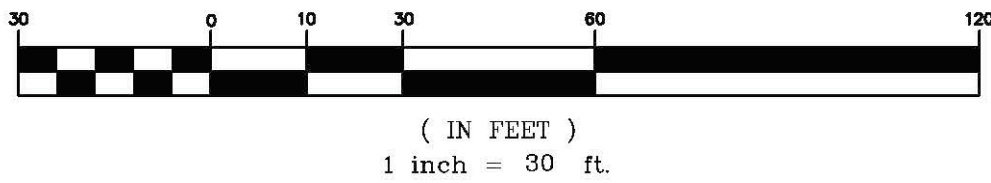
	Utility Pole Relocation		Large Tree Removal		Potential Shrub Root System Impacts		Crosswalk
	Catch Basin Relocation		Small Tree Removal		Ledge or Grading		Existing Tree
	Fire Hydrant Relocation		Potential Tree Root System Impact		Property Line		Existing Shrubs
	Road Centerline Shift		Indicates Number Impacted		Proposed Sidewalk/Multi-Use Path		Existing Lawn
					Location & View of Photo Rendering		Roadway Pavement Markings

MULTI-USE PATH (ALTERNATING SIDES) - OPTION B

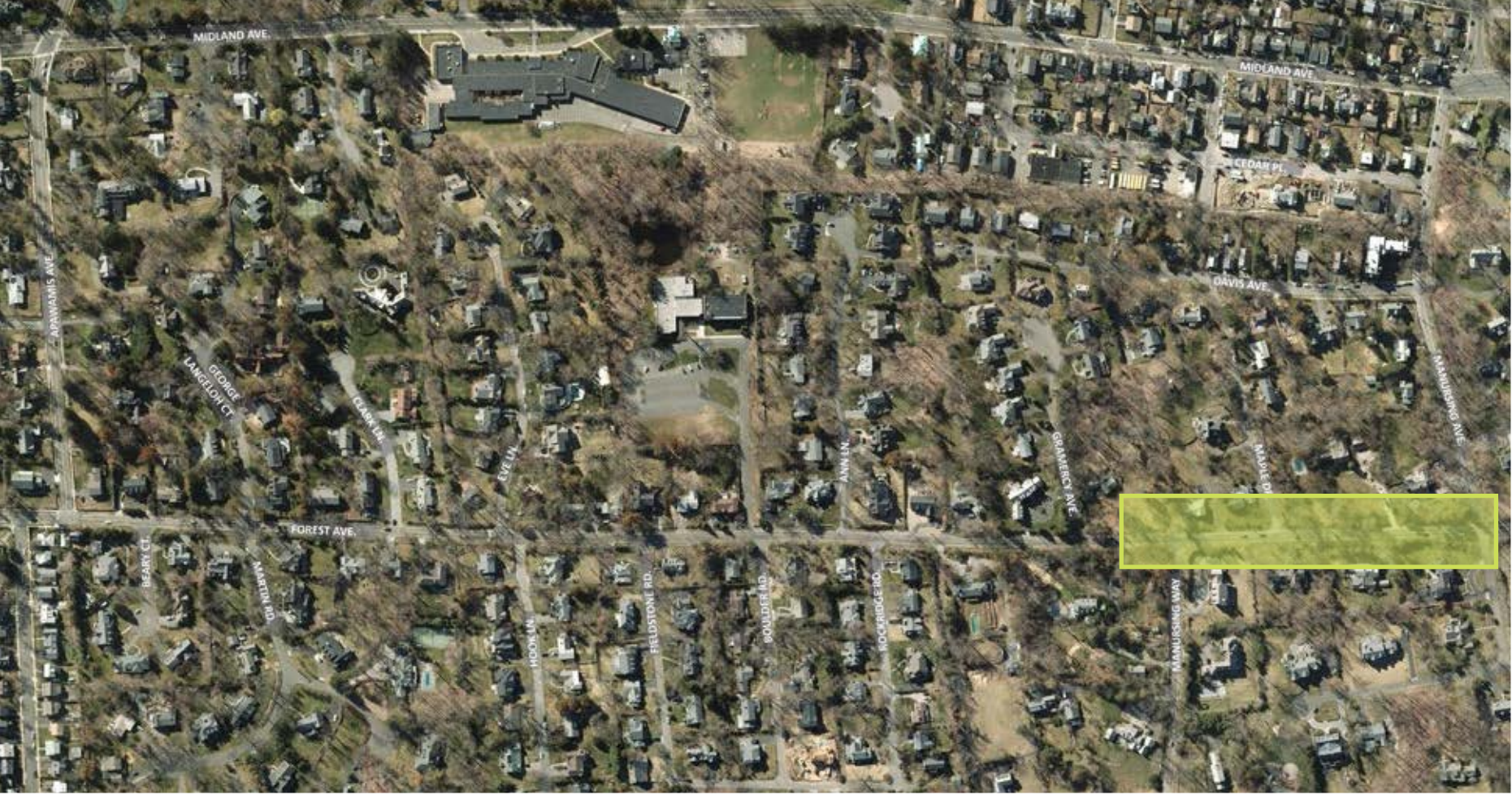
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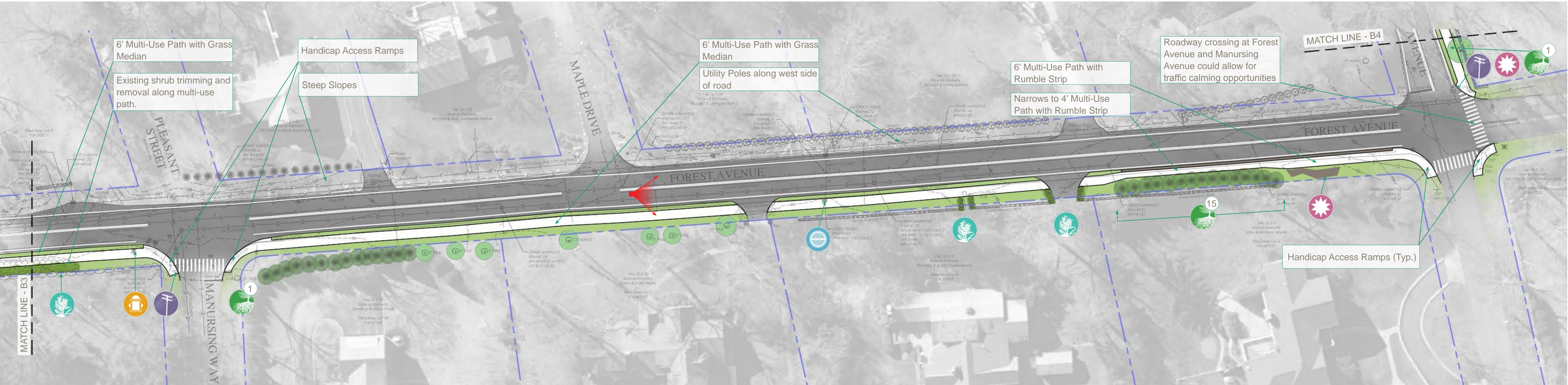
KEY MAP



EXISTING CONDITIONS



PROPOSED 6' MULTI-USE PATH

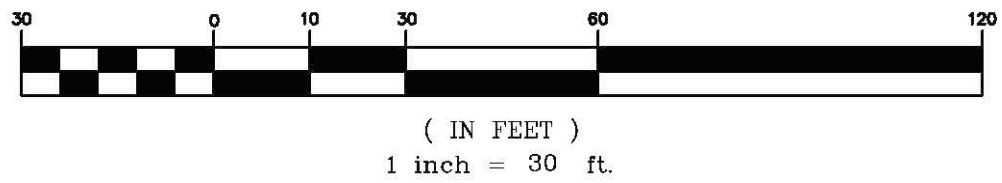


Legend

	Utility Pole Relocation		Large Tree Removal		Potential Shrub Root System Impacts		Crosswalk
	Catch Basin Relocation		Small Tree Removal		Ledge or Grading		Existing Tree
	Fire Hydrant Relocation		Potential Tree Root System Impact		Property Line		Existing Shrubs
	Road Centerline Shift		Indicates Number Impacted		Proposed Sidewalk/Multi-Use Path		Existing Lawn
					Location & View of Photo Rendering		Roadway Pavement Markings

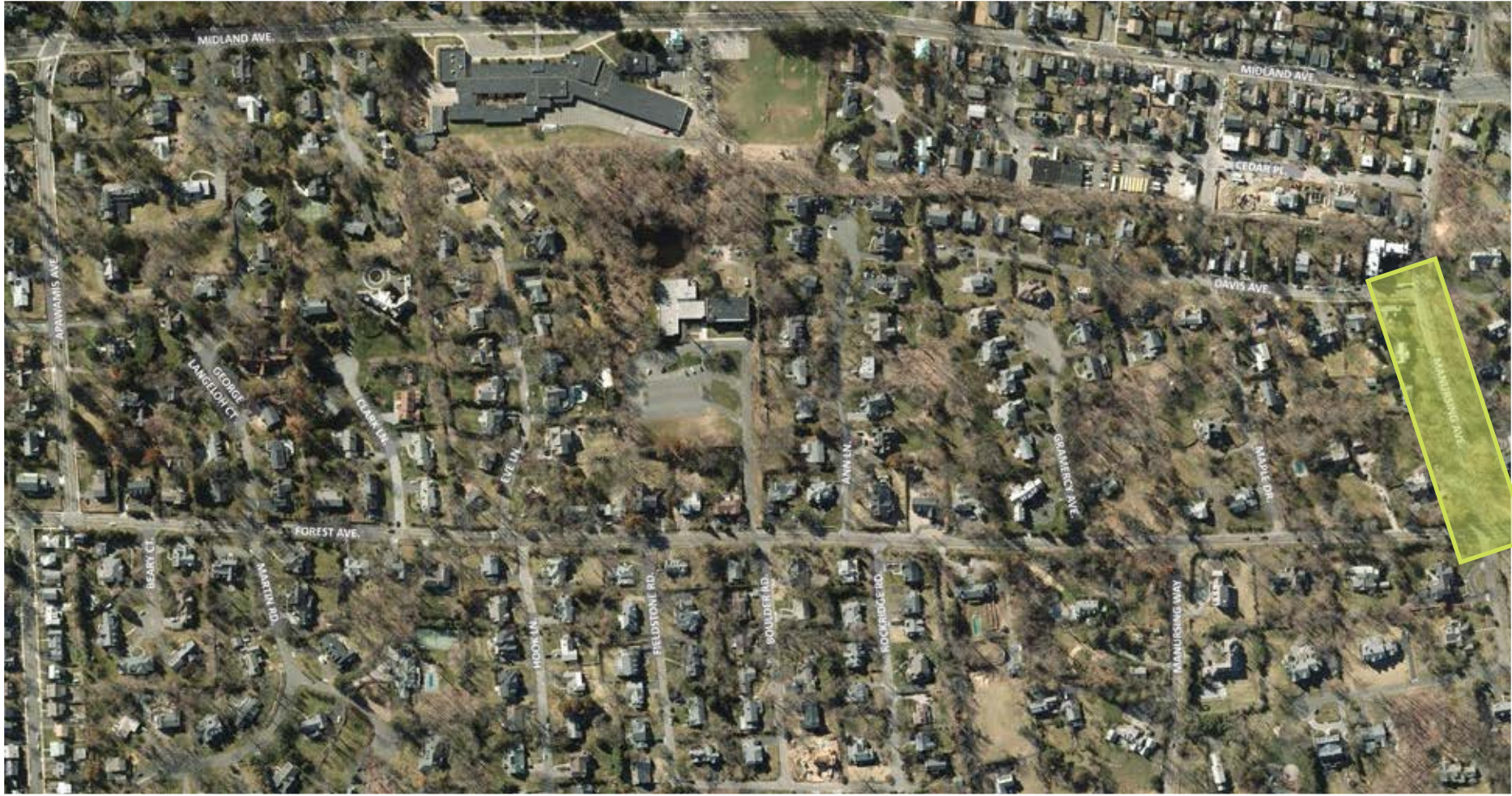
MULTI-USE PATH (ALTERNATING SIDES) - OPTION B

FOREST AVENUE / MANURSING AVENUE PEDESTRIAN IMPROVEMENT STUDY





KEY MAP



Total Estimated Road Corridor Impacts	Multi-Use Path (Alternating Sides)
Utility Pole Relocation	8
Catch Basin Relocation	8
Fire Hydrant Relocation	4
Road Centerline Shift	YES
Large Tree Removal	6
Small Tree Removal	1
Potential Tree Root System Impact	53
Potential Shrub Root System Impacts	13
Ledge / Grading Challenges	7
Number of Driveways Crossed	12

Legend

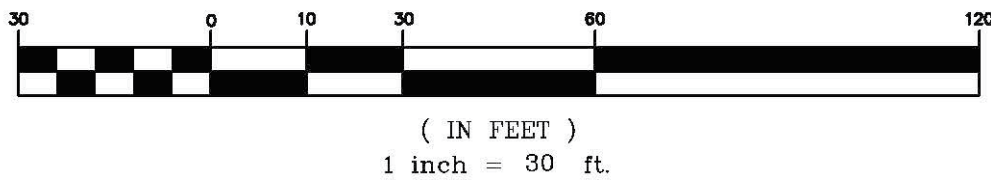
- Utility Pole Relocation
 - Catch Basin Relocation
 - Fire Hydrant Relocation
 - Road Centerline Shift
- Large Tree Removal
 - Small Tree Removal
 - Potential Tree Root System Impact
 - Indicates Number Impacted
- Potential Shrub Root System Impacts
 - Ledge or Grading
 - Property Line
 - Proposed Sidewalk/Multi-Use Path
 - Location & View of Photo Rendering
- Crosswalk
 - Existing Tree
 - Existing Shrubs
 - Existing Lawn
 - Roadway Pavement Markings

MULTI-USE PATH (ALTERNATING SIDES) - OPTION B

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SIDEWALK ON EAST SIDE ONLY

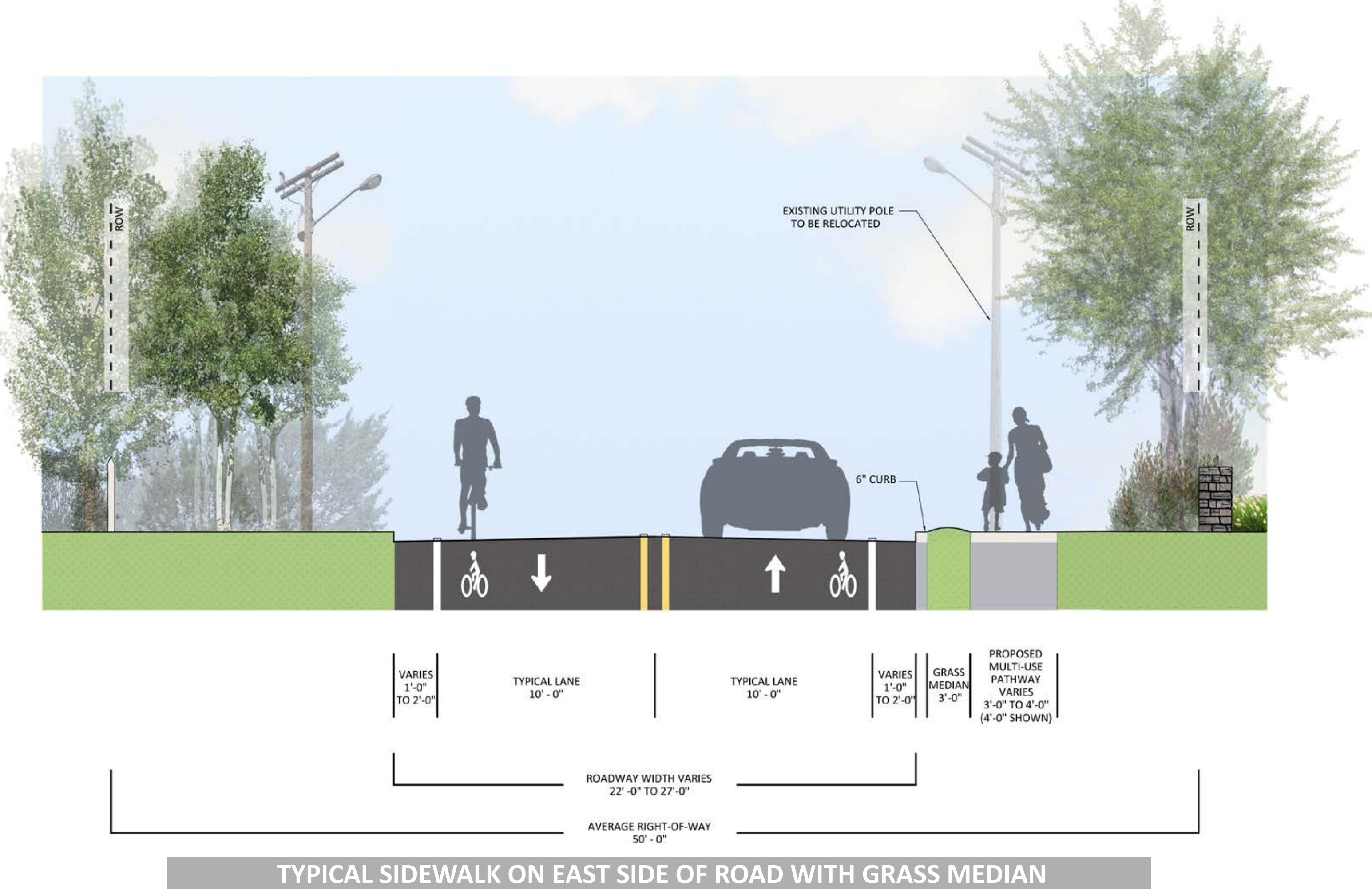
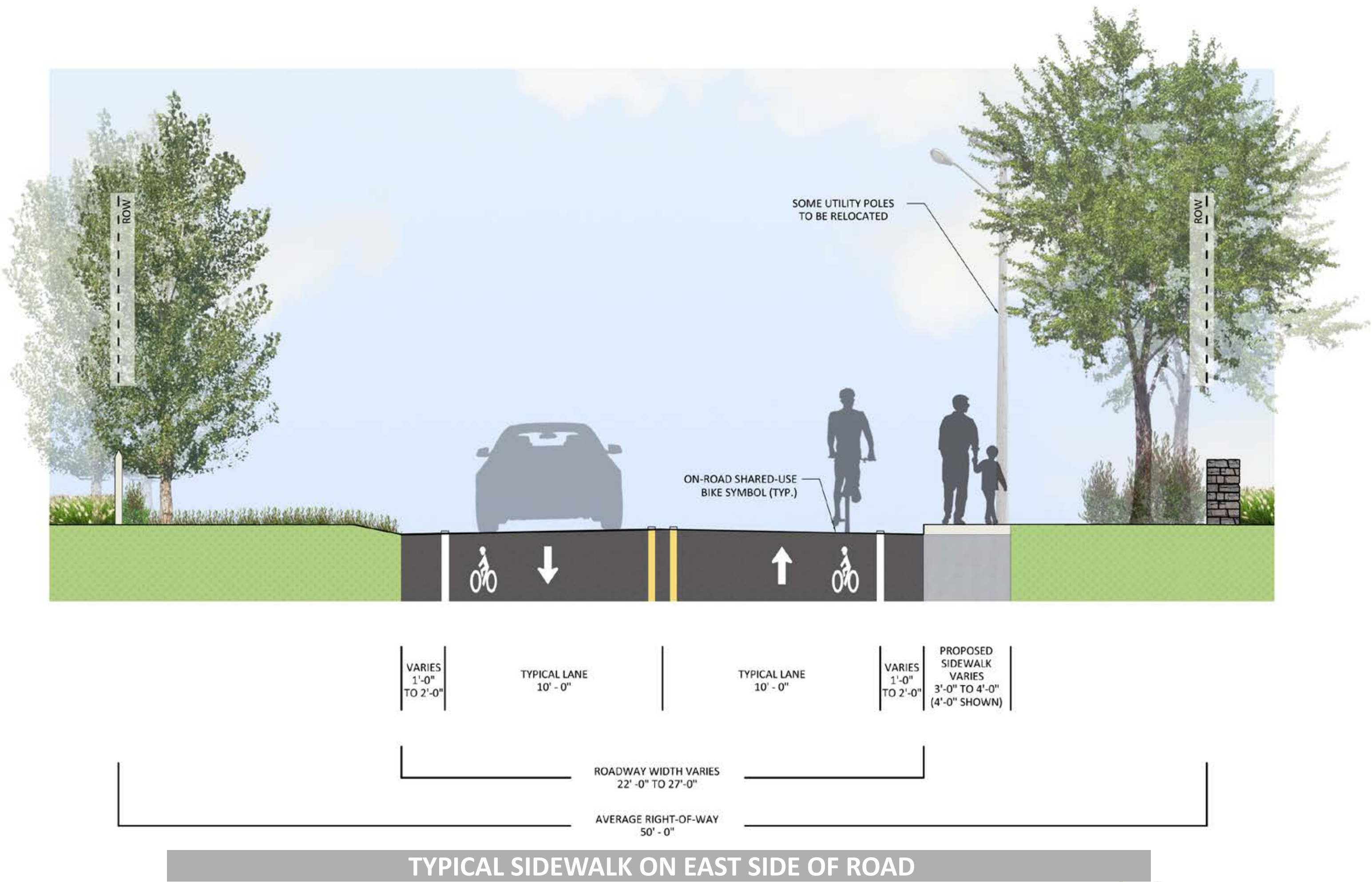
OPTION C

Overview

This sidewalk begins along the east side of Forest Avenue at the intersection Apawamis Avenue. The proposed sidewalk would connect to the existing walk on Forest Avenue and continue north towards Manursing Avenue. This option does not require pedestrians to cross Forest Avenue until the intersection of Manursing Avenue. Throughout the roadway corridor, Option C jogs and/or narrows to avoid existing mature trees. Options C has more linear footage of grass median/snow-shelf along the sidewalk compared to Option A. This results in additional shrub impacts in some locations. At the intersection of Manursing Avenue and Forest Avenue, the sidewalk crosses Manursing Avenue on the east side of the intersection, then crosses Forest Avenue on the north side. The sidewalk then continues along the north side of Manursing Avenue before terminating at Davis Avenue with crosswalks connecting to the existing sidewalk on the south side of Manursing Avenue.

Opportunities/Constraints:

- Concrete sidewalk width varies from 3’ to 4’.
- In areas where there are no mature trees along the roadside, a 3-foot grass median/snow-shelf has been incorporated.
- A 6” raised curb is incorporated along the east side of the road with the sidewalk.
- Impacts to existing vegetation are expected.
- Sidewalk crosses Forest Avenue once at Manursing Avenue.
- Impacts to existing infrastructure are expected.
- Bicycles are to remain on-road and travel within the travel lane using the shared-use bicycle and sharrow pavement symbols.
- The centerline of the roadway shifts to allow for additional room to accommodate the sidewalk and grass median.



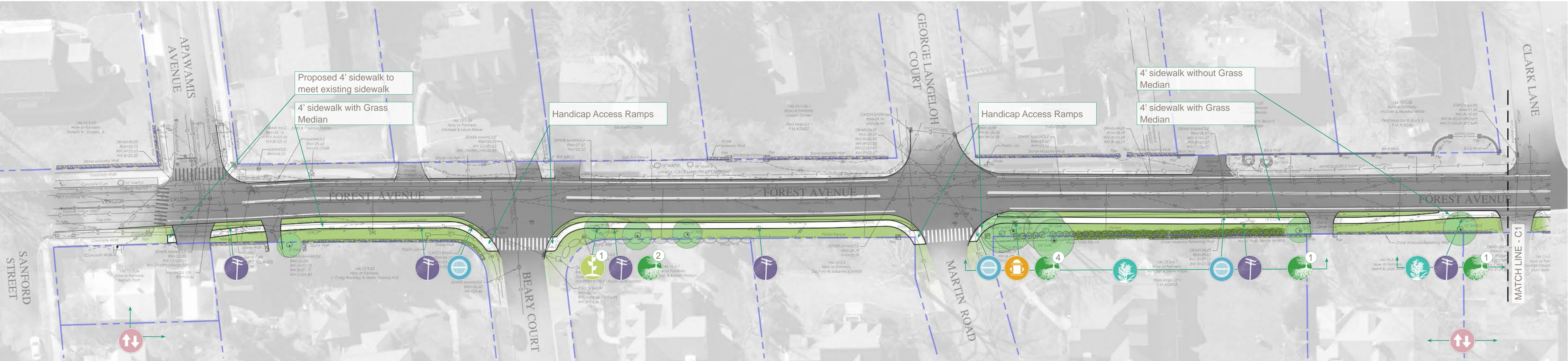
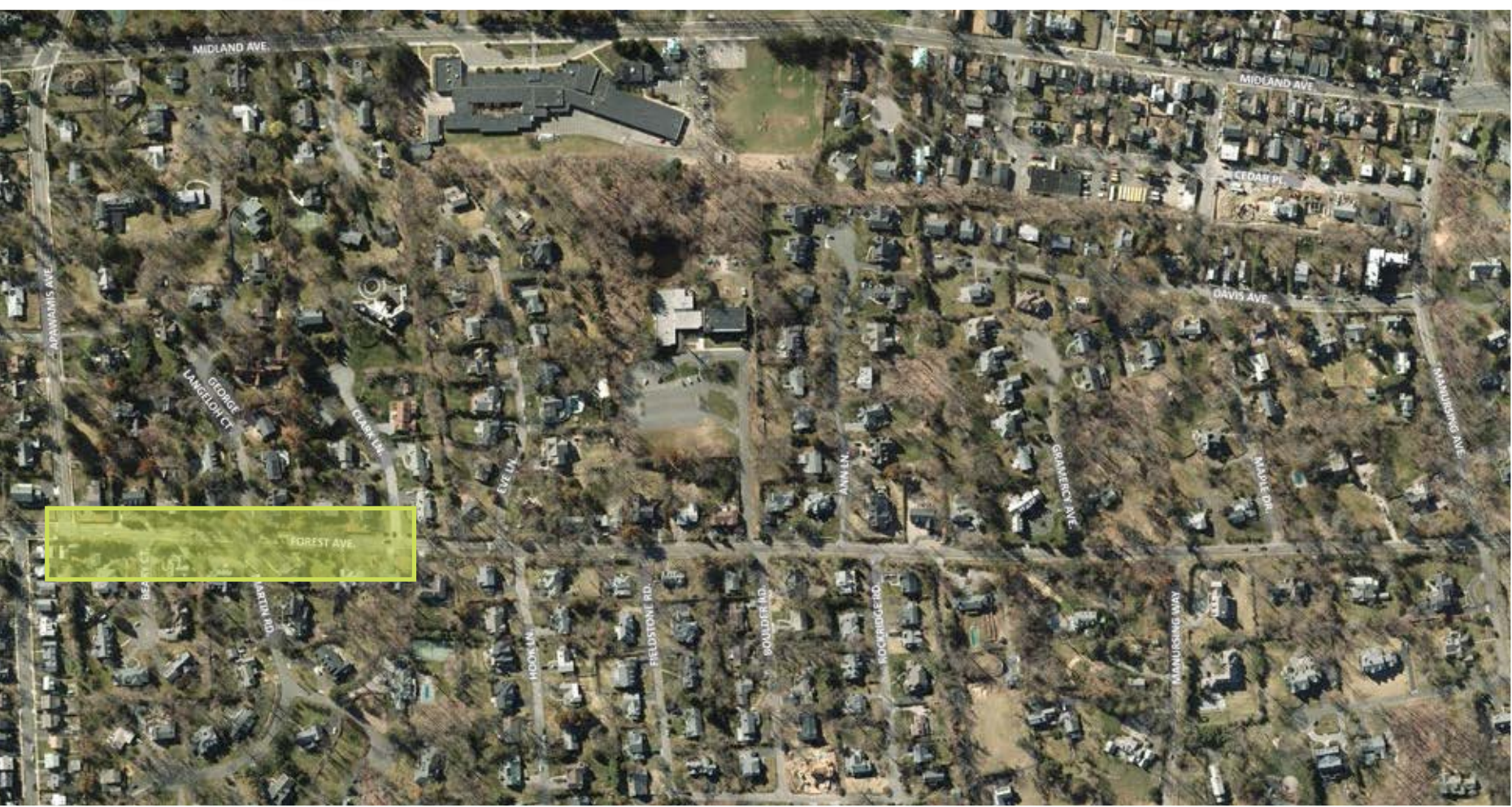
SIDEWALK ON EAST SIDE ONLY - OPTION C

FOREST AVENUE / MANURSING AVENUE PEDESTRIAN IMPROVEMENT STUDY

PRECEDENT IMAGES



KEY MAP



Legend

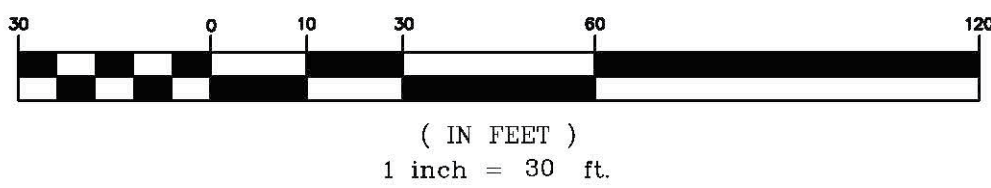
Utility Pole Relocation	Large Tree Removal	Potential Shrub Root System Impacts	Crosswalk
Catch Basin Relocation	Small Tree Removal	Ledge or Grading	Existing Tree
Fire Hydrant Relocation	Potential Tree Root System Impact	Property Line	Existing Shrubs
Road Centerline Shift	Indicates Number Impacted	Proposed Sidewalk/Multi-Use Path	Existing Lawn
		Roadway Pavement Markings	

SIDEWALK ON EAST SIDE ONLY - OPTION C

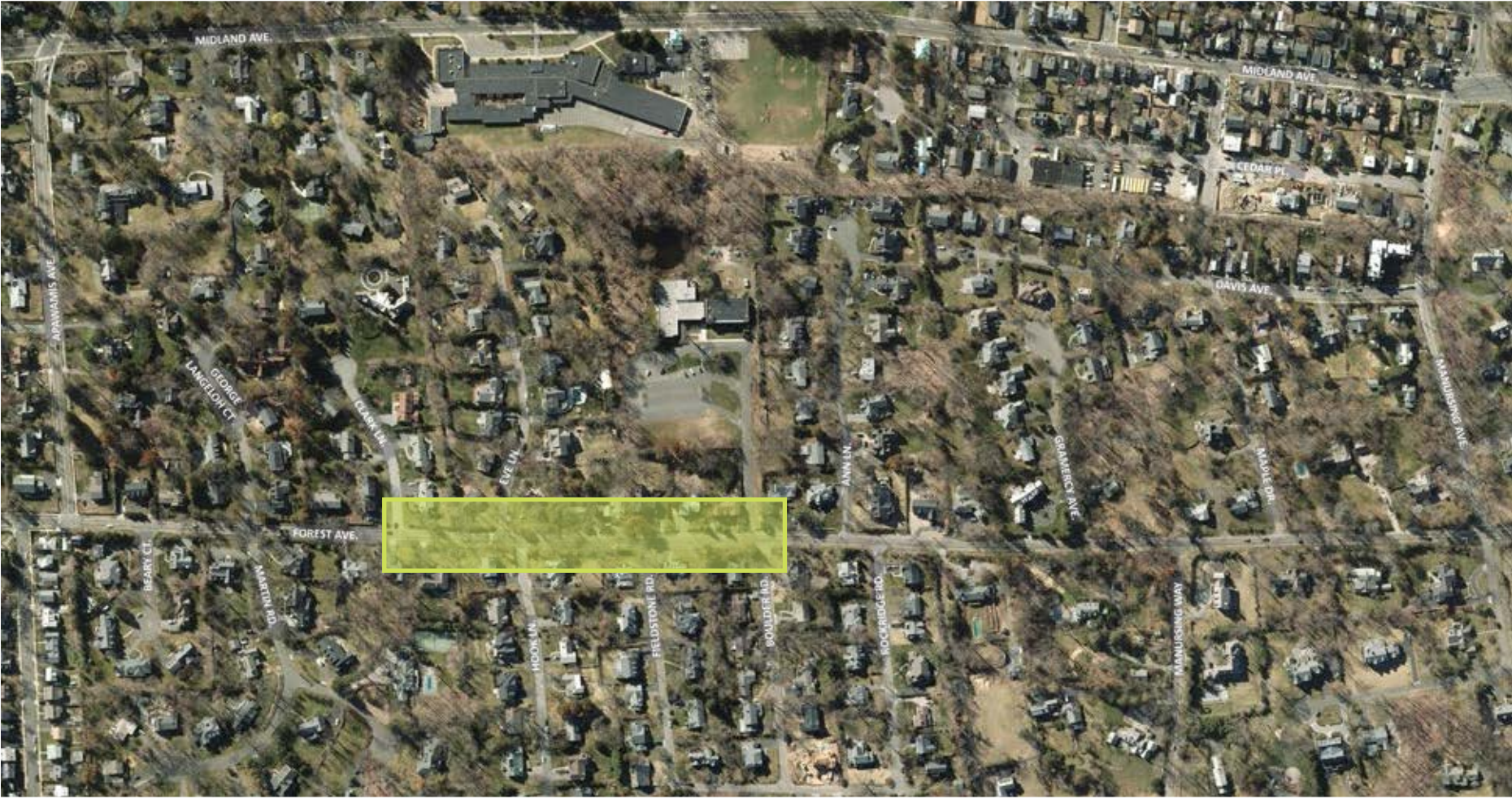
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KEY MAP



EXISTING CONDITIONS



PROPOSED 4' SIDEWALK

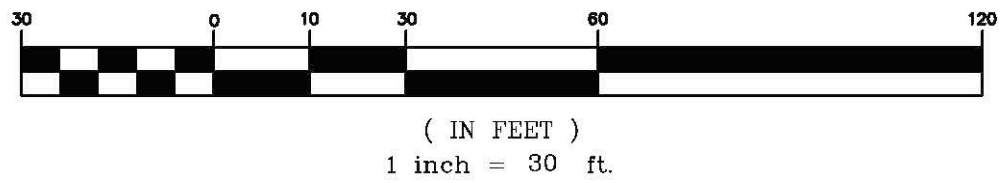


Legend

- | | | | |
|-------------------------|-----------------------------------|-------------------------------------|---------------------------|
| Utility Pole Relocation | Large Tree Removal | Potential Shrub Root System Impacts | Crosswalk |
| Catch Basin Relocation | Small Tree Removal | Ledge or Grading | Existing Tree |
| Fire Hydrant Relocation | Potential Tree Root System Impact | Property Line | Existing Shrubs |
| Road Centerline Shift | Indicates Number Impacted | Proposed Sidewalk/Multi-Use Path | Existing Lawn |
| | | Location & View of Photo Rendering | Roadway Pavement Markings |

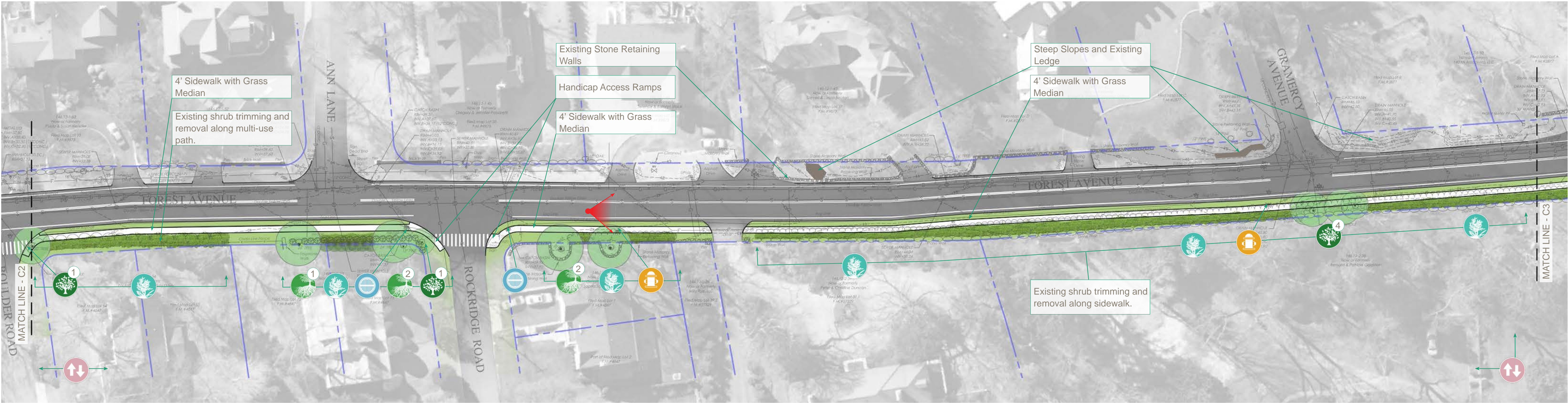
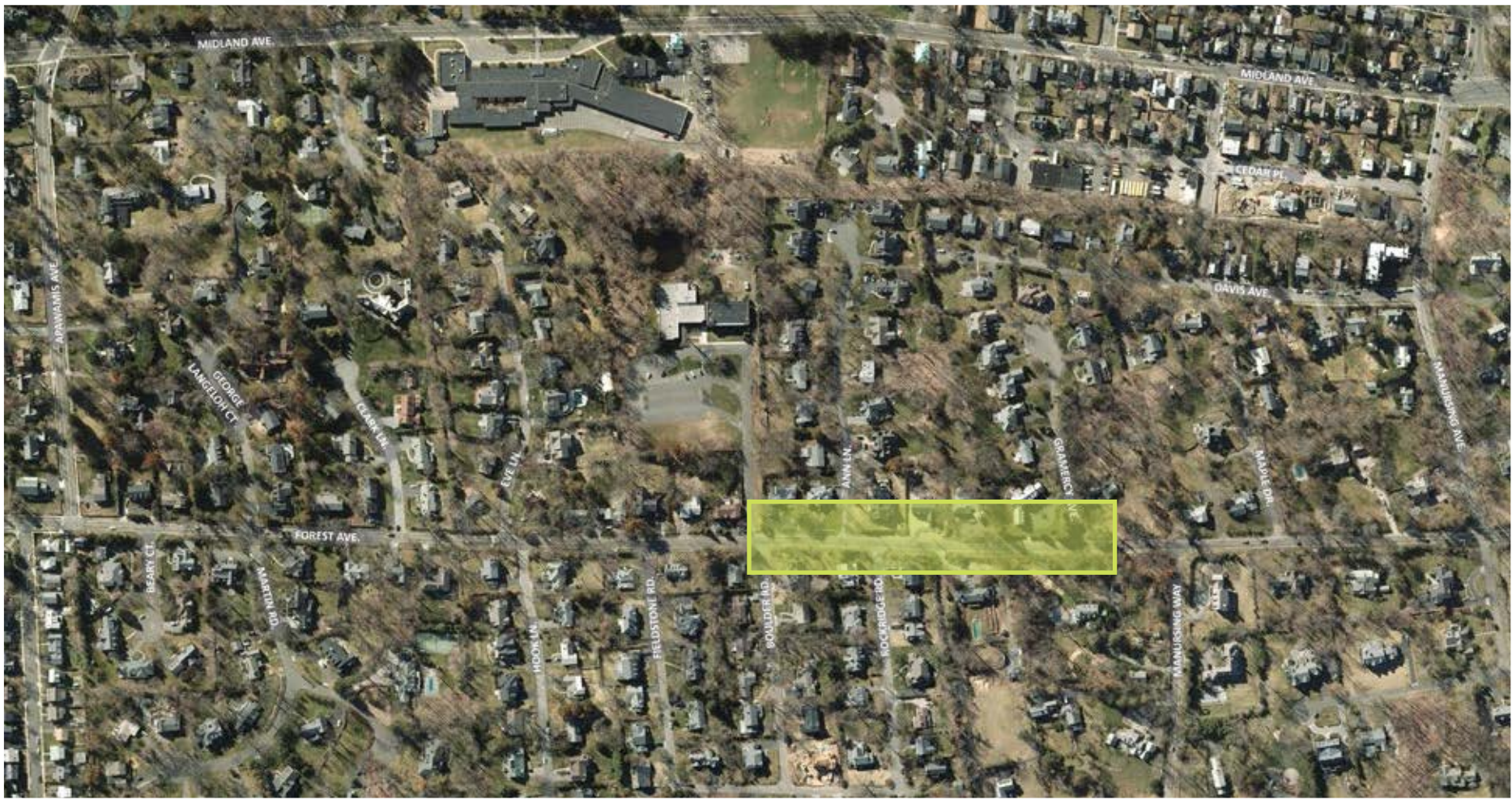
SIDEWALK ON EAST SIDE ONLY - OPTION C

FOREST AVENUE / MANURSING AVENUE PEDESTRIAN IMPROVEMENT STUDY





KEY MAP

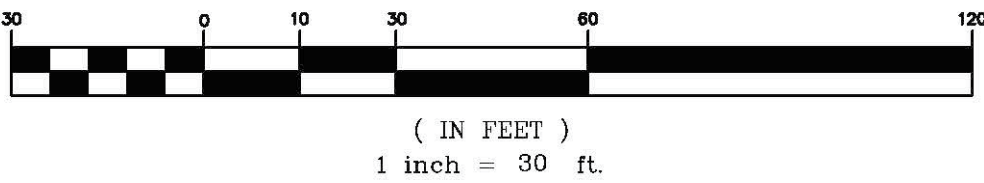


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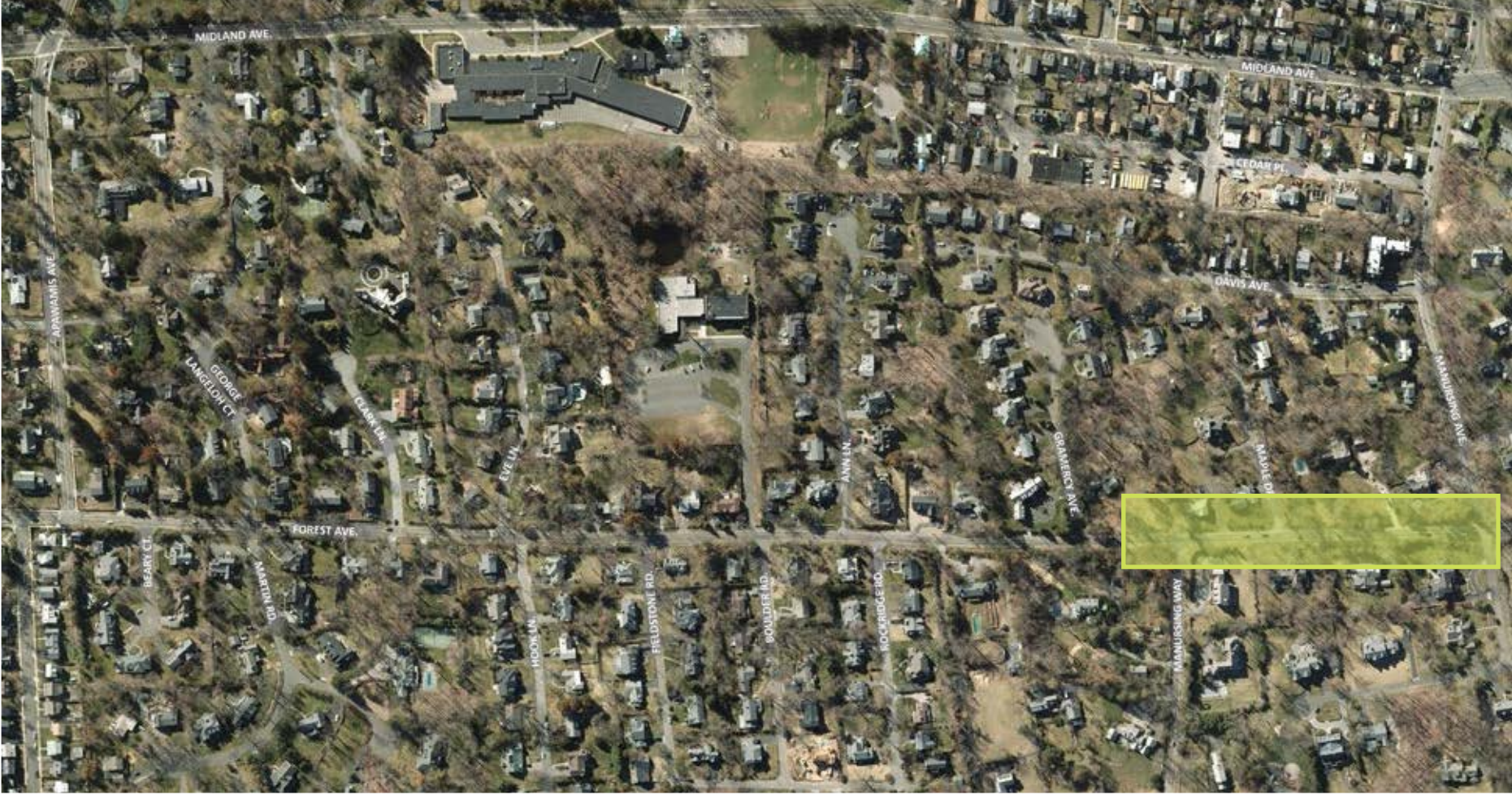
	Utility Pole Relocation		Large Tree Removal		Potential Shrub Root System Impacts		Crosswalk
	Catch Basin Relocation		Small Tree Removal		Ledge or Grading		Existing Tree
	Fire Hydrant Relocation		Potential Tree Root System Impact		Property Line		Existing Shrubs
	Road Centerline Shift		Indicates Number Impacted		Proposed Sidewalk/Multi-Use Path		Existing Lawn
					Location & View of Photo Rendering		Roadway Pavement Markings

SIDEWALK ON EAST SIDE ONLY - OPTION C

FOREST AVENUE / MANURSING AVENUE PEDESTRIAN IMPROVEMENT STUDY



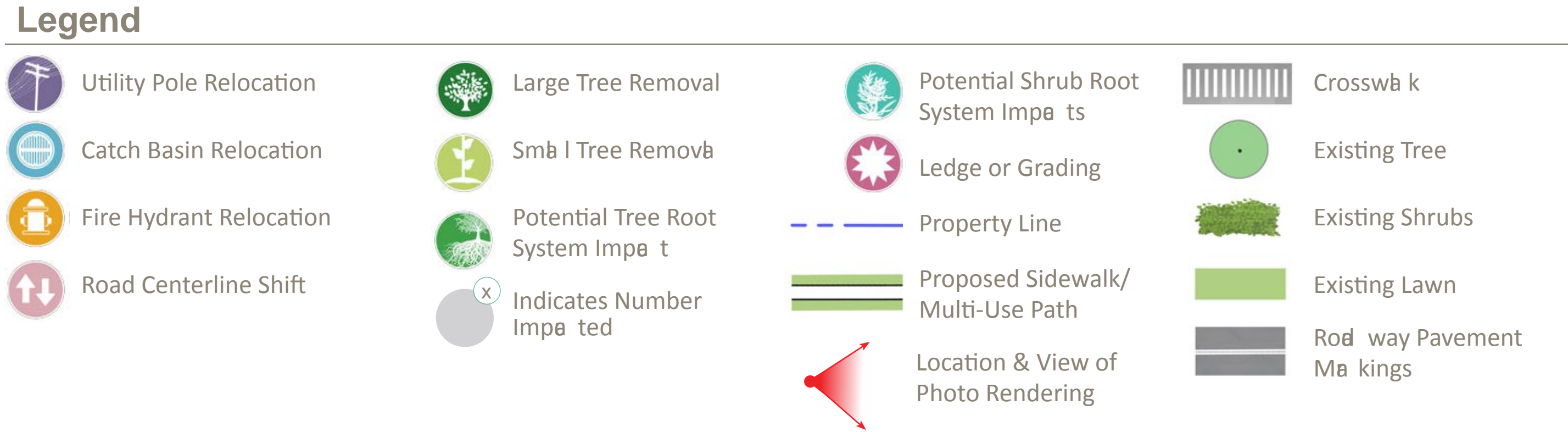
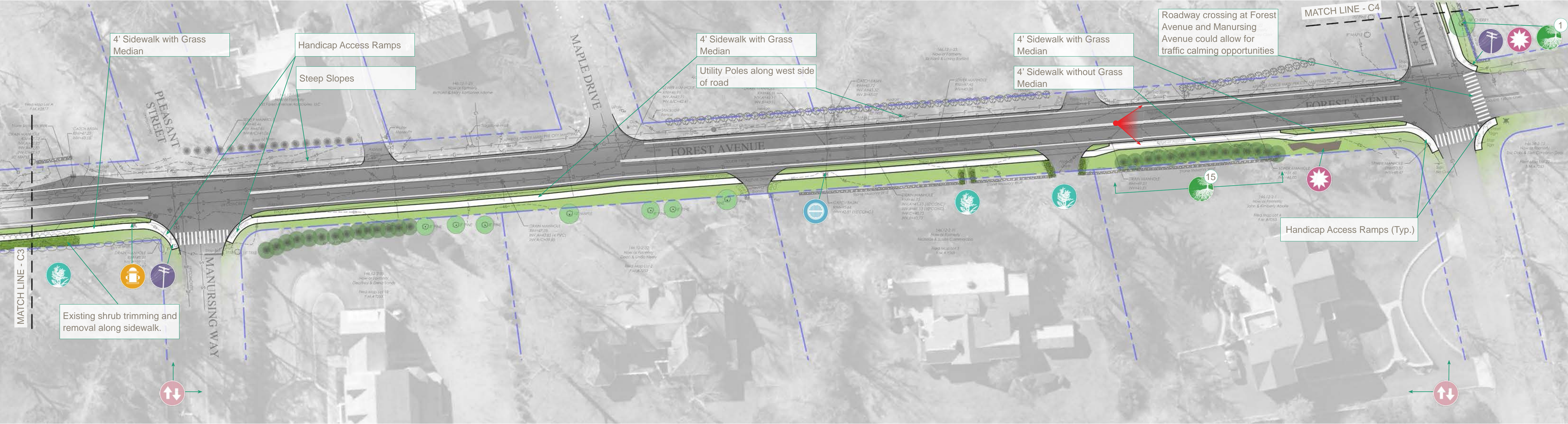
KEY MAP



EXISTING CONDITIONS

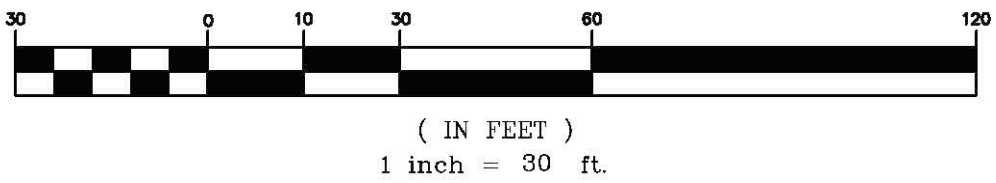


PROPOSED 4' SIDEWALK



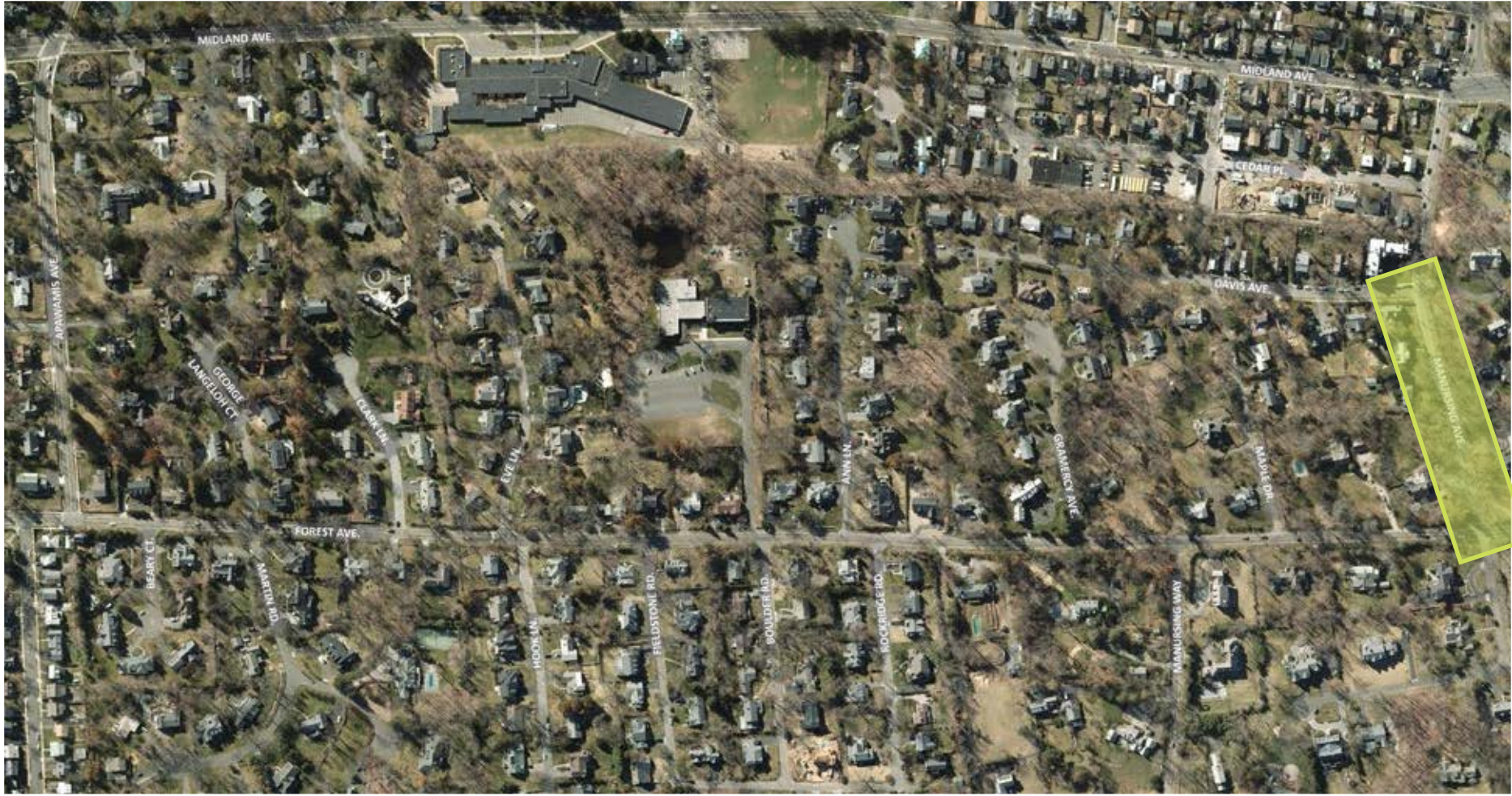
SIDEWALK ON EAST SIDE ONLY - OPTION C

FOREST AVENUE / MANURSING AVENUE PEDESTRIAN IMPROVEMENT STUDY





KEY MAP



Total Estimated Road Corridor Impacts	Sidewalk on East Side Only
Utility Pole Relocation	12
Catch Basin Relocation	9
Fire Hydrant Relocation	5
Road Centerline Shift	YES
Large Tree Removal	6
Small Tree Removal	2
Potential Tree Root System Impact	42
Potential Shrub Root System Impacts	13
Ledge / Grading Challenges	8
Number of Driveways Crossed	12

Legend

- Utility Pole Relocation

Catch Basin Relocation

Fire Hydrant Relocation

Road Centerline Shift
- Large Tree Removal

Small Tree Removal

Potential Tree Root System Impact

Indicates Number Impacted
- Potential Shrub Root System Impacts

Ledge or Grading

Property Line

Proposed Sidewalk/Multi-Use Path

Location & View of Photo Rendering
- Crosswalk

Existing Tree

Existing Shrubs

Existing Lawn

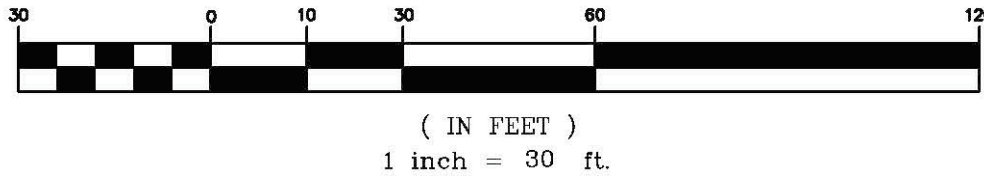
Roadway Pavement Markings

SIDEWALK ON EAST SIDE ONLY - OPTION C

FOREST AVENUE / MANURSING AVENUE PEDESTRIAN IMPROVEMENT STUDY



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MULTI-USE PATH ON EAST SIDE ONLY

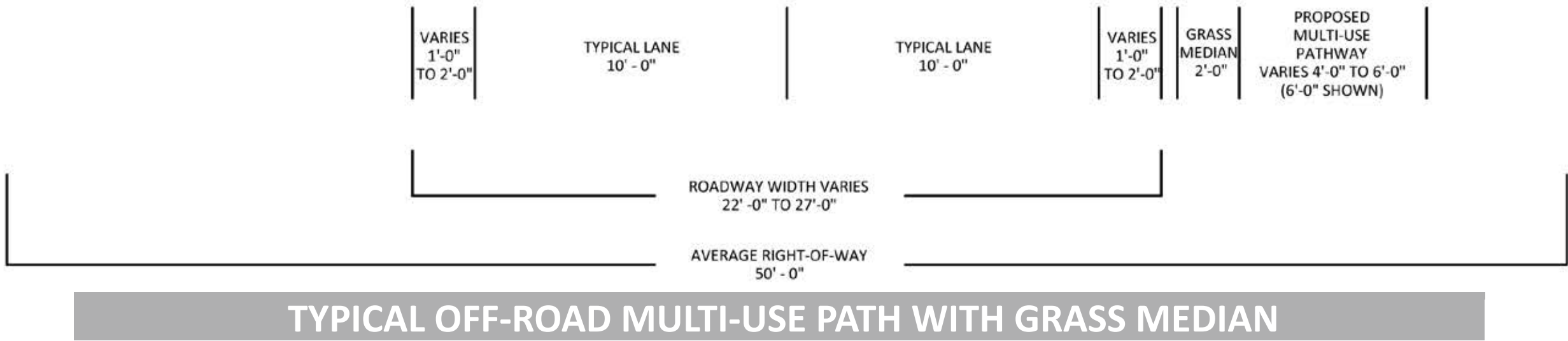
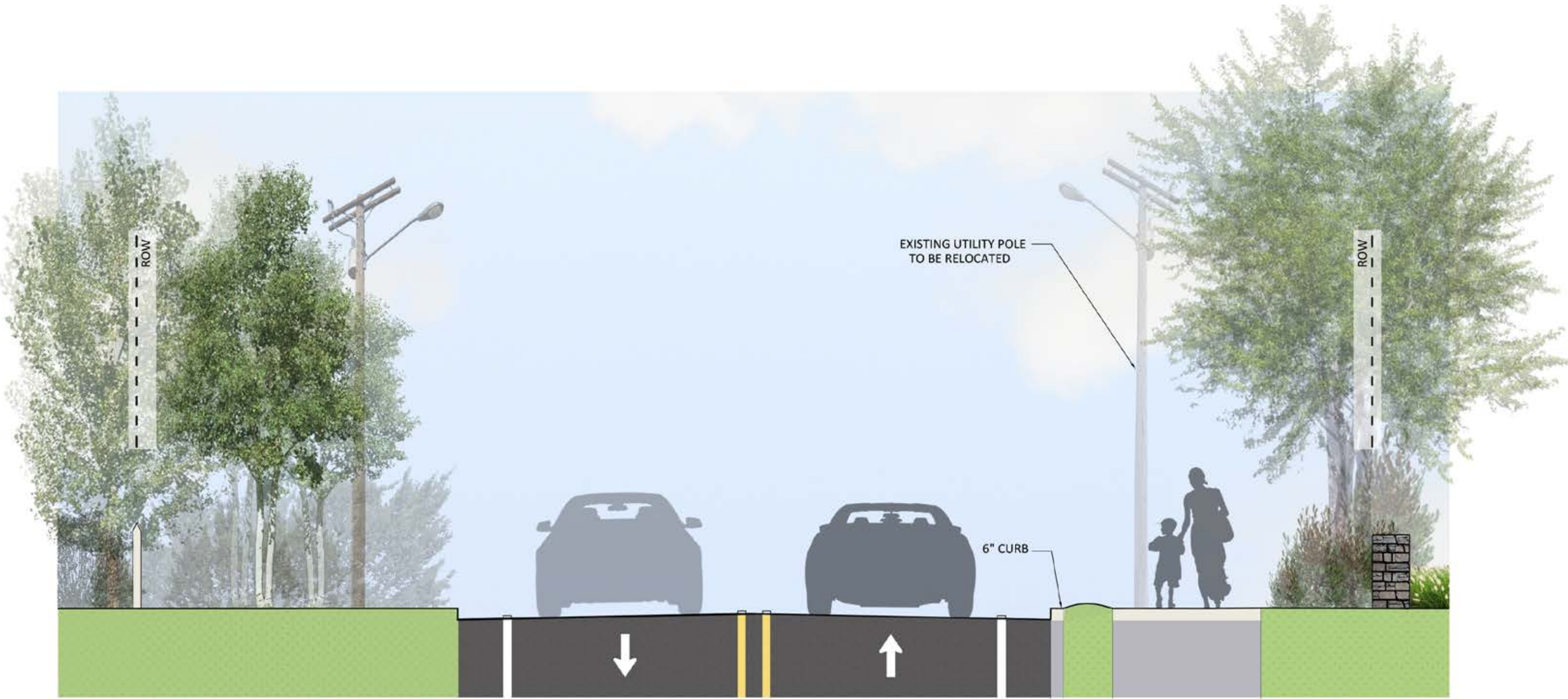
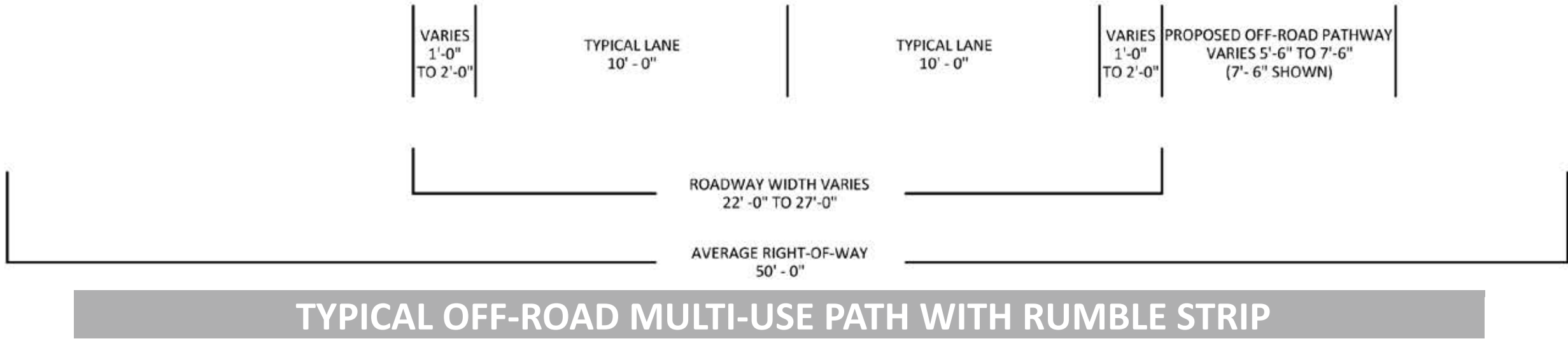
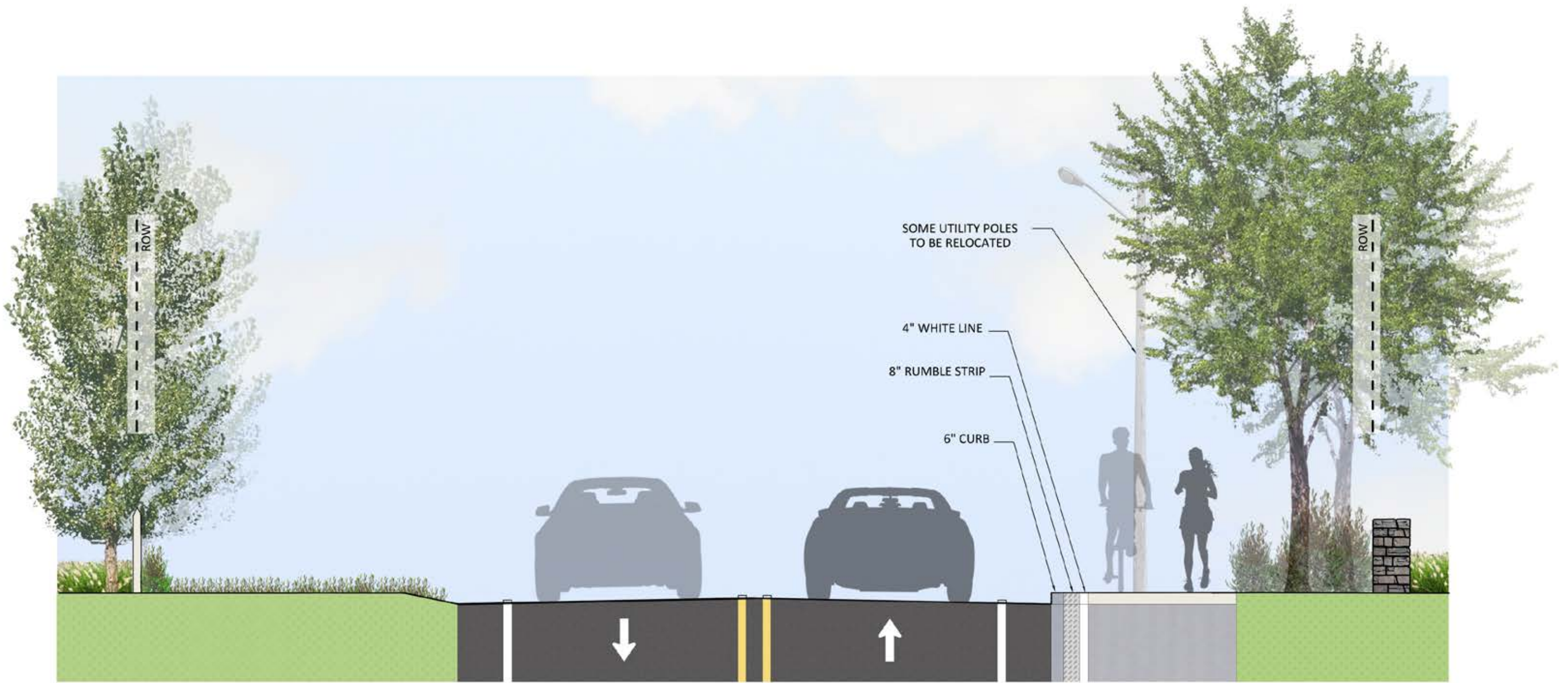
OPTION D

Overview

The multi-use path (along east side of Forest Avenue) begins along the east side of Forest Avenue at the intersection of Apawamis Avenue. The proposed multi-use path would connect to the existing walk on Forest Avenue and continue north towards Manursing Avenue. This path option does not require pedestrians to cross Forest Avenue until the intersection of Manursing Avenue. Throughout the roadway corridor, Option D jogs and/or narrows to avoid existing mature trees. At the intersection of Manursing Avenue and Forest Avenue, the path crosses Manursing Avenue on the east side of the intersection, then crosses Forest Avenue on the north side. The multi-use path continues along the north side of Manursing Avenue before terminating at Davis Avenue with a crosswalk to the existing sidewalk on the south side of Manursing Avenue. Roadway travel lanes on Forest Avenue are 10' wide with 1' to 2' shoulders. Option D is a possible option if the community is looking for completely off-road travel options for pedestrians and bicyclists.

Opportunities / Constraints

- The multi-use path is a bituminous pathway with a standard width of 6' and narrows to 4' wide at key locations to reduce impact to existing mature trees.
- In areas where there are no mature trees along the roadside, a 2-foot grass median/snow-shelf has been incorporated.
- A 6" raised curb is to be incorporated along the multi-use path side of street.
- Impacts to existing vegetation are expected.
- The crosswalks at Apawamis Avenue and Manursing Avenue provide potential traffic calming opportunities.
- A multi-use path accommodates both pedestrians and bicyclists.
- The centerline of the roadway shifts to allow for additional room to accommodate the multi-use path and grass median.



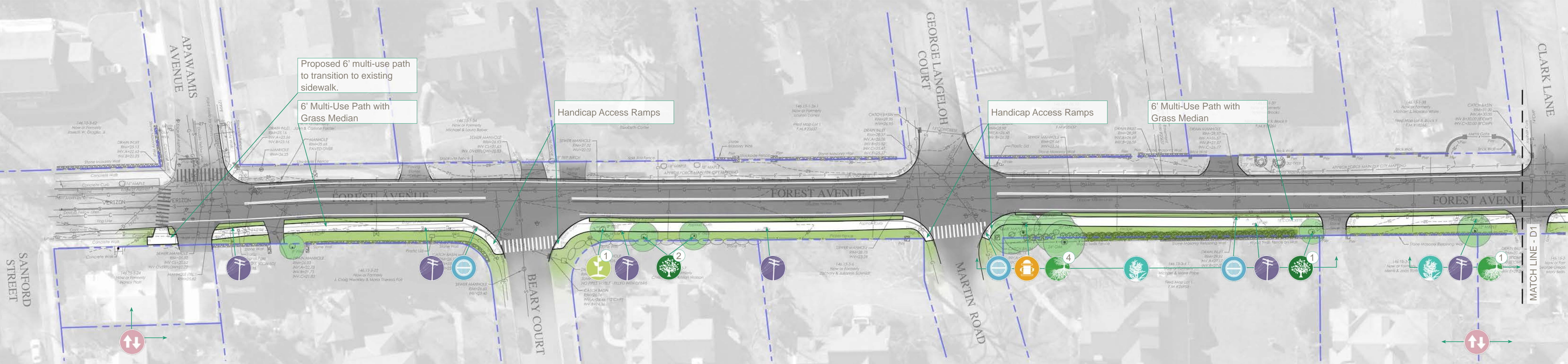
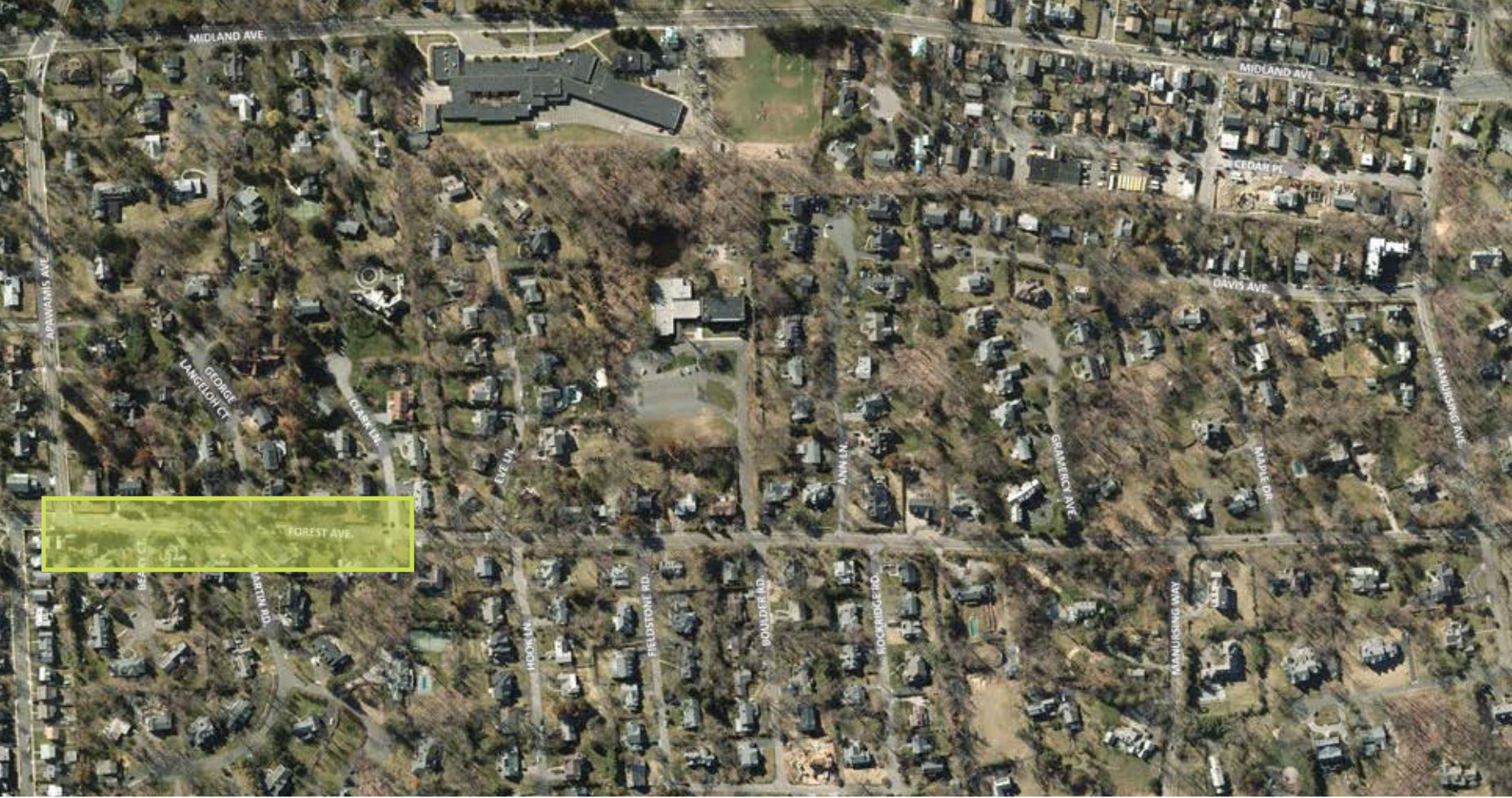
MULTI-USE PATH ON EAST SIDE ONLY - OPTION D

FOREST AVENUE / MANURSING AVENUE PEDESTRIAN IMPROVEMENT STUDY

PRECEDENT IMAGES



KEY MAP



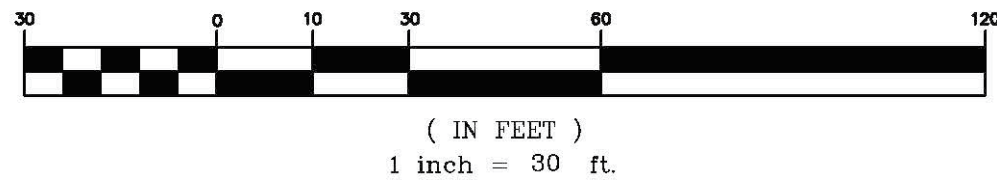
Legend

- | | | | |
|-------------------------|-----------------------------------|-------------------------------------|-----------------|
| Utility Pole Relocation | Large Tree Removal | Potential Shrub Root System Impacts | Crosswalk |
| Catch Basin Relocation | Small Tree Removal | Ledge or Grading | Existing Tree |
| Fire Hydrant Relocation | Potential Tree Root System Impact | Property Line | Existing Shrubs |
| Road Centerline Shift | Indicates Number Impacted | Proposed Sidewalk/Multi-Use Path | Existing Lawn |
| | | Roadway Pavement Markings | |

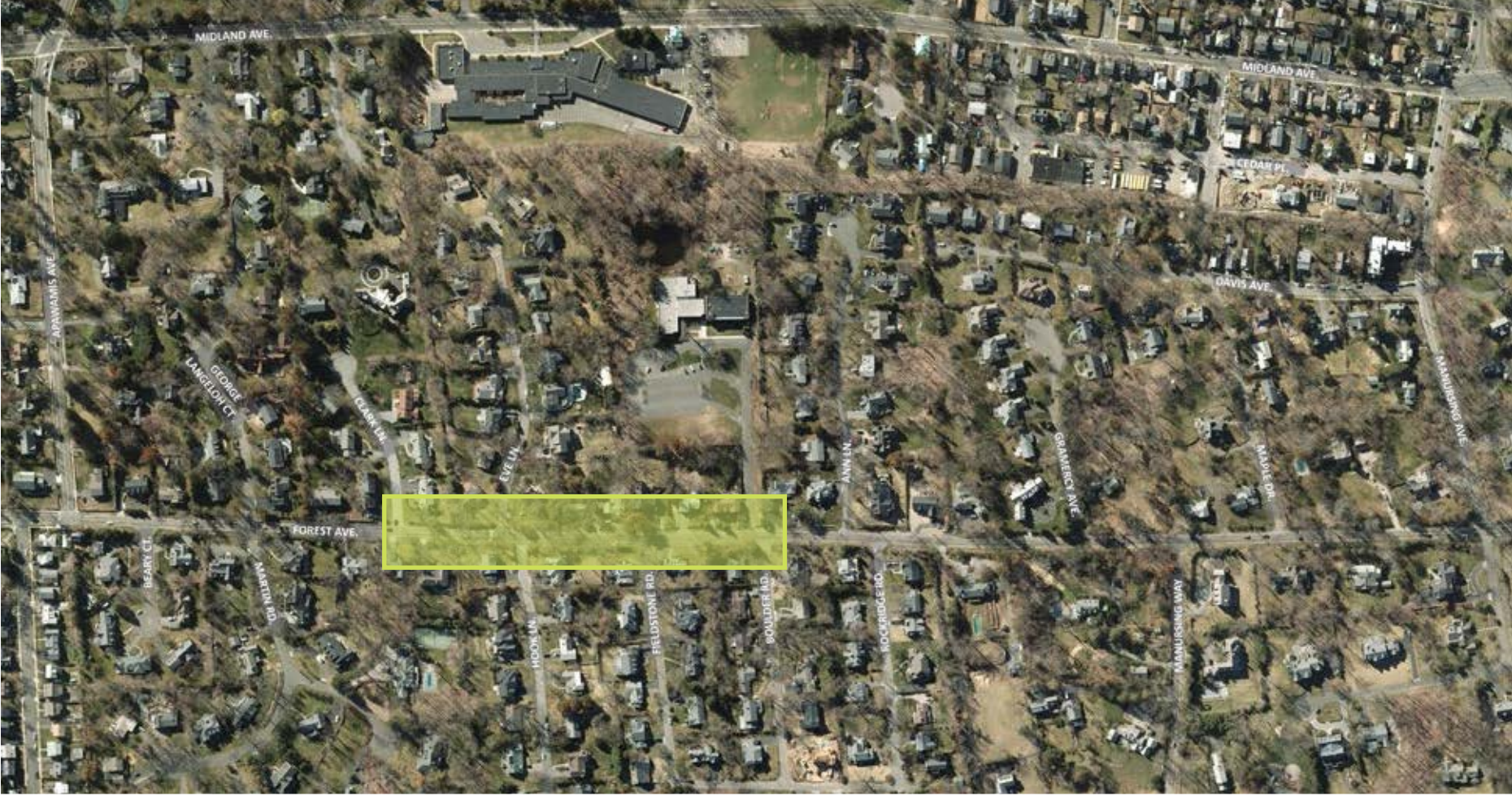
MULTI-USE PATH ON EAST SIDE ONLY - OPTION D



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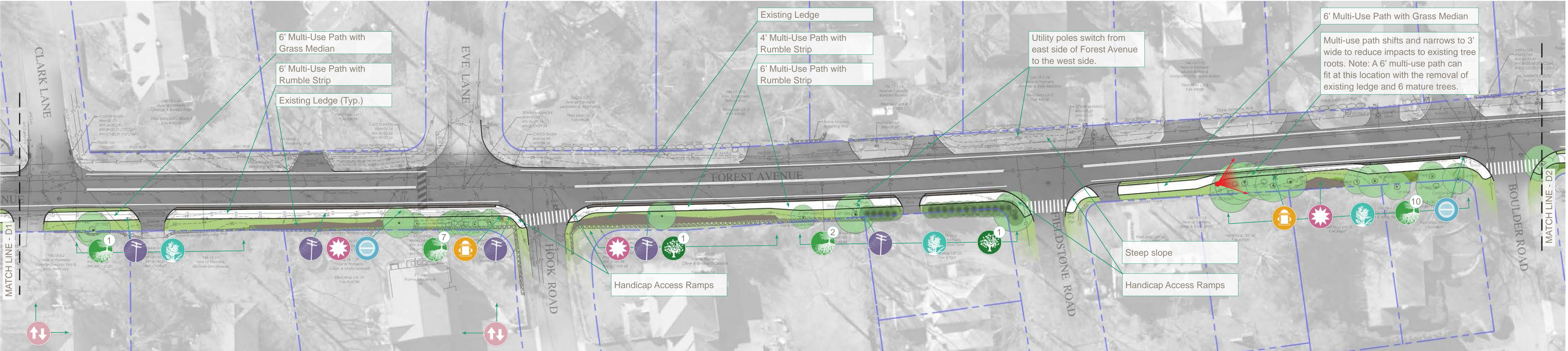
FOREST AVENUE / MANURSING AVENUE PEDESTRIAN IMPROVEMENT STUDY



EXISTING CONDITIONS



PROPOSED 4' SIDEWALK

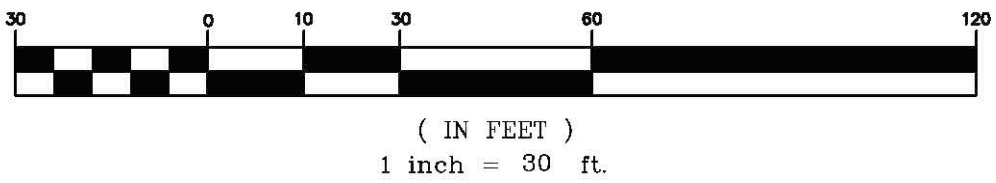


Legend

- | | | | |
|-------------------------|-----------------------------------|-------------------------------------|---------------------------|
| Utility Pole Relocation | Large Tree Removal | Potential Shrub Root System Impacts | Crosswalk |
| Catch Basin Relocation | Small Tree Removal | Ledge or Grading | Existing Tree |
| Fire Hydrant Relocation | Potential Tree Root System Impact | Property Line | Existing Shrubs |
| Road Centerline Shift | Indicates Number Impacted | Proposed Sidewalk/Multi-Use Path | Existing Lawn |
| | | Location & View of Photo Rendering | Roadway Pavement Markings |

MULTI-USE PATH ON EAST SIDE ONLY - OPTION D

FOREST AVENUE / MANURSING AVENUE PEDESTRIAN IMPROVEMENT STUDY



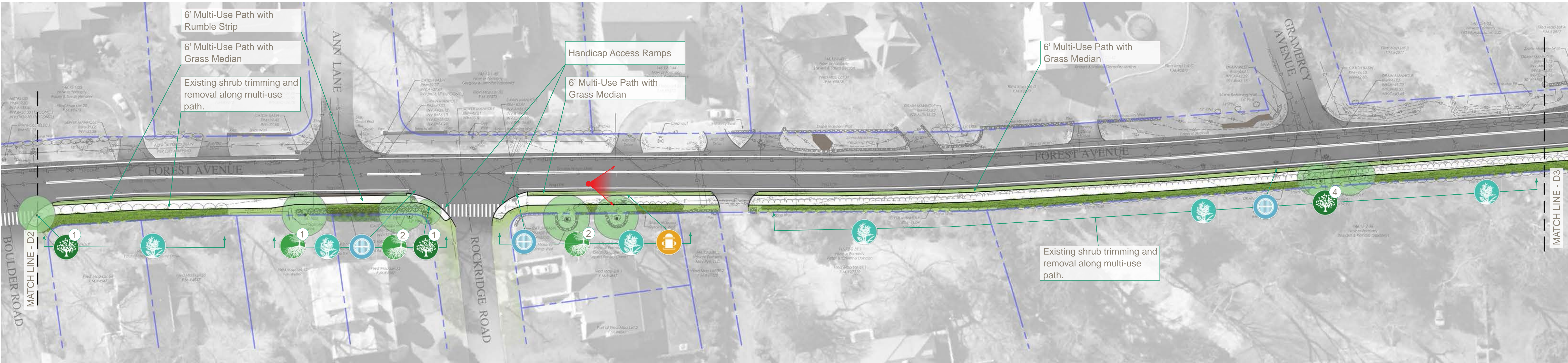
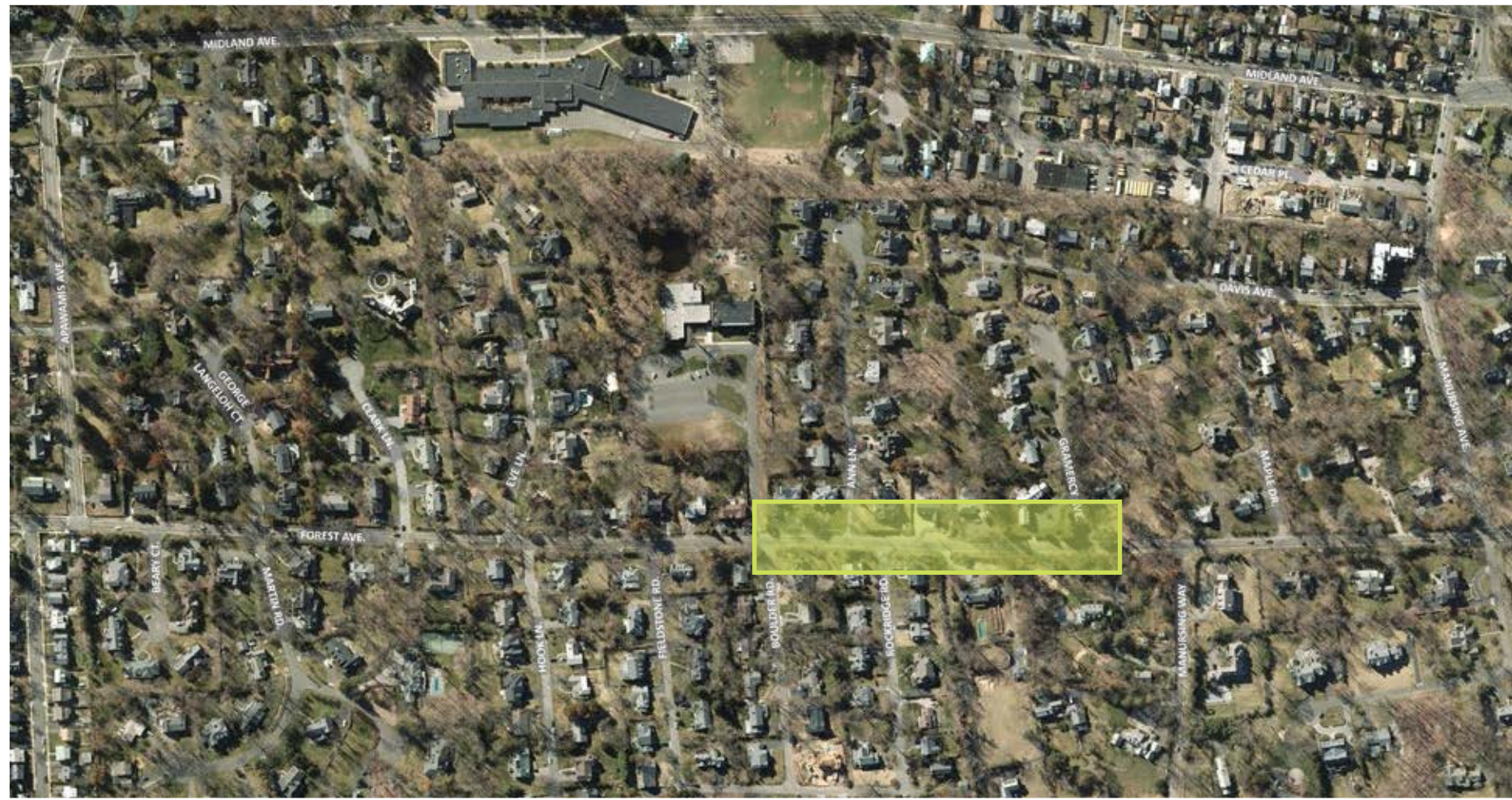


EXISTING CONDITIONS



PROPOSED 4' SIDEWALK

KEY MAP



Legend

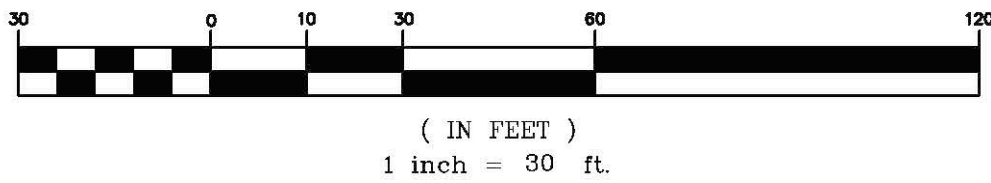
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	Fire Hydrant Relocation		Potential Tree Root System Impact		Property Line		Existing Shrubs
	Road Centerline Shift		Indicates Number Impacted		Proposed Sidewalk/Multi-Use Path		Existing Lawn
					Location & View of Photo Rendering		Roadway Pavement Markings

MULTI-USE PATH ON EAST SIDE ONLY - OPTION D

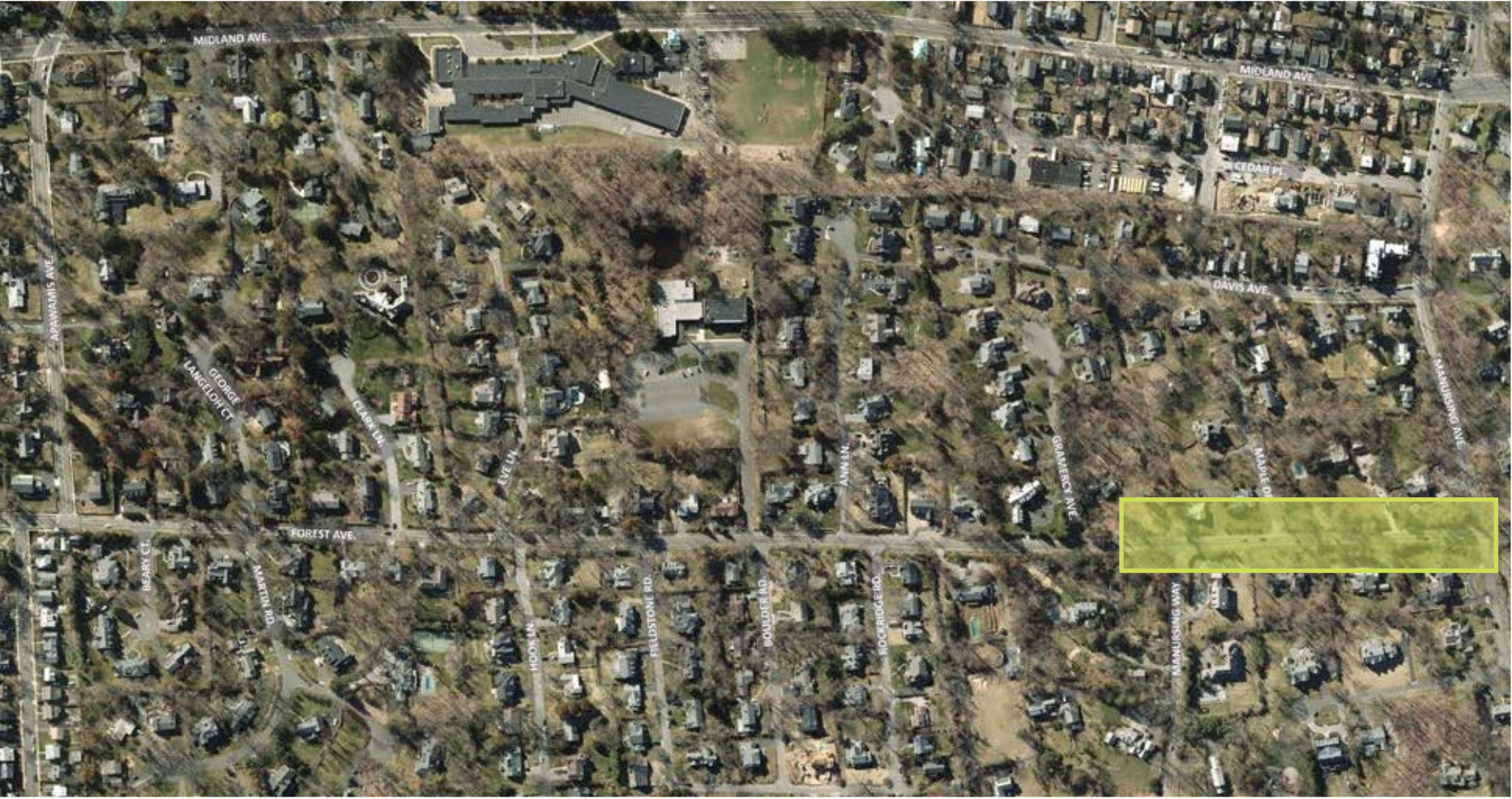
FOREST AVENUE / MANURSING AVENUE PEDESTRIAN IMPROVEMENT STUDY



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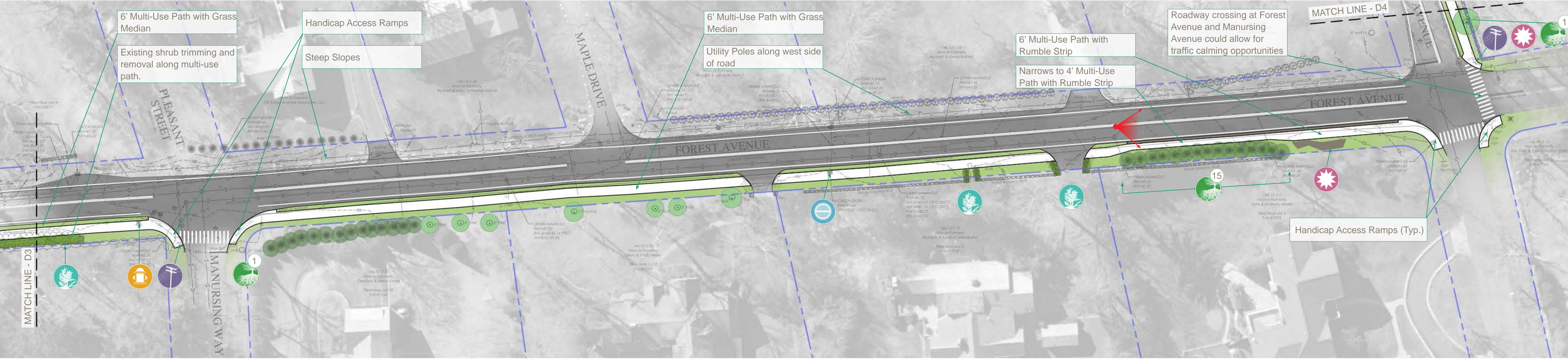
KEY MAP



EXISTING CONDITIONS



PROPOSED 4' SIDEWALK

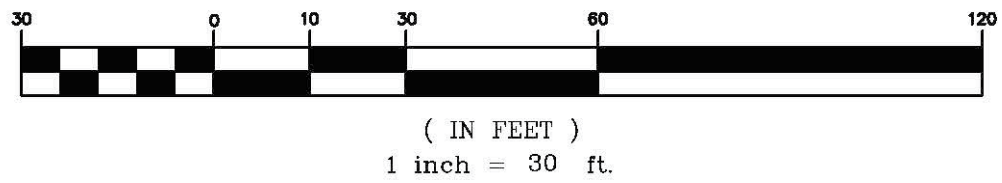


Legend

	Utility Pole Relocation		Large Tree Removal		Potential Shrub Root System Impacts		Crosswalk
	Catch Basin Relocation		Small Tree Removal		Ledge or Grading		Existing Tree
	Fire Hydrant Relocation		Potential Tree Root System Impact		Property Line		Existing Shrubs
	Road Centerline Shift		Indicates Number Impacted		Proposed Sidewalk/Multi-Use Path		Existing Lawn
					Location & View of Photo Rendering		Roadway Pavement Markings

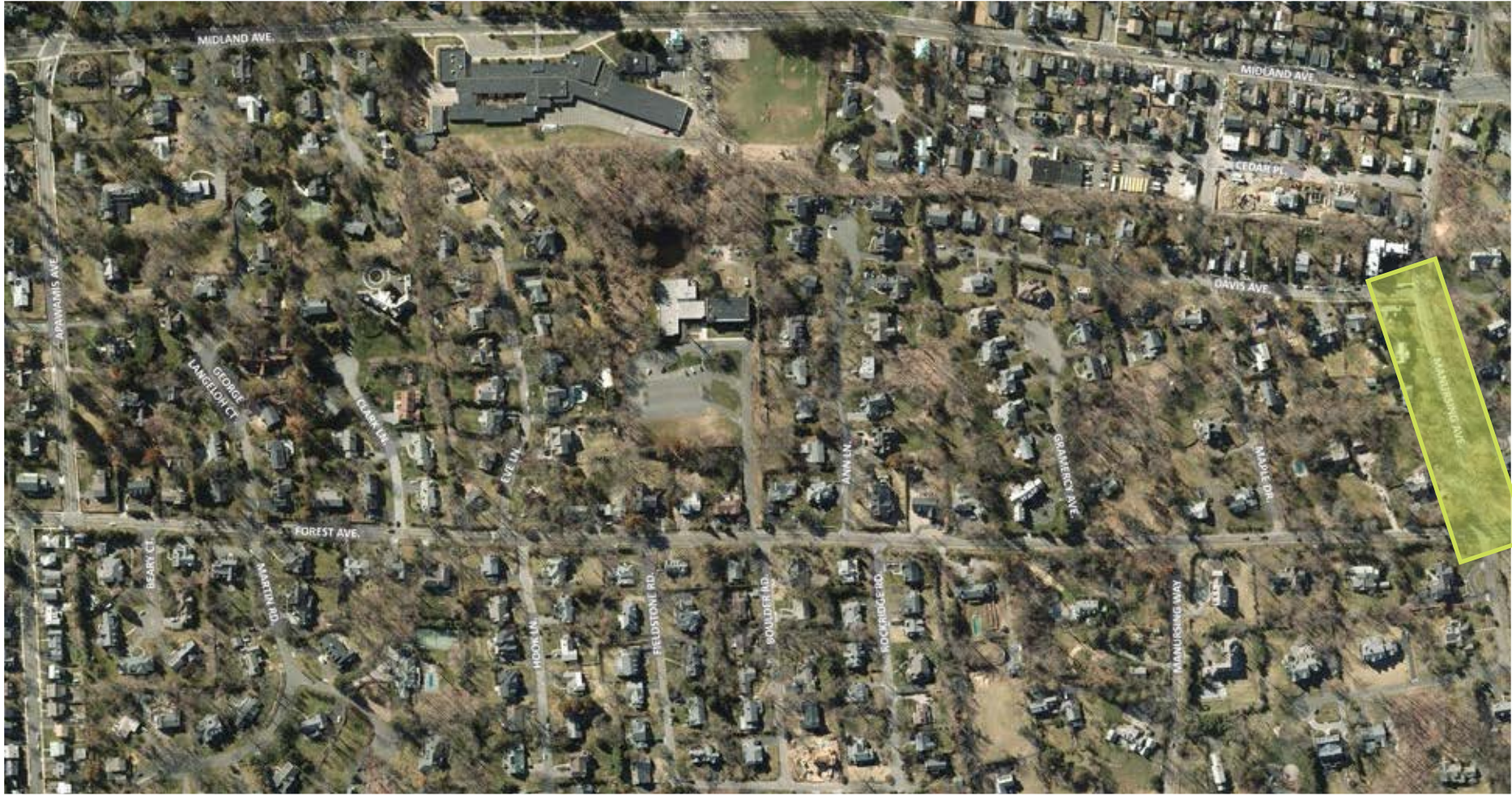
MULTI-USE PATH ON EAST SIDE ONLY - OPTION D

FOREST AVENUE / MANURSING AVENUE PEDESTRIAN IMPROVEMENT STUDY





KEY MAP



Total Estimated Road Corridor Impacts	Multi-Use Path on East Side Only
Utility Pole Relocation	14
Catch Basin Relocation	11
Fire Hydrant Relocation	5
Road Centerline Shift	YES
Large Tree Removal	11
Small Tree Removal	2
Potential Tree Root System Impact	48
Potential Shrub Root System Impacts	15
Ledge / Grading Challenges	7
Number of Driveways Crossed	12

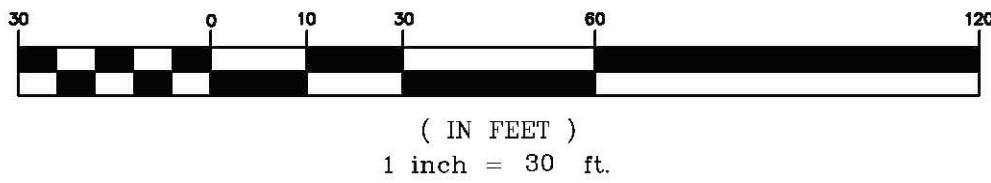
Legend

- Utility Pole Relocation
 - Catch Basin Relocation
 - Fire Hydrant Relocation
 - Road Centerline Shift
- Large Tree Removal
 - Small Tree Removal
 - Potential Tree Root System Impact
 - Indicates Number Impacted
- Potential Shrub Root System Impacts
 - Ledge or Grading
 - Property Line
 - Proposed Sidewalk/Multi-Use Path
 - Location & View of Photo Rendering
- Crosswalk
 - Existing Tree
 - Existing Shrubs
 - Existing Lawn
 - Roadway Pavement Markings

MULTI-USE PATH ON EAST SIDE ONLY - OPTION D



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FOREST AVENUE / MANURSING AVENUE PEDESTRIAN IMPROVEMENT STUDY



4

CHAPTER

- Overview
- Traffic Counts
- Average Speeds
- Pedestrian Counts
- Traffic Calming Options
- Forest Avenue as a One-Way Road

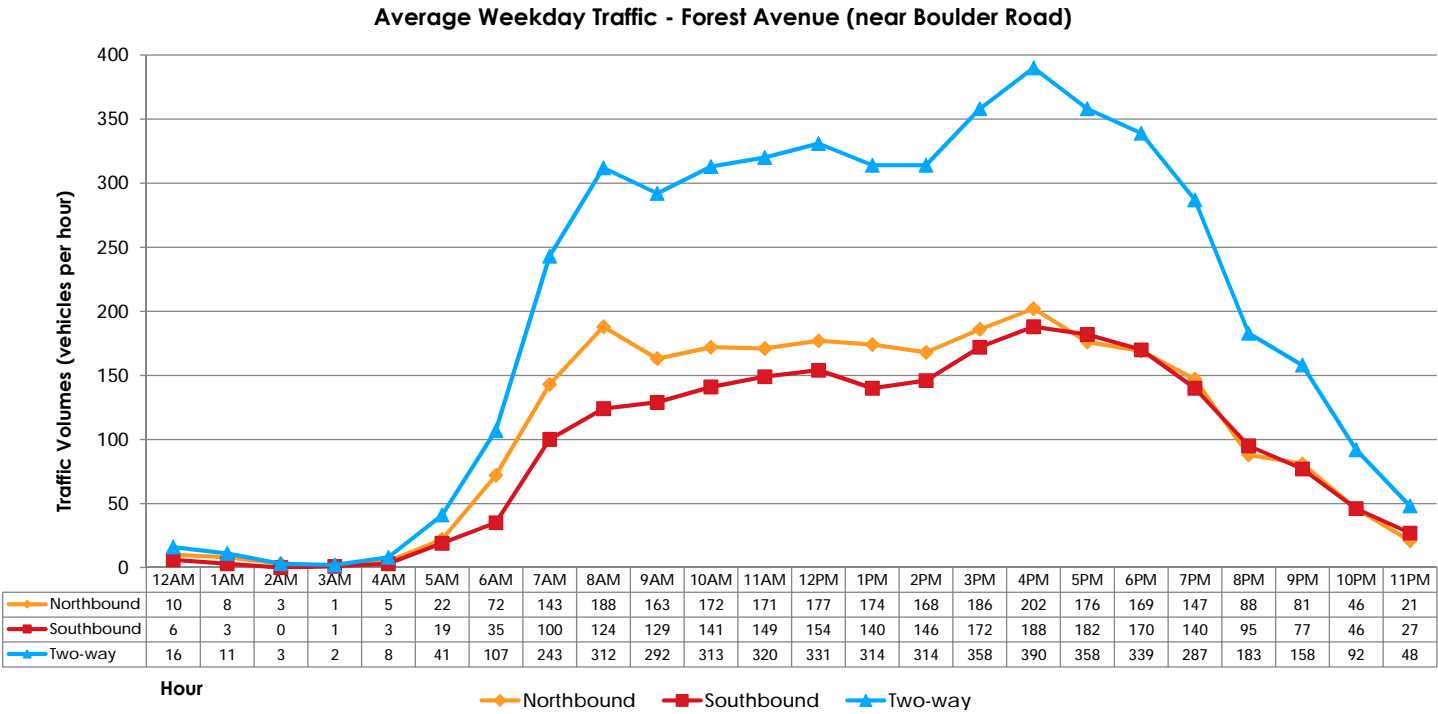
TRAFFIC REVIEW

Overview

In order to better accommodate pedestrian needs along Forest Avenue, Stantec performed a brief review of existing traffic conditions within the project limits. Our review, completed using a combination of publicly available traffic data, travel speed data provided to Stantec by the City of Rye, and sample pedestrian counts performed by Stantec, assisted in defining potential alternative options within the project limits.

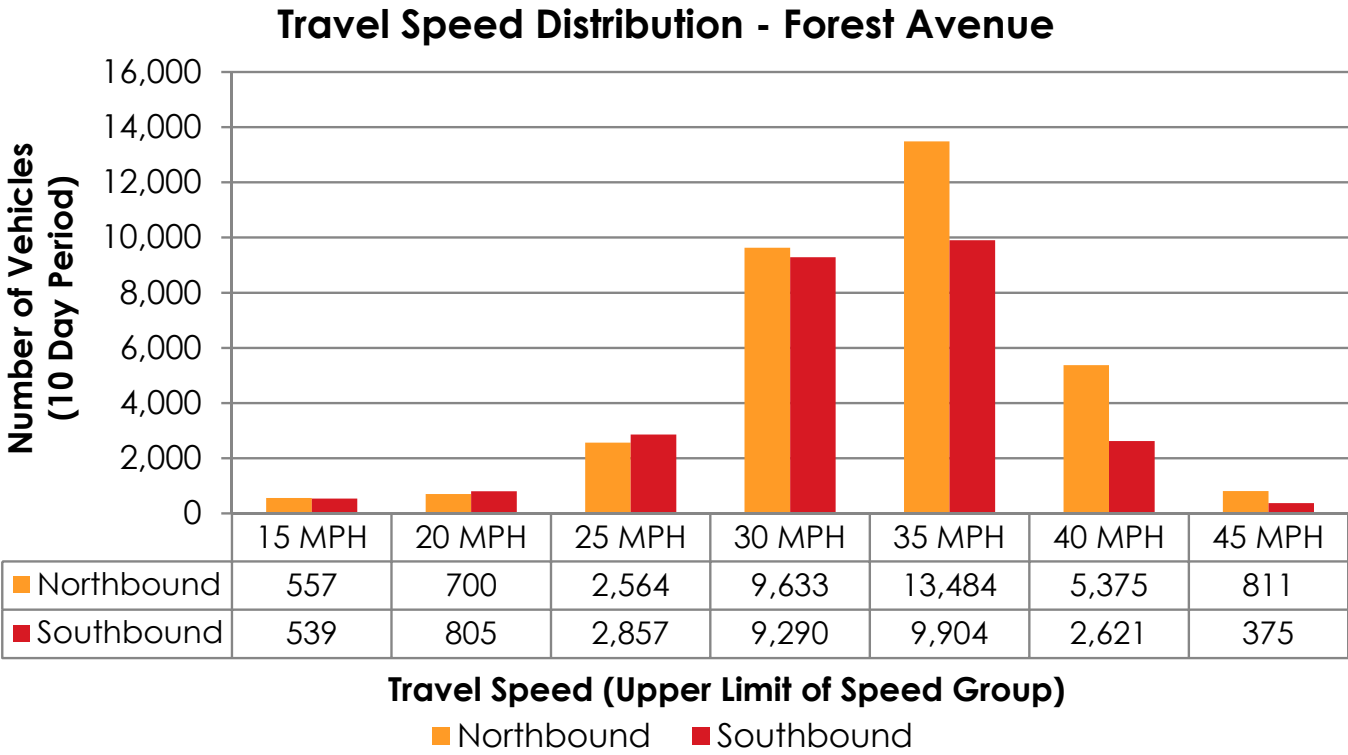
Traffic Counts

Forest Avenue is a City-maintained north-south two-lane roadway and serves as an alternative route into and out of Port Chester to the north. It is classified as an urban minor arterial. Approximately 5,000 vehicles use Forest Avenue on a typical weekday and, during peak periods, up to 400 vehicles per hour travel along Forest Avenue. A review of other adjacent roadways indicates that weekend traffic volumes are comparable to weekday traffic within the project limits.



Average Speeds

The Forest Avenue corridor has a posted speed limit of 30 miles per hour. A review of speed data indicates more than 50 percent of traffic travel is at or above the posted speed limit. It should be noted that travel speeds were generally found to be consistent regardless of the day of the week.



TRAFFIC REVIEW

Pedestrian Counts

Our assessment of existing conditions also included pedestrian counts along the Forest Avenue and Manursing Avenue corridor. Counts were conducted during a weekday while school was in session and on a weekend day. Field observations of pedestrian activity indicate that there is a variety of pedestrians using the corridor. The mix of pedestrians observed included joggers, walkers, pedestrians with strollers, pedestrians walking dogs, and pedestrians walking with children. Both adults and children were observed cycling along the corridor. It was noted that the number of adults seen biking was significantly above the number of children on bikes.

It was also noted that pedestrians traveled in both north and south directions along Forest Avenue, with many walkers and pedestrians with strollers using the mostly unobstructed right-of-way areas on the east side of Forest Avenue. It was observed that in locations where the roadway shoulder narrowed and there

were significant trees, vegetation or steep slopes, pedestrians generally crossed the road to travel along a more open, level road environment. As such, pedestrians were seen crossing the road at intersection locations as well as mid-block locations. Most bicyclists were found to be following the direction of vehicular traffic within the roadway travel lanes.

The lack of a sidewalk or multi-use path for pedestrians and/or cyclists coupled with vehicles traveling above the speed limit impacts both vehicular and pedestrian safety within the corridor.

Saturday: May 21, 2016 (8:00am-1:00pm)

Pedestrian Type	Observed Counts					Daily Total
Time	8:00-9:00	9:00-10:00	10:00-11:00	11:00-12:00	12:00-1:00	
Jogger	6	11	11	5	7	40
Walker	14	13	13	10	10	60
Stroller	3	2	3	3		11
Dog Walker	1	8	9	2	3	23
Children walking					2	2
Children on Bikes		1				1
Adults on Bikes	20	8	20	8	12	68
Hourly Totals	44	43	56	28	34	205

Wednesday: May 25, 2016 (7:00am-11:00am & 1:30pm-3:30pm)

Pedestrian Type	Observed Counts						Daily Total
Time	7:00-8:00	8:00-9:00	9:00-10:00	10:00-11:00	1:30-2:30	2:30-3:30	
Jogger	9	4	9	4		1	27
Walker	9	12	11	6	12	6	56
Stroller			2	4	1	1	8
Dog Walker	5	2	7		4	2	20
Children walking	1	2				3	6
Children on Bikes		1			1		2
Adults on Bikes	5	5	13	6	6	8	43
Hourly Totals	29	26	42	20	24	21	162

TRAFFIC REVIEW

Traffic Calming Options

The addition of a sidewalk or multi-use path along Forest Avenue would significantly improve overall pedestrian safety along the corridor. However, additional measures can be taken to further calm traffic along Forest Avenue. Below are a few potential traffic calming options that can be implemented either along the entire Forest Avenue corridor or at the Forest Avenue intersections with Eve Lane and Manursing Avenue:

Reduction of Posted Speed Limit to 25 MPH:

The reduction of the posted speed limit could further discourage through traffic from using Forest Avenue. It could also improve pedestrian safety and reduce the accident potential of the corridor.

All-Way Stop Control (AWSC):

The installation of AWSC at selected locations would force vehicles going through the study area to come to a complete stop. This could reduce overall travel speeds and improve pedestrian safety at these intersections.

Installation of Rectangular Rapid Flash Beacons:

The installation of rectangular rapid flash beacons on existing pedestrian crossing signs could increase pedestrian safety. The signs would be activated by a push-button and would only stay illuminated for a certain period of time (sufficient for a pedestrian to cross the street).

Speed Table:

A speed table would further increase visibility for motorists as they approach a pedestrian crossing and could improve pedestrian safety.

It should be noted that additional engineering studies would be required to evaluate the feasibility of these traffic calming measures.

Forest Avenue as a One-Way Road

Another possible option to accommodate pedestrian needs within the right-of-way could be the conversion of Forest Avenue into a one-way roadway. A one-way Forest Avenue would provide additional space for a dedicated bike lane and a wide sidewalk for pedestrians. However, there are limited cross roads connecting Midland Avenue and Forest Avenue, therefore a one-way roadway would also result in additional circulation for residents living along or adjacent to Forest Avenue as they enter or leave the area. Additionally, a one-way roadway would add additional traffic onto Midland Avenue, which is the only through-street to the west of Forest Avenue. It is recommended to retain the existing functionality of Forest Avenue as a two-directional roadway.

It is also recognized that the corridor is adjacent to an emergency coastal evacuation route using Playland Parkway. This further limits the option of a one-way roadway.





5

CHAPTER

- Material Options
- Pathway Maintenance Overview
- Stormwater Collection and Management
- Opinion of Construction Cost Matrix Overview

MATERIALS, MAINTENANCE AND OPINION OF COSTS

Material Options

A review of possible material options has been made and is outlined as follows. Also, refer to Precedent Images found throughout this report.

Pavements:

A concrete material is suggested for all sidewalk options, and bituminous concrete (asphalt) would better serve a multi-use path option. Any of the suggested options could benefit from decorative pavements, and paver detailing can add a higher level of design and enhance the visual aspects for user experience. Various types of pavers are also available that can serve as a rumble strip option.

Crosswalks:

Crosswalk options include a standard painted bar design; or for additional interest, a decorative painted design can be incorporated. Decorative pavers for crosswalks have also been a successful way to assist pedestrians as they cross the street.

Curbs:

Curb options suggested for this improvement plan include either a granite curb or a concrete curb. The cost estimate included here in estimates a price for concrete curbing. Granite curbing is known to be more expensive but offers better resilience against snow plowing and roadway salt.

A mountable curb option was reviewed with the City and is an option that offers several opportunities. A mountable curb, otherwise known as a park curb, allows for maintenance vehicles to easily access a multi-use pathway in order to remove debris and snow.

Signage:

Signage has been included in the cost estimate and will play a key role in establishing a safe pedestrian environment along Forest Avenue and Manursing Avenue. A typical sidewalk option would require stop signs for vehicles and pedestrian roadway crossing signs. Signage for a multi-use path would additionally include stop signs for multi-use path users on bikes, “Bike Route” signs with directional arrows, and “Pathway Narrows Ahead” signage. In addition, on-road pavement markings, such as bicycle symbols with sharrows, and appropriate multi-use path pavement striping should be incorporated in key locations.

PRECEDENT IMAGES



MATERIALS, MAINTENANCE AND OPINION OF COSTS

Pathway Maintenance Overview

Whether the path is a sidewalk, a multi-use path, or a shared use bikeway within the existing roadway, a smooth surface needs to be provided and maintained. Care should be taken to eliminate potholes, eroded areas, other major surface irregularities and physical problems.

Bituminous Concrete Multi-Use Path Surfacing (Asphalt)

The path’s proposed bituminous concrete surface is made up of a compacted stone base material with rolled and compacted asphaltic surfacing. Each spring and as needed during the year the surface should be reviewed for pot-holes and eroded areas. Path edges of the path should also be reviewed for damage from storm events that may have undermined the base, leaving the asphaltic surface cracked and/or unsupported.

Concrete Sidewalk Surfacing

The sidewalk’s proposed concrete surface is made up of a compacted stone base material with formed and broom-finished concrete surfacing. Each spring and as needed during the year the surface should be reviewed for spalling, deterioration, and eroded areas. Path edges of the path should also be reviewed for damage from storm events that may have undermined the base, leaving the concrete surface cracked and/or unsupported.

Sweeping

Yearly each spring the sidewalk and/or multi-use path should be swept as routine service as well as to remove sanding materials used during winter snow and ice storms. The adjacent roadway should have annual routine street sweeping each spring. Sidewalk and/or multi-use path shall be added to the annual sweeping list for maintenance each spring.

Signs, Striping and Legends

It is very important that bikeway signs, striping, and legends are inspected regularly and be kept in a readable condition. Replace defective and obsolete signs as soon as possible. Depending on wear, repaint bike symbols on an annual basis. Repair problems with bike symbols and markings on a request basis through the City’s Engineering and/or Public Works Departments or through routine maintenance.

Maintenance Funding

City will ultimately be responsible for the funding needed to cover maintenance and repairs to the Forest Avenue Pedestrian Improvements. As the pedestrian improvements are designed, they should be closely examined to minimize future maintenance costs. Maintenance of roadway markings should be linked to standard roadway maintenance funding.

Maintenance Checklist and Schedule

Item Description	Frequency Interval of Inspection/Maintenance
Pavement Marking Replacement	1 – 3 years
Pavement Sweeping	Weekly-monthly/as needed
Remove Snow and Ice	Weekly/as needed
Clean Path Drainage Systems	1 year
Sign Replacement/Repair	1 – 3 years
Trash Disposal	Weekly/as needed
Graffiti Removal	Weekly-monthly/as needed
Shoulder and Grass Mowing	Weekly/as needed
Weed Control	Monthly/as needed
Tree, Shrub and Grass Trimming	5 months – 1 year
Pruning	1 – 4 years
Remove Fallen Trees	As needed
Irrigate/Water New Plants	Weekly-monthly/as needed until established

MATERIALS, MAINTENANCE AND OPINION OF COSTS

Stormwater Collection and Management

During the public meeting and meetings with the City, it was indicated that there are stormwater ponding and collection issues within the Forest Avenue study corridor. While not a primary goal of this study, these issues can be addressed once a pedestrian improvement design option is selected. The Forest Avenue roadway infrastructure/corridor will be reconstructed as part of the pedestrian improvement plan, at which point, design improvements to the existing storm drainage system will also be prepared.

Traditionally, the aim of a storm water management system has been to collect, conduct and dispose of storm water as efficiently and as quickly as possible. This method of storm water management can result in serious environmental degradation as stormwater accumulates sediment, debris, and other pollutants, as it flows over impervious surfaces. This untreated runoff will eventually discharge via the storm drainage system into the receiving water body, having potential adverse effects on plants, fish, animals and people.

As part of a responsible storm drainage system design we recommend a low impact environmental design including (where space allows): green engineering, bio-retention and rain garden systems. This approach, which incorporates water quality treatment prior to discharge and maximizes infiltration, is central to an effective design for stormwater management and environmental resource protection.

Opinion of Construction Cost Matrix Overview

The construction cost estimates following here in account for all anticipated construction items and include associated contingencies and incidentals for this level of design. Generally when a design is developed further and additional design components are identified, the contingency and incidental costs are reduced. No right-of-way acquisition costs are anticipated or incorporated.

EXISTING IMAGES



OPINION OF CONSTRUCTION COSTS

Option A - Cost Estimate

Forest Avenue Pedestrian Improvements Study
Preliminary Options Site Plans
07.01.2016

Preliminary Engineering Study
Opinion of Probable Construction Cost

Item No.	Item	Unit	Quantity	Unit Price	Price
Option A - Sidewalk (Alternating Sides)					
A. Pedestrian Improvement Items					
	Excavation	CY	1000	\$ 40.00	\$ 40,000
	Provisions for Excavation	CY	800	\$ 40.00	\$ 32,000
	Large Tree Removal	EA	0	\$ 2,000.00	\$ -
	Small Tree Removal	EA	0	\$ 1,000.00	\$ -
	Remove Bituminous Concrete Pavement	SF	11720	\$ 3.50	\$ 41,020
	Bituminous Pavement @ (2'-0" wide roadway patching)	SF	11720	\$ 6.90	\$ 80,868
	Bituminous Pavement @ (6'-0" wide)	SF	0	\$ 6.90	\$ -
	Concrete Pavement / Sidewalk	SF	16050	\$ 13.70	\$ 219,885
	6" Cast in Place Concrete Curb	LF	5860	\$ 50.50	\$ 295,930
	Curb Ramps and Tactile Warnings	EA	26	\$ 2,300.00	\$ 59,800
	Granite Paver Rumble Strip	SF	0	\$ 210.00	\$ -
	Catch Basin Replacement	EA	6	\$ 4,000.00	\$ 24,000
	12" HDPE Storm Drainage Pipe	LF	120	\$ 45.00	\$ 5,400
	Furnishing and Placing Topsoil, Amendments and Fertilizer/Turf Establishment	SY	2635	\$ 20.00	\$ 52,700
	Furnishing and Placing Grass Seed/Turf Establishment	SY	2635	\$ 2.00	\$ 5,270
	Landscape Plantings	LS	1	\$ 25,000.00	\$ 25,000
	Sign Face - Sheet Aluminum (Type III Reflective Sheeting)	SF	0	\$ 50.00	\$ -
	Rectangular Rapid Flashing Beacon (RRFB)	PAIR	4	\$ 39,200.00	\$ 156,800
	4" White Epoxy Resin Pavement Markings	LF	7430	\$ 1.00	\$ 7,430
	4" Double Yellow Epoxy Resin Pavement Markings	LF	3580	\$ 2.00	\$ 7,160
	12" White Epoxy Resin Stop Bar Pavement Markings	LF	170	\$ 4.00	\$ 680
	Bicycle Symbol w/ Sharrow	EA	30	\$ 590.00	\$ 17,700
Total Bikeway Items (Dollars)					\$ 1,071,643
B. Minor Items					
	Provisional Items	25.0%	of	\$ 1,071,643.00	\$ 267,911
C. Lump Sum Items					
	Clearing and Grubbing @ 1.0%	LS	1	\$ 13,395.54	\$ 13,396
	Maintenance and Protection of Traffic @ 2.0%	LS	1	\$ 26,791.08	\$ 26,791
	Mobilization @ 5.0%	LS	1	\$ 66,977.69	\$ 66,978
	Construction Staking @ 1.0%	LS	1	\$ 13,395.54	\$ 13,396
Total Lump Sum Items (Dollars)					\$ 120,560
Incidentals @ 25%					\$ 267,911
Total Project Cost, Option A - Sidewalk (Alternating Sides) (Dollars)					\$ 1,728,024
Say:					\$ 1,730,000

OPINION OF CONSTRUCTION COSTS

Option B - Cost Estimate

Forest Avenue Pedestrian Improvements Study
Preliminary Options Site Plans
07.01.2016

Preliminary Engineering Study
Opinion of Probable Construction Cost

Item No.	Item	Unit	Quantity	Unit Price	Price
Option B - Multi-Use Path (Alternating Sides)					
<i>A. Pedestrian Improvement Items</i>					
	Excavation	CY	1000	\$ 40.00	\$ 40,000
	Provisions for Excavation	CY	800	\$ 40.00	\$ 32,000
	Large Tree Removal	EA	6	\$ 2,000.00	\$ 12,000
	Small Tree Removal	EA	1	\$ 1,000.00	\$ 1,000
	Remove Bituminous Concrete Pavement	SF	9540	\$ 3.50	\$ 33,390
	Bituminous Pavement @ (2'-0" wide roadway patching)	SF	9540	\$ 6.90	\$ 65,826
	Bituminous Pavement @ (6'-0" wide)	SF	22400	\$ 6.90	\$ 154,560
	Concrete Pavement / Sidewalk	SF	0	\$ 13.70	\$ -
	6" Cast in Place Concrete Curb	LF	4770	\$ 50.50	\$ 240,885
	Curb Ramps and Tactile Warnings	EA	24	\$ 2,300.00	\$ 55,200
	Granite Paver Rumble Strip	SF	1500	\$ 210.00	\$ 315,000
	Catch Basin Replacement	EA	8	\$ 4,000.00	\$ 32,000
	12" HDPE Storm Drainage Pipe	LF	160	\$ 45.00	\$ 7,200
	Furnishing and Placing Topsoil, Amendments and Fertilizer/Turf Establishment	SY	2210	\$ 20.00	\$ 44,200
	Furnishing and Placing Grass Seed/Turf Establishment	SY	2210	\$ 2.00	\$ 4,420
	Landscape Plantings	LS	1	\$ 25,000.00	\$ 25,000
	Sign Face - Sheet Aluminum (Type III Reflective Sheeting)	SF	0	\$ 50.00	\$ -
	Rectangular Rapid Flashing Beacon (RRFB)	PAIR	4	\$ 39,200.00	\$ 156,800
	4" White Epoxy Resin Pavement Markings	LF	7800	\$ 1.00	\$ 7,800
	4" Double Yellow Epoxy Resin Pavement Markings	LF	3700	\$ 2.00	\$ 7,400
	12" White Epoxy Resin Stop Bar Pavement Markings	LF	160	\$ 4.00	\$ 640
	Bicycle Symbol w/ Sharrow	EA	30	\$ 590.00	\$ 17,700
<i>Total Bikeway Items (Dollars)</i>					\$ 1,253,021
<i>B. Minor Items</i>					
	Provisional Items	25.0%	of	\$ 1,253,021.00	\$ 313,255
<i>C. Lump Sum Items</i>					
	Clearing and Grubbing @ 1.0%	LS	1	\$ 15,662.76	\$ 15,663
	Maintenance and Protection of Traffic @ 2.0%	LS	1	\$ 31,325.53	\$ 31,326
	Mobilization @ 5.0%	LS	1	\$ 78,313.81	\$ 78,314
	Construction Staking @ 1.0%	LS	1	\$ 15,662.76	\$ 15,663
<i>Total Lump Sum Items (Dollars)</i>					\$ 140,965
<i>Incidentals @ 25%</i>					\$ 313,255
<i>Total Project Cost, Option B - Multi-Use Path (Alternating Sides) (Dollars)</i>					\$ 2,020,496
<i>Say:</i>					<u>\$ 2,030,000</u>

OPINION OF CONSTRUCTION COSTS

Option C - Cost Estimate

Forest Avenue Pedestrian Improvements Study
Preliminary Options Site Plans
07.01.2016

Preliminary Engineering Study
Opinion of Probable Construction Cost

Item No.	Item	Unit	Quantity	Unit Price	Price
Option C - Sidewalk (East Side Only)					
<i>A. Pedestrian Improvement Items</i>					
	Excavation	CY	1000	\$ 40.00	\$ 40,000
	Provisions for Excavation	CY	800	\$ 40.00	\$ 32,000
	Large Tree Removal	EA	6	\$ 2,000.00	\$ 12,000
	Small Tree Removal	EA	2	\$ 1,000.00	\$ 2,000
	Remove Bituminous Concrete Pavement	SF	11580	\$ 3.50	\$ 40,530
	Bituminous Pavement @ (2'-0" wide roadway patching)	SF	11580	\$ 6.90	\$ 79,902
	Bituminous Pavement @ (6'-0" wide)	SF	0	\$ 6.90	\$ -
	Concrete Pavement / Sidewalk	SF	13900	\$ 13.70	\$ 190,430
	6" Cast in Place Concrete Curb	LF	5790	\$ 50.50	\$ 292,395
	Curb Ramps and Tactile Warnings	EA	22	\$ 2,300.00	\$ 50,600
	Granite Paver Rumble Strip	SF	0	\$ 210.00	\$ -
	Catch Basin Replacement	EA	9	\$ 4,000.00	\$ 36,000
	12" HDPE Storm Drainage Pipe	LF	180	\$ 45.00	\$ 8,100
	Furnishing and Placing Topsoil, Amendments and Fertilizer/Turf Establishment	SY	2985	\$ 20.00	\$ 59,700
	Furnishing and Placing Grass Seed/Turf Establishment	SY	2985	\$ 2.00	\$ 5,970
	Landscape Plantings	LS	1	\$ 25,000.00	\$ 25,000
	Sign Face - Sheet Aluminum (Type III Reflective Sheeting)	SF	0	\$ 50.00	\$ -
	Rectangular Rapid Flashing Beacon (RRFB)	PAIR	0	\$ 39,200.00	\$ -
	4" White Epoxy Resin Pavement Markings	LF	7850	\$ 1.00	\$ 7,850
	4" Double Yellow Epoxy Resin Pavement Markings	LF	3700	\$ 2.00	\$ 7,400
	12" White Epoxy Resin Stop Bar Pavement Markings	LF	140	\$ 4.00	\$ 560
	Bicycle Symbol w/ Sharrow	EA	30	\$ 590.00	\$ 17,700
<i>Total Bikeway Items (Dollars)</i>					\$ 908,137
<i>B. Minor Items</i>					
	Provisional Items	25.0%	of	\$ 908,137.00	\$ 227,034
<i>C. Lump Sum Items</i>					
	Clearing and Grubbing @ 1.0%	LS	1	\$ 11,351.71	\$ 11,352
	Maintenance and Protection of Traffic @ 2.0%	LS	1	\$ 22,703.43	\$ 22,703
	Mobilization @ 5.0%	LS	1	\$ 56,758.56	\$ 56,759
	Construction Staking @ 1.0%	LS	1	\$ 11,351.71	\$ 11,352
<i>Total Lump Sum Items (Dollars)</i>					\$ 102,165
<i>Incidentals @ 25%</i>					\$ 227,034
Total Project Cost, Option C - Sidewalk (East Side Only) (Dollars)					\$ 1,464,371
Say:					\$ 1,470,000

OPINION OF CONSTRUCTION COSTS

Option D - Cost Estimate

Forest Avenue Pedestrian Improvements Study
Preliminary Options Site Plans
07.01.2016

Preliminary Engineering Study
Opinion of Probable Construction Cost

Item No.	Item	Unit	Quantity	Unit Price	Price
Option D - Multi-Use Path (East Side Only)					
<i>A. Pedestrian Improvement Items</i>					
	Excavation	CY	1000	\$ 40.00	\$ 40,000
	Provisions for Excavation	CY	800	\$ 40.00	\$ 32,000
	Large Tree Removal	EA	11	\$ 2,000.00	\$ 22,000
	Small Tree Removal	EA	2	\$ 1,000.00	\$ 2,000
	Remove Bituminous Concrete Pavement	SF	10260	\$ 3.50	\$ 35,910
	Bituminous Pavement @ (2'-0" wide roadway patching)	SF	10260	\$ 6.90	\$ 70,794
	Bituminous Pavement @ (6'-0" wide)	SF	23000	\$ 6.90	\$ 158,700
	Concrete Pavement / Sidewalk	SF	0	\$ 13.70	\$ -
	6" Cast in Place Concrete Curb	LF	5130	\$ 50.50	\$ 259,065
	Curb Ramps and Tactile Warnings	EA	22	\$ 2,300.00	\$ 50,600
	Granite Paver Rumble Strip	SF	1520	\$ 210.00	\$ 319,200
	Catch Basin Replacement	EA	11	\$ 4,000.00	\$ 44,000
	12" HDPE Storm Drainage Pipe	LF	220	\$ 45.00	\$ 9,900
	Furnishing and Placing Topsoil, Amendments and Fertilizer/Turf Establishment	SY	2335	\$ 20.00	\$ 46,700
	Furnishing and Placing Grass Seed/Turf Establishment	SY	2335	\$ 2.00	\$ 4,670
	Landscape Plantings	LS	1	\$ 25,000.00	\$ 25,000
	Sign Face - Sheet Aluminum (Type III Reflective Sheeting)	SF	0	\$ 50.00	\$ -
	Rectangular Rapid Flashing Beacon (RRFB)	PAIR	0	\$ 39,200.00	\$ -
	4" White Epoxy Resin Pavement Markings	LF	7820	\$ 1.00	\$ 7,820
	4" Double Yellow Epoxy Resin Pavement Markings	LF	3550	\$ 2.00	\$ 7,100
	12" White Epoxy Resin Stop Bar Pavement Markings	LF	140	\$ 4.00	\$ 560
	Bicycle Symbol w/ Sharrow	EA	30	\$ 590.00	\$ 17,700
<i>Total Bikeway Items (Dollars)</i>					\$ 1,153,719
<i>B. Minor Items</i>					
	Provisional Items	25.0%	of	\$ 1,153,719.00	\$ 288,430
<i>C. Lump Sum Items</i>					
	Clearing and Grubbing @ 1.0%	LS	1	\$ 14,421.49	\$ 14,421
	Maintenance and Protection of Traffic @ 2.0%	LS	1	\$ 28,842.98	\$ 28,843
	Mobilization @ 5.0%	LS	1	\$ 72,107.44	\$ 72,107
	Construction Staking @ 1.0%	LS	1	\$ 14,421.49	\$ 14,421
<i>Total Lump Sum Items (Dollars)</i>					\$ 129,793
<i>Incidentals @ 25%</i>					\$ 288,430
Total Project Cost, Option D - Multi-Use Path (East Side Only) (Dollars)					\$ 1,860,372
Say:					\$ 1,870,000



6

CHAPTER

- Public Open House - Meeting Minutes
- Resident Comments sent to the City of Rye, NY

APPENDIX

Public Open House - Meeting Minutes (April 13, 2016)

Pedestrian Safety:

- Many residents expressed a safety concern regarding kids who use the road to walk and bike
- Seniors and young children need a safe place to walk
- Dangerous for dog walkers
- Kids travel to school using Forest Avenue
- Sight lines are an issue at the intersection of Manursing Ave. and Forest Ave.
- If a pedestrian is crossing the street, they need to be able to safely cross
- Questions regarding pedestrian crosswalks and flashing lights were asked

Feedback on Options & Precedent Images:

- For all users – a wide shared path would be safer
- Rumble strip is a good idea to alert drivers
- A painted line and rumble strip may cause drivers to swerve towards that line
- There are many safety concerns
- Residents don’t want green painted bike lanes - too urban
- A double sidewalk option is not realistic and may not be needed
- City Engineer directed Stantec to review a concept that weaves the road
- City Planner directed Stantec to focus on reasonable pedestrian options (multi-use path, sidewalk and widened shoulders)

Traffic Concerns:

- Traffic issues – calming measures needed
- Are stop signs on Forest Avenue possible to slow people down?
- Stop signs at Manursing Way would be a good thing; not every intersection
- Some residents expressed that there has been an increase of traffic issues on Forest Avenue
- It was stated that cars are traveling too fast on the road; how could they be slowed down?
- Traffic calming measures such as speed bumps and raised crosswalks were discussed
- Has any review been made of making Forest Avenue a one-way road?
- Stantec stated the original scope includes a pedestrian improvement plan and did not include a detailed traffic analysis. A complete traffic study is a service that Stantec can provide.

Maintenance:

- Snow removal on a sidewalk would be the responsibility of home owner
- It’s important to keep Rye’s roadway character
- The existing white landscape rocks along the roadway have pros and cons
- Parking along the roadway is sometimes an issue

Drainage:

- Drainage issues; please address
- Water and drainage issues to be reviewed by Stantec

Costs:

- Public asked about the cost of various improvement options
- Stantec will complete a cost estimate in the final report

Final Thoughts:

- Stantec to reconvene with the City in a couple of weeks
- Traffic calming options could be incorporated along Forest Avenue
- City could pay for sidewalks
- City could maintain widened road with bike lanes or a multi-use path option

APPENDIX

Resident Comments Sent to the City of Rye, NY

Hollis O’Rorke	April 26, 2016	JoAnne Nardone	April 20, 2016
<p>Hi,</p> <p>I live just off Forest Ave, on Pleasant Street, and am strongly in favor of improving safety on Forest by providing space for pedestrians of all ages - this would benefit our children as well as all the adults who use Forest to exercise or walk their dogs. I would much prefer adding sidewalks to one or both sides (over the expanded shoulder options which don’t seem as safe or effective to me).</p> <p>Thank you for reviewing the proposals — I look forward to hearing the results and am hopeful it will move forward.</p> <p>Hollis O’Rorke</p>		<p>Dear City Council Members,</p> <p>I support the Forest Avenue safe sidewalk plan and I am in favor of Options 3 or 4 because they are safer. Bikers and pedestrians are out of the street.</p> <p>Thank you for your consideration.</p> <p>Sincerely, JoAnne Nardone</p>	
Colleen Margiloff	April 20, 2016	Alison Hudspeth	April 19, 2016
<p>To Whom It May Concern-</p> <p>Please count this as our vote (and enthusiastic support) for separated, off-the-road sidewalks along Forest. From looking at the Stantec Study (many thanks for funding the study as well), Option number 3 is ideal. If you have spent anytime attempting to bike, run or walk along Forest, you are all too familiar with the terror that comes from that experience. Considering the pride we take in being a community, wouldn’t it be so nice to know that our town’s families, of all ages, have the opportunity to enjoy our beautiful neighborhoods? As it stands now, families feel limited in attempting to go from house to house, house to town, house to club via walking or bike because of the lack of safety they feel when traveling down Forest.</p> <p>Please make this the utmost priority for Rye.</p> <p>All the best, Colleen Margiloff</p>		<p>Hello,</p> <p>I am writing to express my strong support for pedestrian improvements along Forest Avenue. Although I believe all of the options outlined in the Stantec Study would be an improvement over the status quo, I most strongly support Option 1 because I think an off-road solution would most benefit families with young children. I live on Hook Road off of Forest and have three boys ages 6, 4, and 10 months. My 6 year old is a kindergartener at Midland and I would love to be able to walk to school with him, but I do not feel safe getting from Hook to Apawamis. I feel particularly unsafe when I am with all my children because the current bikelane on the shoulder is simply not wide enough to accommodate us, and drivers often seem to be whizzing past at more than 30mph. If a sidewalk were to exist, I would use it on a daily basis, not only to go to Midland but also to walk to Rye Town Park, to pick up my middle son at Rye Presbyterian, and to walk to town.</p> <p>Sincerely, Alison Hudspeth</p>	

APPENDIX

Resident Comments Sent to the City of Rye, NY

Kim Gordon

April 17, 2016

Hello,

I am writing to support the completion of the sidewalk on Forest Avenue. It seems unbelievable to me that this has not been completed already. I actually saw someone pushing a wheelchair in the road where the sidewalk ran out. Are we just waiting for an accident or law suit? It would be nice to be proactive in this case and to acknowledge that it is not just for people who are out for a stroll but an important safety concern that the sidewalk be completed.

Sincerely,
Kim Gordon

Laura Beber

April 18, 2016

We were unable to attend last week’s meeting with regard to this.
Would like to just put our say in that we are absolutely OPPOSED to this.
We have lived on Forest Avenue for over 13 years, had young children when we moved in, and grew up here. To put sidewalks on now after all the years would not only take away the landscape of what this street has always been, but would add much more traffic to a street that already has had an increase in traffic over the years.

Lastly, we feel that they would devalue the price of the homes greatly.

Sincerely,
Laura Beber

Leigh Hayden

April 15, 2016

Yes in favor of a Forest ave sidewalk . Always!!! Who wouldn’t it is so dangerous and getting busier ever day.

Bette Cotter

April 15, 2016

On April 13th, I attend the meeting regarding the sidewalks on Forest Avenue. After listening to the proposal, I am not in favor the proposed sidewalks.

Elizabeth Cotter

Holly Simmons

April 18, 2016

Hello,

We live on Grace Church St. near the corner of Forest Ave. I highly support the proposed plans for sidewalks along Forest and Manursing. I would love if they could even be extended to Grace Church St. so that my kids could safely bike or walk to school.
I would vote for something that is the least interruption to the existing vegetation and utilities. I don’t see a need to have sidewalks on both sides of the street, but the last option in which there is minimal interruption as well as a way for kids to bike on a path would be so wonderful. There is no safe place to bike or walk on this side of town until we get down to Midland.

Thanks
Holly

Lewis Meyers

April 18, 2016

Planning,

As a resident of Rye and a home owner at 15 Hook Road, I truly believe it is very important for the town to have one continuous sidewalk on at least one side of Forrest Ave. There is a tremendous amount of pedestrian traffic on Forrest both day and night. Without sidewalks for our spouses, friends and children it is only a matter of time before we have a terrible accident occur on this very busy road. Please do not delay, approve and begin the installment of sidewalks on Forrest.

Thank you,
Lewis Meyers

Rogol, Sally NEW

April 19, 2016

Bart called today regarding forest Avenue presentation/discussion from last Wednesday. He had me do a little searching about the old master plan. Attached is a document referring to the forest Avenue trail way.

Sally

Emily Keenan

April 15, 2016

Please consider these photos as evidence of how dangerous Forest Avenue is.

APPENDIX

Resident Comments Sent to the City of Rye, NY

Judith Keller

April 17, 2016

Dear Rye Planning,
I live on grace church street and am looking at the plans. I do not understand why the plan stops at manuring ave. and does not continue down to the end of forest. I recall hearing at one time that it was too expensive to deal with this portion of roadway. In the meantime, it is the most dangerous section of forest ave. I assume that those with interests farther down forest or in that particular section were willing to forgo any safety improvement on that section of road for their own reasons. I feel that until you can improve the safety of the most dangerous section of road on forest any other plans for improvements should be postponed. In the meantime, someone will get seriously hurt on forest ave on this section of roadway. In essence, it makes no sense to tackle the easy problems first and leave the most dangerous for later. Spending our communities money wisely is very important.
Thanks for your consideration of this point of view.
Judy Keller

Kelsey Johnson

April 15, 2016

Dear Christian and the Stantec team,

Thank you for taking the time to present to the public this past Wednesday evening. An open dialogue is so important and I was personally pleased at the turnout and participation of a broad group. In addition to the comments I made/submitted at the public meeting, upon further reviewing the Stantec presentation, I have the following thoughts:

1) Options 2 and possibly 4 could be removed from the analysis given the strong resident feedback towards maintaining the current landscape of the road; these double-sided options seem less probable to move forward so may not be worth the effort to analyze in detail.

2) If possible add in analysis of options for a sidewalk and also multi-use path that do not switch sides of the road.

3) In all cases work more on visualization of what this will look like and offer detailed information on impact to landscape for each option (e.g. 0 trees removed, 20 rocks removed, etc) given this is a hot button issue around the project progressing.

Thanks for the continued work on this. I truly appreciate your effort and look forward to continued dialogue.

Thanks again,
Kelsey Johnson

Karen Meyers

April 15, 2016

Dear Board,

I absolutely support the proposal to put sidewalks on Forest Avenue. The current set up on Forest Avenue is incredibly dangerous. I live on Hook Road and need to travel on Forest to leave my street. There is no room for children walking, strollers and dogs.

I am a mother of 3 and like to think of myself as a very careful driver. I am always cautious that there may be children near the street. I have lived on Hook Road since 2006. I have had 2 extremely close calls on Forest Avenue where I almost hit a child with my car. I had to pull over after one incident to stop myself from shaking. When there are no boundaries for people (especially children) to walk within, they seem to drift into the road. I have older children and am now doing the night time pick ups and can tell you that there are children walking in the road on Forest Avenue. It is very difficult to see them and if a car is coming in the opposite direction, it is a real challenge to drive around them.

I am also not sure if you are aware that the cut through paths that used to be at the top of Eve and Ann Lane have been closed by the new homeowners. These short cuts were a blessing as they allowed the children who live not just on those streets but on Martin, Hook, Fieldstone, Boulder and Rockridge to avoid long stretches of walking on Forest Avenue. They were able to cut straight through to Midland where there are sidewalks. Now that these cut throughs are closed, there are a lot more children forced to use Forest Avenue.

Please take this matter into serious consideration.

Thank you,
Karen Meyers

Cliona Cronin

April 16, 2016

We wish to inform you that we anxiously await your decision for a side walk on Forest Avenue. We feel this is a necessary addition and requires your prompt attention.

Sincerely,
Cliona Cronin & Norbert Galligan.

APPENDIX

Resident Comments Sent to the City of Rye, NY

Emily Keenan

April 15, 2016

To the Planning Committee -

I live on Eve Lane. I am the mother of four children, all of whom will attend Midland this fall. Currently, we live .2 miles from the school (as the crow flies) and yet the only way for me to get my children to and from school is to pull my gas-guzzling suburban out of the driveway twice a day, and clog up traffic on both Forest and Midland Avenue. I live .2 miles from the school and this is the only way to get my kids to school. This is because:

1. All of the cut-throughs in the back of Ann Lane and Eve Lane have closed. This is a huge change. For close to 50 years children who lived in this .7 mile stretch of Forest Avenue could safely walk up Ann Lane or Eve Lane and walk into the back of Midland, or if they were older kids they could then move safely along the sidewalks on Midland Avenue to get to RMS/RHS. These cut throughs are now closed. It is a game-changer for this area, and the town needs to either reopen these paths (take ownership and liability for these paths) or put a sidewalk on Forest Avenue.

2. With the cut throughs closed, the only option is to walk along Forest to get to school and as we all can agree, Forest Avenue between Apawamis and Manuring Avenues is NOT SAFE for anyone, least of all children, least of all small children.

If you’re wondering how many children this effects, I have gone through the Midland directory and identified over 127 children (at Midland or with brothers and sisters at Midland) who are in this predicament. That’s more than 20% of the Midland elementary school student body. This count of 127 does not include the families who would like to walk to the ECC, which is a preschool on Forest Avenue, or the families of children who attend RMS and RHS. The 127 is just children belonging to Midland Families.

So I estimate the actual number of children is 150 - 175 who are trapped in this area without a safe route to school. So that is 127 children who live between .1 and .7 miles from their school, and yet they cannot walk to school because there is no safe route. This is a terrible thing in a town that does not have bussing and encourages walking.

I am firmly in favor of the option to install at least one sidewalk with a curb and a buffer zone between the street and the sidewalk. Anything short of this would be an improvement, but one that still leaves Forest unsafe for walkers, runners, strollers, scooters, and children on bikes. Julie Killian mentioned at the end of the meeting on Wednesday that she is scared of her high school children driving home and veering off the road into the rocks along Forest Avenue. Exactly. Only I am not worried about the rocks. I am worried about the pedestrians that are on the side of the road during the day, and also at night. (The high school children often walk along Forest on weekend nights).

Last year, the Drive 25 campaign highlighted how dangerous accidents were for pedestrians when cars are moving greater than 30 miles per hour. The speed limit on Forest IS 30 mph, and we all know most people are

going 35 - 40. This is not just local traffic, but lots of commercial and construction traffic moving from 95 to Playland or out to Milton Point. In other words, huge vans and trucks moving 30 - 40 MPH.

So this .7 mile stretch of Forest between Apawamis and Manuring is congested with: local, commercial and construction traffic, 170 homes, 13 lanes on either side of the road, bikers, walkers, joggers, and strollers, and at least 127 children who would like to get to school. And yet it has no sidewalks to keep the pedestrians safe or to protect drivers from the unwanted consequences of their careless driving (of which there is much in the age of cell phones).

The result is that cars moving on Forest continually have to swerve into the opposite lane to move past bikers/ joggers/strollers, and/or come to a complete stop in the middle of the Avenue if there is oncoming traffic that prevents them from pulling out. That is the cars that do give way to pedestrians. Often the dump trucks and commercial vehicles pass within 3 - 5 feet of me.

I have sent 5 photos in separate emails that I think illustrate how dangerous this current situation is and how desperate we are for a safe alternative.

I will add that my preference is for a sidewalk, but I am fully in favor of anything that makes Forest Avenue safer. I just want a safe option for my family and my neighbors. I am fully supportive of lowering the speed limit, putting in stop signs or stop lights, or even making Forest a One Way Street. Anything for safety’s sake, as the current situation is dreadful and I am scared that the accident we all fear may happen any day.

Thank you so much for considering the options.

All the best,
Emily Keenan

Steve Cadenhead

April 15, 2016

Christian/Ryan/Mayor Sack and Council,

I apologize for having to miss the presentation and discussion of the Forest Ave sidewalk study. I remain keenly supportive of this project. Residents have been clamoring for remediation for decades, and it’s excellent that you’re giving it focus. Based on my review of the Stantec presentation, and all else equal, I would strongly favor Option 3 (the off-road multi-use pathway). Keeping more distance between motorized and non-motorized users is almost always the best first step toward improving safety. Its wide path (the widest of all the proposals) should allow sufficient shared us among bidirectional pedestrians and cyclists.

Thanks again for addressing this long-running issue. Rye has the reputation of being a leader in the Sound Shore communities regarding its balanced approach to roadways use. This is a fine example of that at work again.

Kind regards,
Steve

APPENDIX

Resident Comments Sent to the City of Rye, NY

Xanthe Alban-Davies

April 15, 2016

I am in strong favor of sidewalks in Forest Avenue. As a resident of Rye for 30 years I feel it is time for Rye to update Forest Avenue and make it SAFE and usable for our children and adults who walk on Forest Avenue. I am in favor of a sidewalk that protect the pedestrian from the onslaught of SUVs that barrel down the street. It is so dangerous and one that has a solution.

Xanthe Alban-Davies

Jeremy Herz

April 15, 2016

I continue to support putting in sidewalks on forest avenue. Walking on the roads is very dangerous as cars can't see; especially at night. I feel like any day there can be a major tragedy on forest Ave. Let's put in sidewalks to avoid this.

Jeremy Herz

Carty, Elizabeth

April 15, 2016

Dear Planning Committee,

I wish to document my continued support for pedestrian improvements along Forest Avenue. I believe a sidewalk on both sides of the road is the best option for improving pedestrian safety.

Thank you.
Liz Carty

Kristine Forsyth

April 14, 2016

Hello,

I am writing to show my strong support for sidewalks on Forest Ave as well as addressing the speed limit and safety of pedestrians and drivers.
I would like to support Option Number 2 - sidewalks on both sides of streets with designated crosswalk areas. And keeping the already existing bike lanes.

Thank you,
Kristine Forsyth

Jeanne Fogel

April 14, 2016

Thank you for the progress update on this important issue. I support this project as its vital to our neighborhood's safety and long term appeal. I look forward to hearing more about the costs and feasibilities of these options. My needs would be sufficiently met by a walking sidewalk and bikes remaining on the road.

Thanks and keep up the good work
Jeanne

Maria Poli

April 15, 2016

I attended April 13, 2016 presentation on Pedestrian Improvements on Forest Avenue. After listening to the pros and cons I am NOT in favor of the proposed sidewalks.

Maria Poli

APPENDIX

Resident Comments Sent to the City of Rye, NY

Lena Mathisson

April 14, 2016

To the Planning Commission and others involved in decisions about Forest Avenue sidewalks -

I have lived in Rye since 1998 and have walked many hundreds of miles through Rye in that time. It’s good to see that there is progress in adding sidewalks to Forest Avenue.

There are so many walkers and joggers on Forest Avenue day and night, at all times of the year. Having a true sidewalk will make a real difference in safety for all, especially for people pushing strollers and walking children to school. I am glad that the City of Rye is not waiting for a tragedy before taking action on this.

While having the sidewalk alternate sides across Forest Avenue according to utility poles would make installation easier and less costly, the more often people would have to cross the street, the less often they would do it. In real world use, this option would still leave many pedestrians along the side of the road opposite the sidewalk that they are meant to use. All efforts should be made to make the sidewalk continuous on one or both sides of the street.

One of the difficult issues is what to do regarding cyclists. While children riding bikes belong on the sidewalk for safety, cyclists traveling at speeds of tens to twenties mph don’t belong on a pedestrian path. Making a sidewalk for pedestrians and a widened shoulder to accommodate fast-moving cyclists would balance the various safety needs best.

Thank you for the time and effort that you have expended looking into this issue.

Lena Mathisson

Stephen Rushmore

April 14, 2016

I would like to send my support for a two sided expanded shoulder. I think it would be effective and not an eyesore.

Stephen

Patricia Goldstein

April 10, 2016

Since I will be out of town on April 13, I would like to express my disapproval in writing re the Forest Avenue pedestrian access . I have lived at 2 Manursing Way at the corner of Forest Avenue and Manursing WY for 48 years and at no time has there been a pedestrian problem on Forest Avenue between Apawamis and Manursing Avenues. Even with the bicycle path making the road narrower the traffic has not increased. And I look out at the road every day. A sidewalk will only increase pedestrian traffic which will certainly cause a problem. Not only for the runners but for the residents themselves. This is an ill thought idea which we seriously oppose.

Sincerely,
Patricia and Bernard Goldstein

Terence and Kathryn Stack

April 10, 2016

Hi,

I hope you had a nice weekend. Thank you for the notice of the meeting on April 13 regarding sidewalks on Forest Avenue. I live on Forest Avenue and would like to attend the meeting; I have a pre-arranged commitment. Where can I view the plans? Do you know where the subject of the Forest Avenue Sidewalks is on the Council Agenda, and any idea what time the subject will be heard by Council on Wednesday evening? Maybe I could attend the meeting a little later.

Thank you for your help.

Sincerely,
Kathryn Stack

Caitlin Layng

April 11, 2016

Dear Members of the Planning Committee,

I am unable to attend the Pedestrian Safety meeting on 4/13 but I wanted to express my strong support for a study to determine the best way to make Forest Avenue safer for walkers, runners and cyclists.

We live at 4 Fieldstone Road, less than a mile from Midland School, but I feel strongly that Forest Avenue is too dangerous during “rush hour” to walk my children to school. I know that I am not alone in this concern and I often think of how many people would choose to walk or bike to Midland if they felt they had a safer way to do so.

In a community that prides itself on becoming greener and healthier, this seems like a no-brainer. This Saturday afternoon, my husband and I took our five children on a family run, where we each pushed a double stroller and our oldest son (age 6.5) rode his bike. A friend and neighbor who shares my concerns took the attached pictures. These images are difficult for me to look at and make me feel irresponsible as a parent. In a community like Rye, we should not fear for our safety as we spend time exercising outdoors with our children.

I appreciate that adding sidewalks to Forest Avenue is a complex issue, but it seems like something that is long overdue and would greatly enhance the quality of life for Rye residents.

Please feel free to contact me at this email address or 967-1802 with any questions.

Regards,
Caitlin Layng

APPENDIX

Resident Comments Sent to the City of Rye, NY

John Leonard

April 12, 2016

Dear Marcus, Christian, and Ryan:

As the Forest sidewalk proposal will apparently be discussed tomorrow, and I will be unable to make the meeting, I would like to discuss a related topic that should be addressed in any event, but that is particularly relevant to the usefulness of the sidewalk if it is to proceed. (I might note that I in general support the concept of a sidewalk, although I would like it to adapt as much as feasible to existing topography and to avoid any further removal of mature plantings beyond what the house-rebuilding industry has already done – ie a few hills and bends would be fine as far as I am concerned.)

For some years, I have used the walkway from the end of Eve Lane to the back of the Midland School property to vary my jogging route, which often involves Forest Ave. Last fall, with considerable displeasure I noticed that the contractor reconstructing the house to the left of the walkway (I believe 8 Eve Lane, but am not sure) had blocked it off with construction fencing in a way that seemed completely unnecessary from either a construction logistics or a public safety perspective (even assuming schoolchildren as the public). This spring, while the new landscaping appears to have respected the existence of a walkway, a gate has been installed (locked before 6 PM on the weekday I attempted to use the walkway), the pavement has been removed above the gate, and the pavement below the gate has been severely damaged, with no effort to remove now overhanging bramble bushes, and there is a ‘no trespassing, private property’ sign below the gate when approached from the school side. I would note that the walkway in pre-construction status is clearly visible in the overhead photos in the ‘Mapping’ section of the city’s website.

I do not know the exact legal status of the walkway, but my sense is that if there is not a formal deeded right-of-way, there may have been an easement required or granted as part of the original development of Eve Lane (the now removed pavement appeared consistent with the street’s paving), which may require research into the original documents from that time. If there is no evidence of an easement, there is also the question whether public use over many years de facto establishes a right of way (I do not know New York law on this point).

If there is indeed a claim of right to demand immediate reopening, removal of the gate, and restoration of the walkway to its usable pre-construction status (with the same ongoing maintenance responsibilities as those of us with sidewalks on the street right-of-way adjoining our properties), I would strongly encourage the City to act to preserve the public’s rights, without further delay.

More fundamentally, if the Forest Avenue sidewalk is to have any chance to take schoolchildren out of the daily SUV parades and encourage them to walk to school, it must have direct access to the school property – no child should be asked to (or will) walk around via Forest/Apawamis/Midland, or the equally circuitous route at the other end of Forest. If there is any doubt as to the legal status, the city should use its powers of eminent domain to reopen the walkway, and the School District might help by improving the access on their end of the walkway. It appears that many years ago there was also an access at the back of the Community

Synagogue (Villa Aurora) property, but I have never seen it in use in recent years; the City might also see if the Synagogue would be willing to grant access, with the ability to close a gate on an agreed list of religiously important days.

Please share my views as appropriate with your colleagues.
With best regards
John Leonard

Andy Brooks

April 12, 2016

While I will be unable to attend Wednesday evening’s discussion regarding Forest Avenue sidewalk, I would simply say that as a 20-year resident of Forest Avenue, of course there should be a sidewalk. In most nice neighborhoods in nice residential communities like Rye, this wouldn’t even be debated.

I have long advocated for something to be done to enhance/improve the safety along Forest Avenue, and a quality of life that should be taken for granted. Far too many motorists treat Forest Avenue as a highway to Playland, Rye Town park and beach, and to the Milton Point clubs, indifferent to what is a residential street without a sidewalk or even decent shoulders along it’s upper reaches. Why the neglect of Forest Avenue has prevailed unattended to by the City of Rye for so long utterly confounds me. Without a sidewalk or decent shoulders, pedestrian and biking traffic, heavily used, is at constant risk; an accident waiting to happen. And how about the kids walking too and from the schools; their safety?

While I’m at it, although not directly related to the sidewalk discussion is the physical condition of Forest Avenue itself; the pavement is in deplorably run down condition. It is incomprehensible to me why the road surface has been allowed to deteriorate into such shabby condition. Again, for a nice neighborhood in a nice suburban town this is hard to understand, and wholly an embarrassment (the comments we get from out of town family and guests).

Lastly, and more related to the Forest Avenue sidewalk, safety and quality of life in general, I’d like to point out that as far as I can tell, there has never been any enforcement of the speed limit on Forest Avenue by the City police force. Again, hard to fathom given heavy pedestrian traffic, no sidewalk and no shoulders on such a busy roadway. If we do nothing at all - Forest Avenue sidewalk or otherwise - can’t we at least have some focused enforcement of the 30 mph speed limit?
I think Forest Avenue residents deserve at least that at a minimum.

Thank you -
Andrew Brooks

APPENDIX

Resident Comments Sent to the City of Rye, NY

APRIL 13TH 2016
PRESENTATION TO CITY CONSULTANT
ON PEDESTRIAN IMPROVEMENTS ON FOREST AVENUE



Summary of Rye resident feedback from 2015 door-to-door campaign
420 Rye households signed the petition supporting a sidewalk on Forest Ave
89 households signed within the proposed abutting neighborhoods
21 households signed located directly on the proposed site

23 households located directly on the proposed site responded to our campaign:
21 support a sidewalk with the following specific caveats:
• 3 require speed issues to be addressed (e.g. reduce speed limit, add more stop signs)
• 2 only support if it is one-sided/minimally impacts their property line
• 1 only supports if drainage issues from path are properly studied/addressed

- 2 oppose a sidewalk with the following specific concerns:
- 1 opposes changes to visual landscape of the road
 - 1 opposes the amenity believing it is unnecessary (e.g. feels traffic on road not heavy, pedestrians can easily continue to shoulder/shortcuts)

- Recommendations from Kelsey Johnson, 3 Rockridge Road, Rye, NY**
1. Pedestrian improvement should be off road (e.g formal sidewalk) given 1) the user group includes young children, dogs, and geriatric walkers all of whom need to be separated from the traffic flow and 2) the traffic flow is so heavy and fast-paced that true separation is required to ensure pedestrian/dog safety
 2. Speed concerns should be addressed in the solution. The 30mph speed limit is not enforced along this corridor. Added stop signs or other measures may help calm traffic flow.
 3. Sidewalk can be curved to avoid tree removal and hilly to allow for current rock formations. Goal is to get pedestrians off the road while maintaining the current landscape as much as possible.
 4. Consultant should spend a few hours on a sunny Saturday/Sunday observing pedestrian and vehicular traffic trends to fully understand the heavy flow of both user groups along this corridor. The solution should anticipate that the pedestrian traffic flow will increase with improvements as a new user group of young children will be added to the existing flow
 5. As a reminder we already an anonymous donor offering \$100,000 toward the sidewalk construction, with many more residents interested to donate. Once we know the ultimate cost we will gladly continue to work with the city to pair private capital with public funds to complete this crucial project.

Specific comments supporting door-to-door caveat/concerns summary above:

SUPPORTERS

“Not just because we've lived on Forest Avenue since 1996, but I can't imagine there being a higher priority issue for the City of Rye than calming Forest Avenue traffic and improving pedestrian safety. It seems too basic to ignore; Playland traffic, school commuting, beach traffic, Milton Point club traffic, but sadly in my view, the City of Rye seems to be completely unwilling to address these very real concerns.

I applaud you as Forest Avenue neighbors for trying to raise the visibility of this oncoming issue, which is both a safety issue as well as a quality of life concern. How many times have I written letters to the local papers pointing out again and again that this heavily traveled thoroughfare not only lacks sidewalks, but doesn't even have roadside shoulders.

While I couldn't more strongly support and advocate a Forest Avenue sidewalk, interim measures also need to be addressed. Enforcement of the 30 mph speed limit by Rye City police is non-existent, which is unacceptable. Why not extend the 25 mph speed limit along the entire length of Forest Avenue, not just Milton Point. Why not periodic stop

Resident Comments Sent to the City of Rye, NY

signs; why not speed bumps. All these traffic calming measures exist in neighboring communities; why not Rye? Why can't we apply some creativity and resourcefulness to this problem rather than study them to death, ultimately doing nothing. Thank you for your advocacy, with which I am fully supportive.”

“I don't have any general disagreement with adding a sidewalk but of course I would prefer it was not on my side of the street. However, my concerns are about how the sidewalk is installed. We already have water runoff issues on my side of the street and I am concerned that adding more concrete would increase the runoff. I would need to be assured by the town that the slope and flow of any water caused by rain etc would not be directed towards our side. In addition I think they would need to put in drainage along with the new sidewalk.”

“Assuming the project is executed in a fashion that is non-invasive (eg. shift the road to one side and decrease the shoulders to accommodate a space for a pedestrian path we at {address on the proposed site} will be strongly supportive! I also believe it should be executed in conjunction with a speed limit reduction to 25mph and the addition of a cross-walk or two. On this basis we would also be pleased to make a small financial contribution to support the project; best if tax-deductible to the City. Perhaps you could think about engaging family's to 'by a (tax-deductible) brick' to support the project. We are likely to be equally unsupportive should the ultimate plan call for a side-walk or roadway that is basically attached to our property line at Forest Ave.”

“I would be in favor of a sidewalk on one side of the road but not both. Don't care which side. However, my wife and I would not support your effort if it does not include some sort of speed control on Forest. Either a light or a 4 way stop needs to be included in any sidewalk plan in the area you are talking about.”

OPPOSERS

“We have lived {along the proposed site} for the last 46 years. Although the traffic has certainly increased since we moved in, we do not find it to be difficult at all. For the most part, it is light and can certainly never be called heavy (except when there is a rare blockage on Milton Road or Midland Avenue.

The reason that the sidewalk stopped when it did on Forest Avenue is that the large trees and underlying rock precluded continuing it. This is as true today as it was years ago. A sidewalk will only encourage pedestrians to walk along Forest Avenue which in and of itself would constitute even more danger than you say exists now.

We have a bike path on both sides of the road which helps to keep the cars toward the center of the road. In addition, the construction of a sidewalk would destroy much of the historic beauty of Forest Avenue including trees, stone walls...not to mention the incredible problems of creating the sidewalk itself. My children walked to Midland School and always knew the short cuts. I dare say the same will prevail for future students in spite of a sidewalk.”





CITY COUNCIL AGENDA

NO. 10

DEPT.: City Manager

DATE: July 13, 2016

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Continuation of the Public Hearing regarding the request by Crown Castle to amend their agreement with the City regarding existing wireless telecommunications specifications and referral to the Board of Architectural Review for additional attachment locations.

FOR THE MEETING OF:

July 13, 2016

RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION: That the City Council continue the Public Hearing regarding Crown Castle's request regarding an agreement amendment and the placement of additional attachments.

IMPACT: ☐ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

BACKGROUND: The City Council approved an agreement with NextG Networks, Inc. at their January 12, 2011 City Council Meeting to conduct business as a telecommunications company operating with infrastructure located in the City's public ways. Crown Castle purchased NextG in December 2011. Crown Castle is seeking an amendment to the agreement with the City to change the language to "Con Edison approved shroud," as Con Edison is the local utility who owns most of the poles in the right-of-way in the City.

Crown Castle currently has nine (9) facilities in the City of Rye. They are seeking to add approximately fifty (50) additional locations within the City's right-of-way.

The City Council referred the application for additional locations to the Board of Architectural Review (BAR) at their April 13, 2016 meeting. The BAR approved the application at their May 9, 2016 meeting.

See attached documentation from Crown Castle:

New Documents provided regarding the request

- **Letter from Christopher B. Fisher, Esq. regarding the pole attachment specification and node locations with attached EAF**
- **Noise Emission Report**
- **Report commissioned by Crown Castle in 2012 that compares RF energy and compliance of antennas on utility poles with other sources of RF energy**

Regarding Requested Changes to the Agreement with the City of Rye

- Letter from Esme A. Lombard, Crown Castle National Real Estate – Contractor
- Existing Right-of-Way (RUA) Use Agreement with the City of Rye
- Amendment to Right-of-Way (RUA) Use Agreement
- State Level Regulatory Overview information

Regarding the Request for additional locations in the City of Rye

- Table of Proposed locations
- Map of Proposed locations
- Table of existing locations
- Photos of existing attachments in the City of Rye



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Christopher B. Fisher, Esq.
cfisher@cuddyfeder.com

June 24, 2016

BY ELECTRONIC MAIL

Kristen Wilson, Esq.
Corporation Counsel
City of Rye
City Hall
1051 Boston Post Road
Rye, NY 10580
(914) 967-7404

Re: Crown Castle
February 2011 City Right-of-Way Use Agreement
Crown Pole Attachment Specification & Node Locations

Dear Ms. Wilson:

I am writing as a follow up to our June 17, 2016 letter regarding the above referenced matter on behalf of Crown Castle and its affiliate Crown Castle NG East LLC (f/k/a NextG Networks of NY, Inc.)(“Crown”).

Crown Submissions to the City

It is our understanding that Crown has filed various materials with the City as part of its request for administrative permits under the RUA and an additional equipment box specification, including but not limited to:

- a. An existing and proposed photosimulation of the new equipment box;
- b. A map of existing (9) and proposed (73) pole locations in Rye;
- c. A spreadsheet list of proposed pole locations in Rye (73) that included information on the installation type;
- d. A copy of Crown's NYS PSC CPCN;
- e. A copy of the exiting City RUA and a draft proposed amendment;
- f. Two third party MPE power density safety reports for the antenna configurations proposed for use by Crown on utility poles in the right-of-way;
- g. Baseline coverage and maps with the original 73 node locations in Rye identified;
- h. A spreadsheet list of the revised 56 pole locations in Rye; and
- i. A powerpoint presentation prepared by Crown;

Further, I'm advised that the dimensions of the larger equipment cabinet are approximately 7" taller, 3" deeper and 8.5" wider than the existing cabinets (i.e. a volume difference of approximately .1 cubic feet).



City Administrative Approvals for SEQRA Purposes are Type II Exempt

As noted in our prior correspondence, Crown's request is for administrative permits issued by the City under Sections 3 and 5 of the RUA as previously approved by the City Council in 2011 (i.e. City Manager sign off of the list of new node locations and any City Engineer approval issued in the normal course for other similarly situated telecommunications and utility companies like Cablevision, Verizon Fios, Fiber Companies and Consolidated Edison). These are clearly Type II actions for SEQRA purposes. See 6 NYCRR 617.5(c)(11), (19) and (7) and the NYS DEC SEQRA Handbook. We also believe that the City Council's review in this matter involves matters exempt as Type II under 6 NYCRR 617.5(c)(19), (26) and/or (31) as related to interpreting the RUA on the new equipment box specification as substantially conforming to the Exhibit A specifications.

Even if "unlisted", an Environmental Impact Statement Could Not be Reasonably Required under SEQRA

Notwithstanding the foregoing and to avoid any procedural questions, we enclose in the alternative a Short EAF with Part 1 filled out and signed by Crown. This only to the extent someone might procedurally argue City Council action is an "unlisted" action for SEQRA purposes. Moreover, because this project is limited to equipment attached to utility company distribution poles in the right-of-way with no visual impacts different in degree or kind than existing poles, Crown installations or other utility installations such as Con Ed transformers, Verizon FIOS boxes, Cablevision wires and WiFi nodes or other equipment routinely installed for utility services in Rye, we submit that even if not Type II, a negative declaration would be required based on the questions listed in Part 2 of the Short EAF and the criteria for significance in 6 NYCRR § 617.7(c)(1-3). Clearly an Environmental Impact Statement could not be required under SEQRA prior to issuance of administrative approvals under the RUA and any amendment to the RUA for the additional equipment box specification.

July 13th City Council Meeting

We would ask that you advise the City Council regarding SEQRA and to the extent you deem appropriate have them address the Short EAF and SEQRA criteria for determinations of significance at its July 13, 2016 continued hearing. Thank you for your consideration of this letter on behalf of our client.

Very truly yours,



Christopher B. Fisher

cc: Mayor Joe Sack and Members of the City Council
Crown Castle

Short Environmental Assessment Form

Part 1 - Project Information

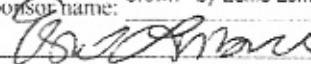
Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project: Crown Additional Equipment Specification & Additional Utility Pole/Attachment Locations			
Project Location (describe, and attach a location map): All City Rights-of-Way - Existing and Additional Pole/Attachment Location Map 4/8/16 and 6/09/16 Revised Pole Location and Installation List			
Brief Description of Proposed Action: Crown and the City entered into a Right-of-Way Use Agreement in 2011 as authorized by the City Council. Sections 3 and 5.1 provide for City administrative review and approval of Crown's third party pole attachments and any new pole locations and equipment installations. Crown has proposed an additional equipment specification and a current list of additional utility pole locations and where it plans to install equipment.			
Name of Applicant or Sponsor: Crown Castle NG East LLC (f/k/a NextG Networks of NY, Inc.) ("Crown")		Telephone: 203-919-0896 E-Mail: Esme.Lombard.Vendor@crowncastle.com	
Address: 131-05 14th Avenue			
City/PO: College Point		State: NY	Zip Code: 11356
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action? _____ acres		N/A - All work in City ROW which is previously disturbed	
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, adjoining and near the proposed action. <input checked="" type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input checked="" type="checkbox"/> Forest <input checked="" type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other (specify): _____ <input checked="" type="checkbox"/> Parkland The project is confined to City ROW. Due to the nature of the project, it necessarily is near all types of land uses in the City of Rye and as such all boxes have been checked.			

5. Is the proposed action, a. A permitted use under the zoning regulations? <u>New poles and pole attachments in City ROW not subject to zoning</u>	NO <input type="checkbox"/>	YES <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
b. Consistent with the adopted comprehensive plan? <u>Telecommunications use of ROW not in 1985 plan</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape? <u>New poles and pole attachments consistent with other utility infrastructure (transformers, wifi antennas, Fios boxes, etc)</u>		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: <u>The project is not located in any CEA. City of Rye streets do adjoin CEA's in some areas per the DEC Environmental Mapper. There is no at grade construction in any CEA.</u>		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
8. a. Will the proposed action result in a substantial increase in traffic above present levels?		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
b. Are public transportation service(s) available at or near the site of the proposed action? <u>Yes, but N/A - project has no occupancy</u>		<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action? <u>same</u>		<input type="checkbox"/>	<input checked="" type="checkbox"/>
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: <u>Project does not involve any habitable or occupiable structures for purposes of the state energy code.</u> <u>All construction is done in accordance with utility company tariffs and electrical code standards</u>		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
10. Will the proposed action connect to an existing public/private water supply? <u>If No, describe method for providing potable water: N/A - no water supply required</u>		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
11. Will the proposed action connect to existing wastewater utilities? <u>If No, describe method for providing wastewater treatment: N/A - no wastewater supply required</u>		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? <u>No utility pole location is known to be listed on the State or National Register of Historic Places</u>		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
b. Is the proposed action located in an archeological sensitive area? <u>No utility pole location is known to be in an archeological sensitive area</u>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? <u>City streets may adjoin areas of wetlands or waterbodies as shown on the DEC Environmental Mapper</u>		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: <u>All improvements are proposed on utility poles with no at grade encroachment into any adjacent wetland or waterbody.</u>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban <u>City streets</u>			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? <u>City streets</u>		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
16. Is the project site located in the 100 year flood plain? <u>All improvements are above grade on utility poles</u>		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input type="checkbox"/> YES			

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>Crown - by Esme Lombard</u> Date: <u>June 23, 2016</u>		
Signature: <u></u>		

Project:

Date:

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

Project: Date:

Short Environmental Assessment Form

Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

- ☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- ☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

 Name of Lead Agency

 Date

 Print or Type Name of Responsible Officer in Lead Agency

 Title of Responsible Officer

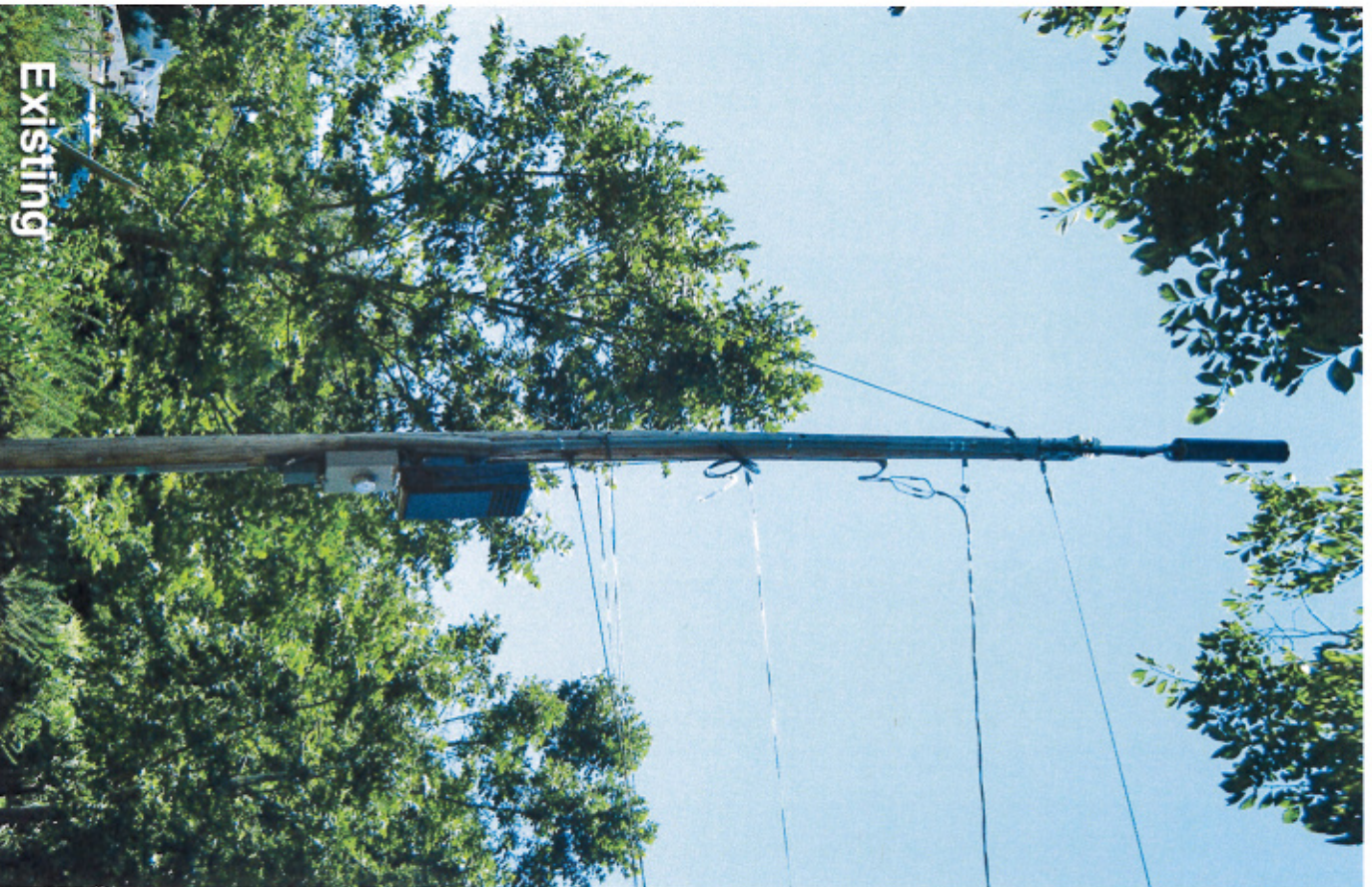
 Signature of Responsible Officer in Lead Agency

 Signature of Preparer (if different from Responsible Officer)

4/6/2016

Crown Castle Proposed and Existing Locations in City of Rye





Polygon	Customer Node ID	Crown Node ID	Pole ID	Pole Type	Node Latitude	Node Longitude	Node Street Address
Rye_1	ODAS_WEST_N192	Rye_1_001	W29	Commzone	40.979977	-73.699977	290 North st
Rye_1	ODAS_WEST_N193	Rye_1_002	W11S	Wood Pole Top	40.976517	-73.693379	95 North st
Rye_1	ODAS_WEST_N194	Rye_1_003	W1	Commzone	40.974761	-73.694671	12 Sharon Ln
Rye_1	ODAS_WEST_N195	Rye_1_004	W18	Wood Pole Top	40.973615	-73.693455	11 North st
Rye_1	ODAS_WEST_N196	Rye_1_005	T47 S	Wood Pole Top	40.978064	-73.692768	2 Hammond Rd
Rye_1	ODAS_WEST_N198	Rye_1_007	29	Wood Pole Top	40.982784	-73.696418	255 Central ave
Rye_1	ODAS_WEST_N199	Rye_1_008	VZ4	Commzone	40.979682	-73.697097	124 Maple ave
Rye_1	ODAS_WEST_N203	Rye_1_012	NYT21	Wood Pole Top	40.984000	-73.693498	190 Locust ave
Rye_1	ODAS_WEST_N206	Rye_1_015	T610	Commzone	40.980935	-73.681797	44 Grace Church St
Rye_1	ODAS_WEST_N207	Rye_1_016	NYT 9	Commzone	40.982891	-73.679760	8 Holly Ln
Rye_1	ODAS_WEST_N208	Rye_1_017_B		Wood Pole Top	40.984595	-73.680535	7 Thistle Ln
Rye_1	ODAS_WEST_N211	Rye_1_020	W5	Wood Pole Top	40.984591	-73.683514	17 Purdy ave
Rye_1	ODAS_WEST_N216	Rye_1_025	T16	Commzone	40.983397	-73.690144	151 Locust ave
Rye_1	ODAS_WEST_N218	Rye_1_027	N/A	Wood Pole Top	40.986494	-73.677473	17 Peck ave
Rye_1	ODAS_WEST_N219	Rye_1_028	17990	Wood Pole Top	40.987004	-73.682348	33 Cedar st
Rye_1	ODAS_WEST_N221	Rye_1_030	P5	Wood Pole Top	40.984812	-73.688870	14 Ridgewood Dr
Rye_1	ODAS_WEST_N222	Rye_1_031	W12	Wood Pole Top	40.985742	-73.686616	4 Ridgewood Dr
Rye_1	ODAS_WEST_N223	Rye_1_032	NYT1	Wood Pole Top	40.987111	-73.687746	64 Highland Rd
Rye_2	ODAS_WEST_N226	Rye_2_001	T23	Commzone	40.973723	-73.699185	401 Theodore Fremd Ave
Rye_2	ODAS_WEST_N228	Rye_2_003	T6	Commzone	40.969580	-73.702641	555 Theodore Fremd Ave
Rye_2	ODAS_WEST_N229	Rye_2_004	NYT 1	Wood Pole Top	40.969450	-73.697551	37 Colby Ave
Rye_2	ODAS_WEST_N231	Rye_2_006	W18	Commzone	40.968234	-73.703793	330 Theall Rd
Rye_2	ODAS_WEST_N234	Rye_2_009	3701	Wood Pole Top	40.968870	-73.692753	80 Claremont Ave
Rye_2	ODAS_WEST_N237	Rye_2_012	NYT16	Wood Pole Top	40.966170	-73.706003	110 Glen Oaks Dr
Rye_2	ODAS_WEST_N240	Rye_2_015	NYT 1	Wood Pole Top	40.966355	-73.703546	12 Harding Dr
Rye_2	ODAS_WEST_N242	Rye_2_017	T4	Wood Pole Top	40.965906	-73.693184	112 Sonn Dr
Rye_2	ODAS_WEST_N248	Rye_2_023	W10	Commzone	40.960297	-73.698198	98 Soundview Ave
Rye_2	ODAS_WEST_N250	Rye_2_025	NYT 2	Wood Pole Top	40.967361	-73.697316	51 Franklin Ave
Rye_2	ODAS_WEST_N252	Rye_2_027	W006624	MSL	40.967448	-73.687004	4 Ellsworth St

On Street	Cross Street 1	Cross Street 2	Pole Location Relative to Cross Street 1
North St	Summit Ave	Glendale Rd	4th Pole West of Summit Ave, on the North Side of North St\West of private road entrance
North St	Hammond Rd	Theodore Fremd Ave	First pole east of Hammond Rd, on the South side of North St
Sharon Ln	Marlene Ct	Pondview Rd	SW corner of Marlene Ct and Pondview Rd
North St	Old Post Rd	Hammond Rd	First pole on the median at the split of Old Post Rd and North St
Theodore Fremd Ave	Hammond Rd	North St	SW corner of Theodore Fremd Ave and Hammond Rd
Central Ave	Summit Ave	Maple Ave	2nd pole East of Summit ave on the South side of Central ave
Maple Ave	North St	Nursery Ln	West side of Maple ave, 4th pole south of Nursery Ln
Locust Ave	Maple Ave	Club Rd	North side of Locust ave, 1st pole West of Club Rd
Grace Church St	Ralston St	Cross St	East side of Grace Church st, and 1st pole south of Ralston st
Holly Ln	Larkspur Ln	Thistle Ln	SE corner of Holly Ln and Larkspur Ln
Thistle Ln	Mistletoe Ln	Larkspur Ln	North side of Thistle Ln, 1 Poles north of Mistletoe Ln
Purdy Ave	School St	2nd St	NW corner of Purdy ave and School st
Locust Ave	Ridgewood Dr	Club Rd	South side of Locust ave, 1st pole west of Ridgewood Dr
Peck Ave	Midland Ave	Boston Post Rd	North side of Peck ave, 3rd pole west of Midland ave
Cedar St	New St	Grandview Ave	South side of Cedar st, 1st pole west of New st
Ridgewood Dr	Iroquois St	Locust Ave	West side of Ridgewood Dr, 6 poles north of Locust ave
Iroquois St	Ridgewood Dr	Dead End	SE corner of Iroquois st and Ridgewood Dr
Highland Rd	Club Rd	Seneca St	NW corner of Highland Rd and Club Rd
Theall Rd	Playland Access Dr	Garver Dr	9th pole south of Playland Acces Dr on the west side of Theall Rd
Theall Rd	Osborne Rd	Garver Dr	West side of Theall Rd, 6th pole north of Osborne Rd
Old Post Rd	Boston Post Rd	Packard Ct	NW corner of Old Post Rd/ Boston Post Rd
Osborne Rd	Coolidge ave	Theall Rd	NW corner of Osborne Rd and Theall Rd
Claremont Ave	Parkway Dr	Parkway Dr	SE corner of Claremont Ave/ Parkway Dr
Glen Oaks Dr	Coolidge Ave	Dead End	NW corner of Glen Oaks Dr and Coolidge Ave
Harding Dr	Hughes Ave	Lasalle Ave	NE corner of Harding Dr and Hughes Ave
Sonn Dr	Crescent Ave	Claremont Ave	1st wooden pole South side of Sonn Dr/ West of Crescent Ave
Soundview Ave	Boston Post Rd	Dead End	11th Wooden pole North side of Soundview Ave/ East of Boston Post Rd
Franklin Ave	Fraydun Pl	Sonn Dr	3rd wooden pole south of Fraydun on west side of Franklin Ave
Playland Pkwy	Milton Rd	Charlotte	SW corner of Playland Pkwy and Milton Rd

Rye_2	ODAS_WEST_N253	Rye_2_028	NYT 58S	Wood Pole Top	40.965131	-73.686488	444 Milton Rd
Rye_2	ODAS_WEST_N254	Rye_2_029	8	Wood Pole Top	40.965159	-73.684331	78 Elmwood Ave
Rye_2	ODAS_WEST_N255	Rye_2_030	11	Commzone	40.963749	-73.682672	339 Rye Beach Ave
Rye_2	ODAS_WEST_N256	Rye_2_031	W57	Wood Pole Top	40.964766	-73.681298	511 Forest Ave
Rye_2	ODAS_WEST_N258	Rye_2_033	N/A	Wood Pole Top	40.963471	-73.695140	110 Oakland Beach Ave
Rye_2	ODAS_WEST_N260	Rye_2_035	W4	Wood Pole Top	40.959633	-73.693772	12 Byrd St
Rye_2	ODAS_WEST_N261	Rye_2_036	NYT 8	Commzone	40.960694	-73.691962	19 Hix Ave
Rye_2	ODAS_WEST_N262	Rye_2_037	N/A	Wood Pole Top	40.962217	-73.688585	530 Milton Rd
Rye_2	ODAS_WEST_N264	Rye_2_039	7	Wood Pole Top	40.961629	-73.683708	387 Oakland Beach Ave
Rye_2	ODAS_WEST_N265	Rye_2_040	W13	Commzone	40.959945	-73.683144	630 Forest Ave
Rye_2	ODAS_WEST_N266	Rye_2_041	26A	Wood Pole Top	40.962348	-73.691238	1 Rose St
Rye_2	ODAS_WEST_N267	Rye_2_042	6	Commzone	40.960442	-73.685816	53 Dearborn Ave
Rye_2	ODAS_WEST_N269	Rye_2_044	T78	Commzone	40.959940	-73.688288	2 Garden Dr
Rye_2	ODAS_WEST_N270	Rye_2_045	8	Wood Pole Top	40.958612	-73.685862	4 Fairlawn Ct
Rye_2	ODAS_WEST_N271	Rye_2_046	N/A	New	40.957462	-73.684092	717 Forest Ave
Rye_2	ODAS_WEST_N275	Rye_2_050	4	Wood Pole Top	40.954555	-73.687069	21 Green Ave
Rye_2	ODAS_WEST_N276	Rye_2_051	N/A	Wood Pole Top	40.955742	-73.685681	15 Valleyview Ave
Rye_2	ODAS_WEST_N278	Rye_2_053	6	Wood Pole Top	40.952667	-73.687736	11 Halls Ln
Rye_2	ODAS_WEST_N279	Rye_2_054	NYT 8	Commzone	40.951041	-73.684584	5 Pine Island Rd
Rye_2	ODAS_WEST_N280	Rye_2_055	5	Wood Pole Top	40.961833	-73.693775	10 White Birch Dr
Rye_2	ODAS_WEST_N281	Rye_2_056	T86	Commzone	40.957526	-73.689085	650 Milton Rd
Rye_2	ODAS_WEST_N282	Rye_2_057	N/A	New	40.941949	-73.696417	499 Stuyvesant Ave
Rye_2	ODAS_WEST_N284	Rye_2_059	W14 L330	Wood Pole Top	40.948151	-73.692038	230 Stuyvesant Ave
Rye_2	ODAS_WEST_N285	Rye_2_060	NYT 16	Commzone	40.950422	-73.691306	150 Stuyvesant Ave
Rye_2	ODAS_WEST_N287	Rye_2_062	T118	Commzone	40.948508	-73.688398	999 Forest Ave
Rye_2	ODAS_WEST_N288	Rye_2_063	31	Commzone	40.946246	-73.693019	290 Stuyvesant Ave
Rye_2	ODAS_WEST_N289	Rye_2_064	T 97	Commzone	40.955003	-73.690219	740 Old Milton Rd

Milton Rd	Rye Beach Ave	Mayfield St	1st wooden pole East side of Milton Rd/ North of Rye Beach Ave
Elmwood Ave	Oakwood Ave	Forest Ave	2nd wooden pole West side of Elmwood Ave/ North of Oakwood Ave
Rye Beach Ave	Halstead Pl	Forest Ave	2nd wooden pole North side of Rye Beach Ave/ East of Halstead Pl
Forest Ave	Elmwood Ave	Ridgeland Terrace	NE corner of Forest Ave and Elmwood Ave
Oakland Beach Ave	Griffon Pl	Allendale Dr	South Side of Oakland Beach Ave, 1st Pole East of Griffon Pl
Byrd St	Helen Ave	Lindbergh Ave	1st wooden pole East side of Byrd St/ North of Helen Ave
Hix Ave	Dalphin Dr	Westbank Rd	2nd wooden pole East side of Hix Ave/ North of Dalphin Dr
Oakland Beach Ave	Riverside View Ln	Milton Rd	SE corner of Oakland Beach Ave and Riverside View Ln
Halsted Pl	Oakland Beach Ave	Ormond Pl	NE corner of Halsted Pl and Oakland Beach Ave
Dearborn Ave	Forest Ave	Rickbern St	NW corner of Dearborn Ave and Forest Ave
Oakland Beach Ave	Rose St	Red Oak Dr	SW corner of Oakland Beach Ave and Rose St
Dearborn Ave	Everett St	Newberry Pl	NW corner of Dearborn Ave and Everett St
Garden Dr	Milton Rd	Orchard Dr	South side of Garden Dr, 1st pole in from Milton Dr
Fairlawn Ct	Dead End	Everett St	South Side of Fairlawn Ct, 2nd Pole East of Everett St
Forest Ave	Phillips Ln	Stanley Keyes Ct	Drop a new pole in front of 717 Forest Ave, across from existing pole
Green Ave	Fairway Ave	Forest Ave	South Side of Green Ave, 1st Pole of East of Fairway Ave
Valleyview Ave	Forest Ave	Fairway Ave	South Side of Valleyview Ave, 1st Pole West of Forest Ave
Halls Ln	Forest Ave	Stuyvesant Ave	North Side of Halls Ln, 1st Pole West of Forest Ave
Pine Island Rd	Forest Ave	Dead End	South Side of Pine Island Rd, 7th Pole East from Forest Ave
White Birch Dr	Hickory Dr	Oakland Beach Ave	NW corner of White Birch Dr and Hickory Dr
Milton Rd	Hewlett Ave	Stuyvesant Ave	3rd wooden pole West side of Milton Rd and South of Hewlett Ave
Stuyvesant Ave	Dead End	Van Wagenen Ave	East Side of Stuyvesant Ave, 2nd Pole North of Dead End, propose to replace pole on pri
Stuyvesant Ave	Van Wagenen Ave	Dead End	SW corner of Stuyvesant Ave and Van Wagenen Ave
Stuyvesant Ave	Van Wagenen Ave	Barron Pl	West Side of Stuyvesant Ave, 4th Pole North of Van Wagenen Ave
Forest Ave	Magnolia Pl	Van Wagenen Ave	4th Pole South of Magnolia Pl/ East Side of Forest Ave
Stuyvesant Ave	Van Wagenen Ave	Dead End	West Side of Stuyvesant Ave, 8th Pole South of Van Wagenen Ave
Old Milton Rd	Stuyvesant Ave	Dead End	West Side of Old Milton Rd, 4th Pole south of Stuyvesant Ave

Title:	Noise Emission From ION-M 17P/19P	Doc-No.:	
File:	Noise Emission ION-M_RevA.doc	Rev.:	A
Distribution:	NextG	Security:	confidential
Author:	Arndt Pischke	Date:	2010-03-22
Responsible:		Department:	AMBG – R&D

Noise Emission From ION-M 17P/19P

1 General

This report summarizes results from noise measurements of ION-M 17P/19P remote units. The units were also placed in a shroud. The report compares the noise emission of a single remote unit with the emission of 2 remote units.

2 Test Setup

Measurements were done first outside of the Andrew building and later indoor. The outdoor noise floor was too high for measuring distances larger than 5m. Indoor measurements confirmed the noise levels in a small range 1-5 m. Larger distances could not be measured because of the size of the room.

For larger distances the measured values were extrapolated according to standard acoustic calculations. The **sound pressure level** (SPL) decreases with doubling of distance by (-)6 dB. The sound pressure decreases with the ratio $1/r$ to the distance.

Measurement device: CHAUVIN ARNOUX Sonometre CDA 830 No. *8662*

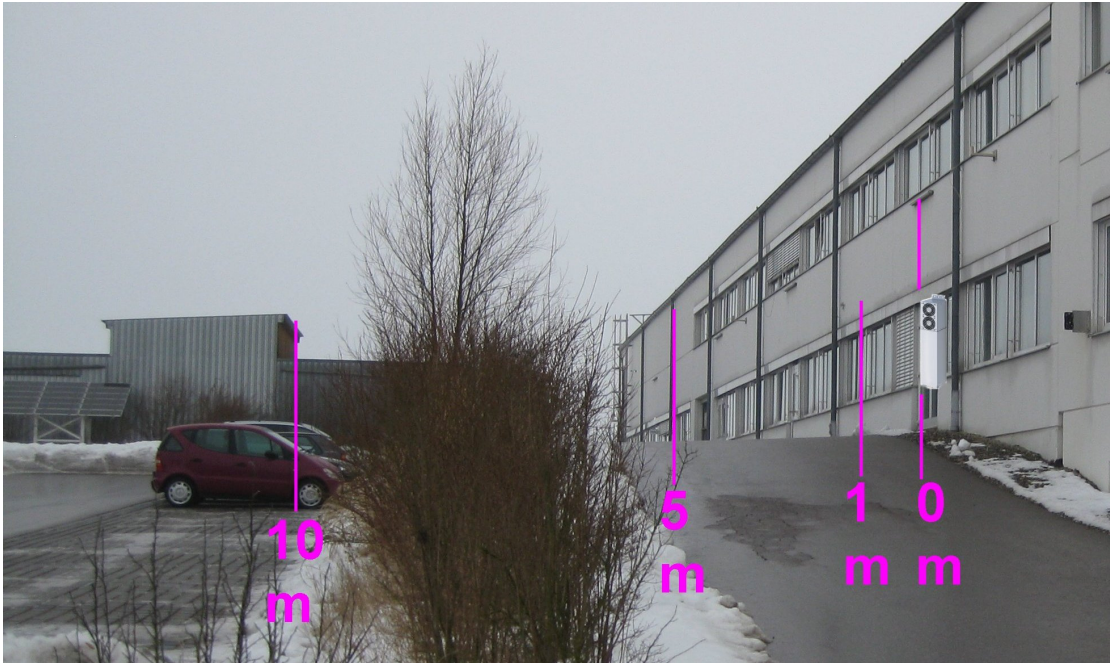
Settings: Lo = 35 - 100dB, Response: Fast, Funct: A

Measurement tolerance ± 2 dB.



Indoor measurement setup.

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Responsible:		Department:	AMBG – R&D



Outdoor measurement setup.

3 Measurement Results

The differences between measurements with a shroud and without is $+0.8 / -0.3$ dBA and are in the same region as the measurement uncertainty of the noise measurement device. Therefore data from measurements without shroud are good approximations for measurements with shroud and vice versa.

The following graph shows the sound pressure level versus distance from the ION-M 17P/19P remote unit for different parameter variations. In the tests at 35°C ambient temperature and 43dBm output power (upper curve) the fans were running on 100%, i.e. that curve is the upper limit of noise emission from one ION remote unit.

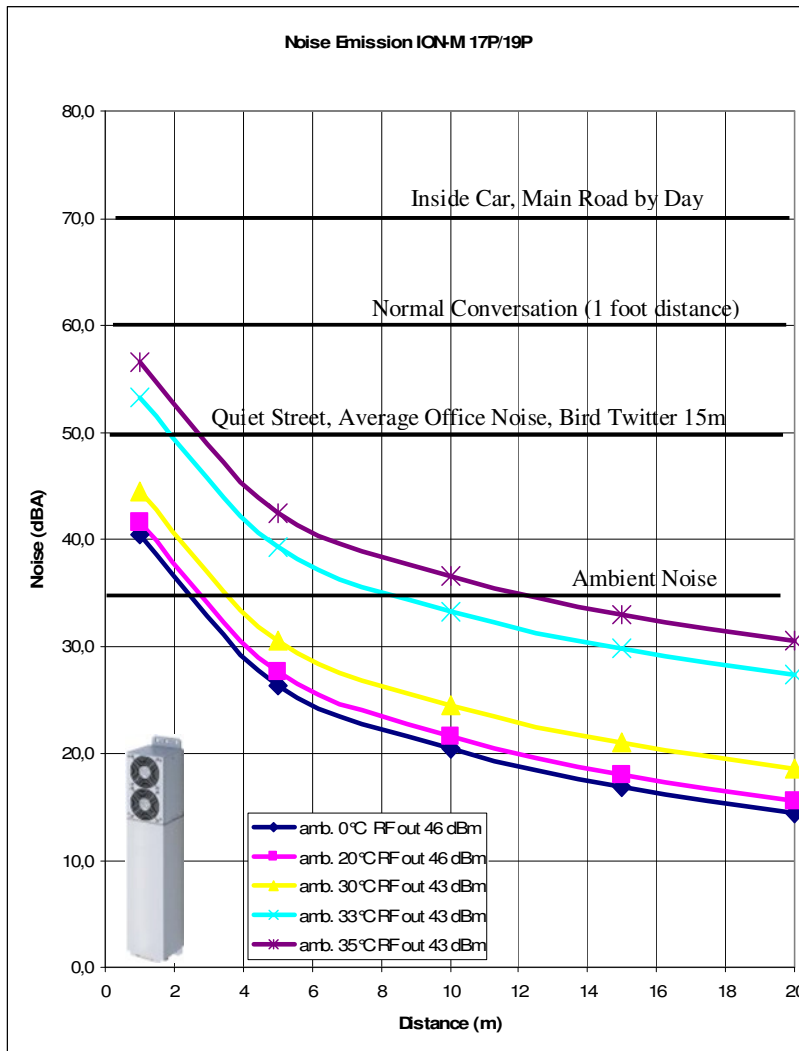
The lower curve (0°C and 46dBm output power) represents the noise emission for the lowest fan speed, i.e. it represents the lowest possible noise from the remote unit.

The ambient noise floor is at around 35 dBA. Measurements were possible only to this limit. Values below the ambient noise were calculated according to standard acoustic calculations (<http://www.sengpielaudio.com/calculator-distance.htm>). 35dBA corresponds to a “very quiet room fan at low speed at 1 m distance.

From the graph it can be seen that the crossing of the upper curve (fan runs on 100% speed) with the ambient noise floor is at 12m distance. At that point the noise of an ION remote unit should not be detectable for a person. That should be the same for a remote unit in a shroud.

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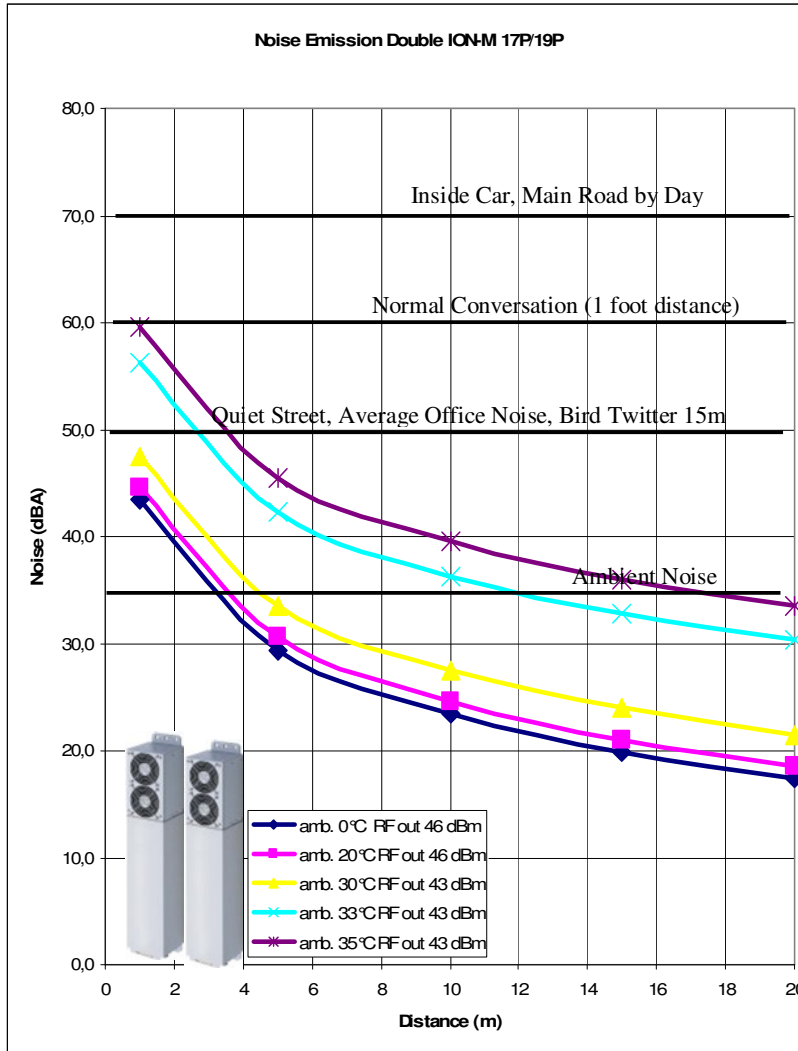


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The following graph shows the sound pressure level of *two* ION-M 17P/19P remote units. Also here the difference between measurement with and without shroud are neglectable.

The crossing of the worst case noise from the 2 ION remotes with the noise floor is at 17 meters. At that distance the ION noise is not longer hearable by a person.

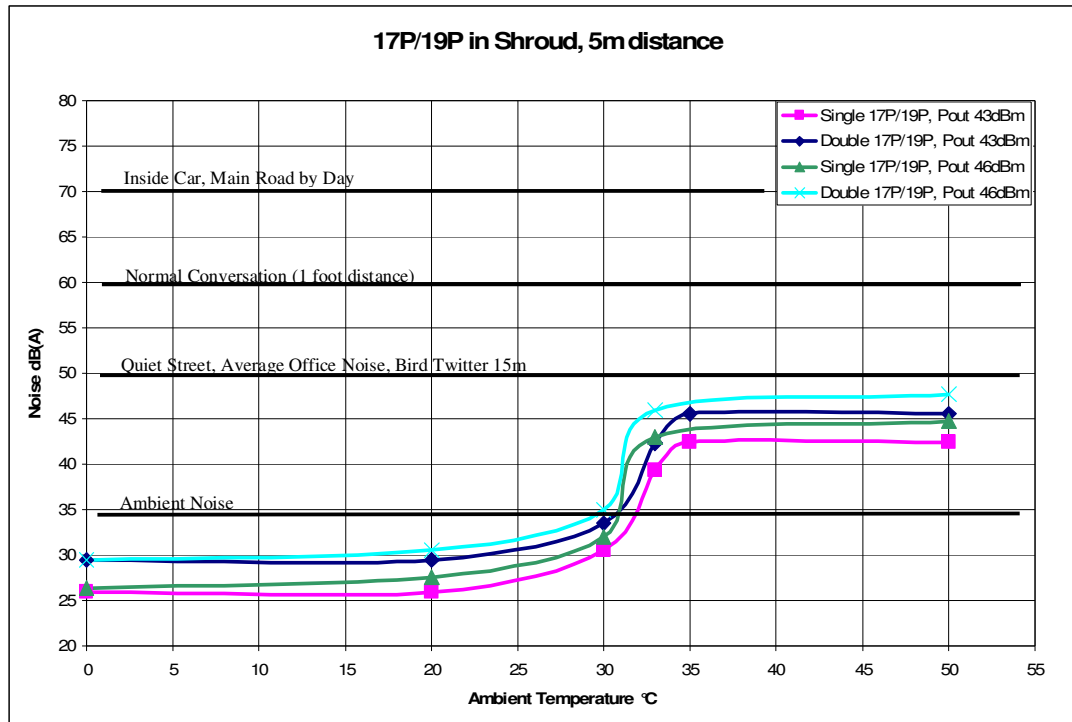
The lowest curve represents the noise emission at the slowest fan speed. I.e. at a distance of 3 meters the 2 ION remote units are not hearable.



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The following graph displays the noise measurements of one or two remote units in a shroud at a distance of 5 meters.

At that distance the IONs become hearable by a person at around 30°C (hot summer day).



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4 References

How loud is dangerous? Typical dbA levels

190 dBA	Heavy weapons, 10 m behind the weapon (maximum level)
180 dBA	Toy pistol fired close to ear (maximum level)
170 dBA	Slap on the ear, fire cracker explodes on shoulder, small arms at a distance of 50 cm (maximum level)
160 dBA	Hammer stroke on brass tubing or steel plate at 1 m distance, airbag deployment very close at a distance of 30 cm (maximum level)
150 dBA	Hammer stroke in a smithy at 5 m distance (maximum level)
130 dBA	Loud hand clapping at 1 m distance (maximum level)
120 dBA	Whistle at 1 m distance, test run of a jet at 15 m distance
	Threshold of pain, above this fast-acting hearing damage in short action is possible
115 dBA	Take-off sound of planes at 10 m distance
110 dBA	Siren at 10 m distance, frequent sound level in discotheques and close to loudspeakers at rock concerts, violin close to the ear of an orchestra musicians (maximum level)
105 dBA	Chain saw at 1 m distance, banging car door at 1 m distance (maximum level), racing car at 40 m distance, possible level with music head phones
100 dBA	Frequent level with music via head phones, jack hammer at 10 m distance
95 dBA	Loud crying, hand circular saw at 1 m distance
90 dBA	Angle grinder outside at 1 m distance
	Over a duration of 40 hours a week hearing damage is possible
85 dBA	2-stroke chain-saw at 10 m distance, loud WC flush at 1 m distance
80 dBA	Very loud traffic noise of passing lorries at 7.5 m distance, high traffic on an expressway at 25 m distance
75 dBA	Passing car at 7.5 m distance, un-silenced wood shredder at 10 m distance
70 dBA	Level close to a main road by day, quiet hair dryer at 1 m distance to ear
65 dBA	Bad risk of heart circulation disease at constant impact is possible
60 dBA	Noisy lawn mower at 10 m distance
55 dBA	Low volume of radio or TV at 1 m distance, noisy vacuum cleaner at 10 m distance
50 dBA	Refrigerator at 1 m distance, bird twitter outside at 15 m distance
45 dBA	Noise of normal living; talking, or radio in the background
40 dBA	Distraction when learning or concentration is possible
35 dBA	Very quiet room fan at low speed at 1 m distance
25 dBA	Sound of breathing at 1 m distance
0 dBA	Auditory threshold

<http://www.sengpielaudio.com/TableOfSoundPressureLevels.htm>

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Distribution:	NextG	Security:	confidential
Author:	Arndt Pischke	Date:	2010-03-22
Responsible:		Department:	AMBG – R&D

Important thresholds on the decibel scale:

0 dBA

Threshold of hearing

20 dBA

Rustling leaves, quiet living room

30 dBA

Quiet office

40 dBA

Quiet conversation

45 dBA

Threshold of distraction, according to EPA

50 dBA

Quiet street, average office noise

60 dBA

Normal conversation (1 foot distance)

70 dBA

Inside car

75 dBA

Loud singing (3 feet)

80 dBA

Typical home-stereo listening level

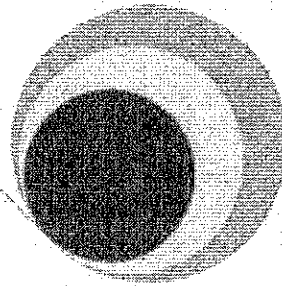
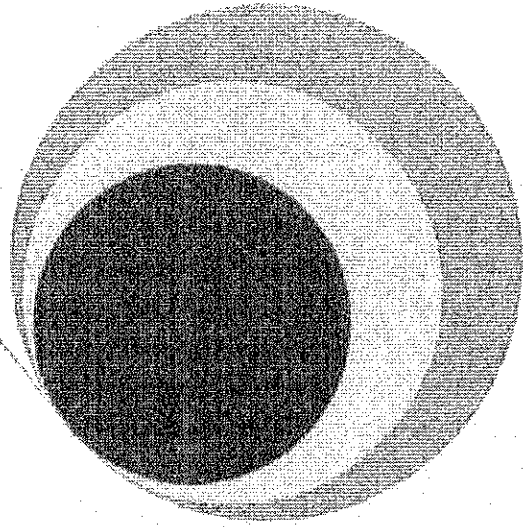
— <http://tldp.org/HOWTO/Unix-Hardware-Buyer-HOWTO/index.html>



Title:	Noise Emission From ION-M 17P/19P	Doc-No.:	
File:	Noise Emission ION-M_RevA.doc	Rev.:	A
Distribution:	NextG	Security:	confidential
Author:	Arndt Pischke	Date:	2010-03-22
Responsible:		Department:	AMBG – R&D

In http://www.engineeringtoolbox.com/decibel-dba-levels-d_728.html is also a list of “Acceptable Noise – dBA Levels.

Location	Effects	L_{eq} (dBA)	Time (hours)	Time of day
Bedroom	sleep disturbance, annoyance	> 30	8	night
Living area	annoyance, speech interference	> 50	16	day
Outdoor living area	moderate annoyance	> 50	16	day
Outdoor living area	serious annoyance	> 55	16	day
Outdoor living area	sleep disturbance, with open windows	> 45	8	night
School classroom	speech interference, communication disturbance	> 35	8	day
Hospitals patient rooms	sleep disturbance, communication interference	> 30-35	8	day and night



RF Radiation Comparison

Between a Typical DAS Node and Typical Household Appliances

February 6, 2012

Prepared by: Crown Castle USA

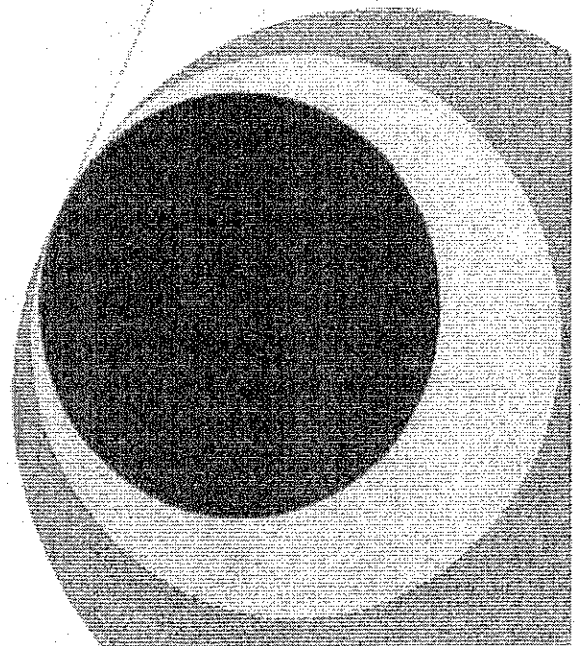


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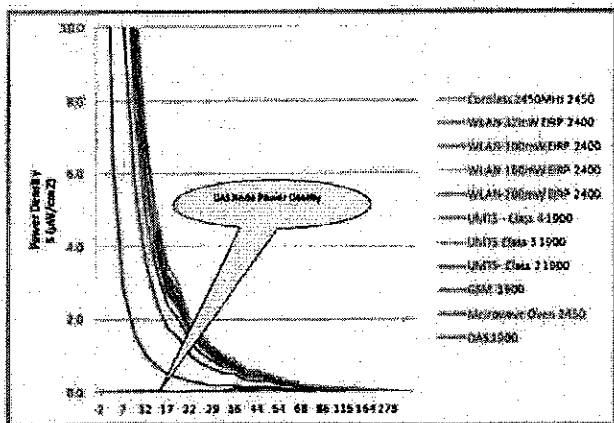
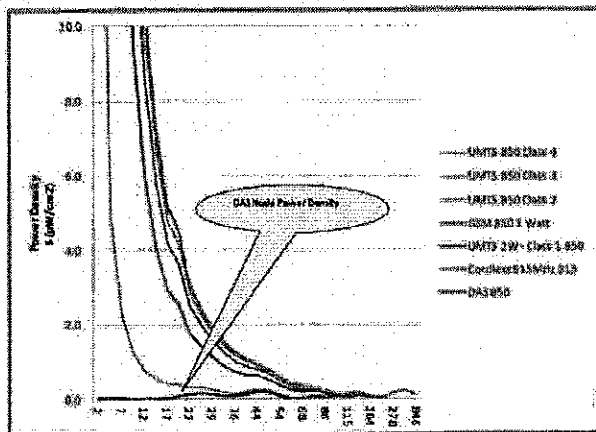
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I. Executive Summary

The power density calculations for DAS nodes as calculated in this report represent the absolute maximum power. In the real world, the power density produced by DAS node are substantially lower than the levels show in Exhibits 3.2 and 3.3. The reason for lower levels is that other factors, such as foliage, other manmade or natural obstacles attenuate RF energy and therefore lower the power density level; however for sake of simplicity they were not considered in the power density calculations. Notwithstanding that as demonstrated in the preceding sections, the RF energy emitted by a DAS node:

- (a) meets the FCC's maximum permissible exposure,
- (b) is substantially below the maximum power density levels indicated in FCC Bulletin 65; and
- (c) is substantially lower than the RF energy found in the home from common household appliances.

Exhibit I.1 Power Density Comparison between DAS Node and Other Home Appliances Operating in Bands 4 and 5 as a Function of Distance



1. Introduction

In recent years there has been considerable discussion and concern about the possible hazards of electromagnetic radiation (EMR)¹, including both radio frequency (RF)² energy and power frequency (50-60 Hz) electromagnetic fields.

The electromagnetic spectrum includes all the various forms of electromagnetic energy from low frequency energy (non-ionizing)³ to X-rays and gamma rays, which have very high frequencies and correspondingly short wavelengths (ionizing⁴). In between these extremes are radio waves, microwaves, infrared radiation, visible light, and ultraviolet radiation, in that order. The RF part of the electromagnetic spectrum is generally defined as that part of the spectrum where electromagnetic waves have frequencies in the range of about 3 KHz to 300 GHz.

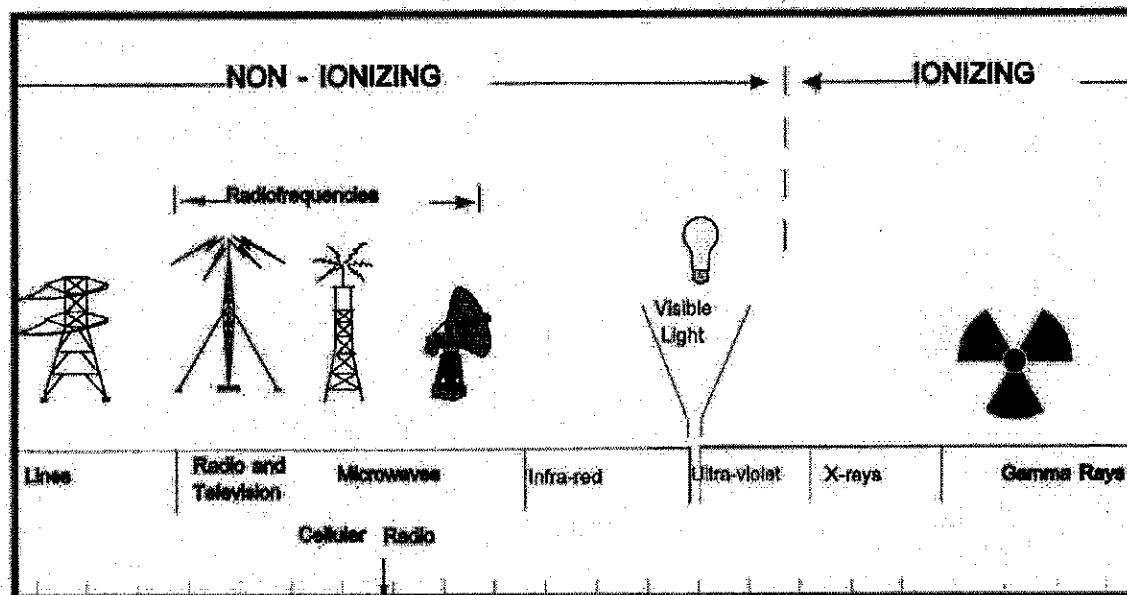
¹ - Electromagnetic Radiation (EMR) is defined as the propagation of energy through space in the form of waves or particles.

² - Radio waves and microwaves are forms of electromagnetic energy that are collectively described by the term "radiofrequency" or "RF."

³ - Non-ionizing radiation ranges from extremely low frequency radiation, through the audible, microwave and visible portions of the spectrum into the ultraviolet range.

⁴ - Ionizing radiation is higher frequency ultraviolet radiation, which begins to have enough energy to break chemical bonds.

Exhibit 1.1 - The Electromagnetic Spectrum



As can be seen from Exhibit 1.1, the RF field is classified as non-ionizing radiation because the frequency is too low for there to be enough photon energy to ionize atoms. However, at sufficiently high power densities⁵, EMR poses certain health hazards.

The intent of this report is to compare the EMR from RF sources in a typical house with the RF levels produced and/or caused by a distributed antenna system (DAS) node located in the close proximity of the closest house. As stated above, EMR produced by an RF source can be expressed in terms of power density; therefore, the basis for comparing the EMR levels produced by different household appliances (such as wireless LANs, cordless phones, cellular mobile phones, etc.) and DAS node will be the power density level.

2. Background

In 1985, the Federal Communications Commission (FCC) adopted the 1982 American National Standards Institute (ANSI) guidelines for purposes of evaluating exposure due to RF

⁵ - Power density is the amount of power (time rate of energy transfer) per unit volume.

transmitters licensed and authorized by the FCC. In 1992, ANSI adopted the 1991 Institute of Electrical and Electronics Engineers (IEEE) standard as an ANSI (a revision of its 1982 standard) and designated it ANSI/IEEE C95.1-1992. In 1996, the FCC adopted a modified version of its original proposal. The FCC's action also fulfilled requirements of the Telecommunications Act of 1996 for adopting new RF exposure guidelines. The FCC considered comments submitted by the Environmental Protection Agency (EPA), Food and Drug Administration (FDA), National Institute for Occupational Safety and Health (NIOSH) and Occupational Safety and Health Administration (OSHA), the regulating agencies that have primary responsibility for consumer health and safety within the Federal government.

The FCC's guidelines are based on the recommended exposure criteria issued by the National Council on Radiation Protection & Measurements (NCRP) and ANSI/IEEE and are similar to the ANSI/IEEE 1992 guidelines except for differences in recommended exposure levels at lower frequencies and higher frequencies, and for occupational (controlled)⁶ and general population (uncontrolled)⁷ access areas. Over a broad range of frequencies, the NCRP exposure limits for the public are generally one-fifth that for workers in terms of power density.

The NCRP and ANSI/IEEE exposure criteria are frequency dependent since the whole-body human absorption of RF energy varies with the frequency of the RF signal. The most restrictive limits on exposure are in the frequency range of 30-300 MHz where the human body absorbs RF energy most efficiently when exposed in the far field of an RF transmitting source (The most common use of this band includes FM radio and the VHF television channels 2-13). The Maximum Permissible Exposure (MPE)⁸ limits adopted by the FCC in 1996⁹ are shown in Exhibits 2.1 and 2.2.

⁶ - Occupational/Controlled Exposure limits are applicable to situations in which persons are exposed as a consequence of their employment; who have been made fully aware of the potential for exposure and can exercise control over their exposure.

⁷ - General Population/Uncontrolled Exposure limits are applicable to situations in which the general public may be exposed or in which persons who are exposed as a consequence of their employment may not be made fully aware of the potential for exposure or cannot exercise control over their exposure.

⁸ - MPE is defined by the plane-wave equivalent power density to which a person may be exposed without harmful effect and with an acceptable safety factor.

⁹ - FCC Bulletin 65 has had several revised editions; the New Edition 01-01 of Supplement C supersedes the previous Edition 97-01.

Exhibit 2.1 - FCC Limits for Maximum Permissible Exposure (MPE) Limits for Occupational (Controlled) Exposure

Band	Frequency Range (MHz)	Electric Field Strength (E) (V/m)	Magnetic Field Strength (H) (A/m)	Power Density (S) (mW/cm ²)	Averaging Time E , H or S (minutes)
1	0.3-3.0	614	1.63	(100)*	6
2	3.0-30	1842/f	4.89/f	(900/f ²)*	6
3	30-300	61.4	0.163	1	6
4	300-1500	--	--	f/300	6
5	1500-100,000	--	--	5	6

f = frequency in MHz *Plane-wave equivalent power density

Exhibit 2.2 - FCC Limits for Maximum Permissible Exposure (MPE) Limits for General Population (Uncontrolled) Exposure

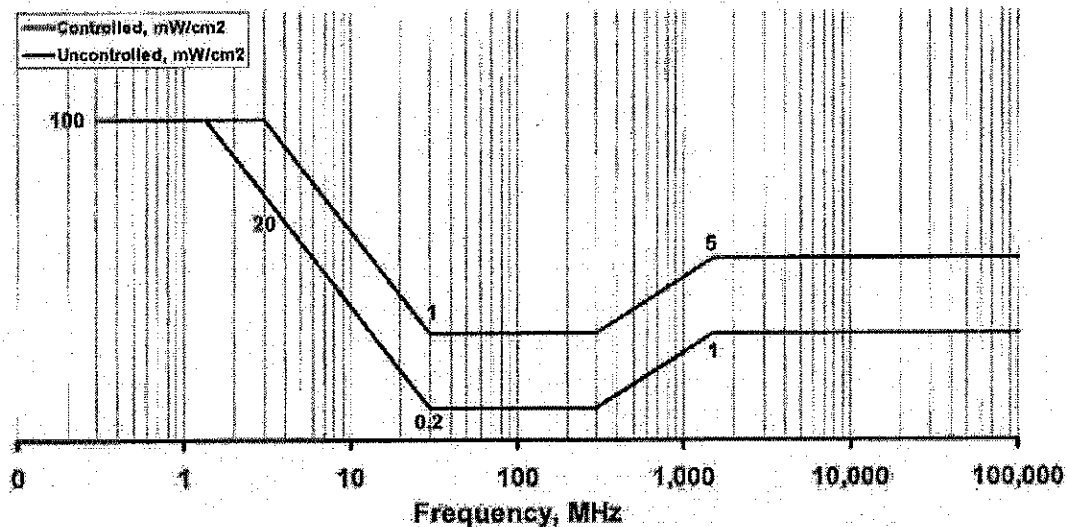
Band	Frequency Range (MHz)	Electric Field Strength (E) (V/m)	Magnetic Field Strength (H) (A/m)	Power Density (S) (mW/cm ²)	Averaging Time E , H or S (minutes)
1	0.3-1.34	614	1.63	(100)*	30
2	1.34-30	824/f	2.19/f	(180/f ²)*	30
3	30-300	27.5	0.073	0.2	30
4	300-1500	--	--	f/1500	30
5	1500-100,000	--	--	1	30

f = frequency in MHz *Plane-wave equivalent power density

The NCRP and ANSI/IEEE exposure criteria and most other standards also specify "time-averaged" MPE limits. This means that it is permissible to exceed the recommended limits for short periods of time as long as the average exposure (over the appropriate period specified) does not exceed the limit. For example, Exhibit 2.2 shows that for a frequency of 100 MHz, the recommended power density limit is 0.2 mW/cm² with an averaging time of thirty (30) minutes (any thirty-minute period) for general public (uncontrolled) exposure.

The absolute MPE limits for different frequencies for occupational (controlled) and general public (uncontrolled) is graphically illustrated in Exhibit 2.3

Exhibit 2.3 - Absolute MPE Limits for Different Frequencies



RF waves and RF fields have both electrical and magnetic components. It is often convenient to express the strength of the RF field in terms of each component. For example, the unit "volts per meter" (V/m) is used to measure the electric field strength, and the unit "amperes per meter" (A/m) is used to express the magnetic field strength. Another common way to characterize an RF field is by means of the power density. Power density is defined as power per unit area. For example, power density can be expressed in terms of milliwatts (one thousandth of a watt) per square centimeter (mW/cm^2) or microwatts (one millionth of a watt) per square centimeter ($\mu\text{W}/\text{cm}^2$).

3. Theoretical RF Field Calculations for DAS Node

The calculations are based on "worst-case" estimates. That is the estimates assume 100% use of all transmitters simultaneously, and aimed in the same direction. Additionally, the calculations make the assumptions that the surrounding area is a flat plain. The resultant values are conservative in that they over predict actual power densities.

The calculations are based on the following information:

- i. Effective Radiated Power (ERP) in Watts

- ii. Antenna height above ground level (AGL) in meters
- iii. Antenna vertical radiation pattern¹⁰ (G) in dBs

As stated before, power density (S) calculations are used to determine the magnitude of the RF field. The procedure to calculate the power density has been described in FCC Bulletin 65 (referenced above). Based on FCC Bulletin 65, the power density of an RF source is calculated by using equation 9:

$$S = \frac{33.4 \text{ ERP}}{R^2}$$

Where: S = Power Density in $\mu\text{W}/\text{cm}^2$
 ERP = Power in Watts
 R = Distance in Meters

The theoretical power density calculations for DAS node are listed in Exhibit 3.1 and 3.2 for each three degree increment of depression angle (90° being straight down at the base of the DAS node and 0° being straight out from the antenna). All values have been calculated from the height of six feet above ground level (typical human height).

To calculate the percent MPE (%MPE), the following formula is used:

$$\%MPE = \frac{S}{MPE} 100$$

¹⁰ - Directional antennas are designed to focus the RF signal, resulting in "patterns" of signal loss and gain. Antenna vertical radiation patterns display the loss of signal relative to the direction of propagation due to elevation angle change.

Exhibit 3.1 - Theoretical RF Field Calculations for DAS Node Operating in Cellular Frequency Band

ERP = 200 Watts (max./Sector) @ F = 860 - 890 MHz Decibel HDB856DG65EXY Antenna (typical), DAS Node Height 50 feet AGL General Population MPE = 590 $\mu\text{W}/\text{cm}^2$				
Depression Angle (Degree)	Gain (dB)	Horizontal Distance (ft)	Power Density S ($\mu\text{W}/\text{cm}^2$)	% MPE @ 6' AGL
-90	-28.85	0	0.048	0.82%
-87	-29.77	2	0.039	0.66%
-84	-31.03	5	0.029	0.49%
-81	-33.03	7	0.018	0.31%
-78	-36.84	9	0.007	0.12%
-75	-40.00	12	0.003	0.06%
-72	-36.11	14	0.008	0.14%
-69	-29.95	17	0.033	0.55%
-66	-26.03	18	0.079	1.34%
-63	-23.70	22	0.126	2.13%
-60	-22.81	25	0.146	2.47%
-57	-23.26	29	0.123	2.09%
-54	-24.57	32	0.085	1.44%
-51	-24.46	36	0.080	1.36%
-48	-21.86	40	0.134	2.26%
-45	-19.79	44	0.195	3.30%
-42	-19.59	49	0.182	3.09%
-39	-22.41	54	0.084	1.43%
-36	-30.88	61	0.010	0.18%
-33	-24.26	68	0.041	0.70%
-30	-20.31	76	0.086	1.46%
-27	-22.34	86	0.045	0.75%
-24	-40.00	99	0.001	0.01%
-21	-19.23	115	0.057	0.96%
-18	-15.31	135	0.104	1.77%
-15	-18.57	164	0.035	0.59%
-12	-18.83	207	0.021	0.36%
-9	-7.51	278	0.160	2.72%
-6	-2.53	419	0.226	3.83%
-3	-0.25	846	0.094	1.60%
0	0.00	∞	<0.001	<0.001%

Exhibit 3.3- Theoretical RF Field Calculations for DAS Node Operating in PCS Frequency Band

ERP = 200 Watts (max./Sector) @ F = 1920 - 1970 MHz Decibel HBV-6517DS-TOM Antenna (typical), DAS Node Height 50 feet AGL General Population MPE = 1000 $\mu\text{W}/\text{cm}^2$				
Depression Angle (Degree)	Gain (dB)	Horizontal Distance (ft)	Power Density S ($\mu\text{W}/\text{cm}^2$)	% MPE @ 6' AGL
-90	-36.06	0	0.009	0.09%
-87	-36.24	2	0.009	0.09%
-84	-35.20	5	0.011	0.11%
-81	-34.47	7	0.013	0.13%
-78	-32.84	9	0.018	0.18%
-75	-31.05	12	0.027	0.27%
-72	-30.89	14	0.027	0.27%
-69	-33.46	17	0.015	0.15%
-66	-46.29	18	0.001	0.01%
-63	-33.81	22	0.012	0.12%
-60	-30.27	25	0.026	0.26%
-57	-35.84	29	0.007	0.07%
-54	-29.20	32	0.029	0.29%
-51	-24.08	36	0.088	0.88%
-48	-30.61	40	0.018	0.18%
-45	-25.04	44	0.058	0.58%
-42	-22.70	49	0.089	0.89%
-39	-25.13	54	0.045	0.45%
-36	-26.67	61	0.028	0.28%
-33	-35.42	68	0.003	0.03%
-30	-34.40	76	0.003	0.03%
-27	-30.09	86	0.007	0.07%
-24	-28.47	99	0.009	0.09%
-21	-21.79	115	0.032	0.32%
-18	-17.92	135	0.057	0.57%
-15	-23.64	164	0.011	0.11%
-12	-18.06	207	0.025	0.25%
-9	-18.59	278	0.012	0.12%
-6	-23.52	419	0.002	0.02%
-3	-3.49	846	0.045	0.45%
0	0.00	oo	<.001	<.001%

The theoretical percent MPE calculations for DAS node are listed in Exhibit 3.1 and 3.2 for the same angle and height conditions. The theoretical cumulative % MPE calculations for a DAS node are shown in Exhibit 3.3.

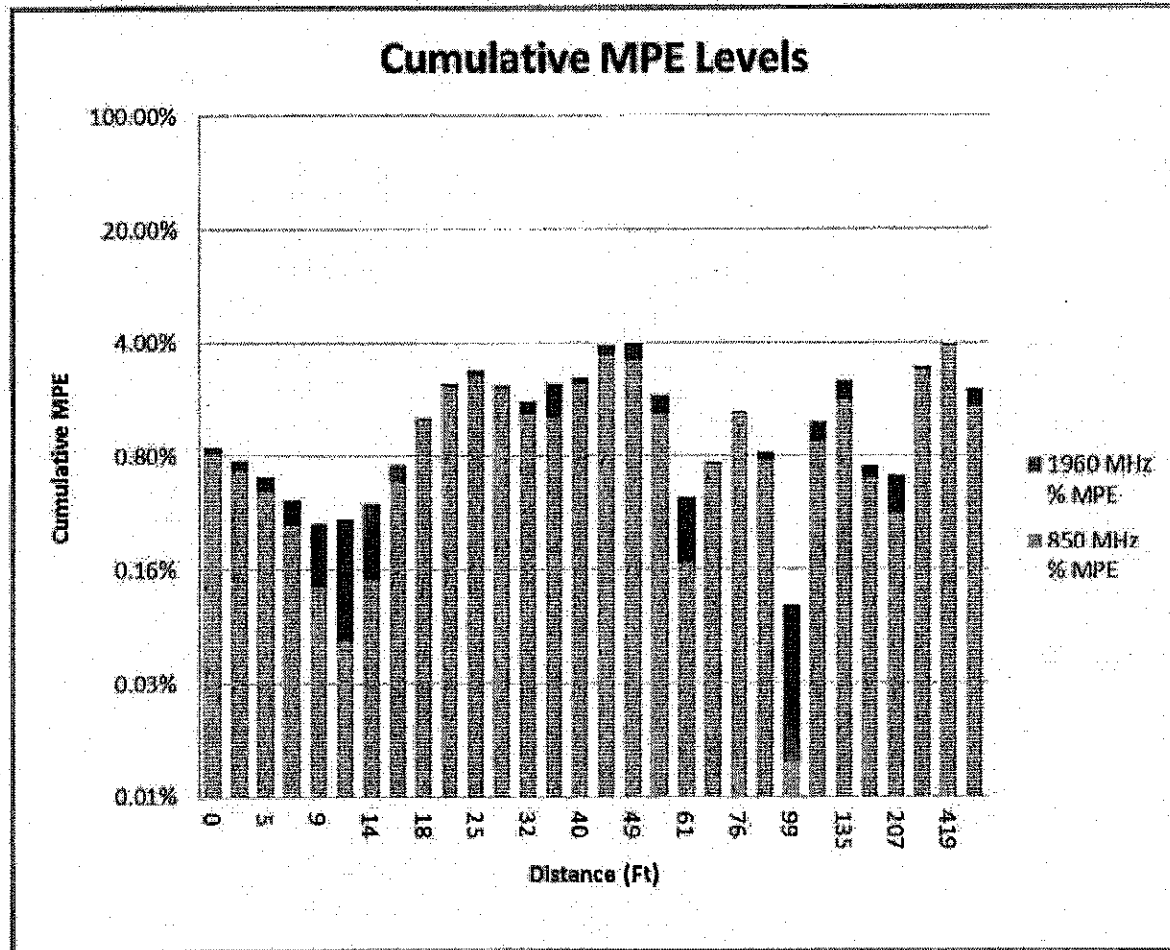
Exhibit 3.3 - Theoretical Cumulative %MPE Calculation for a DAS Node

Horizontal Distance (ft)	850 MHz % MPE	1960 MHz % MPE	Cumulative MPE 850 + 1960
0	0.82%	0.09%	0.91%
2	0.66%	0.09%	0.75%
5	0.49%	0.11%	0.60%
7	0.31%	0.13%	0.43%
9	0.12%	0.18%	0.31%
12	0.06%	0.27%	0.33%
14	0.14%	0.27%	0.41%
17	0.55%	0.15%	0.70%
18	1.34%	0.01%	1.34%
22	2.13%	0.12%	2.25%
25	2.47%	0.26%	2.73%
29	2.09%	0.07%	2.16%
32	1.44%	0.29%	1.73%
36	1.36%	0.88%	2.24%
40	2.26%	0.18%	2.44%
44	3.30%	0.58%	3.88%
49	3.09%	0.89%	3.98%
54	1.43%	0.45%	1.88%
61	0.18%	0.28%	0.45%
68	0.70%	0.03%	0.73%
76	1.46%	0.03%	1.50%
86	0.75%	0.07%	0.83%
99	0.01%	0.09%	0.10%
115	0.96%	0.32%	1.28%
135	1.77%	0.57%	2.34%
164	0.59%	0.11%	0.69%
207	0.36%	0.25%	0.61%
278	2.72%	0.12%	2.84%
419	3.83%	0.02%	3.85%
846	1.60%	0.45%	2.05%

Exhibit 3.4 is a graph showing the worst case %MPE generated by the DAS node against linear distance from the base of the DAS node. Note that a logarithmic scale is used to plot the

calculated theoretical %MPE values in order to compare with the MPE of 100%, which is so much larger that it would be off the page in a linear plot. This means that someone 846 feet away from the DAS node would be exposed to RF energy equal to 2.05% of the maximum permissible limits.

Exhibit 3.4 - Cumulative % MPE Graph



4. Theoretical RF Field Calculations for Typical Household Appliances

Typical households contain many devices that emit RF waves. Some of the devices found in almost all households are:

- Microwave Ovens,
- Cellular Phones,
- Wireless LAN
- Laptop Wi-Fi, and
- Cordless Phones.

The following sections provide a brief description about each device along with the typical power emitted by each one.

4.1 Microwave Oven

A microwave oven passes (non-ionizing) microwave radiation (at a frequency near 2.45 GHz) through food, causing dielectric heating primarily by absorption of the energy in water. Microwave ovens became common kitchen appliances in Western countries in the late 1970s, following the development of inexpensive cavity magnetrons.

For the safe exposure limits for microwave ovens, the Occupational Safety & Health Administration (OSHA) refers to the Canadian Centre for Occupational Health and Safety (CCOCS) limits, described as Safety Code 6 and are as follows:

Part III (Microwave Ovens) of the Radiation Emitting Devices Regulation (C.R.C., C. 1370) specifies the following limits for the leakage radiation at 5 cm from the surface of the microwave oven:

- 1.0 mW/cm² with test load, and
- 5.0 mW/cm² without test load.

Moreover, the U.S. Food and Drug Administration (FDA)¹¹ states that a Federal standard limits the amount of microwaves that can leak from an oven throughout its lifetime to 5 milliwatts of microwave radiation per square centimeter (mW/cm²) at approximately 2 inches from the oven surface. This limit is far below the level known to harm people. Microwave energy also decreases dramatically as you move away from the source of radiation. A measurement made 20 inches from an oven would be approximately one one-hundredth of the value measured at 2 inches. Exhibit 4.1.1 provides the typical power for RF radiated from a microwave oven.

Exhibit 4.1.1 - Typical RF Radiated from Microwave Oven

Household Appliance	Power	dBm Level
Typical combined radiated RF power of microwave oven elements	1000 W	60 dBm
Typical RF Leakage based on FDA approved 5.0 mW/cm ²	0.39	25.9 dBm

The US Food and Drug Administration (FDA) also has a regulation on microwave oven leakage. In Title 21 it states that the power density limit from an operating microwave oven "shall not exceed 1 milliwatt per square centimeter at any point 5 centimeters or more from the external surface of the oven, measured prior to acquisition by a purchaser, and, thereafter, 5 milliwatts per square centimeter at any such point."

The power leakage from the microwave oven will be even lower once an individual is a foot (12 inches) or more away from the oven, since the power is inversely proportional to the square of distance.

Using the power density calculations referenced in Section 3, the power density for microwave ovens is found in Exhibits 4.1.2 below.

Exhibit 4.1.2 - Power Density Calculations for Microwave Ovens

¹¹ - By authority of the Radiation Control for Health and Safety Act of 1968, the Center for Devices and Radiological Health (CDRH) of the FDA develops performance standards for the emission of radiation from electronic products including X-ray equipment, other medical devices, television sets, microwave ovens, laser products and sunlamps.

ERP = 0.39 Watts @ Frequency = 2450 MHz	
Horizontal Distance (ft)	Power Density S ($\mu\text{W}/\text{cm}^2$)
0	13870.680
2	26.085
5	6.485
7	2.855
9	1.585
12	0.998
14	0.679
17	0.486
18	0.415
22	0.276
25	0.215
29	0.170
32	0.136
36	0.109
40	0.088
44	0.072
49	0.058
54	0.047
61	0.038
68	0.030
76	0.024
86	0.019
99	0.014
115	0.011
135	0.008
164	0.005
207	0.003
278	0.002
419	0.001
846	0.000

4.2 Cellular Phones

Cellular (cell) phones first became widely available in the United States in the early 1980s but their use has increased dramatically since then. The CTIA – The Cellular Telecommunications & Internet Association (CTIA) has released survey data that shows in 2011, the number of wireless subscriber connections now outnumbers the U.S. population, adding up to a wireless penetration rate of 103.9%. Other highlights from the survey, monitoring wireless industry activity from January through June, indicate that wireless subscriber connections were at 327.6 million, up 9% from mid-year 2010.

Cell phones give off RF waves and based on the large and still growing number of cell phone users (both adults and children), it is therefore safe to assume that there are at least a minimum of two cell phones within each household. Exhibit 4.2.1 provides the listing of the maximum output power for cell phones typically used by subscribers.

Exhibit 4.2.1 - Typical Cell Phone Type and RF Output Power

Cell Phone Type	Power	dBm level
Max. output from a GSM, UMTS/3G cell phone (Power class 1 mobiles)	2 W	33 dBm
Max. output power from GSM 1900 MHz cell phone	1 W	30 dBm
Max. output from a UMTS/3G cell phone (Power class 2 mobiles)	500 mW	27 dBm
Max. output from a UMTS/3G cell phone (Power class 3 mobiles)	250 mW	24 dBm
Max. output from a UMTS/3G cell phone (Power class 4 mobiles)	125 mW	21 dBm

Using the power density calculations referenced in Section 3, the power density for each handset type is found in Exhibits 4.2.2 to 4.2.7.

Exhibit 4.2.2 - Power Density Calculations for GSM/UMTS Class 1 Cell Phones

ERP = 2 Watts @ Frequency = 850 & 1900 MHz	
Horizontal Distance (ft)	Power Density S ($\mu\text{W}/\text{cm}^2$)
0	71808.654
2	135.044
5	33.574
7	14.782
9	8.207
12	5.166
14	3.514
17	2.517
18	2.147
22	1.429
25	1.113
29	0.880
32	0.702
36	0.566
40	0.458
44	0.371
49	0.300
54	0.243
61	0.195
68	0.156
76	0.123
86	0.096
99	0.073
115	0.055
135	0.039
164	0.027
207	0.017
278	0.009
419	0.004
846	0.001

Exhibit 4.2.3 - Power Density Calculations for GSM/UMTS Class 1 Cell Phones

ERP = 2 Watts @ Frequency = 850 & 1900 MHz	
Horizontal Distance (ft)	Power Density S ($\mu\text{W}/\text{cm}^2$)
0	71808.654
2	135.044
5	33.574
7	14.782
9	8.207
12	5.166
14	3.514
17	2.517
18	2.147
22	1.429
25	1.113
29	0.880
32	0.702
36	0.566
40	0.458
44	0.371
49	0.300
54	0.243
61	0.195
68	0.156
76	0.123
86	0.096
99	0.073
115	0.055
135	0.039
164	0.027
207	0.017
278	0.009
419	0.004
846	0.001

Exhibit 4.2.4 - Power Density Calculations for GSM 1 Watt Cell Phones

ERP = 1 Watts @ Frequency = 850 & 1900 MHz	
Horizontal Distance (ft)	Power Density S ($\mu\text{W}/\text{cm}^2$)
0	35904.327
2	67.522
5	16.787
7	7.391
9	4.104
12	2.583
14	1.757
17	1.259
18	1.074
22	0.715
25	0.556
29	0.440
32	0.351
36	0.283
40	0.229
44	0.185
49	0.150
54	0.122
61	0.098
68	0.078
76	0.062
86	0.048
99	0.037
115	0.027
135	0.020
164	0.013
207	0.008
278	0.005
419	0.002
846	0.001

Exhibit 4.2.5 - Power Density Calculations for UMTS Class 2 Cell Phones

ERP = 0.50 Watts @ Frequency = 850 & 1900 MHz	
Horizontal Distance (ft)	Power Density S ($\mu\text{W}/\text{cm}^2$)
0	17952.163
2	33.761
5	8.393
7	3.696
9	2.052
12	1.292
14	0.879
17	0.629
18	0.537
22	0.357
25	0.278
29	0.220
32	0.176
36	0.141
40	0.114
44	0.093
49	0.075
54	0.061
61	0.049
68	0.039
76	0.031
86	0.024
99	0.018
115	0.014
135	0.010
164	0.007
207	0.004
278	0.002
419	0.001
846	0.000

Exhibit 4.2.6 - Power Density Calculations for UMTS Class 3 Cell Phones

ERP = 0.250 Watts @ Frequency = 850 & 1900 MHz	
Horizontal Distance (ft)	Power Density S ($\mu\text{W}/\text{cm}^2$)
0	8976.082
2	16.880
5	4.197
7	1.848
9	1.026
12	0.646
14	0.439
17	0.315
18	0.268
22	0.179
25	0.139
29	0.110
32	0.088
36	0.071
40	0.057
44	0.046
49	0.038
54	0.030
61	0.024
68	0.020
76	0.015
86	0.012
99	0.009
115	0.007
135	0.005
164	0.003
207	0.002
278	0.001
419	0.001
846	0.000

Exhibit 4.2.7 - Power Density Calculations for UMTS Class 4 Cell Phones

ERP = 1/8 Watts @ Frequency = 850 & 1900 MHz	
Horizontal Distance (ft)	Power Density S ($\mu\text{W}/\text{cm}^2$)
0	4488.041
2	8.440
5	2.098
7	0.924
9	0.513
12	0.323
14	0.220
17	0.157
18	0.134
22	0.089
25	0.070
29	0.055
32	0.044
36	0.035
40	0.029
44	0.023
49	0.019
54	0.015
61	0.012
68	0.010
76	0.008
86	0.006
99	0.005
115	0.003
135	0.002
164	0.002
207	0.001
278	0.001
419	0.000
846	0.000

4.3 Wireless LAN

A wireless local area network (WLAN) links two or more devices using some wireless distribution method (typically spread-spectrum or OFDM radio), and usually provides a connection through an access point to the wider Internet. This gives users the mobility to move around within a local coverage area and still be connected to the network. Most modern WLANs are based on IEEE 802.11 standards, marketed under the Wi-Fi brand name.

Wireless LANs have become popular in the home due to ease of installation. The survey, by research firm Parks Associates, found that 52 percent of U.S. households with a home network were using wireless technology, compared with 50 percent for Ethernet and about 5 percent for power line networking via electrical wires. (This does not add up to 100 due to some homes usage of a combination of technologies.)

Exhibit 4.3.1 provides the listing of the maximum output power for WLAN typically used in households in the US.

Exhibit 4.3.1 - Typical WLAN Output RF Power

Household Wireless Electronics	Power	dBm Level
EIRP for IEEE 802.11n Wireless LAN 40MHz-wide (5mW per MHz) channels in 5GHz sub-band 4 (5735-5835 MHz).	200 mW	23 dBm
	160 mW	22 dBm
EIRP for IEEE 802.11b/g Wireless LAN 20 MHz-wide channels in the 2.4 GHz ISM band (5mW per MHz)	100 mW	20 dBm
Typical Wireless LAN transmission power in laptops.	32.0 mW	15 dBm
	10.0 mW	10 dBm
	4.0 mW	6 dBm
	3.2 mW	5 dBm

Using the power density calculations referenced in Section 3, the power density for each handset type is found in Exhibits 4.3.2 to 4.2.5.

Exhibit 4.3.2 - Power Density Calculations for WLAN with 200 mW EIRP

ERP = 125 mWatts @ Frequency = 2400, 3700, 5000 MHz

Horizontal Distance (ft)	Power Density S ($\mu\text{W}/\text{cm}^2$)
0	4488.041
2	8.440
5	2.098
7	0.924
9	0.513
12	0.323
14	0.220
17	0.157
18	0.134
22	0.089
25	0.070
29	0.055
32	0.044
36	0.035
40	0.029
44	0.023
49	0.019
54	0.015
61	0.012
68	0.010
76	0.008
86	0.006
99	0.005
115	0.003
135	0.002
164	0.002
207	0.001
278	0.001
419	0.000
846	0.000

Exhibit 4.3.3 - Power Density Calculations for WLAN with 160 mW EIRP

ERP = 100 mWatts @ Frequency = 2400, 3700, 5000 MHz	
Horizontal Distance (ft)	Power Density S ($\mu\text{W}/\text{cm}^2$)
0	3590.433
2	6.752
5	1.679
7	0.739
9	0.410
12	0.258
14	0.176
17	0.126
18	0.107
22	0.071
25	0.056
29	0.044
32	0.035
36	0.028
40	0.023
44	0.019
49	0.015
54	0.012
61	0.010
68	0.008
76	0.006
86	0.005
99	0.004
115	0.003
135	0.002
164	0.001
207	0.001
278	0.000
419	0.000
846	0.000

Exhibit 4.3.4- Power Density Calculations for WLAN with 100 mW EIRP

ERP = 62.5 mWatts @ Frequency = 2400, 3700, 5000 MHz	
Horizontal Distance (ft)	Power Density S ($\mu\text{W}/\text{cm}^2$)
0	2244.020
2	4.220
5	1.049
7	0.462
9	0.256
12	0.161
14	0.110
17	0.079
18	0.067
22	0.045
25	0.035
29	0.027
32	0.022
36	0.018
40	0.014
44	0.012
49	0.009
54	0.008
61	0.006
68	0.005
76	0.004
86	0.003
99	0.002
115	0.002
135	0.001
164	0.001
207	0.001
278	0.000
419	0.000
846	0.000

Exhibit 4.3.4- Power Density Calculations for Typical Wireless LAN Transmission Power in Laptops

ERP = 20 mWatts. @ Frequency = 2400, 3700, 5000 MHz	
Horizontal Distance (ft)	Power Density S ($\mu\text{W}/\text{cm}^2$)
0	718.087
2	1.350
5	0.336
7	0.148
9	0.082
12	0.052
14	0.035
17	0.025
18	0.021
22	0.014
25	0.011
29	0.009
32	0.007
36	0.006
40	0.005
44	0.004
49	0.003
54	0.002
61	0.002
68	0.002
76	0.001
86	0.001
99	0.001
115	0.001
135	0.000
164	0.000
207	0.000
278	0.000
419	0.000
846	0.000

4.4 Cordless Phones

Virtually all telephones sold in the U.S. today use the 900 MHz, 1.9 GHz, 2.4-GHz, or 5.8 GHz bands, though legacy phones may remain in use on the older bands. There is no specific requirement for any particular transmission mode on 900, 1.9, 2.4, and 5.8, but in practice, virtually all newer 900 MHz phones are inexpensive analog models with digital features generally available only on the higher frequencies. Exhibit 4.4.1 provides the typical power authorized by the FCC for cordless phones.

Exhibit 4.4.1 provides the listing of the maximum output power for cordless phones typically used in households in the U.S.

Exhibit 4.4.1 - Typical Output Power for Cordless Phones

Device Type	Power	Level dBm
Cordless Phone	> 0.3 W at 915 MHz	>24.8 dBm
	> 0.2 W at 2450 MHz	>23.0 dBm

Using the power density calculations referenced in Section 3, the power density for each handset type is found in Exhibits 4.4.2 to 4.2.3.

Exhibit 4.4.2- Power Density Calculations for Typical 900 MHz Cordless Phones

ERP = 0.3 Watts Frequency = 915 MHz	
Horizontal Distance (ft)	Power Density S ($\mu\text{W}/\text{cm}^2$)
0	10771.298
2	20.257
5	5.036
7	2.217
9	1.231
12	0.775
14	0.527
17	0.378
18	0.322
22	0.214
25	0.167
29	0.132
32	0.105
36	0.085
40	0.069
44	0.056
49	0.045
54	0.037
61	0.029
68	0.023
76	0.019
86	0.014
99	0.011
115	0.008
135	0.006
164	0.004
207	0.003
278	0.001
419	0.001
846	0.000

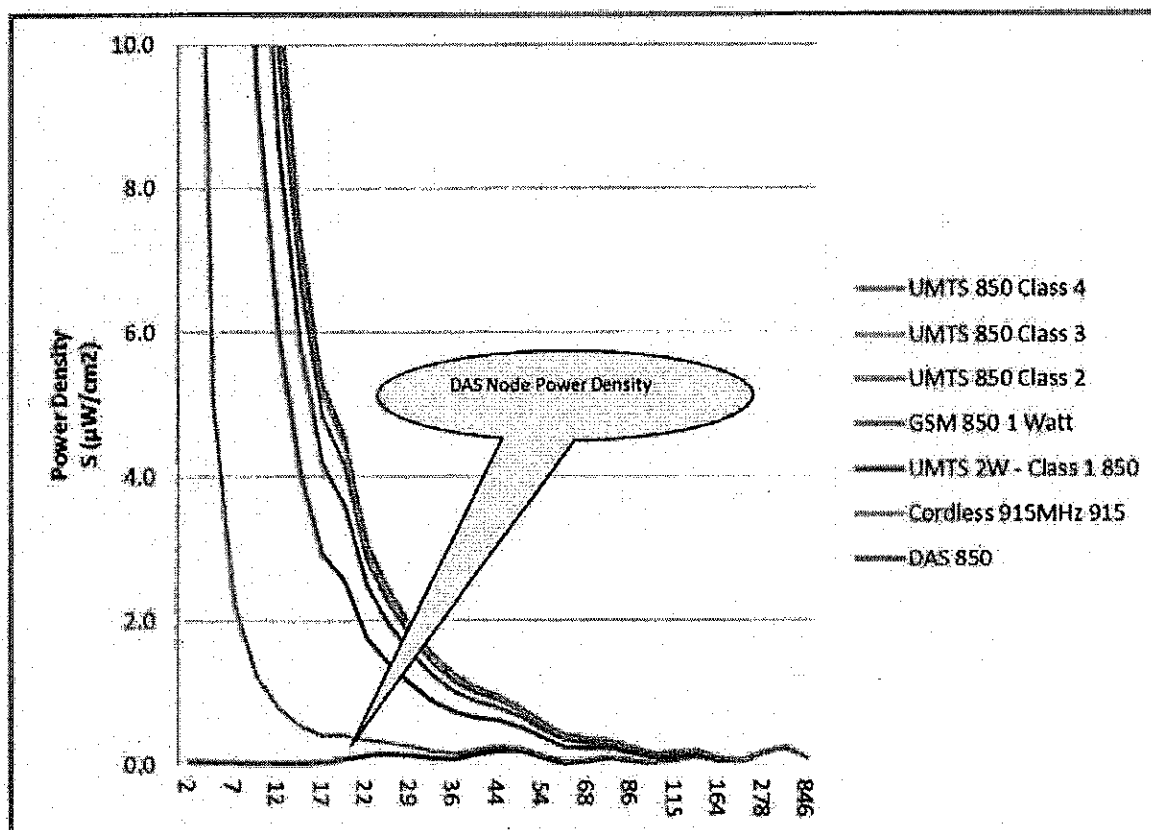
Exhibit 4.4.3- Power Density Calculations for Typical 2100 MHz Cordless Phones

ERP = 0.2 Watts @ F = 2459 MHz	
Horizontal Distance (ft)	Power Density S ($\mu\text{W}/\text{cm}^2$)
0	7180.865
2	13.504
5	3.357
7	1.478
9	0.821
12	0.517
14	0.351
17	0.252
18	0.215
22	0.143
25	0.111
29	0.088
32	0.070
36	0.057
40	0.046
44	0.037
49	0.030
54	0.024
61	0.020
68	0.016
76	0.012
86	0.010
99	0.007
115	0.005
135	0.004
164	0.003
207	0.002
278	0.001
419	0.000
846	0.000

5. Power Density Comparison between a DAS Node and Typical Household Electronics

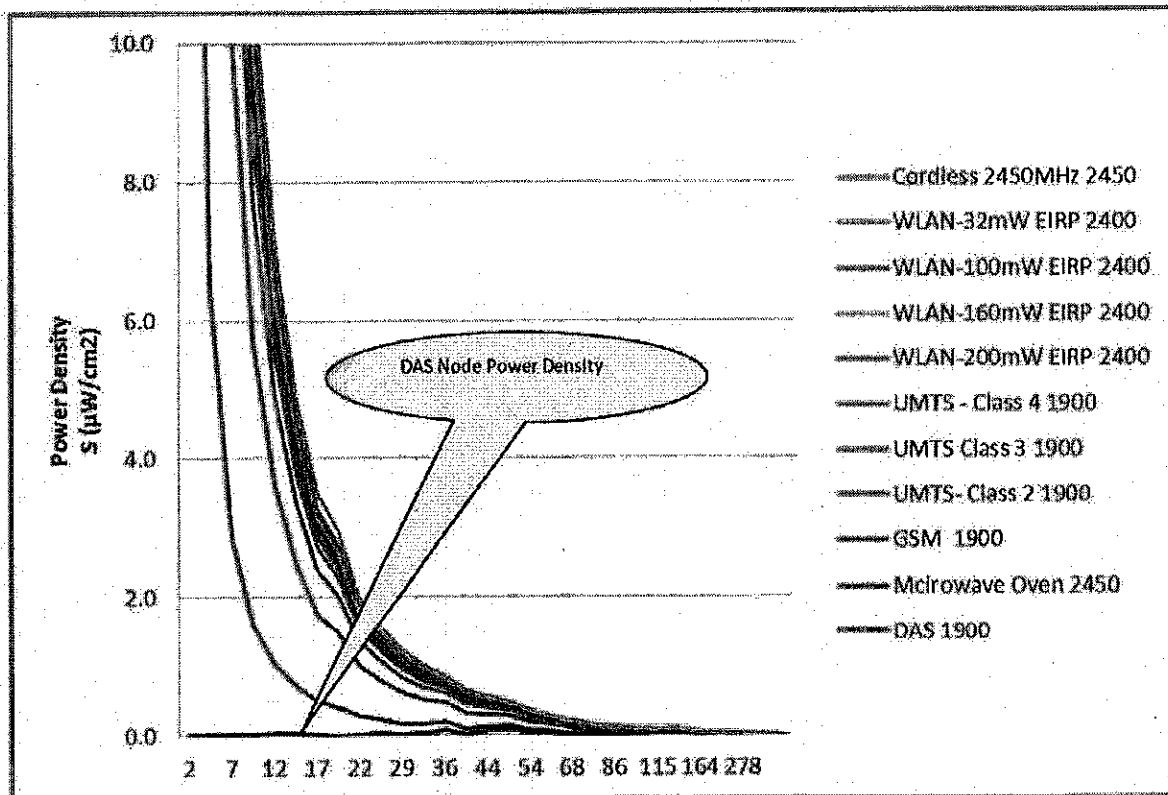
DAS node and typical household electronics emitting RF energy operate in two distant frequency bands, 300-1500 MHz and 1500-100000 MHz¹². The power density comparison between each of the household devices and the DAS node is shown in Exhibits 5.1 and 5.2

Exhibit 5.1 Power Density Comparison between DAS Node and Other Home Appliances Operating in Band 4 as a Function of Distance



¹² - Refer to Exhibit 2.2 for specific frequencies within each band.

Exhibit 5.2 Power Density Comparison between DAS Node and Other Home Appliances Operating in Band 5 as a Function of Distance



As can be seen from Exhibits 5.1 & 5.2, in comparison with other household appliances that emit RF waves, DAS node has substantially lower power density than that of typical household appliances.

Attachment A - Writer's Bio

Mehran Nazari

Mr. Nazari is the founder and managing director of AdGen Telecom Group, Inc. Mr. Nazari has a wealth of domestic and international wireless telecommunications experience encompassing radio frequency (RF) and network design, technical planning, strategic planning/management and operationally focused consulting organizations. He has more than 25 years of experience in the design, build-out and operations of large to medium wireless networks. He has designed varying technologies from GSM, CDMA, UMTS and LTE to WiFi/WiMax - as a result, he has been involved in strategic planning and implementation of many different generations of telecommunications technologies and infrastructure vendors. In addition to defining technology roadmaps for start-up operations, he has assisted incumbent operators review and refine existing product and service portfolios and well as enabling platform landscapes. He has extensive background and expertise in topology, signaling and interconnect plans between fixed networks in domestic US and international markets. He has served as the lead consultant and acting chief technical officer for several wireless carriers using all air interface technologies and negotiated several large wireless infrastructure contracts with Lucent, Nortel, Ericsson, Siemens, Alcatel and Motorola as well as interconnect agreements with a number of local exchange carriers. Mr. Nazari has extensive knowledge and background in FCC licensing, regulatory compliance and has developed several software programs for automating interference calculations, microwave link reliability and database analysis/manipulation. Mehran received his Bachelor of Science degree from George Washington University in electrical engineering, and is pursuing a master's degree in telecommunications and computer science.



Crown Castle
131-05 14th Avenue
College Point, NY 11356

VIA EMAIL AND US MAIL

April 8, 2016

Mayor Sack and Rye City Council
Rye City Hall
1051 Boston Post Road
Rye, New York 10580

RE: City of Rye Crown Castle Right of Way Use Agreement Amendment and Expansion Project

Dear Mayor Sack and Rye City Council:

I am Esmé Lombard for Crown Castle NG East LLC ("Crown Castle"). On Tuesday, March 15th, I and other members of the Crown Castle team, met with Corporation Counsel, Kristen Wilson, City Manager, Marcus Serrano, Assistant City Manager, Eleanor Militana and City Engineer, Ryan Coyne to: (a) initiate a minor amendment to an existing Right of Way Use Agreement ("RUA") that the City of Rye ("City") has had in place with Crown Castle since February 17, 2001; and (b) discuss Crown Castle's plans to expand its existing equipment in the City in the upcoming months.

As you may know, Crown Castle provides telecommunications services to its customers, specifically, radio frequency ("RF") transport services. It does so via telecommunications networks installed in the public rights-of-way ("Networks"), which integrates elements including fiber optic cables as well as personal wireless services facilities, such as antennas and related equipment (collectively, "Equipment"). Crown Castle's Networks are sometimes referred to as Small Cell Networks, or more specifically, Distributed Antenna Systems ("DAS").

Background: Existing RUA Between the City & Crown Castle

By way of background, the City and Crown Castle executed an RUA, dated February 17, 2011, that is still in effect. The term of the RUA is ten (10) years with three (3) successive terms of five (5) years.

The RUA enables Crown Castle to locate Equipment for its Networks on the existing incumbent infrastructure located within the public right-of-way for the purposes of a Distributed Antenna System for our clients – in this case Verizon Wireless.

For use of the public right-of-way the City receives five percent (5%) of Crown Castle's adjusted gross revenues

from services provided in the City for each Equipment location, regardless of the ownership of the infrastructure (utility poles are typically owned by the telephone or electric provider). In addition, Crown Castle compensates the City five hundred dollars (\$500.00) annually for each City-owned pole upon which equipment is attached to, with annual increases. This is the same rate structure that Crown Castle has in place with other municipalities throughout the region.

Crown Castle is seeking a minor amendment to Exhibit A of the existing RUA. Exhibit A provides specs of the proposed Equipment. Throughout Exhibit A, certain Equipment is referred to as “DoITT approved shroud.” Crown Castle would like to change the language throughout the RUA to “Con Edison approved shroud,” as Con Edison is in fact the local utility who owns most of the poles in the right-of-way in the City. It should be noted that the Con Edison approved shroud is slightly larger than the DoITT approved shroud. However, it is the relevant shroud, as DoITT does not own or control any of the poles contemplated in the RUA, or, to my knowledge, any poles within the City.

The existing RUA, including the original Exhibit A, as well as the proposed draft amendment to Exhibit A, are enclosed for your review as Attachment 1. Photos of the existing Equipment types and a location map were provided in a package sent to you, dated April 1, 2016, enabling you to visit the subject sites prior to the April 13, 2016 Board Meeting.

Existing & Proposed Location of Crown Castle’s Equipment

In addition to the existing nine (9) Equipment locations that have been operational in the City since February 2011, Crown Castle has been commissioned by our client to attach its Equipment to approximately seventy-three (73) additional locations within the City’s right-of-way. All but two (2) of those locations are on existing wooden poles. Two (2) locations will require the placement of a new pole.

The existing RUA authorizes the installation and operation of Crown Castle’s Equipment and Network in, under, and over the public ways of the City on standard-design prefabricated steel poles, wooden distribution poles, newly installed poles and other available structures throughout the City. Crown Castle has complied with and will continue to do so for the new installations with all relevant provisions of the City Code as such provisions are applied to the incumbent telecommunications provider (the “ILEC”).

For the two (2) new poles that will be placed within the right-of-way the RUA covers this in Section 3.2, “Where third-party property is not available for attachment of Equipment, NextG (Crown) may install its own utility poles in the Public Way, consistent with the requirements that the City imposes on similar installations made by other utilities that use and occupy the Public Way.”

A map identifying the location of the existing and proposed locations within the City is enclosed as Attachment 2.

Crown Castle's Public Utility Status

Pursuant to the laws of the State of New York, Crown Castle is a public utility and, as such, has been granted a Certificate of Public Convenience and Necessity ("CPCN") (Case No. 03-C-0027, April 4, 2003) by the Public Service Commission of the State of New York ("PSC"). [1] As a result, Crown Castle must be granted access to the public rights of way in the same manner and on the same terms applicable to other certificated telecommunications providers and utilities, as had been the case with the existing RUA.

A copy of Crown's CPCN granted by New York State is enclosed as Attachment 3.

Should you require any additional information prior to the April 13th meeting, please do not hesitate to reach out to me at 914-935-1235 or via email – Esmé.Lombard@crowncastle.com. We look forward to presenting this project to you on the 13th and answering any questions you may have.

Kind Regards,

Esmé Lombard

Esmé A. Lombard
National Real Estate – Contractor
Crown Castle

Cc: City Manager – Marcus Serrano
Assistant City Manager – Eleanor Militana
City Attorney – Kristen Wilson
City Engineer – Ryan Coyne
Peter Heimdahl – Regional Director, Government Relations, Crown Castle
Eli Elbaum – Government Relations Council, Crown Castle
John Cavaliere – Government Relations Manager, Crown Castle
Joseph Klem – Government Relations Specialist, Crown Castle

City of Rye

RIGHT-OF-WAY USE AGREEMENT

T HIS RIGHT-OF-WAY USE AGREEMENT (this "Use Agreement") is dated as of February 17 2011 (the "Effective Date"), and entered into by and between the CITY OF RYE, a New York municipal corporation (the "City"), and NEXTG NETWORKS OF NY, INC. a Delaware corporation ("NextG").

RECITALS

A. NextG owns, maintains, operates and controls, in accordance with regulations promulgated by the Federal Communications Commission and the New York State Public Service Commission, a fiber-based telecommunications Network or Networks (as defined below) serving NextG's wireless carrier customers and utilizing microcellular optical repeater Equipment (as defined below) certified by the Federal Communications Commission.

B. For purpose of operating the Network, NextG wishes to locate, place, attach, install, operate, control, and maintain Equipment in the Public Way (as defined below) on facilities owned by the City, as well as on facilities owned by third parties therein.

AGREEMENT

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree to the following covenants, terms, and conditions:

1 DEFINITIONS. The following definitions shall apply generally to the provisions of this Use Agreement:

1.1 City. ("City") shall mean the City of Rye, New York.

1.2 Decorative Streetlight Pole. "Decorative Streetlight Pole" shall mean any streetlight pole that incorporates artistic design elements not typically found in standard steel or aluminum streetlight poles.

1.3 Equipment. "Equipment" means the optical repeaters, DWDM and CWDM multiplexers, antennas, fiber optic cables, wires, and related equipment, whether referred to singly or collectively, to be installed and operated by NextG hereunder. Examples of typical Equipment types and installation configurations are shown in the drawings and photographs attached hereto as Exhibit A and incorporated herein by reference.

1.4 Fee. "Fee" means any assessment, license, charge, fee, imposition, tax, or levy of general application to entities doing business in the City lawfully imposed by any governmental body (but excluding any utility users' tax, franchise fees, communications tax, or similar tax or fee).

1.5 Gross Revenue. "Gross Revenue" shall mean and include any and all income and other consideration collected, received, or in any manner gained or derived by NextG from or in connection with, the provision of RF telecommunication transport services, either directly by NextG or indirectly through a reseller, if any, to customers of such services wholly consummated within the

City, including any imputed revenue derived from commercial trades and barter equivalent to the full retail value of goods and services provided by NextG. "Adjusted Gross Revenue" shall include offset for: (a) sales, ad valorem, or other types of "add-on" taxes, levies, or fees calculated by gross receipts or gross revenues which might have to be paid to or collected for federal, state, or local government (exclusive of the Municipal Facilities Annual Fee paid to the City provided herein); (b) retail discounts or other promotions; (c) non-collectable amounts due NextG or its customers; (d) refunds or rebates; and (e) non-operating revenues such as interest income or gain from the sale of an asset.

1.6 ILEC. "ILEC" means the Incumbent Local Exchange Carrier that provides basic telephone services, among other telecommunications services, to the residents of the City.

1.7 Installation Date. "Installation Date" shall mean the date that the first Equipment is installed by NextG pursuant to this Use Agreement.

1.8 Laws. "Laws" means any and all statutes, constitutions, ordinances, resolutions, regulations, judicial decisions, rules, tariffs, administrative orders, certificates, orders, or other requirements of the City or other governmental agency having joint or several jurisdiction over the parties to this Use Agreement.

1.9 Municipal Facilities. "Municipal Facilities" means City-owned Streetlight Poles, Decorative Streetlight Poles, lighting fixtures, electroliers, or other City-owned structures located within the Public Way and may refer to such facilities in the singular or plural, as appropriate to the context in which used.

1.10 Network. "Network" or collectively "Networks" means one or more of the neutral-host, protocol-agnostic, fiber-based optical repeater networks operated by NextG to serve its wireless carrier customers in the City.

1.11 NextG. "NextG" means NextG Networks of NY, Inc., a corporation duly organized and existing under the laws of the State of Delaware, and its lawful successors, assigns, and transferees.

1.12 Public Way. "Public Way" means the space in, upon, above, along, across, and over the public streets, roads, highways, lanes, courts, ways, alleys, boulevards, sidewalks, bicycle lanes, and places, including all public utility easements and public service easements as the same now or may hereafter exist, that are under the jurisdiction of the City. This term shall not include county, state, or federal rights of way or any property owned by any person or entity other than the City, except as provided by applicable Laws or pursuant to an agreement between the City and any such person or entity.

1.13 PSC. "PSC" means the New York State Public Service Commission.

1.14 Services. "Services" means the RF transport and other telecommunications services provided through the Network by NextG to its wireless carrier customers pursuant to one or more tariffs filed with and regulated by the PSC.

1.15 Streetlight Pole. "Streetlight Pole" shall mean any standard-design concrete, fiberglass, metal, or wooden pole used for streetlighting purposes.

2 TERM. This Use Agreement shall be effective as of the Effective Date and shall extend for a term of ten (10) years commencing on the Installation Date, unless it is earlier terminated by either party in accordance with the provisions herein. The term of this Use Agreement shall be renewed automatically

for three (3) successive terms of five (5) years each on the same terms and conditions as set forth herein, unless NextG notifies the City of its intention not to renew not less than thirty (30) calendar days prior to commencement of the relevant renewal term.

3 SCOPE OF USE AGREEMENT. Any and all rights expressly granted to NextG under this Use Agreement, which shall be exercised at NextG's sole cost and expense, shall be subject to the prior and continuing right of the City under applicable Laws to use any and all parts of the Public Way exclusively or concurrently with any other person or entity and shall be further subject to all deeds, easements, dedications, conditions, covenants, restrictions, encumbrances, and claims of title of record which may affect the Public Way. Nothing in this Use Agreement shall be deemed to grant, convey, create, or vest in NextG a real property interest in land, including any fee, leasehold interest, or easement. Any work performed pursuant to the rights granted under this Use Agreement shall be subject to the reasonable prior review and approval of the City except that it is agreed that no zoning or planning board permit, variance, conditional use permit or site plan permit, or the equivalent under the City's ordinances, codes or laws, shall be required for the installation of NextG's Equipment installed in the Public Way and/or on Municipal Facilities, unless such a process has been required for the placement of all communications facilities and equipment in the Public Way by all other telecommunications providers, including but not limited to the ILEC and local cable provider(s).

3.1 Attachment to Municipal Facilities. The City hereby authorizes and permits NextG to enter upon the Public Way and to locate, place, attach, install, operate, maintain, control, remove, reattach, reinstall, relocate, and replace Equipment in or on Municipal Facilities for the purposes of operating the Network and providing Services. In addition, subject to the provisions of § 4.5 below, NextG shall have the right to draw electricity for the operation of the Equipment from the power source associated with each such attachment to Municipal Facilities. A denial of an application for the attachment of Equipment to Municipal Facilities shall not be based upon the size, quantity, shape, color, weight, configuration, or other physical properties of NextG's Equipment if the Equipment proposed for such application substantially conforms to one of the approved configurations and the Equipment specifications set forth in Exhibit A.

3.2 Attachment to Third-Party Property. Subject to obtaining the permission of the owner(s) of the affected property, the City hereby authorizes and permits NextG to enter upon the Public Way and to attach, install, operate, maintain, remove, reattach, reinstall, relocate, and replace such number of Equipment in or on poles or other structures owned by public utility companies or other property owners located within the Public Way as may be permitted by the public utility company or property owner, as the case may be. Upon request, NextG shall furnish to the City evidence that NextG has entered into the appropriate pole-attachment agreement required pursuant to N.Y. C.L.S. Pub. Ser. § 119-a. A denial of an application for the attachment of Equipment to third-party-owned poles or structures in the Public Way shall not be based upon the size, quantity, shape, color, weight, configuration, or other physical properties of NextG's Equipment if the Equipment proposed for such application substantially conforms to one of the approved configurations and the Equipment specifications set forth in Exhibit A. Where third-party property is not available for attachment of Equipment, NextG may install its own utility poles in the Public Way, consistent with the requirements that the City imposes on similar installations made by other utilities that use and occupy the Public Way.

3.3 Preference for Municipal Facilities. In any situation where NextG has a choice of attaching its Equipment to either Municipal Facilities or third-party-owned property in the Public Way, NextG agrees to attach to the Municipal Facilities, provided that (i) such Municipal Facilities are at least equally suitable functionally for the operation of the Network and (ii) the rental fee and installation

costs associated with such attachment over the length of the term are equal to or less than the fee or cost to NextG of attaching to the alternative third-party-owned property.

3.4 No Interference. NextG in the performance and exercise of its rights and obligations under this Use Agreement shall not interfere in any manner with the existence and operation of any and all public and private rights of way, sanitary sewers, water mains, storm drains, gas mains, poles, aerial and underground electrical and telephone wires, electroliners, cable television, and other telecommunications, utility, or municipal property, without the express written approval of the owner or owners of the affected property or properties, except as permitted by applicable Laws or this Use Agreement. The City agrees to require the inclusion of the same or a similar prohibition on interference as that stated above in all agreements and franchises the City may enter into after the Effective Date with other information or communications providers and carriers.

3.5 Compliance with Laws. NextG shall comply with all applicable Laws in the exercise and performance of its rights and obligations under this Use Agreement.

4 COMPENSATION; UTILITY CHARGES. NextG shall be solely responsible for the payment of all lawful Fees in connection with NextG's performance under this Use Agreement, including those set forth below.

4.1 Annual Fee. In order to compensate the City for NextG's entry upon and deployment within the Public Way and as compensation for the use of Municipal Facilities, NextG shall pay to the City an annual fee (the "Annual Fee") in the amount of Five Hundred Dollars (\$500.00) for the use of each Municipal Facility, if any, upon which a Equipment has been installed pursuant to this Use Agreement. The aggregate Annual Fee with respect to each year of the term shall be an amount equal to the number of Equipment installed on Municipal Facilities during the preceding twelve (12) months multiplied by the Annual Fee, prorated as appropriate, and shall be due and payable not later than forty-five (45) days after each anniversary of the Installation Date. The City represents and covenants that the City owns all Municipal Facilities for the use of which it is collecting from NextG the Annual Fee pursuant to this § 4.1.

4.1.1 CPI Adjustment. Effective commencing on the fifth (5th) anniversary of the Installation Date and continuing on each fifth (5th) anniversary thereafter during the term, the Annual Fee with respect to the ensuing five-year period shall be adjusted by a percentage amount equal to the percentage change in the U.S. Department of Labor, Bureau of Labor Statistics Consumer Price Index (All Items, All Urban Consumers, 1982-1984=100) which occurred during the previous five-year period for the New York-Northern New Jersey-Long Island, NY-NJ-PA Metropolitan Statistical Area (MSA).

4.2 Right-of-Way Use Fee. In order to compensate the City for NextG's entry upon and deployment of Equipment within the Public Way, NextG shall pay to the City, on an annual basis, an amount equal to five percent (5%) of Adjusted Gross Revenues (the "Right-of-Way Fee") payable within thirty (30) days of the Effective Date and on each anniversary thereafter. The Right-of-Way Fee shall be payable for the period commencing with the Effective Date and ending on the date of termination of this Use Agreement. NextG shall make any payment of the Right-of-Way Fee that may be due and owing within forty-five (45) days after the first anniversary of the Effective Date and within the same period after each subsequent anniversary of the Effective Date. Within forty-five (45) days after the termination of this Use Agreement, the Right-of-Way Fee shall be paid for the period elapsing since the end of the last calendar year for which the Right-of-Way Fee has been paid. NextG shall furnish to the City with each payment of the Right-of-Way Fee a statement, executed by an authorized officer of NextG or his or her designee, showing the amount of Adjusted Gross Revenues for the

period covered by the payment. If NextG discovers any error in the amount of compensation due, the City shall be paid within thirty (30) days of discovery of the error or determination of the correct amount. Any overpayment to the City through error or otherwise shall be refunded or offset against the next payment due. Acceptance by the City of any payment of the Right-of-Way Fee shall not be deemed to be a waiver by the City of any breach of this Use Agreement occurring prior thereto, nor shall the acceptance by the City of any such payments preclude the City from later establishing that a larger amount was actually due or from collecting any balance due to the City.

4.3 Accounting Matters. NextG shall keep accurate books of account at its principal office in San Jose, CA or such other location of its choosing for the purpose of determining the amounts due to the City under §§ 4.1 and 4.2 above. The City may inspect NextG's books of account relative to the City at any time during regular business hours on thirty (30) days' prior written notice and may audit the books from time to time at the City's sole expense, but in each case only to the extent necessary to confirm the accuracy of payments due under § 4.1 above. The City agrees to hold in confidence any non-public information it learns from NextG to the fullest extent permitted by Law.

4.4 Most-Favored Municipality. Should NextG after the parties' execution and delivery of this Agreement enter into an attachment or franchise agreement with another municipality of the same size or smaller than the City in the same County (excluding New York City), which agreement contains financial benefits for such municipality which, taken as a whole and balanced with the other terms of such agreement, are in the City's opinion substantially superior to those in this Agreement, the City shall have the right to require that NextG modify this Use Agreement to incorporate the same or substantially similar superior benefits and such other terms and burdens by substitution, *mutatis mutandis*, of such other agreement or otherwise.

4.5 Electricity Charges. NextG shall be solely responsible for the payment of all electrical utility charges to the applicable utility company based upon the Equipment' usage of electricity and applicable tariffs.

5 CONSTRUCTION. NextG shall comply with all applicable federal, State, and City codes, specifications, and requirements, if any, related to the construction, installation, operation, maintenance, and control of NextG's Equipment installed in the Public Way and on Municipal Facilities in the City. NextG shall not attach, install, maintain, or operate any Equipment in or on the Public Way and/or on Municipal Facilities without the prior approval of the City for each location.

5.1 Obtaining Required Permits. If the attachment, installation, operation, maintenance, or location of the Equipment in the Public Way shall require any permits, NextG shall, if required under applicable City ordinances, apply for the appropriate permits and pay any standard and customary permit fees, so long as the permit fees and process that the City requests of NextG are functionally equivalent to the fees and the process that are applied to the ILEC and/or the cable provider(s). In the case of Third Party attachments (to existing utility infrastructure), NextG agrees to provide the City with a list of proposed attachments in advance of its deployment to the City and, the City agrees to use reasonable efforts to review and approve NextG's list of proposed attachments to Third Party utility infrastructure within thirty (30) days of submission, and if no comment is received within thirty (30) days, the application will be presumed to be acceptable and no further action will be required prior to NextG's installation.

5.2 Location of Equipment. The proposed locations of NextG's planned initial installation of Equipment shall be provided to the City promptly after NextG's review of available street light maps (if applicable) and prior to deployment of the Equipment. Upon the completion of installation,

NextG promptly shall furnish to the City a pole list showing the exact location of the Equipment in the Public Way.

5.3 Relocation and Displacement of Equipment. NextG understands and acknowledges that the City may require NextG to relocate one or more of its Equipment installations. NextG shall at City's direction relocate such Equipment at NextG's sole cost and expense, whenever the City reasonably determines that the relocation is needed for any of the following purposes: (a) if required for the construction, completion, repair, relocation, or maintenance of a City project; (b) because the Equipment is interfering with or adversely affecting proper operation of City-owned light poles, traffic signals, or other Municipal Facilities; or (c) to protect or preserve the public health or safety. In any such case, the City shall use its best efforts to afford NextG a reasonably equivalent alternate location. If NextG shall fail to relocate any Equipment as requested by the City within a reasonable time under the circumstances in accordance with the foregoing provision, the City shall be entitled to relocate the Equipment at NextG's sole cost and expense, without further notice to NextG. To the extent the City has actual knowledge thereof, the City will attempt promptly to inform NextG of the displacement or removal of any pole on which any Equipment is located.

5.4 Relocations at NextG's Request. In the event NextG desires to relocate any Equipment from one Municipal Facility to another, NextG shall so advise the City. The City will use its best efforts to accommodate NextG by making another reasonably equivalent Municipal Facility available for use in accordance with and subject to the terms and conditions of this Use Agreement.

5.5 Damage to Public Way. Whenever the removal or relocation of Equipment is required or permitted under this Use Agreement, and such removal or relocation shall cause the Public Way to be damaged, NextG, at its sole cost and expense, shall promptly repair and return the Public Way in which the Equipment are located to a safe and satisfactory condition in accordance with applicable Laws, normal wear and tear excepted. If NextG does not repair the site as just described, then the City shall have the option, upon fifteen (15) days' prior written notice to NextG, to perform or cause to be performed such reasonable and necessary work on behalf of NextG and to charge NextG for the proposed costs to be incurred or the actual costs incurred by the City at the City's standard rates. Upon the receipt of a demand for payment by the City, NextG shall promptly reimburse the City for such costs.

6 INDEMNIFICATION AND WAIVER. NextG agrees to indemnify, defend, protect, and hold harmless the City, its council members, officers, and employees from and against any and all claims, demands, losses, damages, liabilities, fines, charges, penalties, administrative and judicial proceedings and orders, judgments, and all costs and expenses incurred in connection therewith, including reasonable attorney's fees and costs of defense (collectively, the "Losses") directly or proximately resulting from NextG's activities undertaken pursuant to this Use Agreement, except to the extent arising from or caused by the negligence or willful misconduct of the City, its council or board members, officers, elected trustees, employees, agents, or contractors.

6.1 Waiver of Claims. NextG waives any and all claims, demands, causes of action, and rights it may assert against the City on account of any loss, damage, or injury to any Equipment or any loss or degradation of the Services as a result of any event or occurrence which is beyond the reasonable control of the City.

6.2 Limitation of City's Liability. The City shall be liable only for the cost of repair to damaged Equipment arising from the negligence or willful misconduct of the City, its employees, agents, or contractors and shall in no event be liable to indirect or consequential damages.

7 INSURANCE. NextG shall obtain and maintain at all times during the term of this Use Agreement Commercial General Liability insurance and Commercial Automobile Liability insurance protecting NextG in an amount not less than One Million Dollars (\$1,000,000) per occurrence (combined single limit), including bodily injury and property damage, and in an amount not less than Two Million Dollars (\$2,000,000) annual aggregate for each personal injury liability and products-completed operations. The Commercial General Liability insurance policy shall name the City, its elected officials, officers, and employees as additional insureds as respects any covered liability arising out of NextG's performance of work under this Use Agreement. Coverage shall be in an occurrence form and in accordance with the limits and provisions specified herein. Claims-made policies are not acceptable. Such insurance shall not be canceled, nor shall the occurrence or aggregate limits set forth above be reduced, until the City has received at least thirty (30) days' advance written notice of such cancellation or change. NextG shall be responsible for notifying the City of such change or cancellation.

7.1 Filing of Certificates and Endorsements. Prior to the commencement of any work pursuant to this Use Agreement, NextG shall file with the City the required original certificate(s) of insurance with endorsements, which shall state the following:

(a) the policy number; name of insurance company; name and address of the agent or authorized representative; name and address of insured; project name; policy expiration date; and specific coverage amounts;

(b) that the City shall receive thirty (30) days' prior notice of cancellation;

(c) that NextG's Commercial General Liability insurance policy is primary as respects any other valid or collectible insurance that the City may possess, including any self-insured retentions the City may have; and any other insurance the City does possess shall be considered excess insurance only and shall not be required to contribute with this insurance; and

(d) that NextG's Commercial General Liability insurance policy waives any right of recovery the insurance company may have against the City.

The certificate(s) of insurance with endorsements and notices shall be mailed to the City at the address specified in § 8 below.

7.2 Workers' Compensation Insurance. NextG shall obtain and maintain at all times during the term of this Use Agreement statutory workers' compensation and employer's liability insurance in an amount not less than One Million Dollars (\$1,000,000) and shall furnish the City with a certificate showing proof of such coverage.

7.3 Insurer Criteria. Any insurance provider of NextG shall be admitted and authorized to do business in the State of New York and shall carry a minimum rating assigned by *A.M. Best & Company's Key Rating Guide* of "A" Overall and a Financial Size Category of "X" (i.e., a size of \$500,000,000 to \$750,000,000 based on capital, surplus, and conditional reserves). Insurance policies and certificates issued by non-admitted insurance companies are not acceptable.

7.4 Severability of Interest. Any deductibles or self-insured retentions must be stated on the certificate(s) of insurance, which shall be sent to and approved by the City. "Severability of interest" or "separation of insureds" clauses shall be made a part of the Commercial General Liability and Commercial Automobile Liability policies.

8 NOTICES. All notices which shall or may be given pursuant to this Use Agreement shall be in writing and delivered personally or transmitted (a) through the United States mail, by registered or certified mail, postage prepaid; (b) by means of prepaid overnight delivery service; or (c) by facsimile or email transmission, if a hard copy of the same is followed by delivery through the U. S. mail or by overnight delivery service as just described, addressed as follows:

if to the City:

CITY OF RYE
Attn: Mayor
Rye City Hall
1051 Boston Post Road
Rye, New York 10580

if to NextG:

NEXTG NETWORKS OF NY, INC.
Attn: Contracts Administration
890 Tasman Drive
Milpitas, CA 95035-7439

8.1 Date of Notices; Changing Notice Address. Notices shall be deemed given upon receipt in the case of personal delivery, three (3) days after deposit in the mail, or the next business day in the case of facsimile, email, or overnight delivery. Either party may from time to time designate any other address for this purpose by written notice to the other party delivered in the manner set forth above.

9 TERMINATION. This Use Agreement may be terminated by either party upon forty five (45) days' prior written notice to the other party upon a default of any material covenant or term hereof by the other party, which default is not cured within forty-five (45) days of receipt of written notice of default (or, if such default is not curable within forty-five (45) days, if the defaulting party fails to commence such cure within forty-five (45) days or fails thereafter diligently to prosecute such cure to completion), provided that the grace period for any monetary default shall be ten (10) days from receipt of notice. Except as expressly provided herein, the rights granted under this Use Agreement are irrevocable during the term.

10 ASSIGNMENT. This Use Agreement shall not be assigned by NextG without the express written consent of the City, which consent shall not be unreasonably withheld, conditioned, or delayed. Notwithstanding the foregoing, the transfer of the rights and obligations of NextG to a parent, subsidiary, or other affiliate of NextG or to any successor in interest or entity acquiring fifty-one percent (51%) or more of NextG's stock or assets (collectively "Exempted Transfers") shall not be deemed an assignment for the purposes of this Agreement and therefore shall not require the consent of the City, provided that NextG reasonably demonstrates to the City's lawfully empowered designee the following criteria (collectively the "Exempted Transfer Criteria"): (i) such transferee will have a financial strength after the proposed transfer at least equal to that of NextG immediately prior to the transfer; (ii) any such transferee assumes all of NextG's obligations hereunder; and (iii) the experience and technical qualifications of the proposed transferee, either alone or together with NextG's management team, in the provision of telecommunications or similar services, evidences an ability to operate the NextG Network. NextG shall give at least thirty (30) days' prior written notice (the "Exempted Transfer Notice") to the City of any such proposed Exempted Transfer and shall set forth with specificity in such Exempted Transfer Notice the reasons why NextG believes the Exempted Transfer Criteria have been satisfied. The City Council of City shall have a period of thirty (30) days (the "Exempted Transfer Evaluation Period") from the date that

NextG gives the City its Exempted Transfer Notice to object in writing to the adequacy of the evidence contained therein. Notwithstanding the foregoing, the Exempted Transfer Evaluation Period shall not be deemed to have commenced until the City has received from NextG any and all additional information the City may reasonably require in connection with its evaluation of the Exempted Transfer Criteria as set forth in the Exempted Transfer Notice, so long as the City gives NextG notice in writing of the additional information the City requires within fifteen (15) days after the City's receipt of the original Exempted Transfer Notice. If the Council of the City fails to act upon NextG's Exempted Transfer Notice within the Exempted Transfer Evaluation Period (as the same may be extended in accordance with the foregoing provisions), such failure shall be deemed an affirmation by the City Council that NextG has in fact established compliance with the Exempted Transfer Criteria to the City's satisfaction.

11 MISCELLANEOUS PROVISIONS. The provisions which follow shall apply generally to the obligations of the parties under this Use Agreement.

11.1 Environmental Review. NextG's facilities are "unlisted" but functionally equivalent to Type II actions under 6 N.Y.C.R.R. 617.5(c)(11). NextG agrees to comply with any rules pertaining to State Environmental Quality Review and to submit any required environmental forms for the City's review and approval, so long as the review that the City requires is the same that the City requires of all other telecommunications providers, including but not limited to the ILEC and the cable provider(s), for their installation of any facilities or equipment in the Public Way.

11.2 Nonexclusive Use. NextG understands that this Use Agreement does not provide NextG with exclusive use of the Public Way or any Municipal Facility and that the City shall have the right to permit other providers of communications services to install equipment or devices in the Public Way and on Municipal Facilities. The City agrees promptly to notify NextG of the receipt of a proposal for the installation of communications equipment or devices in the Public Way or on Municipal Facilities. In addition, the City agrees to advise other providers of communications services of the presence or planned deployment of the Equipment in the Public Way and/or on Municipal Facilities.

11.3 Waiver of Breach. The waiver by either party of any breach or violation of any provision of this Use Agreement shall not be deemed to be a waiver or a continuing waiver of any subsequent breach or violation of the same or any other provision of this Use Agreement.

11.4 Severability of Provisions. If any one or more of the provisions of this Use Agreement shall be held by court of competent jurisdiction in a final judicial action to be void, voidable, or unenforceable, such provision(s) shall be deemed severable from the remaining provisions of this Use Agreement and shall not affect the legality, validity, or constitutionality of the remaining portions of this Use Agreement. Each party hereby declares that it would have entered into this Use Agreement and each provision hereof regardless of whether any one or more provisions may be declared illegal, invalid, or unconstitutional.

11.5 Contacting NextG. NextG shall be available to the staff employees of any City department having jurisdiction over NextG's activities twenty-four (24) hours a day, seven (7) days a week, regarding problems or complaints resulting from the attachment, installation, operation, maintenance, or removal of the Equipment. The City may contact by telephone the network control center operator at telephone number 1-866-44-NEXTG (446-3984) regarding such problems or complaints.

11.6 Governing Law; Jurisdiction. This Use Agreement shall be governed and construed by and in accordance with the laws of the State of New York, without reference to its conflicts of law

principles. If suit is brought by a party to this Use Agreement, the parties agree that trial of such action shall be vested exclusively in the state courts of New York, in the County where the City is incorporated or in the United States District Court for the Eastern District of New York.

11.7 Consent Criteria. In any case where the approval or consent of one party hereto is required, requested or otherwise to be given under this Use Agreement, such party shall not unreasonably delay, condition, or withhold its approval or consent.

11.8 Representations and Warranties. Each of the parties to this Agreement represents and warrants that it has the full right, power, legal capacity, and authority to enter into and perform the parties' respective obligations hereunder and that such obligations shall be binding upon such party without the requirement of the approval or consent of any other person or entity in connection herewith, except as provided in § 3.2 above.

11.9 Amendment of Use Agreement. This Use Agreement may not be amended except pursuant to a written instrument signed by both parties.

11.10 Entire Agreement. This Use Agreement contains the entire understanding between the parties with respect to the subject matter herein. There are no representations, agreements, or understandings (whether oral or written) between or among the parties relating to the subject matter of this Use Agreement which are not fully expressed herein.

In witness whereof, and in order to bind themselves legally to the terms and conditions of this Use Agreement, the duly authorized representatives of the parties have executed this Use Agreement as of the Effective Date.

City: CITY OF RYE, a New York municipal corporation

By: Scott Pickup
(name typed)

Its: City Manager

Date: February 8, 2011

NextG: NEXTG NETWORKS OF NY, INC., a Delaware Corporation

By: Robert L. Delsman
(name typed)

Its: SVP & General Counsel

Date: February 17, 2011

I HEREBY APPROVE the form and legality of the foregoing Use Agreement this 7th day of February, 2011.

Kristen Wilson, Corporation Counsel

By Kristen Wilson, Deputy City Attorney

Exhibits:

Exhibit A -- Equipment

Approved as to Form
and Legal Sufficiency:

[Signature]

Signature/Initials

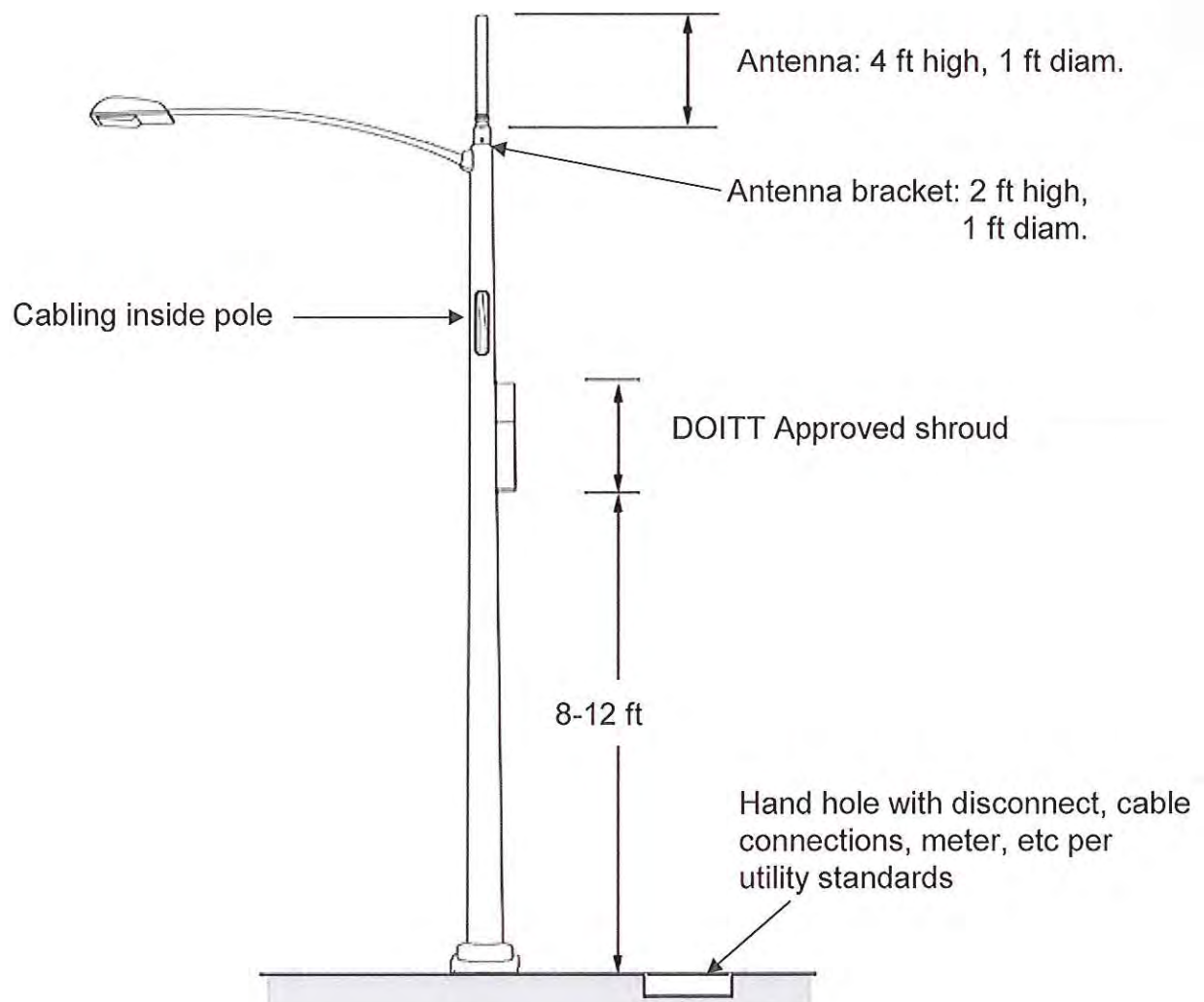
Date: 2/11/2011

Exhibit A

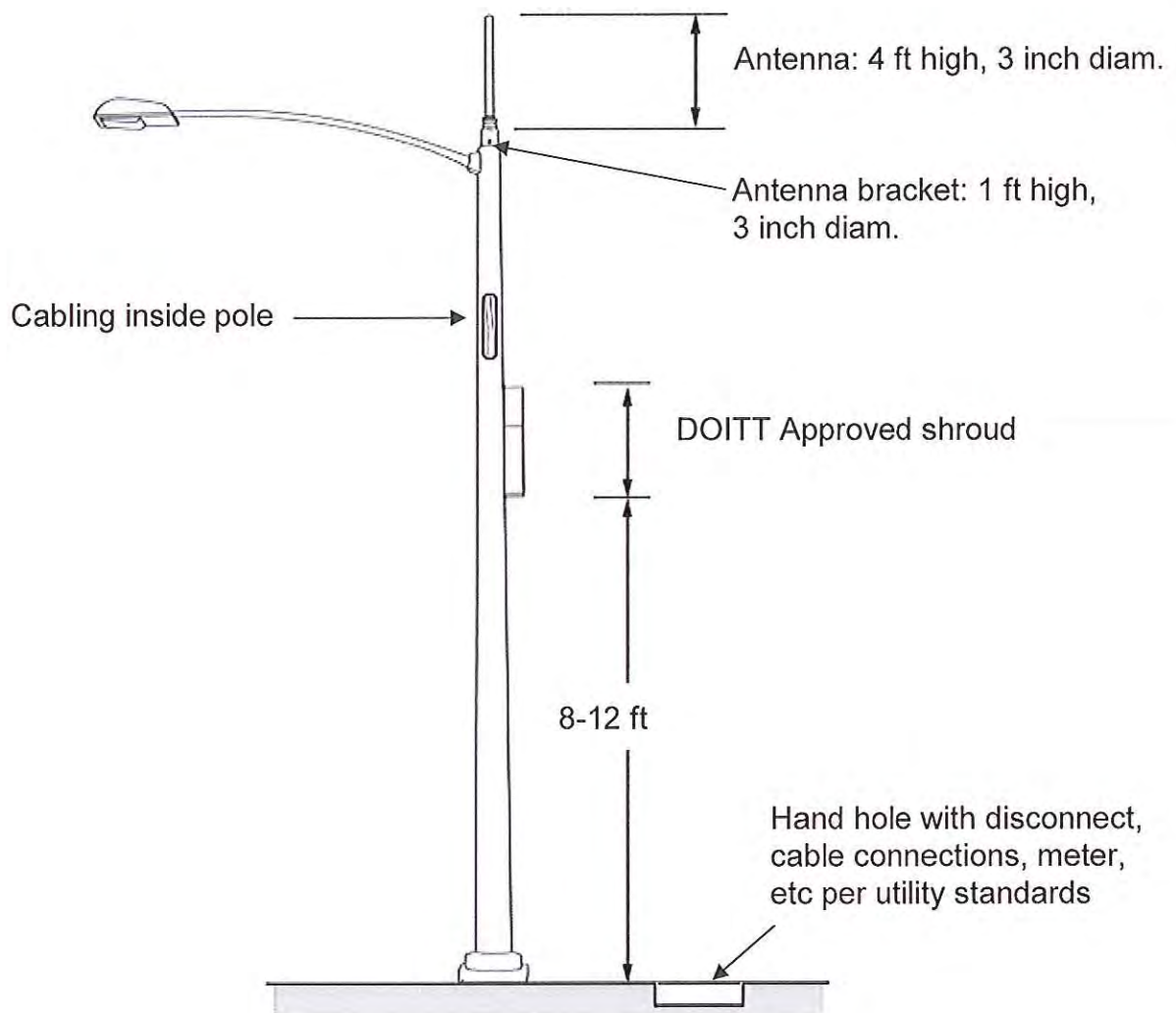
Westchester, NY
Rev 01-19-2010



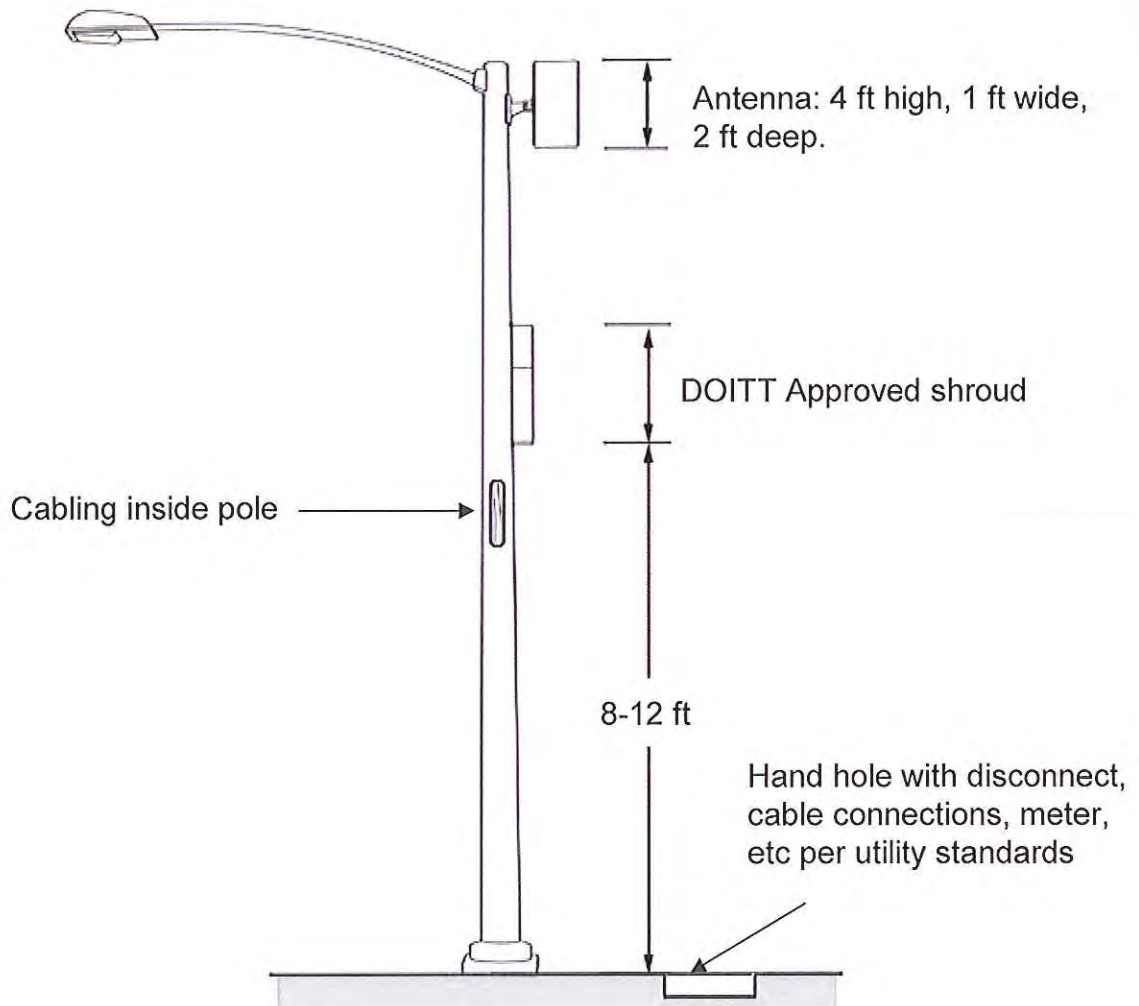
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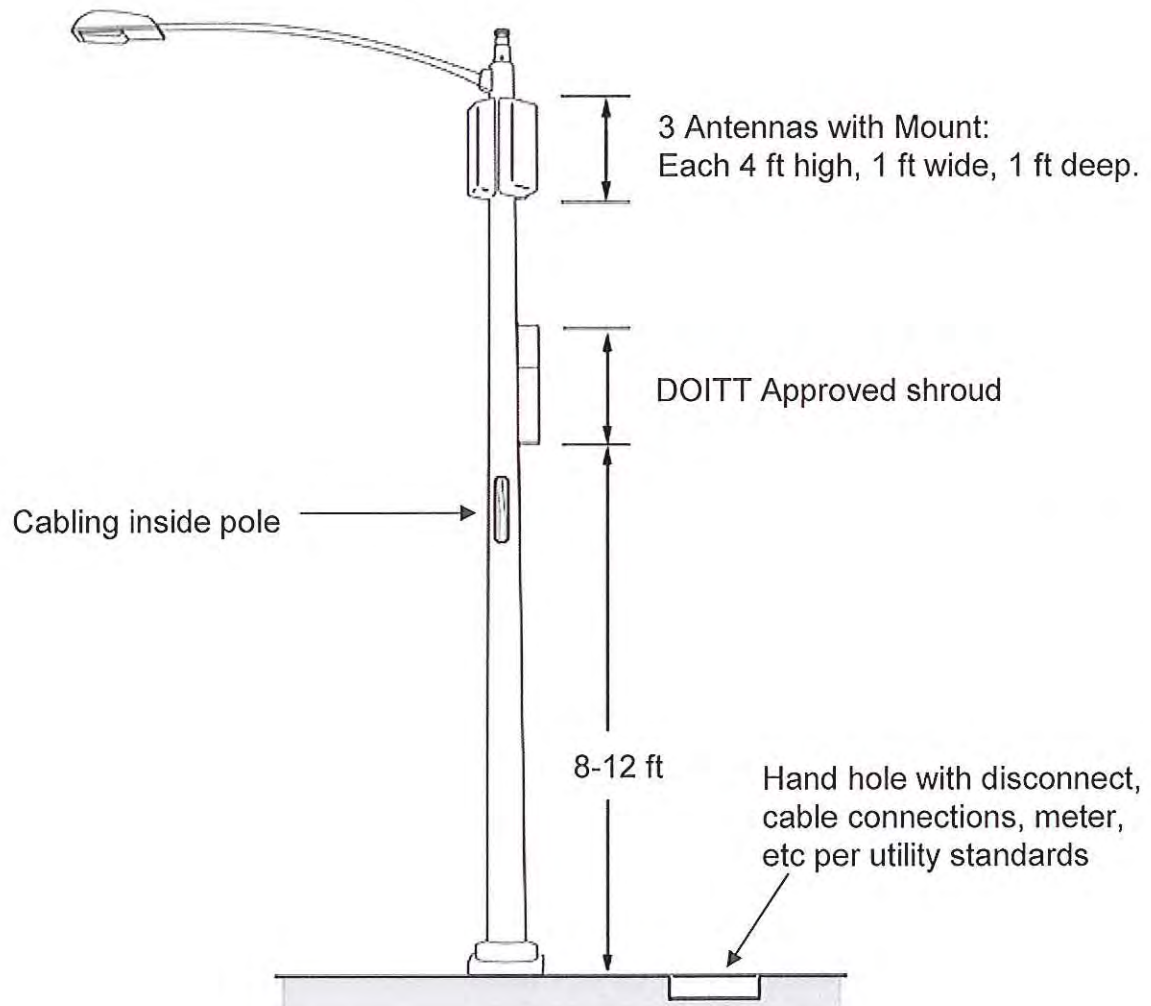
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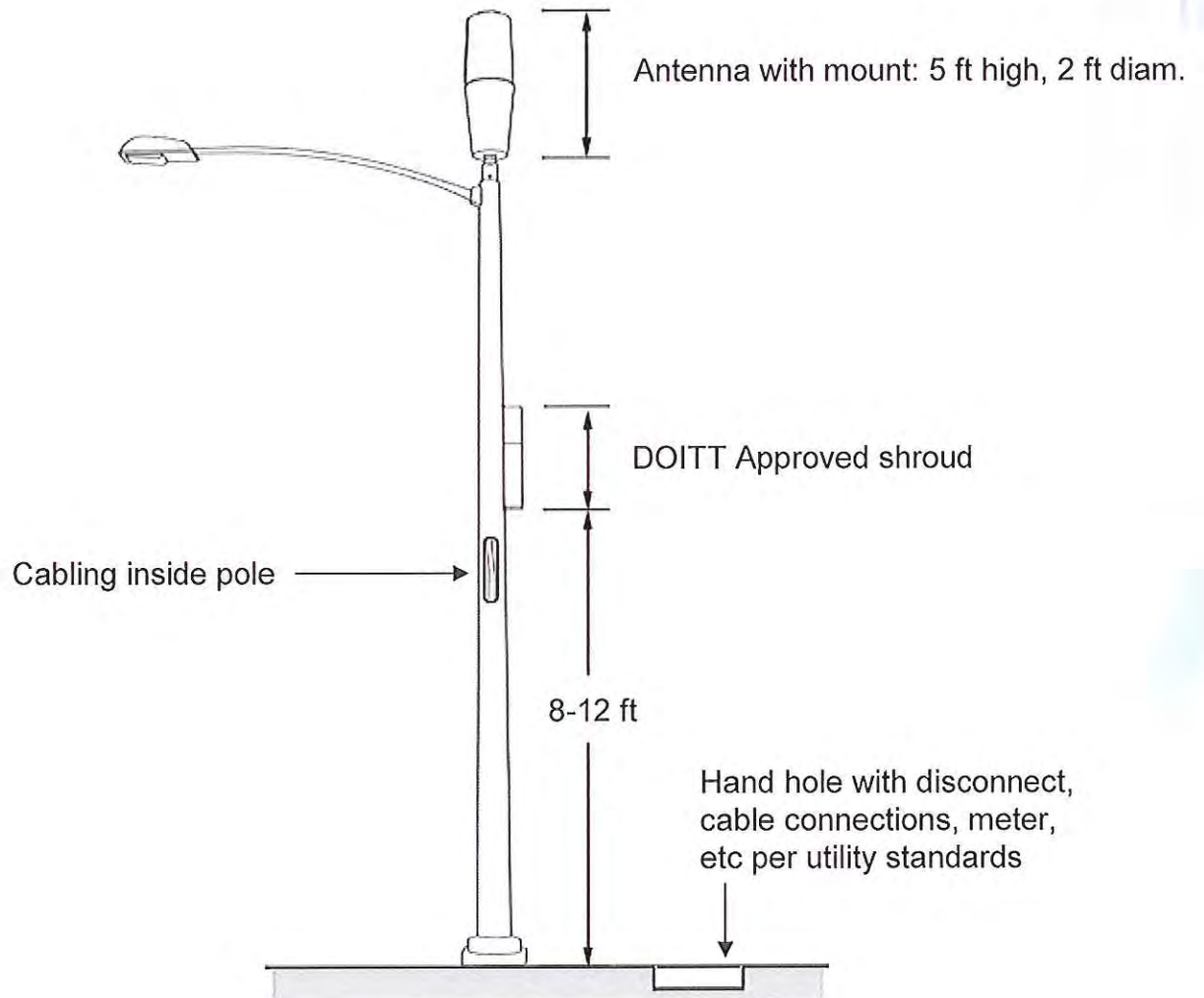
Street Light Pole



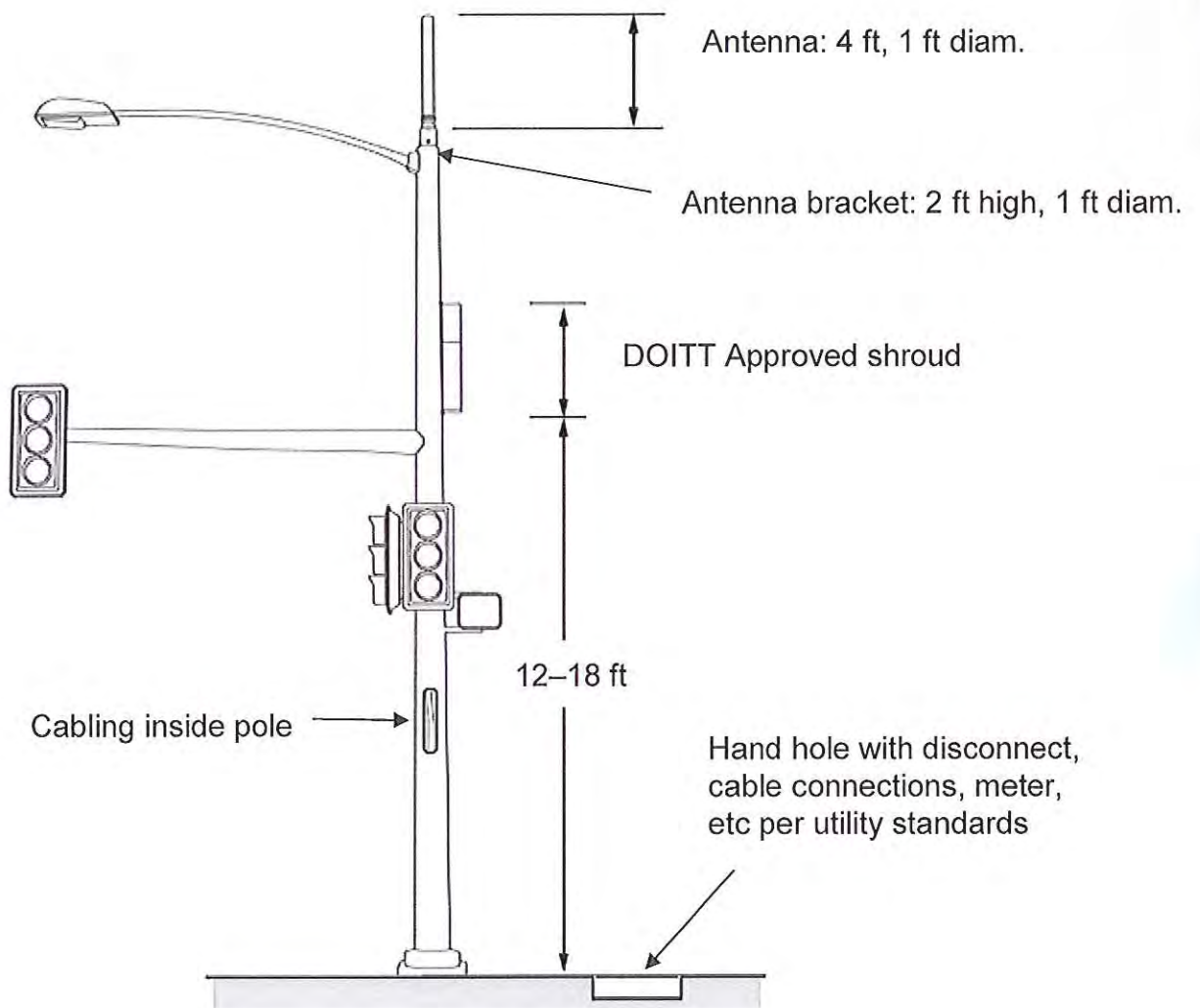
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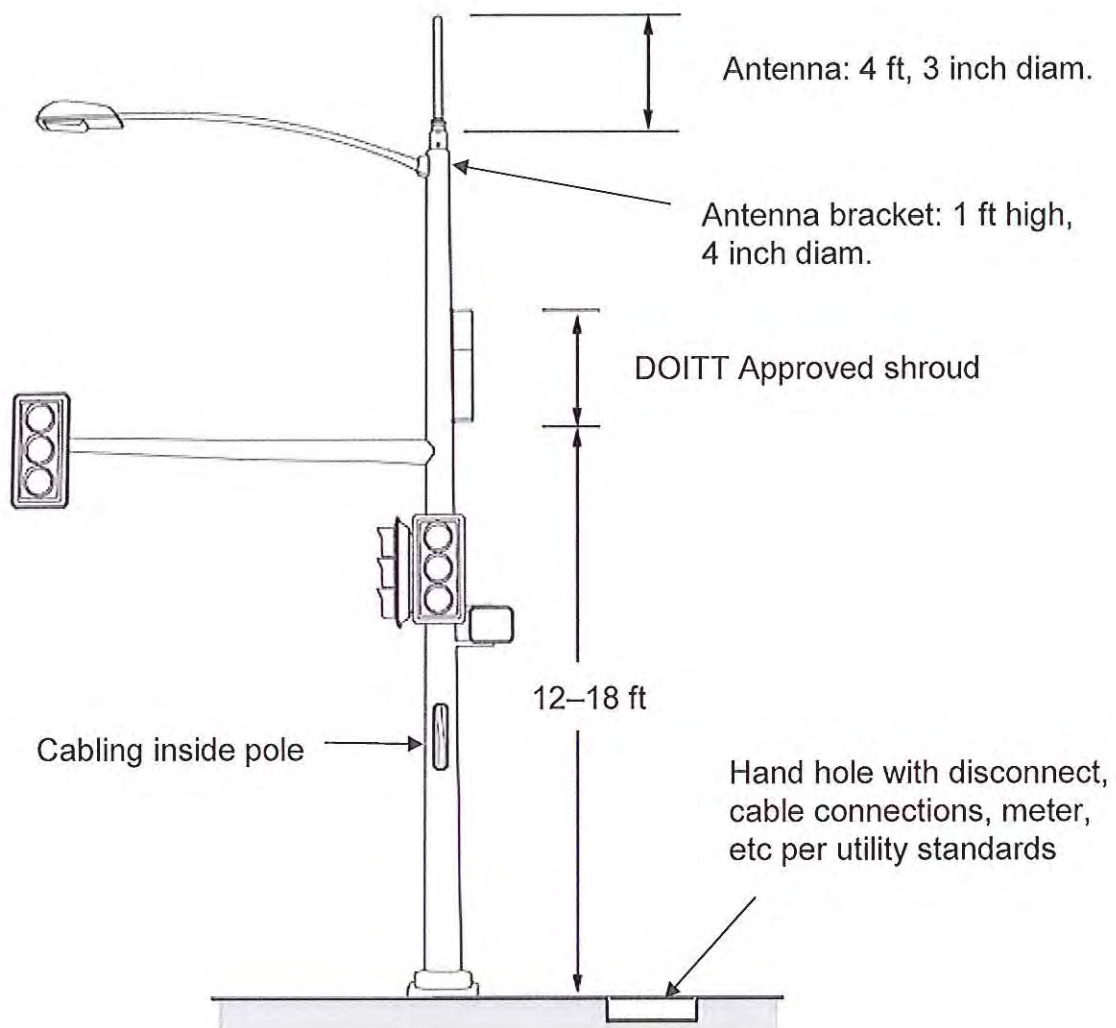
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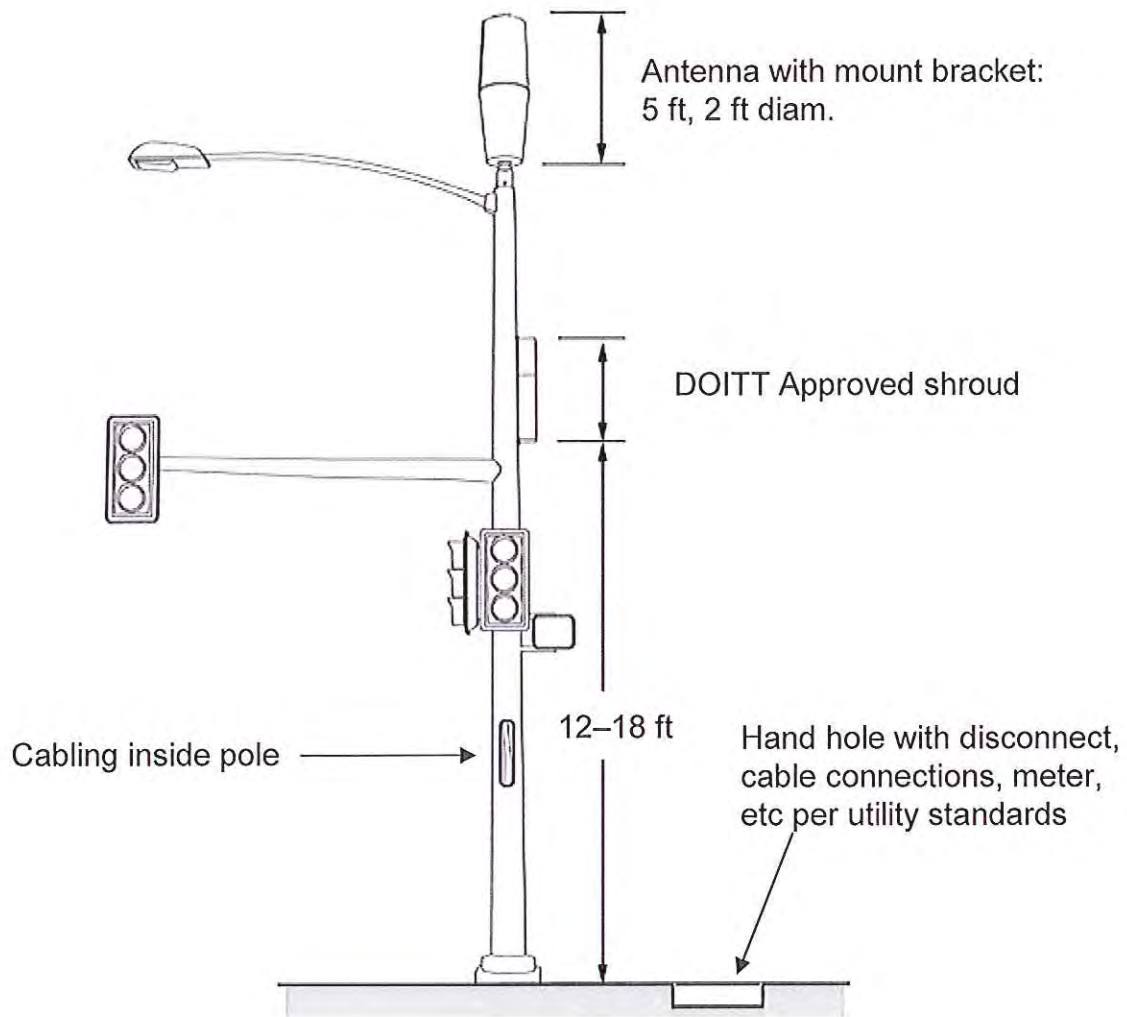
Traffic Light Pole



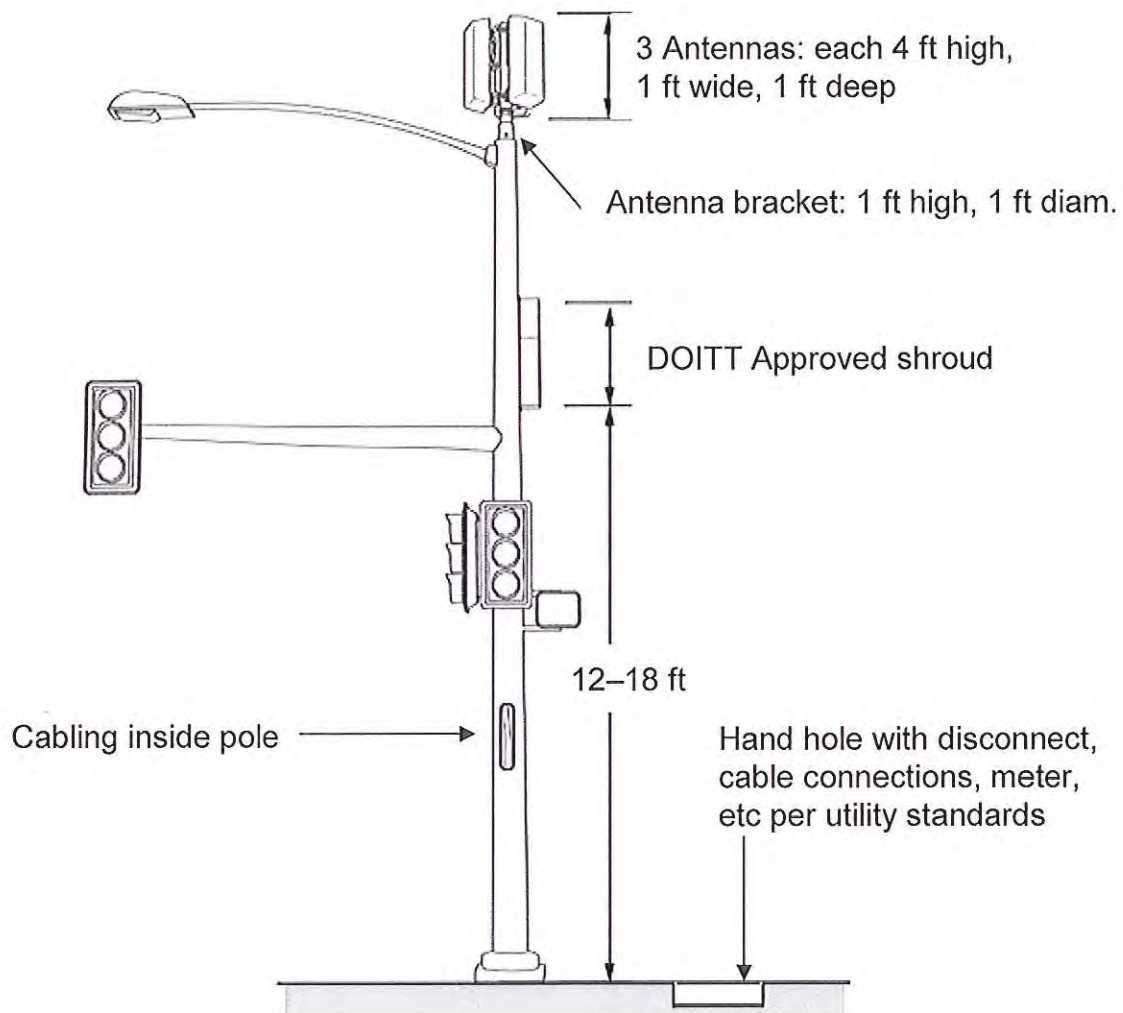
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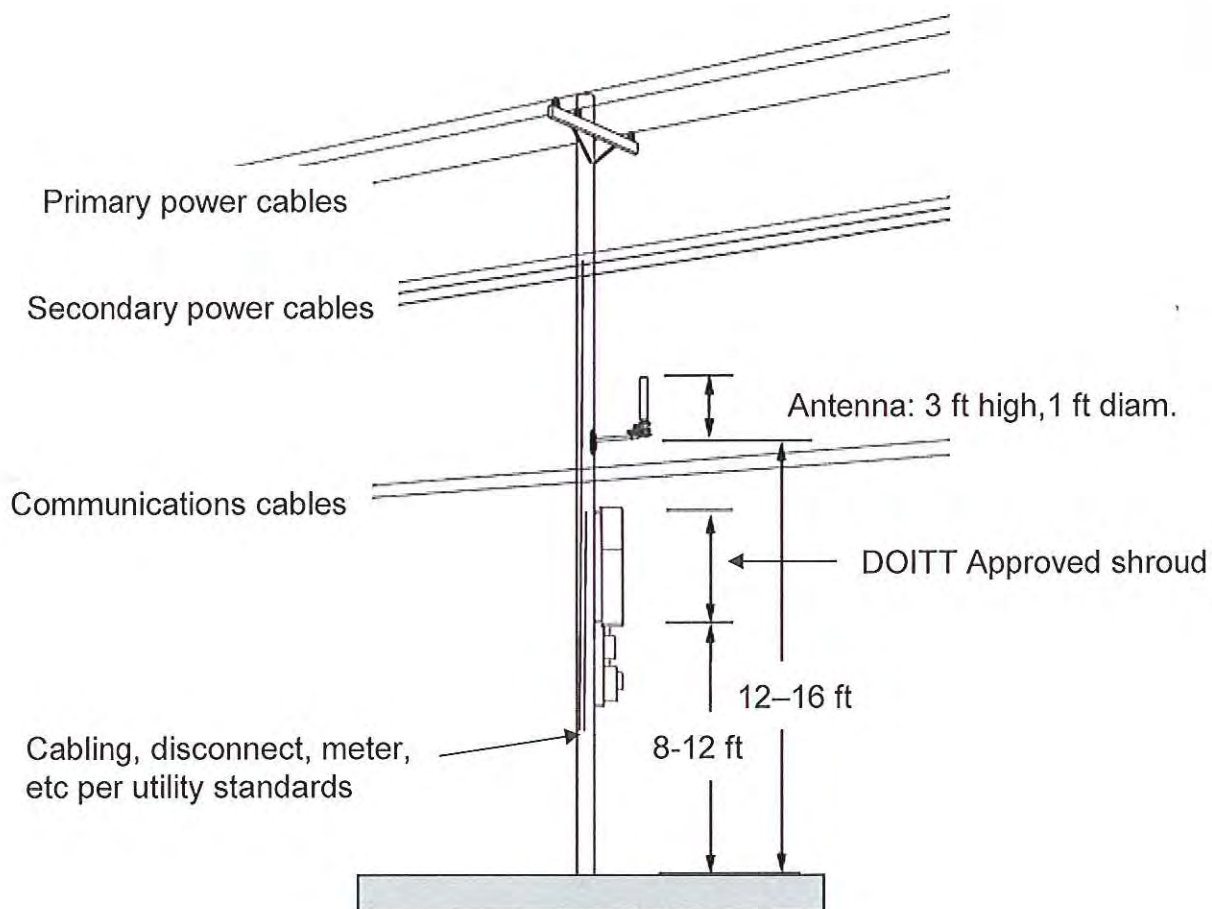
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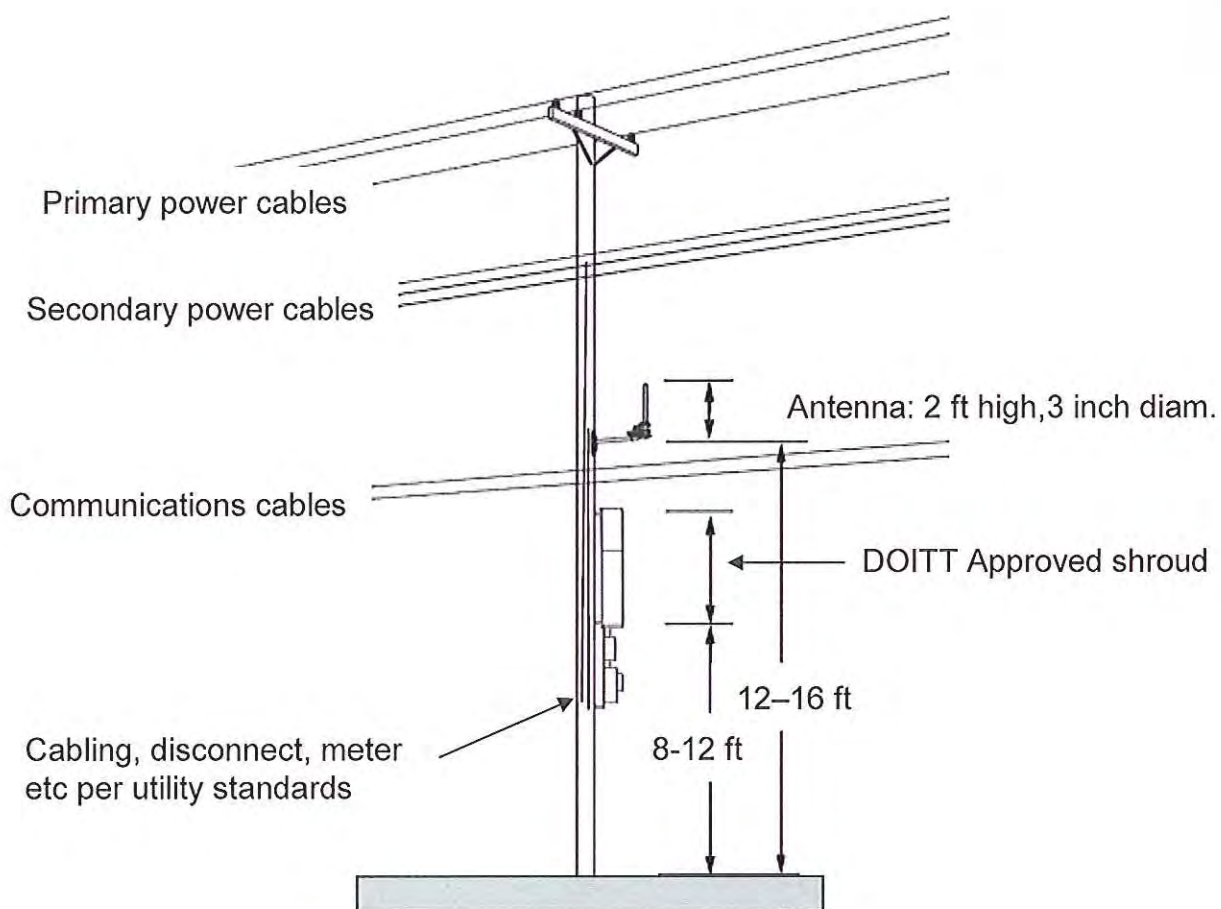
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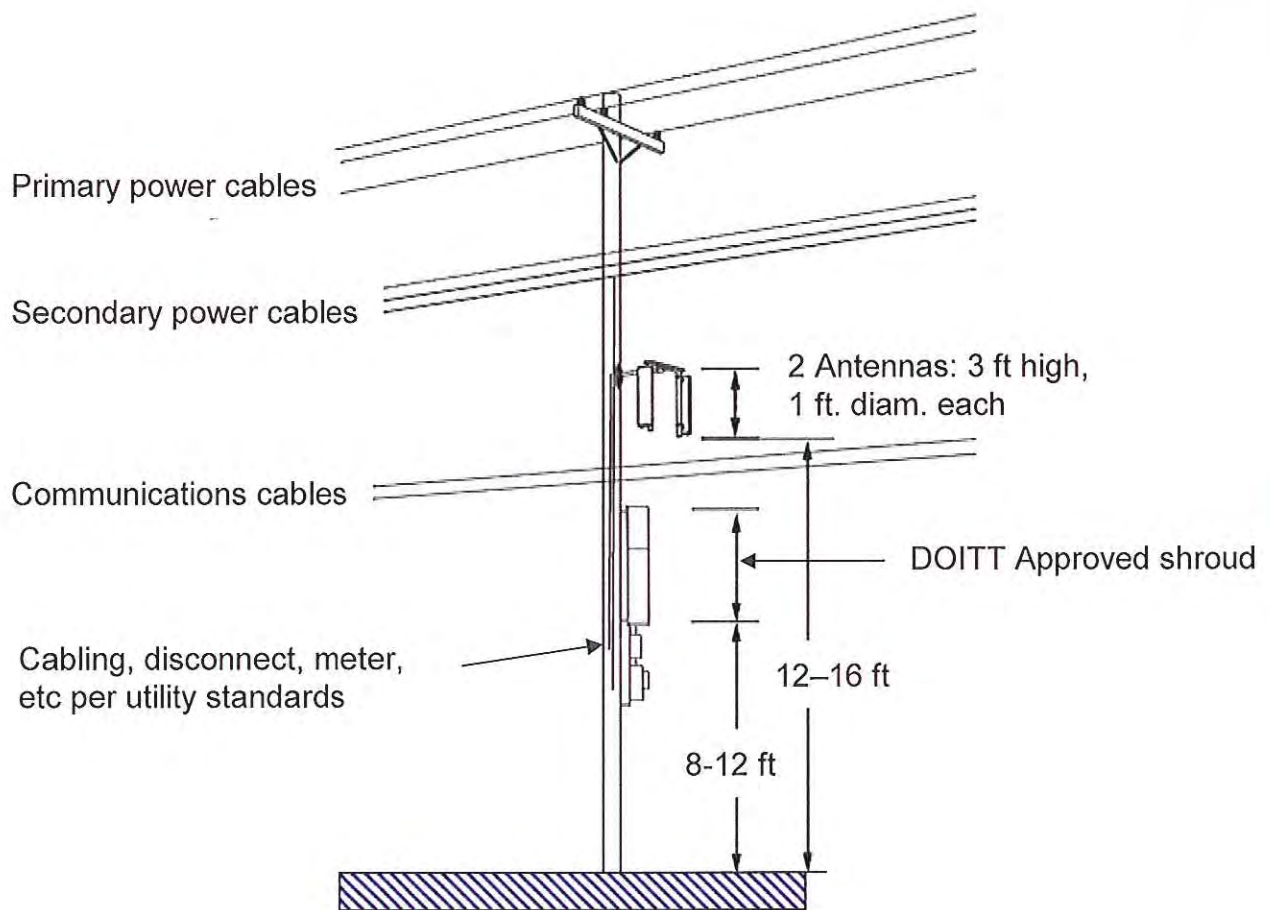
Antenna in Communications Space on Power Pole



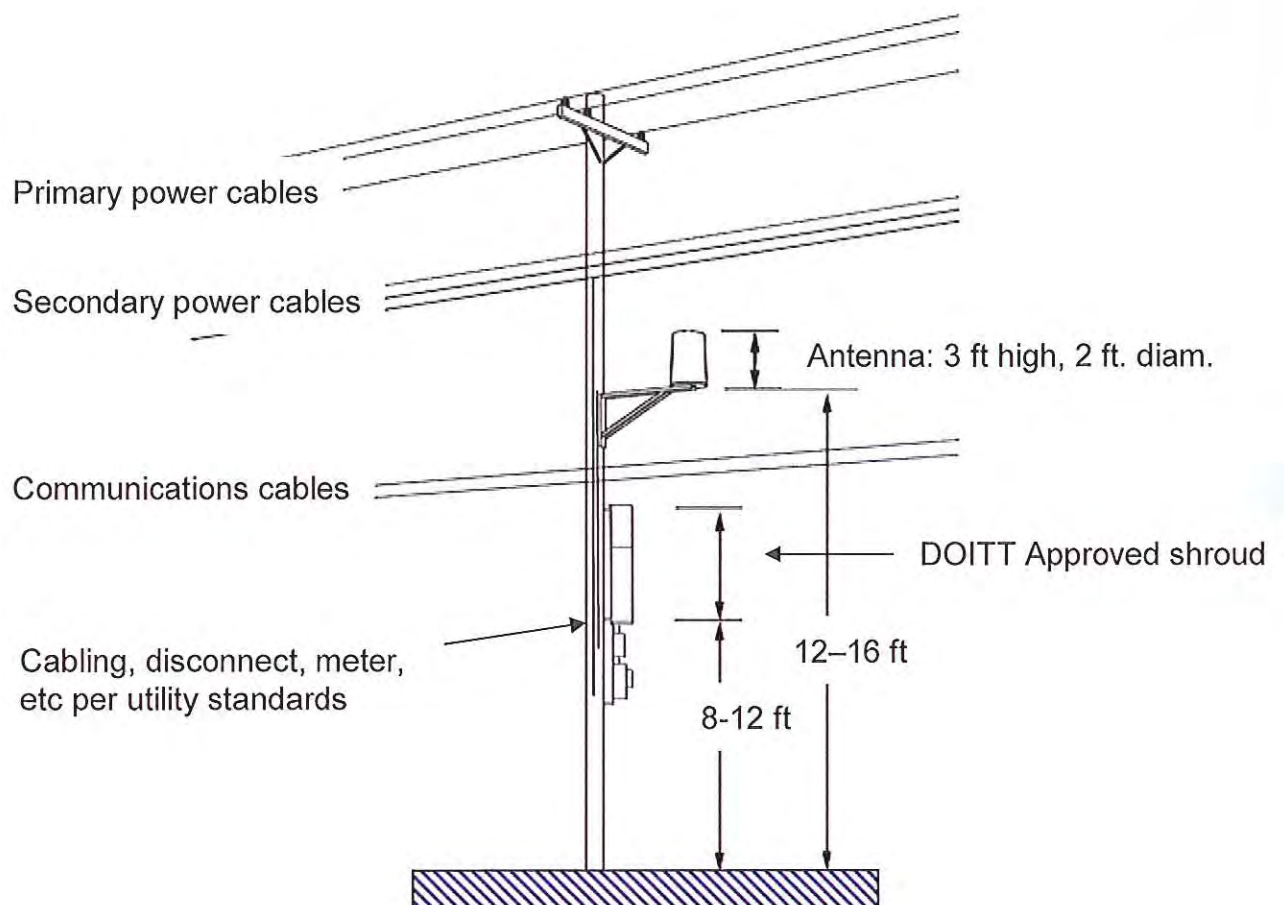
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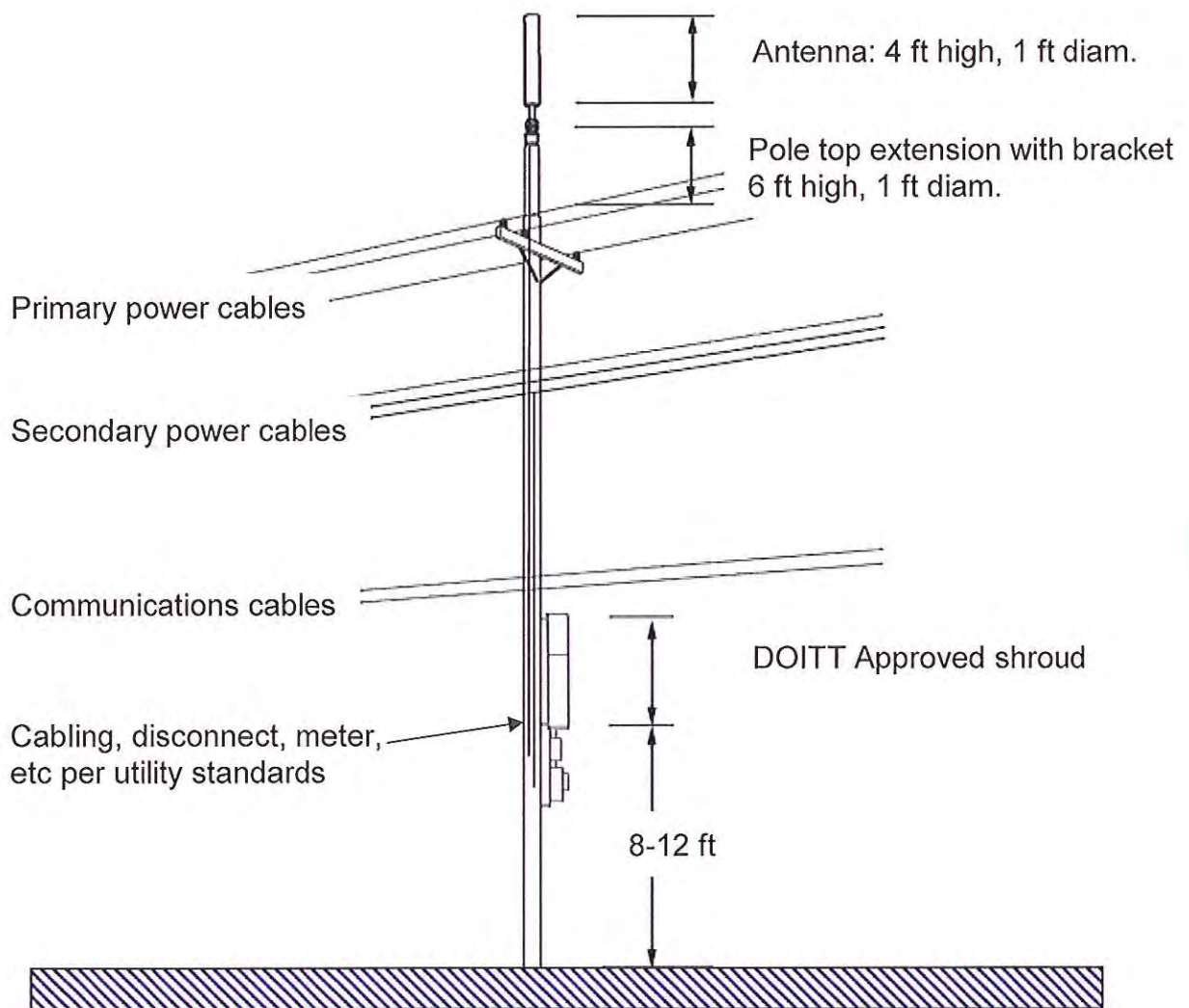
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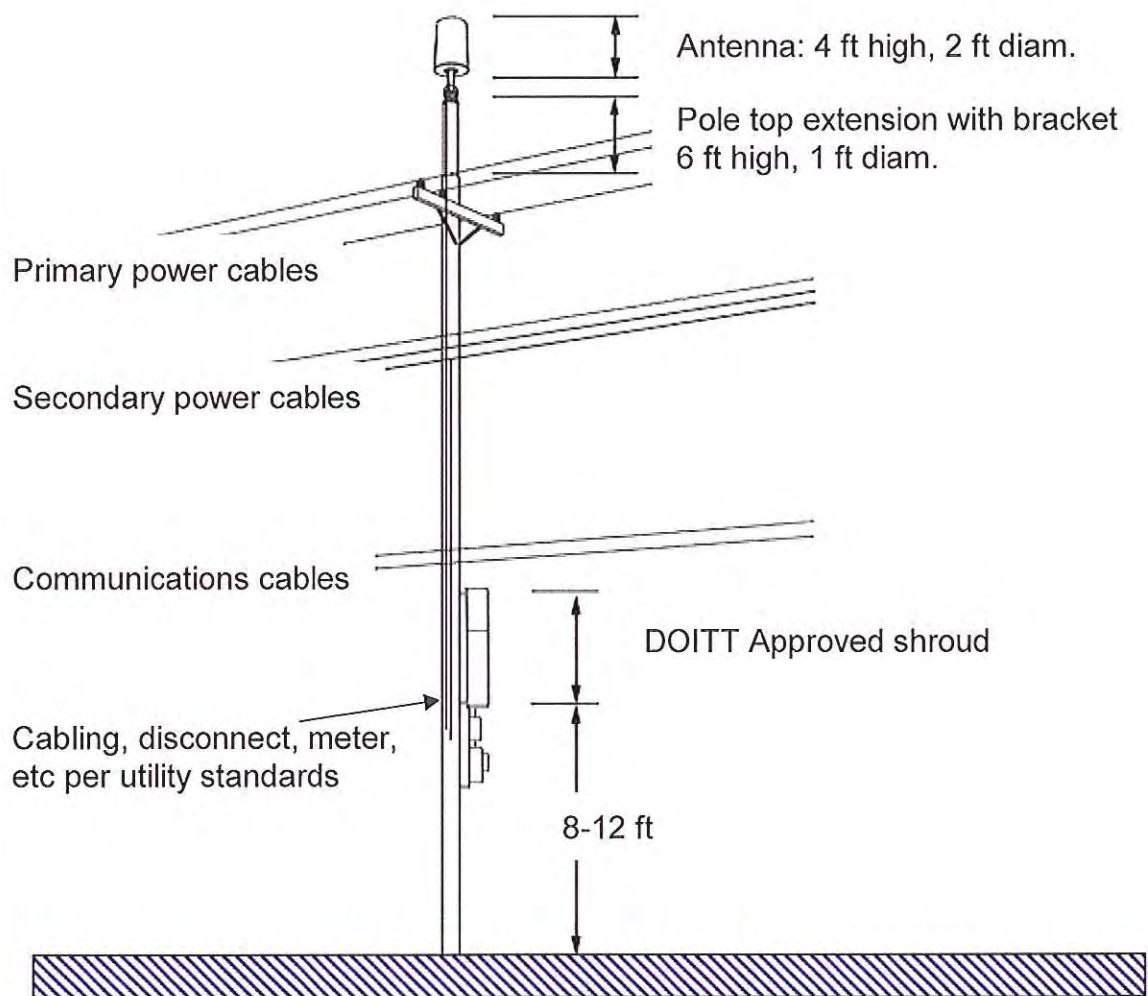
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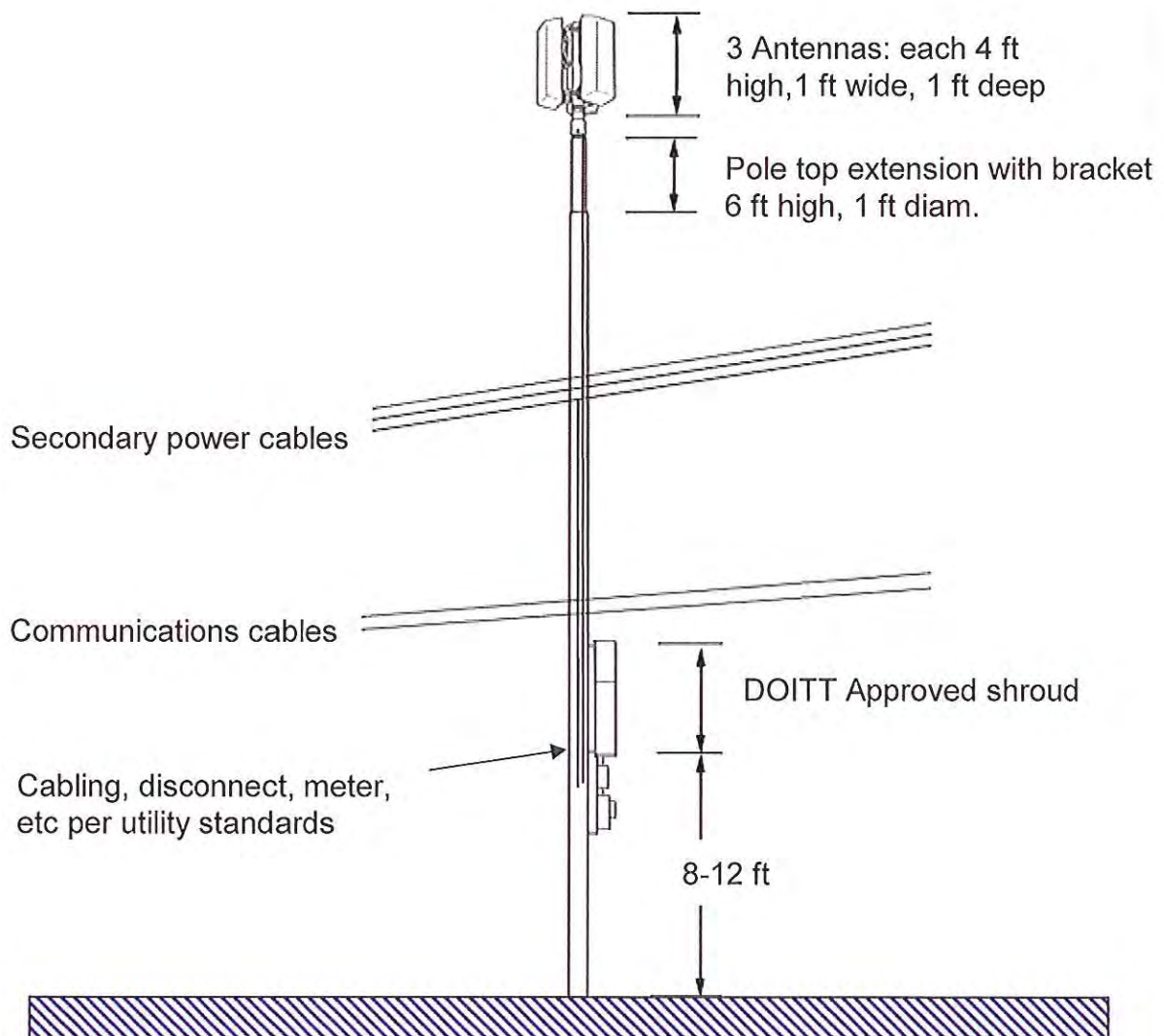
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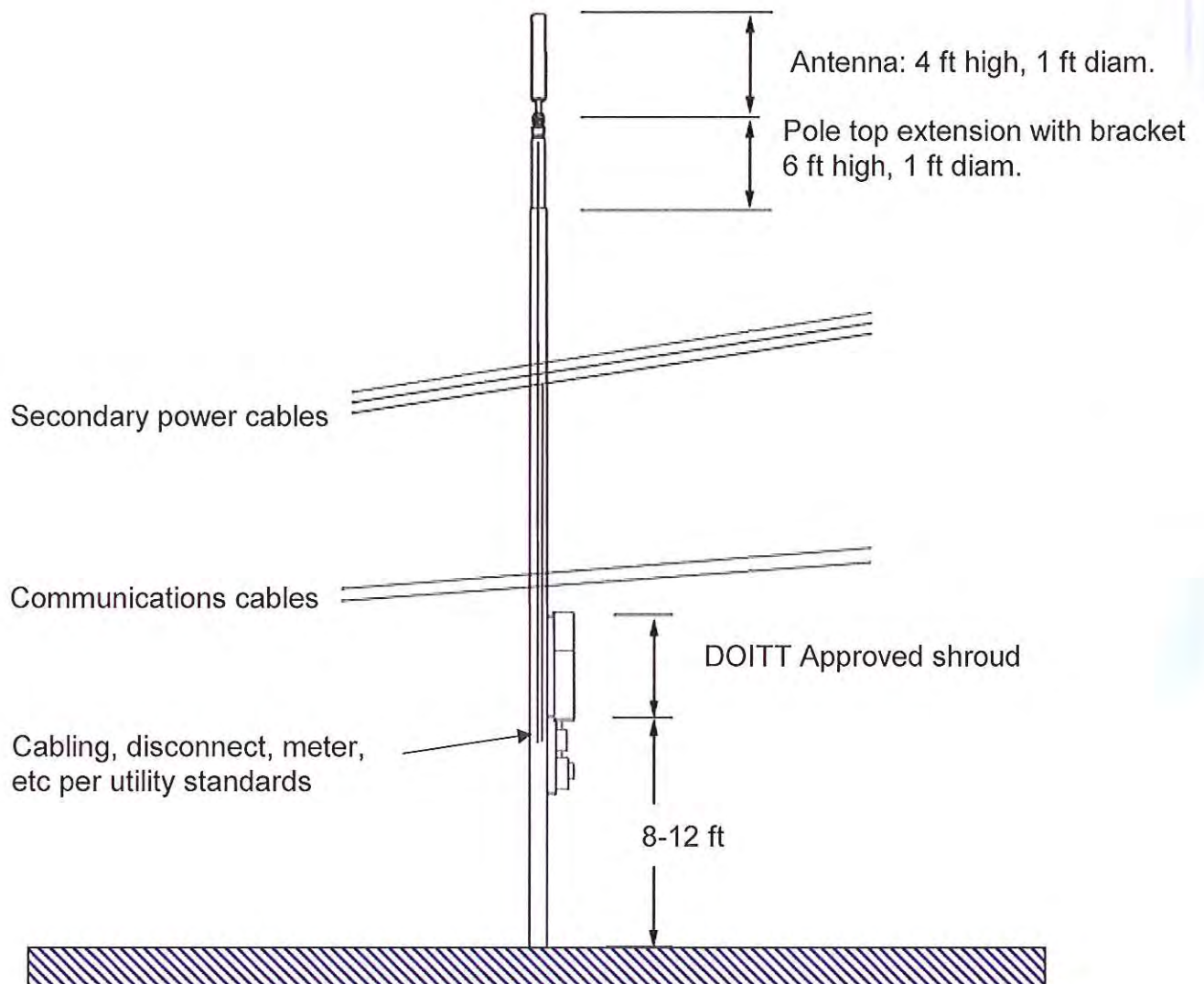
Antenna Pole Top Extension over Primary



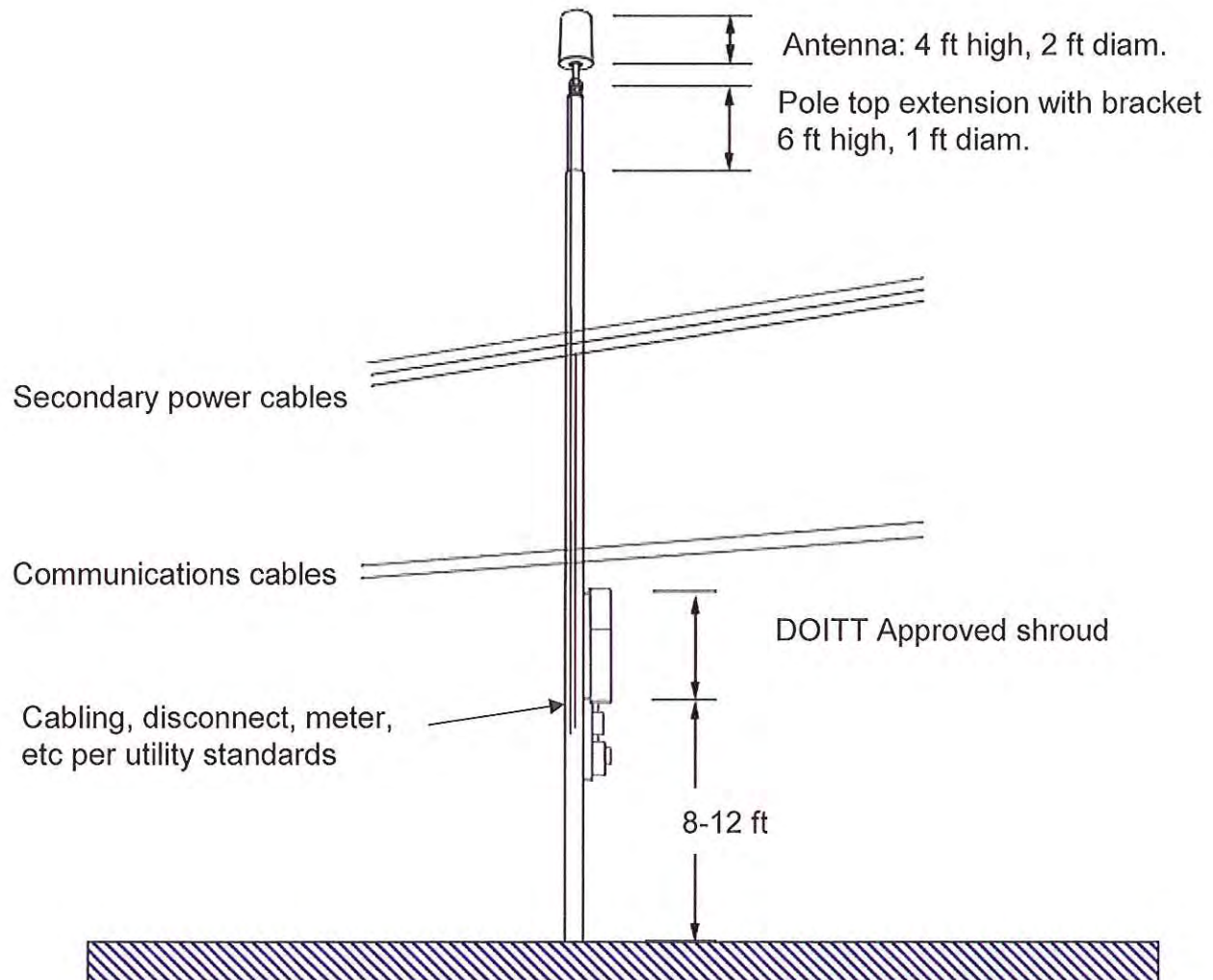
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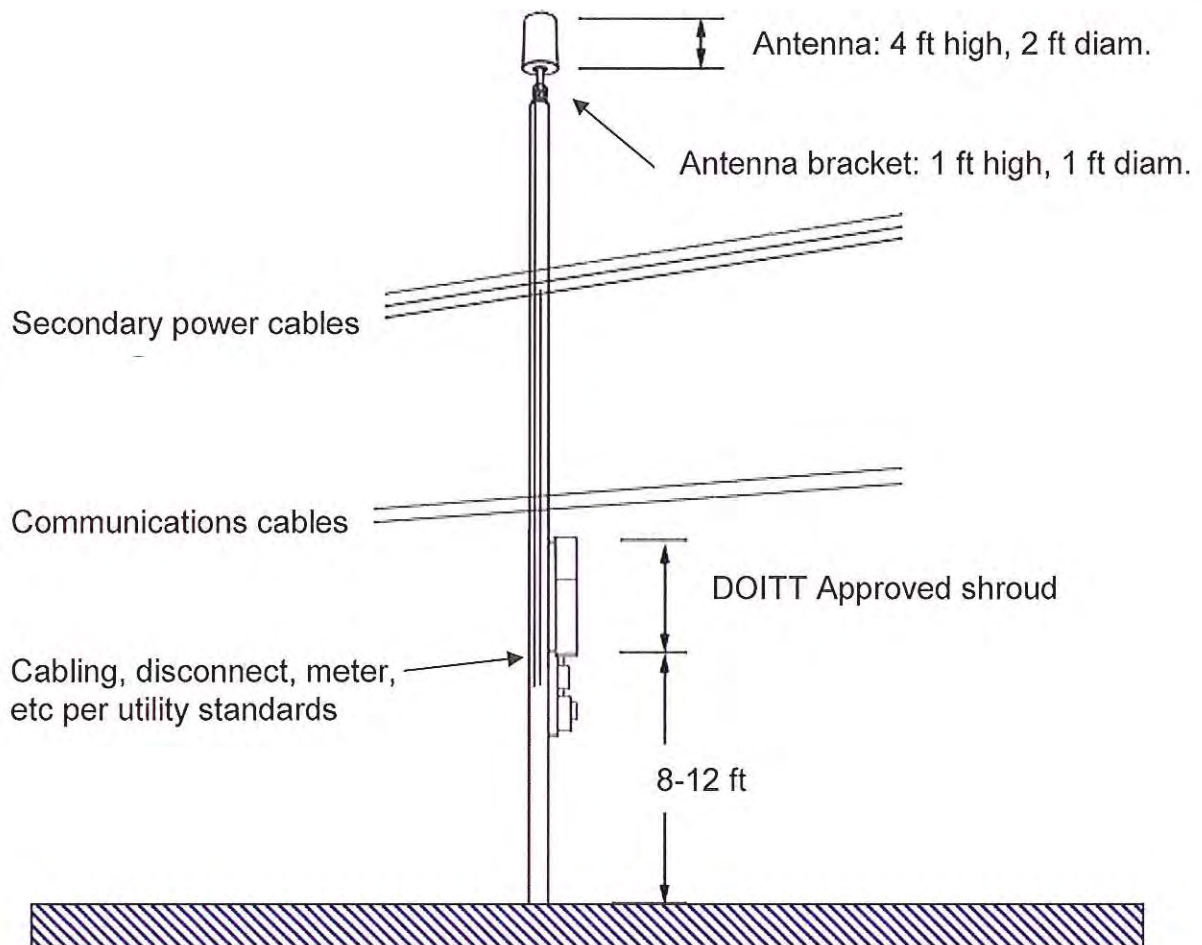
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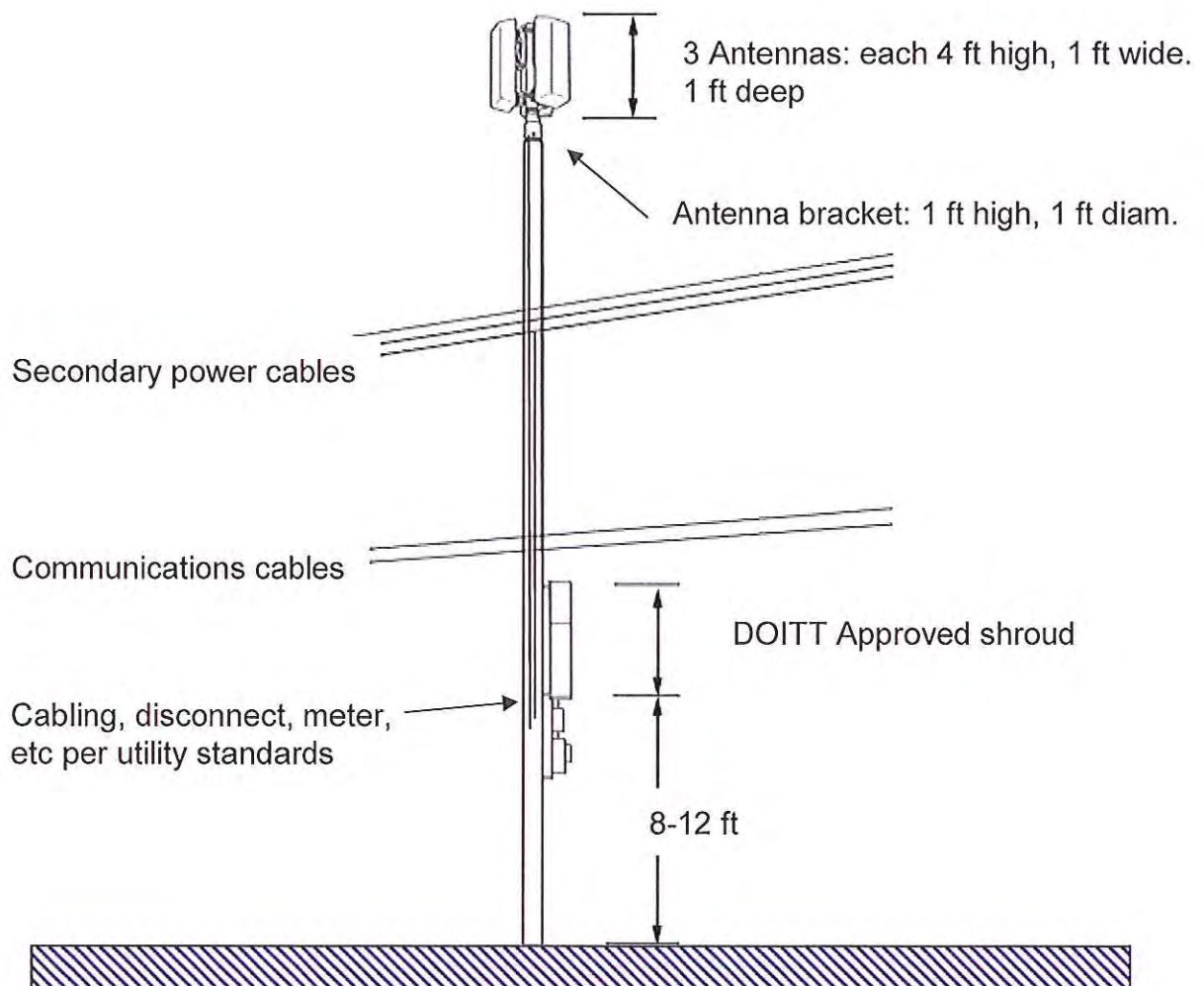
Antenna Pole Top Extension over Secondary



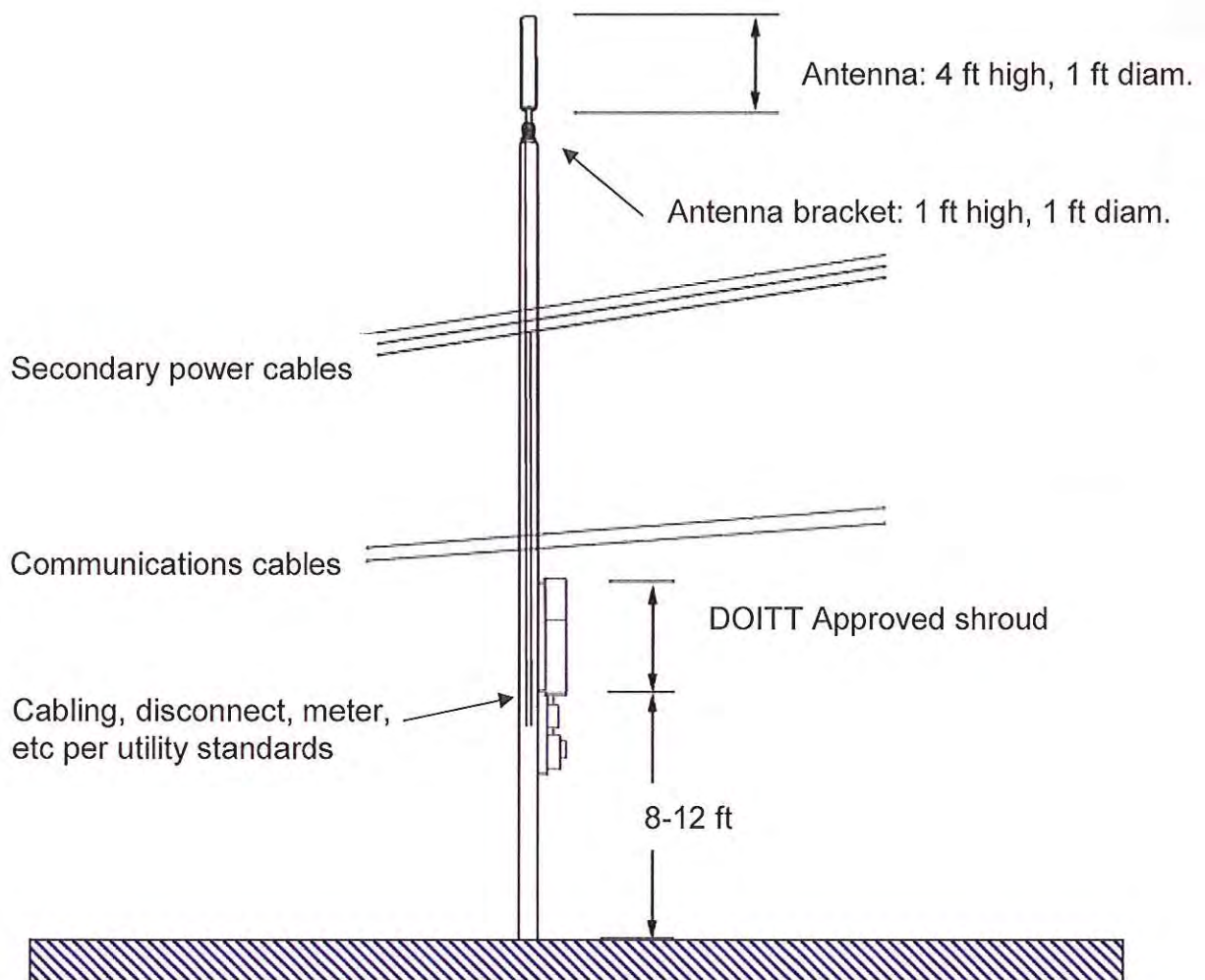
Antenna at Top of Power Pole



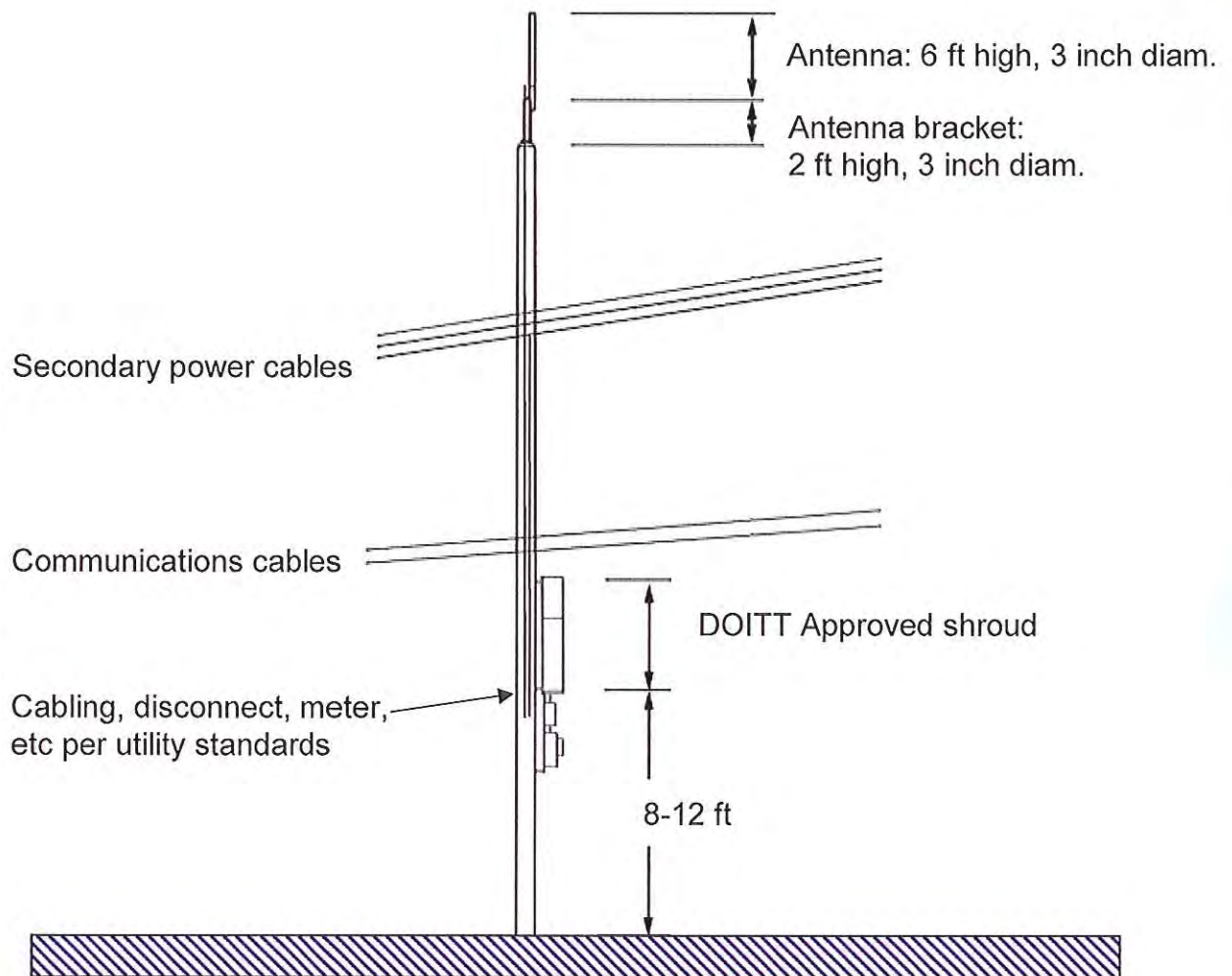
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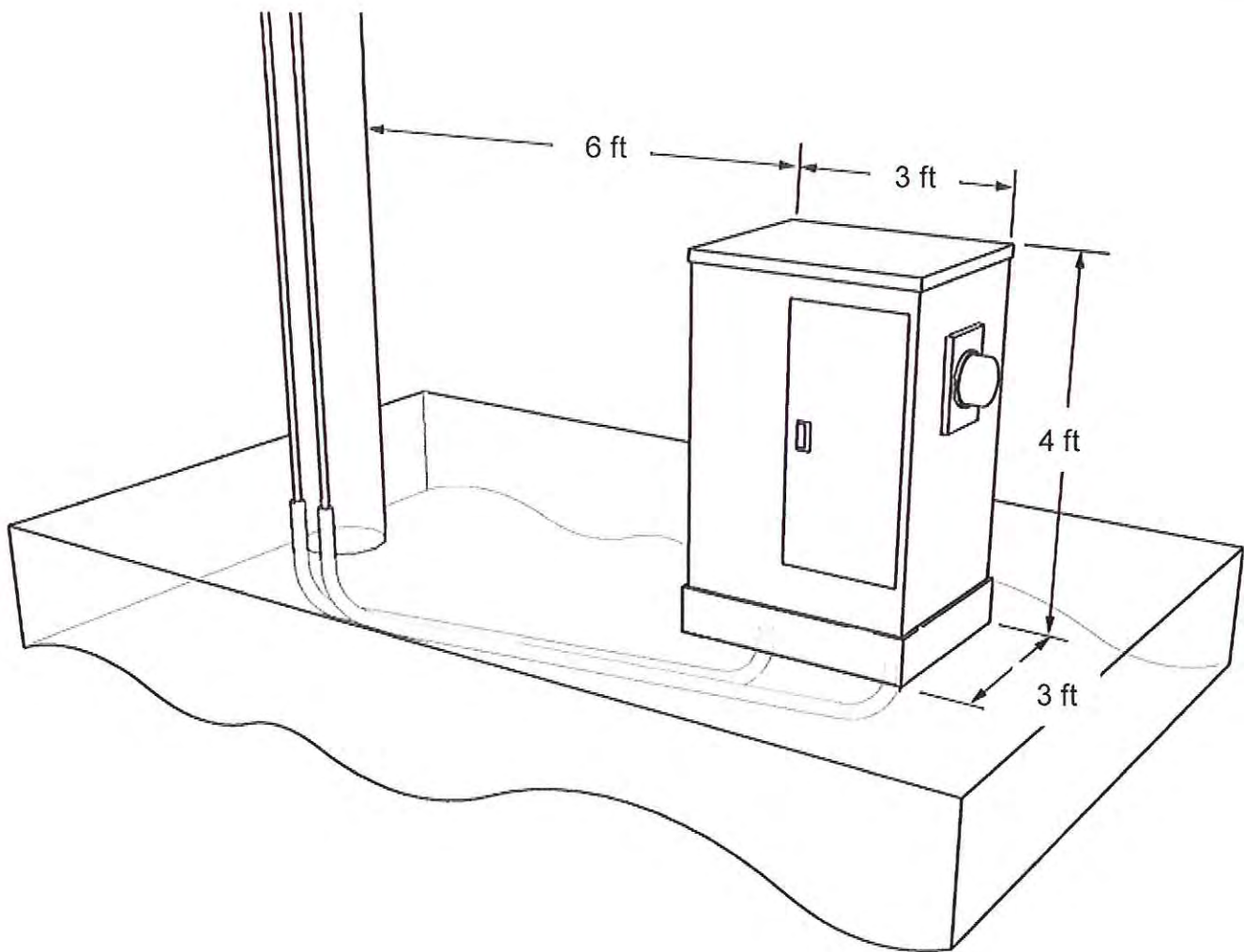
Antenna at Top of Power Pole



Antenna at Top of Power Pole



Equipment in Pedestal



FIRST AMENDMENT TO RIGHT-OF-WAY USE AGREEMENT

THIS FIRST AMENDMENT TO RIGHT-OF-WAY USE AGREEMENT (this “First Amendment”) made as of the Effective Date below, is entered into by and between the **CITY OF RYE** (the “City”), a municipal corporation duly organized and validly existing under the laws of the State of New York (the “State”), and **CROWN CASTLE NG EAST LLC (F/K/A NEXTG NETWORKS OF NY, INC.)** (“Crown Castle”), a Delaware limited liability company.

WITNESSETH:

WHEREAS, the City has previously entered into a Right-of-Way Use Agreement with Crown Castle to permit Crown Castle to utilize certain facilities within the City’s rights-of-way to maintain a fiber-based telecommunications network (“Network”) for a term commencing February 17, 2011 and ending February 17, 2021, with three (3) five (5) year renewal terms (the “Use Agreement”);

WHEREAS, pages 2-23 of Exhibit A to the Use Agreement repeatedly refers to a certain component of Crown Castle’s equipment as “DoITT Approved shroud;”

WHEREAS, DoITT is the New York City Department of Information Technology and Telecommunications;

WHEREAS, the City does not fall under DoITT’s jurisdiction and DoITT does not own or control any of the poles contemplated in the Use Agreement;

WHEREAS, Consolidated Edison and/or its affiliates (“Con-Ed”) does own or control all of the poles contemplated in the Use Agreement;

WHEREAS, the City and Crown Castle desire to amend the Use Agreement to reflect that Con-Ed owns or controls the poles contemplated in the Use Agreement and that any equipment used by Crown Castle is approved by Con-Ed; and

WHEREAS, pursuant to a resolution duly adopted at its meeting held on April __, 2016, the City Council authorized the execution of an amendment to the Use Agreement to replace Exhibit A attached to the Use Agreement with a new Exhibit A, thereby permitting Crown Castle to utilize certain equipment that is approved by Con-Ed.

NOW THEREFORE, pursuant to the terms, provisions, covenants and conditions more fully set forth below, the Parties hereto agree as follows:

1. Replacement of Exhibit A

Exhibit A attached to the First Amendment hereby replaces and nullifies the Exhibit A attached to the Use Agreement.

2. Effective Date

The effective date of this First Amendment shall be April __, 2016.

3. Full Force and Effect

Except as amended by this First Amendment, the terms and conditions of the Use Agreement shall remain in full force and effect.

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, the Parties have set their hands as of the day and year first above written.

CITY OF RYE

By: _____

Name: _____

Title: _____

**CROWN CASTLE NG EAST LLC
(F/K/A NEXTG NETWORKS OF NY, INC.)**

By: _____

Name: Lewis Kessler

Title: Vice President, DAS and Small Cell Networks

ACKNOWLEDGEMENTS

State of New York)
)ss.:
County of Nassau)

On the ____ day of _____ in the year 2016, before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

State of New York)
)ss.:
County of Nassau)

On the ____ day of _____ in the year 2016, before me, the undersigned, personally appeared Lewis Kessler personally, known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

State Level Regulatory Overview

Crown Castle is classified by the New York Public Service Commission (NY PSC) as, “telephone corporation which owns, operates or manages any radio-telephone facility used in providing for hire one-way or two-way radio communication of any form whatsoever between points in New York State.”

- A telephone corporation is required to obtain a Certificate of Public Convenience and Necessity (CPCN) from the NY PSC in order to access the public rights-of-way for the purpose of installing telecommunications facilities.

—Crown Castle, under its subsidiary Crown Castle NG East Inc., has been granted a CPCN by the NY PSC (4/4/2003).

State of New York CPCN

STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE
THREE EMPIRE STATE PLAZA, ALBANY, NY 12223-1350

Internet Address: <http://www.dps.state.ny.us>

PUBLIC SERVICE COMMISSION

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DAWN JABLONSKI
General Counsel
JANET HAND DEIXLER
Secretary

April 4, 2003

Julie Kaminski Corsig
Davis Wright Tremaine LLP
1500 K Street, Suite 450
Washington, D.C. 20005

Re: Case No. 03-C-0027

Dear Ms. Corsig:

The application, by NextG Networks of NY, Inc. on January 7, 2003, for a Certificate of Public Convenience and Necessity to operate in New York State as a facilities-based provider and reseller of telephone service, without authority to provide local exchange service, is hereby approved. This approval is based upon the accuracy of the information provided in the company's application and may be revoked if the application is found to contain false or misleading information, for failure to file or maintain current tariffs, or for violation of Commission rules and regulations.

The company's tariff, P.S.C. No. 1 – Telephone, is also approved.

The company is not authorized to use its own operators to handle 0- (emergency or non-emergency) calls. Such calls must be routed to another telephone company or operator services provider authorized to handle such calls, until such time as an amended Certificate of Public Convenience and Necessity is obtained pursuant to Part 649.6 of the Commission's rules.

The company must obtain any required consents of municipal authorities before commencing construction of telephone lines. It must also comply with applicable federal laws, New York State Public Service Law and related statutes, and the Commission's rules and regulations.

The company is also required to file a Statement of Gross Intrastate Operating Revenues by March 31 each year. It will be notified in writing each year of the required content and format of this report.

Finally, please complete and return the enclosed, two-page questionnaire to Maria Le Boeuf of our staff within 30 days of receipt of this letter. This information will be added to the directory of telephone companies posted at our website, in order to help consumers search for companies available to meet their telecommunications needs. Any updates or changes should be promptly forwarded as well.

If you have any questions, please contact Maria Le Boeuf at (518) 474-1362.

By direction and delegation
of the Commission,

Allan H. Bausback
Director
Office of Communications

cc: Robert Delsman, Esq.
NextG Networks of NY, Inc.
2033 Gateway Place, Suite 500
San Jose, CA 95110-3709

Enclosure

Proposed Locations in the City Of Rye

Customer Node ID	Latitude	Longitude	Closest Street Address	On Street
ODAS_WEST_N192	40.979977	-73.699977	290 North st	North St
ODAS_WEST_N194	40.974761	-73.694671	12 Sharon Ln	Sharon Ln
ODAS_WEST_N199	40.979682	-73.697097	124 Maple ave	Maple Ave
ODAS_WEST_N206	40.980935	-73.681797	44 Grace Church St	Grace Church St
ODAS_WEST_N207	40.982891	-73.67976	8 Holly Ln	Holly Ln
ODAS_WEST_N216	40.983397	-73.690144	151 Locust ave	Locust Ave
ODAS_WEST_N226	40.973723	-73.699185	401 Theodore Fremd Ave	Theall Rd
ODAS_WEST_N227	40.972115	-73.700646	411 Theodore Fremd Ave	Theall Rd
ODAS_WEST_N228	40.96958	-73.702641	555 Theodore Fremd Ave	Theall Rd
ODAS_WEST_N231	40.968234	-73.703793	330 Theall Rd	Osborne Rd
ODAS_WEST_N233	40.966302	-73.701183	57 Osborne Rd	Osborne Rd
ODAS_WEST_N239	40.964291	-73.703176	42 Lasalle Ave	Glen Oaks Dr
ODAS_WEST_N247	40.961636	-73.69968	47 Soundview Ave	Soundview Ave
ODAS_WEST_N248	40.960297	-73.698198	98 Soundview Ave	Soundview Ave
ODAS_WEST_N249	40.958368	-73.69581	170 Soundview Ave	Soundview Ave
ODAS_WEST_N255	40.963749	-73.682672	339 Rye Beach Ave	Rye Beach Ave
ODAS_WEST_N261	40.960694	-73.691962	19 Hix Ave	Hix Ave
ODAS_WEST_N265	40.959945	-73.683144	630 Forest Ave	Dearborn Ave
ODAS_WEST_N267	40.960442	-73.685816	53 Dearborn Ave	Dearborn Ave
ODAS_WEST_N268	40.962438	-73.68231	578 Forest Ave	Forest Ave
ODAS_WEST_N269	40.95994	-73.688288	2 Garden Dr	Garden Dr
ODAS_WEST_N272	40.961302	-73.686952	10 Van Buren St	Van Buren St
ODAS_WEST_N274	40.957782	-73.687341	51 Hewlett Ave	Hewlett Ave
ODAS_WEST_N279	40.951041	-73.684584	5 Pine Island Rd	Pine Island Rd
ODAS_WEST_N281	40.957526	-73.689085	650 Milton Rd	Milton Rd
ODAS_WEST_N283	40.944423	-73.695083	350 Stuyvesant Ave	Stuyvesant Ave
ODAS_WEST_N285	40.950422	-73.691306	150 Stuyvesant Ave	Stuyvesant Ave
ODAS_WEST_N286	40.962681	-73.705331	421 Park Ave	Park Ave
ODAS_WEST_N287	40.948598	-73.688398	999 Forest Ave	Forest Ave
ODAS_WEST_N288	40.946246	-73.693019	290 Stuyvesant Ave	Stuyvesant Ave
ODAS_WEST_N289	40.955003	-73.690219	740 Old Milton Rd	Old Milton Rd
ODAS_WEST_N252	40.967448	-73.687004	4 Ellsworth St	Playland Pkwy
ODAS_WEST_N271	40.957462	-73.684092	717 Forest Ave	Forest Ave
ODAS_WEST_N282	40.941949	-73.696417	499 Stuyvesant Ave	Stuyvesant Ave
ODAS_WEST_N193	40.976517	-73.693379	95 North st	North St
ODAS_WEST_N195	40.973615	-73.693455	11 North st	North St
ODAS_WEST_N196	40.978064	-73.692768	2 Hammond Rd	Theodore Fremd Ave
ODAS_WEST_N197	40.987699	-73.686586	19 Seneca st	Seneca St
ODAS_WEST_N198	40.982784	-73.696418	255 Central ave	Central Ave
ODAS_WEST_N203	40.984	-73.693498	190 Locust ave	Locust Ave
ODAS_WEST_N208	40.984595	-73.680535	" " Thistle Ln	Thistle Ln
ODAS_WEST_N211	40.984591	-73.683514	17 Purdy ave	Purdy Ave
ODAS_WEST_N218	40.986494	-73.677473	17 Peck ave	Peck Ave

ODAS_WEST_N219	40.987004	-73.682348	33 Cedar st	Cedar St
ODAS_WEST_N221	40.984812	-73.68887	14 Ridgewood Dr	Ridgewood Dr
ODAS_WEST_N222	40.985742	-73.686616	4 Ridgewood Dr	Iroquois St
ODAS_WEST_N223	40.987111	-73.687746	64 Highland Rd	Highland Rd
ODAS_WEST_N229	40.96945	-73.697551	37 Colby Ave	Old Post Rd
ODAS_WEST_N234	40.96887	-73.692753	80 Claremont Ave	Claremont Ave
ODAS_WEST_N235	40.968316	-73.694972	45 Fulton Ave	Fulton Ave
ODAS_WEST_N236	40.96659	-73.694493	4 Reymont Ave	Reymont Ave
ODAS_WEST_N237	40.96617	-73.706003	110 Glen Oaks Dr	Glen Oaks Dr
ODAS_WEST_N240	40.966355	-73.703546	12 Harding Dr	Harding Dr
ODAS_WEST_N242	40.965906	-73.693184	112 Sonn Dr	Sonn Dr
ODAS_WEST_N250	40.967361	-73.697316	51 Franklin Ave	Franklin Ave
ODAS_WEST_N253	40.965131	-73.686488	444 Milton Rd	Milton Rd
ODAS_WEST_N254	40.965159	-73.684331	78 Elmwood Ave	Elmwood Ave
ODAS_WEST_N256	40.964766	-73.681298	511 Forest Ave	Forest Ave
ODAS_WEST_N257	40.963197	-73.697396	31 Allendale Dr	Allendale Dr
ODAS_WEST_N258	40.963471	-73.69514	110 Oakland Beach Ave	Oakland Beach Ave
ODAS_WEST_N259	40.960655	-73.695406	20 Chamberlain St	Chamberlain St
ODAS_WEST_N260	40.959633	-73.693772	12 Byrd St	Byrd St
ODAS_WEST_N262	40.962217	-73.688585	530 Milton Rd	Oakland Beach Ave
ODAS_WEST_N263	40.96304	-73.686006	46 Hill St	Hill St
ODAS_WEST_N264	40.961629	-73.683708	387 Oakland Beach Ave	Halsted Pl
ODAS_WEST_N266	40.962348	-73.691238	1 Rose St	Oakland Beach Ave
ODAS_WEST_N270	40.958612	-73.685862	4 Fairlawn Ct	Fairlawn Ct
ODAS_WEST_N275	40.954555	-73.687069	21 Green Ave	Green Ave
ODAS_WEST_N276	40.955742	-73.685681	15 Valleyview Ave	Valleyview Ave
ODAS_WEST_N277	40.953674	-73.688754	31 Overhill Ave	Overhill Ave
ODAS_WEST_N278	40.952667	-73.687736	11 Halls Ln	Halls Ln
ODAS_WEST_N280	40.961833	-73.693775	10 White Birch Dr	White Birch Dr
ODAS_WEST_N284	40.948151	-73.692038	230 Stuyvesant Ave	Stuyvesant Ave

Cross Street 1	Pole ID	Pole Type	Antenna Type
Summit Ave	W29	Wood Comm Zone	BRSAWS360D-698/1710-2-T0-D
Marlene Ct	W1	Wood Comm Zone	BRSAWS360D-698/1710-2-T0-D
North St	VZ4	Wood Comm Zone	BRSAWS360D-698/1710-2-T0-D
Ralston St	T610	Wood Comm Zone	BRSAWS360D-698/1710-2-T0-D
Larkspur Ln	NYT 9	Wood Comm Zone	BRSAWS360D-698/1710-2-T0-D
Ridgewood Dr	T16	Wood Comm Zone	BRSAWS360D-698/1710-2-T0-D
Playland Access Dr	T23	Wood Comm Zone	BRSAWS360D-698/1710-2-T0-D
Garver Dr	T168	Wood Comm Zone	BRSAWS360D-698/1710-2-T0-D
Osborne Rd	T6	Wood Comm Zone	BRSAWS360D-698/1710-2-T0-D
Coolidge ave	W18	Wood Comm Zone	BRSAWS360D-698/1710-2-T0-D
Boston Post Rd	T 7	Wood Comm Zone	BRSAWS360D-698/1710-2-T0-D
Lasalle Ave	NYT 7	Wood Comm Zone	BRSAWS360D-698/1710-2-T0-D
Boston Post Rd	NYT 5	Wood Comm Zone	BRSAWS360D-698/1710-2-T0-D
Boston Post Rd	W10	Wood Comm Zone	BRSAWS360D-698/1710-2-T0-D
Boston Post Rd	18	Wood Comm Zone	BRSAWS360D-698/1710-2-T0-D
Halstead Pl	11	Wood Comm Zone	BRSAWS360D-698/1710-2-T0-D
Dolphin Dr	NYT 8	Wood Comm Zone	BRSAWS360D-698/1710-2-T0-D
Forest Ave	W13	Wood Comm Zone	BRSAWS360D-698/1710-2-T0-D
Everett St	6	Wood Comm Zone	BRSAWS360D-698/1710-2-T0-D
Rye Beach Ave	T67	Wood Comm Zone	BRSAWS360D-698/1710-2-T0-D
Milton Rd	T78	Wood Comm Zone	BRSAWS360D-698/1710-2-T0-D
Newberry Pl	10707	Wood Comm Zone	BRSAWS360D-698/1710-2-T0-D
Robert Crisfield Pl	W 9	Wood Comm Zone	BRSAWS360D-698/1710-2-T0-D
Forest Ave	NYT 8	Wood Comm Zone	BRSAWS360D-698/1710-2-T0-D
Hewlett Ave	T86	Wood Comm Zone	BRSAWS360D-698/1710-2-T0-D
Dead End	4	Wood Comm Zone	BRSAWS360D-698/1710-2-T0-D
Van Wagenen Ave	NYT 16	Wood Comm Zone	BRSAWS360D-698/1710-2-T0-D
Florence Ave	NYT 8	Wood Comm Zone	BRSAWS360D-698/1710-2-T0-D
Magnolia Pl	T118	Wood Comm Zone	BRSAWS360D-698/1710-2-T0-D
Van Wagenen Ave	31	Wood Comm Zone	BRSAWS360D-698/1710-2-T0-D
Stuyvesant Ave	T 97	Wood Comm Zone	BRSAWS360D-698/1710-2-T0-D
Milton Rd	W006624	MSL	Galtronics 14.5" X 24" (P5622)
Philips Ln	N/A	New	dbSpectra 48 x 8
Dead End	N/A	New	dbSpectra 48 x 8
Hammond Rd	W11S	Wood Pole Top	dbSpectra 48 x 8
Old Post Rd	W18	Wood Pole Top	dbSpectra 48 x 8
Hammond Rd	T47 S	Wood Pole Top	dbSpectra 48 x 8
Mendota Ave	NYT3	Wood Pole Top	dbSpectra 48 x 8
Summit Ave	29	Wood Pole Top	dbSpectra 48 x 8
Maple Ave	NYT21	Wood Pole Top	dbSpectra 48 x 8
Mistletoe Ln		Wood Pole Top	dbSpectra 48 x 8
School St	W5	Wood Pole Top	dbSpectra 48 x 8
Midland Ave	N/A	Wood Pole Top	dbSpectra 48 x 8

New St	17990	Wood Pole Top	dbSpectra 48 x 8
Iroquois St	P5	Wood Pole Top	dbSpectra 48 x 8
Ridgewood Dr	W12	Wood Pole Top	dbSpectra 48 x 8
Club Rd	NYT1	Wood Pole Top	dbSpectra 48 x 8
Boston Post Rd	NYT 1	Wood Pole Top	dbSpectra 48 x 8
Parkway Dr	3701	Wood Pole Top	dbSpectra 48 x 8
Morehead Dr	NYT 6	Wood Pole Top	dbSpectra 48 x 8
Sonn Dr	NYT 1	Wood Pole Top	dbSpectra 48 x 8
Coolidge Ave	NYT16	Wood Pole Top	dbSpectra 48 x 8
Hughes Ave	NYT 1	Wood Pole Top	dbSpectra 48 x 8
Crescent Ave	T4	Wood Pole Top	dbSpectra 48 x 8
Fraydun Pl	NYT 2	Wood Pole Top	dbSpectra 48 x 8
Rye Beach Ave	NYT 58S	Wood Pole Top	dbSpectra 48 x 8
Oakwood Ave	8	Wood Pole Top	dbSpectra 48 x 8
Elmwood Ave	W57	Wood Pole Top	dbSpectra 48 x 8
Fullerton Pl	4	Wood Pole Top	dbSpectra 48 x 8
Griffon Pl	N/A	Wood Pole Top	dbSpectra 48 x 8
Mildred Ave	9	Wood Pole Top	dbSpectra 48 x 8
Helen Ave	W4	Wood Pole Top	dbSpectra 48 x 8
Riverside View Ln	N/A	Wood Pole Top	dbSpectra 48 x 8
Hillside Pl	NYT 3	Wood Pole Top	dbSpectra 48 x 8
Oakland Beach Ave	7	Wood Pole Top	dbSpectra 48 x 8
Rose St	26A	Wood Pole Top	dbSpectra 48 x 8
Dead End	8	Wood Pole Top	dbSpectra 48 x 8
Fairway Ave	4	Wood Pole Top	dbSpectra 48 x 8
Forest Ave	N/A	Wood Pole Top	dbSpectra 48 x 8
Stuyvesant Ave	4	Wood Pole Top	dbSpectra 48 x 8
Forest Ave	6	Wood Pole Top	dbSpectra 48 x 8
Hickory Dr	5	Wood Pole Top	dbSpectra 48 x 8
Van Wagenen Ave	W14 L330	Wood Pole Top	dbSpectra 48 x 8

Crown Castle Proposed and Existing Locations in City of Rye

Proposed Locations

 Existing Metal Street Light

 Existing Wood Pole



Westchester County

Village of City of Rye

Existing Crown Castle Locations in the City of Rye

Location ID	Latitude	Longitude	Location Address	Installation Type
NYD6382	40.961369	-73.682507	Across from 594 Forest Ave	Pole Top
NYD6384	40.963170	-73.693739	138 Oakland Beach Ave	Pole Top
NYD6383	40.965694	-73.686414	Side of 411 Milton Rd (50ft South)	Pole Top
NYD6385	40.966648	-73.697485	36 Franklin Ave	Pole Top
NYD6381	40.967238	-73.676533	Across from 52 Roosevelt Ave	Pole Top
NYD6386	40.973074	-73.695710	120 Old Post Rd	Pole Top
NYD6387	40.974950	-73.700310	Across from 401 Theodore Fremd Ave	Comm Zone
NYD6380	40.980584	-73.693459	2 Clinton Ave	Pole Top

Existing Crown Castle Deployments in the City of Rye

NYD6387 Comm Zone Installation - Across from 401 Theodore Fremd Ave



NYD6387 Comm Zone Installation - Across from 401 Theodore Fremd Ave



NYD6383 Pole Top Installation - Side of 411 Milton Rd (50ft South)



NYD6383 Pole Top Installation - Side of 411 Milton Rd (50ft South)



NYD6382 Pole Top Installation - Across from 594 Forest Ave



NYD6382 Pole Top Installation - Across from 594 Forest Ave





CITY COUNCIL AGENDA

NO. 11

DEPT.: City Manager

DATE: July 13, 2016

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Continuation of the Public Hearing on the proposed revision to the Rye City Charter to rescind Article 12 "Police Department" and Article 13 "Fire Department" and create a new Article 12 "Department of Public Safety" and to create a new position of "Commissioner of Public Safety" which position shall have charge and supervision of the Police and Fire Departments.

FOR THE MEETING OF:

July 13, 2016

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council continue the Public Hearing on the proposed revision to the Rye City Charter regarding the establishment of a "Department of Public Safety" and the creation of a new position of "Commissioner of Public Safety" which position shall have charge and supervision of the Police and Fire Departments.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND: At the July 8, 2015 City Council meeting the Mayor appointed a study group to study the issues of the Fire Department and provide feedback to the City Council. The Study Group includes Councilmembers Richard Mecca, Kirstin Bucci, Mayor Sack and the Chiefs of the Fire Department. Meetings have been held with the professional firefighters, volunteer firefighters, and the Board of Wardens. The recommendation from the Study Group is to establish a Department of Public Safety and to create a new position of Commissioner of Public Safety who will oversee the supervision of the Police and Fire Departments.

See attached proposed Local Law.

CITY OF RYE
LOCAL LAW NO. 2016

A local law to rescind Article 12 “Police Department” and Article 13 “Fire Department” of the Rye City Charter and create a new Article 12 “Department of Public Safety” and to create a new position of “Commissioner of Public Safety”, which position shall have charge and supervision of the Police and Fire Departments as follows:

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

Section 1: Repeal City Charter Article 12 “Department of Police” in its entirety and replace same with a new Article C12 “Department of Public Safety”

Section 2: Repeal City Charter Article 13 “Fire Department” in its entirety.

Section 3: Department of Public Safety.

Article C12-1. “Commissioner of Public Safety”

- A. There shall be Department of Public Safety, the head of which shall be the Commissioner of Public Safety, who shall be appointed by the City Manager, and he/she shall serve at the pleasure of the City Manager. The Commissioner of Public Safety shall have at least the qualifications and experience specified by the City Council. The Commissioner of Public Safety shall report directly to the City Manager.
- B. The Commissioner of Public Safety shall have charge and supervision of the Fire and Police Departments and shall provide in all ways possible for the safety, care, comfort and protection of the inhabitants of the City of Rye and of their property.

Article C12-2. Powers and Duties of Commissioner of Public Safety.

- A. The Commissioner of Public Safety shall have jurisdiction, supervision and control of the government, administration, disposition and discipline of the officers and members of the Fire and Police Departments; and shall possess and exercise fully and exclusively all powers and perform all duties pertaining to the government, maintenance and direction of the fire department, and the apparatus and property thereof, and buildings furnished therefore and of the Police Department and equipment furnished therefore, and shall have the general directions and supervision of the expenditure of all moneys appropriated to the Department of Public Safety. He/she shall have authority to administer oaths and take evidence, affidavits and acknowledgements in all matters and proceedings pertaining to the Department of Public Safety.
- B. The Commissioner of Public Safety shall have the power to make rules and regulations, approved by the City Council, in regard to the government, administration, disposition and discipline of the members Fire Department and the Police Department. Such rules and regulations may provide for the hearing,

examination, investigation, trial and determination of charges made or prepared against any officer or member of said department for neglect of official duty or incompetency or incapacity to perform his official duties, or some delinquency seriously affecting his general character or fitness for the office, and may, in his/her discretion, punish, discipline and/or terminate any officer or member found guilty thereof, after reasonable notice and upon due trial by the aforesaid Commissioner of Public Safety in the form and manner prescribed by the rules and regulations of his Department.

- C. The Commissioner of Public Safety shall have the power to appoint all officers and members of the Fire Department, except those positions which are elected positions by the Volunteer Fire Department and all officers and members of the Police Department, including Bay Constables, subject to civil service rules and regulations, to such positions in said departments as are established by the City Council.
- D. The Commissioner of Public Safety shall have general supervision over the records of the Department of Public Safety and its officers and employees and shall possess such other powers and perform such other duties as may be prescribed by law or by resolution of the City Council.
- E. The Commissioner of Public Safety shall be responsible for the administration and supervision of police officers assigned to policing and enforcing all laws and ordinances applicable to Rye Town Park and the maintenance of order therein.
- F. The Commissioner of Public Safety shall assist the City Manager in the administration of flood, disaster and other emergency plans.
- G. The Commissioner of Public Safety shall be responsible for the administration, in coordination with other municipalities, of an emergency ambulance service on behalf of the inhabitants of the City.

Article C12-3. Constitution of the Fire Department and the Police Department.

The Fire Department shall be supervised by the supervisory officers and such other officers as the Commissioner of Public Safety shall authorize. The Police Department shall consist of the paid division, including the Bay Constables, and the auxiliary police division and shall be supervised by the supervisory officers of the Police Department and such other officers as the Commissioner of Public Safety shall authorize. The supervisory officers of the Fire Department and the supervisory officers of the Police Department, under the direction and control of the Commissioner of Public Safety, shall have the supervision and management of the officers, employees and members of the respective departments.

Article C12-4. Election and approval of officers of the Rye Volunteer Fire Department.

The Rye Volunteer Fire Department shall be constituted of a/several volunteer fire company(ies) and shall have the power to elect a chief, a first assistant chief, a second assistant chief, and all company officers to be elected from the company(ies); however,

such positions shall only be filled if such volunteers meet all of the training requirements established by the Commissioner of Public Safety. All elected officers shall be approved by the Commissioner of Public Safety and the City Council. The chief, first assistant chief and second assistant chief shall work with the supervisory officers of the Fire Department and report directly to the Commissioner of Public Safety. Each company shall have the power to elect company officers as are necessary and to select members to fill any vacancies which may occur in their ranks. The company(ies) may adopt by-laws, subject to the approval of the Public Safety Commissioner, City Manager and City Council, to govern the leadership, management and direction of their respective company(ies). The Commissioner of Public Safety may remove any member on the ground of incompetence or misconduct after a hearing upon due notice and upon stated charges with the right of such officer and member to a review pursuant to article seventy-eight of the civil practice law and rules.

Section 5: Severability.

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

Section 6: Effective date.

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



CITY COUNCIL AGENDA

NO. 12

DEPT.: City Manager

DATE: July 13, 2016

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Public Hearing to amend local law Article 21, "Financial Procedures", Section §C21-9, "Bond Resolutions", of the Charter of the Rye City Code, to eliminate the City's discretionary debt limit.

FOR THE MEETING OF:

July 13, 2016

RYE CITY CODE,

CHAPTER	C-21
SECTION	9

RECOMMENDATION: That the Council hold a Public Hearing on the proposed revision to the Rye City Charter, Article 21, "Financial Procedures", Section §C21-9, "Bond Resolutions", to eliminate the City's discretionary debt limit.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND:

The City Charter currently places the following limitations on the issuance of new debt:

- ❖ The City Council can authorize the issuance of new debt up to 5% of the average gross annual budget (General Fund, Cable TV Fund, Boat Basin Fund, Golf Club Fund) for the preceding 3 years
- ❖ Debt exceeding 5% of the average gross annual budget, but not exceeding 10%, requires super-majority City Council vote and a permissive referendum
- ❖ Debt in excess of 10% of the gross annual budget requires approval of the voting public in a general or special election
- ❖ There are exemptions for Public Safety and Disaster Rebuilding of \$2.5 million each

Most municipalities follow the New York State Constitutional debt limit which is a percentage of the five-year average full valuation of taxable property within a municipality. A proposal has been put forward to eliminate the self-imposed Charter debt limit and follow the NYS debt limit.

See attached proposed Local Law.

CITY OF RYE
LOCAL LAW NO. 2016

A local law to amend Article 21 “Financial Procedures” to eliminate any City imposed debt limit and authority the issuance of debt in accordance with New York State Local Finance Law and other applicable State limits as follows:

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

Section 1:

Article 21. Financial Procedures. § C21-9. Bond Resolutions.

- ~~A.~~ ~~All bond resolutions, except as hereinafter provided, authorizing the issuance of bonds in excess of 10% of the average of the gross annual budget of the city for the preceding three years shall be adopted by a vote of at least five members of the council and shall be subject to the approval of a majority of the qualified voters voting at a general or special election.~~
- ~~B.~~ ~~All bond resolutions, except as hereinafter provided, authorizing the issuance of bonds in excess of 5% of the average of the gross annual budget of the city for the preceding three years but not more than 10% of such average shall be adopted by a vote of at least five members of the council and shall be subject to a permissive referendum, provided that the aggregate of the proposed bond issue and the outstanding obligations under bonds previously issued subject to a permissive referendum does not exceed 10% of such average.~~
- ~~C.~~ A. The Council may, by a vote of at least five members thereof, authorize the issuance of bonds. ~~not in excess of 5% of the average of the gross annual budget of the city for the preceding three years, provided that the aggregate of the proposed bond issue and the outstanding obligations under bonds previously issued without being subject to any referendum does not exceed 5% of such average.~~
- ~~D.~~ B. The provisions of this section shall not apply to bond resolutions authorizing the issuance of bonds for the payment of judgment, or compromised or settled claims against the City, or awards or sums payable by the City pursuant to a determination by a court, or an officer, body or agency in an administrative or quasi-judicial capacity, or any capital improvement or equipment proposed to be constructed or acquired where the expense thereof, other than operation and maintenance, is to be borne by local assessment upon the several lots and parcels of land which the Council shall determine and specify to be especially benefited thereby, or capital improvements or equipment to be constructed or acquired which have been determined by resolution of the

council to be required to implement a Federal, State or County of Westchester mandate failure of which to comply with could, in the judgment of the Council expressed in resolution, result in the imposition of a fine or penalty, or authorizing the issuance of obligations to be sold to the New York State Environmental Facilities Corporation or any successor thereto.

~~E.~~ C. The provisions of this section shall not apply to bond resolutions authorizing the issuance of bonds for the payment of capital improvements or equipment proposed to be constructed or acquired for purposes determined by resolutions of the council to be required for public safety purposes requiring urgent action, in an amount not exceeding \$1,000,000 in the aggregate in any fiscal year, and provided that on the date of adoption of said bond resolution, the Council determines that the aggregate of the proposed bond authorization and the outstanding principal amount of obligations previously issued for public safety purposes requiring urgent action in reliance on this paragraph C ~~E~~ does not exceed \$2,500,000. In making such determination, the Council shall disregard certain such outstanding obligations to the extent provided below. Such determination shall be conclusive for all purposes of this paragraph C ~~E~~, irrespective of whether through inadvertence or otherwise such determination is later found to be inaccurate. In the event that the Council determines that the aggregate of the proposed bond authorization and the outstanding obligations issued for public safety purposes requiring urgent action exceeds \$2,500,000, the Council may authorize a mandatory public referendum on the question of whether such bond authorization shall become effective. In the event of approval of such authorization at a referendum, such authorization shall become effective and i) the obligations issued or to be issued in reliance on such bond authorization, and ii) the outstanding amount of obligations previously issued or authorized for public safety purposes requiring urgent action in reliance on this paragraph C ~~E~~ on the date of adoption of such bond authorization, shall be thereafter disregarded for all purposes of this paragraph C ~~E~~.

~~F.~~ D. The provisions of this section shall not apply to bond resolutions authorizing the issuance of bonds for the payment of capital improvements or equipment proposed to be constructed or acquired for purposes determined by resolution of the Council to be required for natural disaster reconstruction as a result of a natural disaster, as declared by the Federal Government or the State government requiring urgent action, in an amount not exceeding \$2,500,000 in the aggregate in any fiscal year, and provided that on the date of adoption of said bond resolution, the Council determines that the aggregate of the proposed bond authorization and the outstanding principal amount of obligations previously issued for natural disaster reconstruction purposes requiring urgent action in reliance on this paragraph D ~~F~~ does not exceed

\$2,500,000. In making such determination, the Council shall disregard certain outstanding obligations to the extent provided below. Such determination shall be conclusive for all purposes of this paragraph F, irrespective of whether through inadvertence or otherwise such determination is later found to be inaccurate. In the event that the Council determines that the aggregate of the proposed bond authorization and the outstanding obligations issued for natural disaster reconstruction purposes requiring urgent action exceeds \$2,500,000, the Council may authorize a mandatory public referendum on the questions whether such bond authorization shall become effective. In the event of approval of such authorization at a referendum, such authorization shall become effective and i) the obligations issued or to be issued in reliance on such bond authorization, and ii) the outstanding amount of obligations previously issued or authorized for natural disaster reconstruction purposes requiring urgent action in reliance on this paragraph D ~~F~~ on the date of adoption of such bond authorization, shall be thereafter disregarded for all purposes of this paragraph D ~~F~~.

Section 2: Severability.

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

Section 3: Effective date.

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



CITY COUNCIL AGENDA

NO. 13

DEPT.: City Manager

DATE: July 13, 2016

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Public Hearing to amend Local Law Chapter §197, "Zoning", of the Rye City Code, Section §197-86, "Tables of Regulations", to allow accessory seasonal outdoor customer seating in the B-1 Neighborhood Business District.

FOR THE MEETING OF:

July 13, 2016

RYE CITY CODE,

CHAPTER	197
SECTION	86

RECOMMENDATION: That the Council hold a Public Hearing to amend the City Code to allow for outdoor dining in the B-1 Neighborhood Business District.

IMPACT: ☐ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

BACKGROUND: Currently the Rye City Code allows for accessory seasonal outdoor customer seating, or outdoor dining, in the B-2 Central Business District only. An establishment must submit an application on an annual basis with the applicable fees and be reviewed by the Planning Commission. A request has been made to allow outdoor dining in the B-1 Neighborhood Business District. The change to include the new District would include: (1) an update to Local Law §197-86, (2) Preparation of an Environmental Assessment Form (EAF), (3) SEQA determination, (4) notice to Westchester County, (5) Notice in the City's official paper, (6) a Public Hearing, and (7) a Resolution for the Local Law adoption.

See attached:

- Draft Local Law §197-86
- Full Environmental Assessment Form (EAF)
- Resolution adopting a SEQR Negative Declaration
- Current Application for Outdoor dining
- Map of the eleven (11) B-1 Neighborhood Business District

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City Planner
1051 Boston Post Road
Rye, New York 10580




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E-mail: cmiller@ryeny.gov
<http://www.ryeny.gov>

CITY OF RYE
Department of Planning

Memorandum

To: Marcus Serrano, City Manager

From: Christian K. Miller, City Planner 

cc: Kristen K. Wilson, Esq., Corporation Counsel

Date: July 5, 2016

Subject: **Local Law Allowing Seasonal Outdoor Seating in the B-1 District**

Attached herewith for use by the City Council is a draft local law allowing accessory seasonal outdoor customer seating in the City's B-1, *Neighborhood Business*, District. A map of the eleven B-1 Districts has been previously provided to the City Council, but is also attached hereto for convenience.

As requested the by the City Council, the draft local law would apply the same review process and regulatory standards that is currently used by the Planning Commission in its consideration of outdoor customer seating permits in the City's B-2, *Central Business*, District along Purchase Street. You may note in the draft law the repeal of this existing section. This was done for regulatory efficiency. The B-2 District allows all accessory uses in the B-1 District by reference making this existing section redundant upon adoption of the draft local law.

Attached for the Council's consideration is a full Environmental Assessment Form (EAF) as required for all discretionary land use matters pursuant to the provisions of the State Environmental Quality Review (SEQR). Also provided is a resolution adopting a SEQR Negative Declaration (i.e. a finding that the proposed action will have no significant adverse impact) and adopting the draft local law.

DRAFT

CITY OF RYE LOCAL LAW NO. ____-2016

A local law amending §197-86 of the Code of the City of Rye to Allow Accessory Seasonal Outdoor Customer Seating in the B-1, Neighborhood Business, District

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

Section 1. §197-86 Table of Regulations: Table B Business Districts-Use Regulations, Column 3, Permitted Accessory Uses, Row B-1 Neighborhood Business Districts, of the Code of the City of Rye is hereby amended to add the following new subsection:

- (3) Seasonal outdoor customer seating annual permit. The Planning Commission may annually permit seasonal outdoor customer seating and tables on a property and, to a limited degree, extensions onto abutting City property, subject to the following limitations:
 - (a) Outdoor customer seating shall only be permitted from April through October and shall require a new permit approved by the Planning Commission before each season. During the months of November through March, the tables, chairs and any related equipment must be stored inside of the building or removed from the site.
 - (b) The Planning Commission shall limit the area of outdoor customer seating such that it will not interfere in any way with fire exits or other requirements of the Building Code of New York State.
 - (c) The Planning Commission shall limit the area to be devoted to outdoor customer seating so that it will not interfere with access by the handicapped and shall maintain on any City sidewalk a safe, adequate and unobstructed passageway for pedestrians not less than five (5) feet in clear width from the edge of the outdoor seating area to the nearest obstruction.
 - (d) The outdoor area to be devoted to seasonal outdoor customer seating shall not be considered for the purpose of determining on-site parking requirements.
 - (e) The Planning Commission may impose conditions and requirements as it deems appropriate, including, but not limited to size and configuration of the outdoor seating area; maximum number of tables and chairs; permitted hours of outdoor seating; type, size and color of tables and chairs; requirements for the daily removal of tables and chairs; limitations on the placement of tables during City-

DRAFT

approved outdoor events, and/or standards for cleanliness and removal of debris.

- (f) The Planning Commission shall not issue a permit if it finds that the proposed outdoor seating would be incompatible with other uses on the property or an abutting property.
- (g) The Planning Commission may deny the issue of a permit if it finds that during the prior year the permit holder violated any condition of the permit, that during the prior year the applicant or the property owner provided or permitted outdoor seating without having obtained a permit or that there are outstanding notices of violation concerning the property or the applicant's use.
- (h) An insurance certificate naming the City as an additional insured in the amount of \$2 million and a signed and notarized indemnification and hold harmless agreement shall be provided for any seasonal outdoor customer seating approved by the Planning Commission on City property.

Section 2. §197-86 Table of Regulations: Table B Business Districts-Use Regulations, Column 3, Permitted Accessory Uses, Row B-2 Central Business Districts, of the Code of the City of Rye is hereby amended to remove subsection 4, Seasonal outdoor customer seating annual permit.

Section 3. This local law shall take effect immediately upon filing in the office of the Secretary of State.

Neighborhood Business District Study

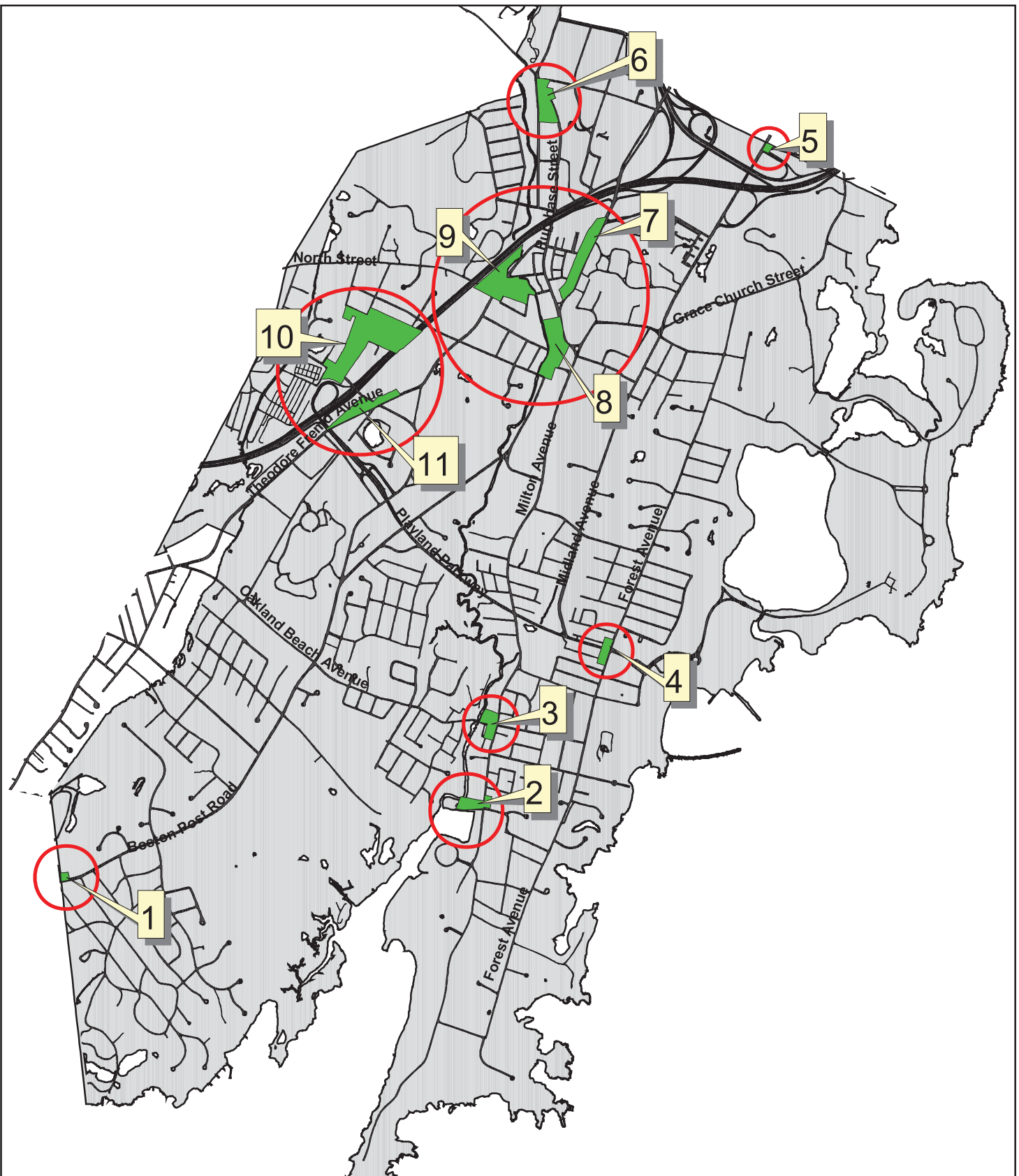


Figure 1: Neighborhood Business Districts

 B-1 Zoning District Boundary
 Roads



Last Revised: Jan. 2005

Note: This map is intended for general planning purposes only.

RESOLUTION
Adopting a local law amending §197-86 of the Code of the City of Rye to
Allow Accessory Seasonal Outdoor Customer Seating
in the B-1, *Neighborhood Business*, District

WHEREAS, on June 8, 2016, the Rye City Council set a public hearing for July 13, 2016 on a local law amending §197-86 of the Code of the City of Rye to allow accessory seasonal outdoor customer seating in the B-1, *Neighborhood Business*, District; and

WHEREAS, the notice of hearing was circulated to the Westchester County Planning Board and abutting communities as required by Sections 277.61 and 277.71 of the Westchester County administrative code; and

WHEREAS, the City Council has reviewed the Full Environmental Assessment Form (EAF) dated July 5, 2016 and determines that the proposed action is consider a Type I; and

WHEREAS, the City Council is the only Involved Agency in connection with the proposed action; and

WHEREAS, the City Council conducted a noticed public hearing on July 13, 2016 and all those wishing to be heard were given the opportunity to be heard;

NOW, THEREFORE, BE IT RESOLVED, that the City Council designates itself as Lead Agency and based on its review of the Environmental Assessment Form (EAF), the criteria listed in Section 617.7(c) of SEQRA and the complete record, the City Council finds that the proposed action will not have a significant adverse environmental impact; and

BE IT FURTHER RESOLVED, that the City Council adopts Local Law #_____-2016 amending §197-86 of the Code of the City of Rye to Allow Accessory Seasonal Outdoor Customer Seating in the B-1, *Neighborhood Business*, District;

617.20
Appendix A
State Environmental Quality Review
FULL ENVIRONMENTAL ASSESSMENT FORM

Purpose: The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible enough to allow introduction of information to fit a project or action.

Full EAF Components: The full EAF is comprised of three parts:

- Part 1:** Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.
- Part 2:** Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially large impact. The form also identifies whether an impact can be mitigated or reduced.
- Part 3:** If any impact in Part 2 is identified as potentially large, then Part 3 is used to evaluate whether or not the impact is actually important.

DETERMINATION OF SIGNIFICANCE – Type 1 and Unlisted Actions

Identify the Portions of EAF completed for this project: ☒ Part 1 ☒ Part 2 ☐ Part 3

Upon review of the information recorded on this EAF (Parts 1, 2 and 3, if appropriate), and any other supporting information, and considering both the magnitude and important of each impact, it is reasonably determined by the lead agency that:

- ☐ A. The project will not result in any large and important impact(s) and, therefore, is one which **will not have a significant impact on the environment, therefore a negative declaration will be prepared.**
- ☐ B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore a **CONDITIONED negative declaration will be prepared.***
- ☐ C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore a **positive declaration will be prepared.**

* A Conditioned Negative Declaration is only valid for Unlisted Actions

A Local Law Amending the B-1 District to Allow Accessory Seasonal Outdoor Customer Seating

Name of Action

Rye City Council

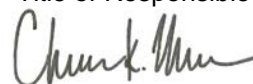
Name of Lead Agency

Joe Sack

Print or Type Name of Responsible Officer in Lead Agency

Mayor

Title of Responsible Officer



Signature of Responsible Officer in Lead Agency

Signature of Preparer (If different from responsible officer)

Christian K. Miller, AICP, Rye City Planner

July 5, 2016

Date

PART 1 – PROJECT INFORMATION

Prepared by Project Sponsor

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

NAME OF ACTION		
A Local Law Amending the B-1 District to Allow Accessory Seasonal Outdoor Customer Seating		
LOCATION OF ACTION (Include Street Address, Municipality and County)		
City of Rye		
NAME OF APPLICANT/SPONSOR		BUSINESS TELEPHONE
Rye City Council		(914) 967-7167
ADDRESS		
1051 Boston Post Road		
CITY/PO	STATE	ZIP CODE
Rye	New York	10580
NAME OF OWNER (if different)		BUSINESS TELEPHONE
N/A		()
ADDRESS		
CITY/PO	STATE	ZIP CODE
DESCRIPTION OF ACTION		
<p>The proposed action involves adopting a local law to amend the City Zoning Code to allow seasonal outdoor customer seating in the eleven B-1 Neighborhood Business Districts in the City. The proposed local law is identical to a law adopted by the City Council in 2009 for use in the City's B-2 District. Multiple applications have been approved by the City Planning Commission since the adoption of that law seven years ago. Since the proposed action involves a local law and is not project specific many of the questions of the full EAF are not applicable.</p>		

Please Complete Each Question – Indicate N.A. if not applicable

A. Site Description – NOT APPLICABLE

Physical setting of overall project, both developed and undeveloped areas.

1. Present Land Use: ☐ Urban ☐ Industrial ☐ Commercial ☐ Residential (Suburban)
 ☐ Forest ☐ Agriculture ☐ Rural (Non-Farm) ☐ Other _____

2. Total Acreage of Project Area: _____ acres.

APPROXIMATE ACREAGE	PRESENTLY	AFTER COMPLETION
Meadow or Brushland (Non-Agricultural)	_____ acres	_____ acres
Forested	_____ acres	_____ acres
Agricultural (Includes orchards, cropland, pasture, etc)	_____ acres	_____ acres
Wetland (Freshwater or tidal as per Article 24,25 of ECL	_____ acres	_____ acres
Water Surface Area	_____ acres	_____ acres
Unvegetated (Rock, earth or fill)	_____ acres	_____ acres
Roads, buildings & other paved surfaces	_____ acres	_____ acres
Other (Indicate type): _____	_____ acres	_____ acres

3. What is predominant soil type(s) on project site? _____
- a. Soil Drainage: ☐ Well drained _____% of site ☐ Moderately drained _____% of site ☐ Poorly drained _____% of site
- b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? _____ acres. (See 1 NYCRR 370)
4. Are there bedrock outcroppings on project site? ☐ Yes ☐ No
- a. What is depth to bedrock? _____ (in feet)

5. Approximate percentage of proposed project site with slopes:

☐ 0 - 10% _____% ☐ 10 – 15% _____% ☐ 15% or greater _____%

6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or the National Registers of Historic Places? ☐ Yes ☐ No

7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks? ☐ Yes ☐ No

8. What is the depth of the water table? _____ (in feet)

9. Is site located over a primary, principal, or sole source aquifer? ☐ Yes ☐ No

10. Do hunting, fishing or shell fishing opportunities presently exist in the project area? ☐ Yes ☐ No

11. Does project site contain any species of plant or animal life that is identified as threatened or endangered?

☐ Yes ☐ No According to _____
Identify each species _____

12. Are there any unique or unusual land forms on the project site? (i.e. cliffs, dunes, other geological formations)

☐ Yes ☐ No Describe _____

13. Is the project site presently used by the community or neighborhood as an open space or recreation area?

☐ Yes ☐ No If yes, explain _____

14. Does the present site include scenic views known to be important to the community?

☐ Yes ☐ No

15. Streams within or contiguous to project area: _____

a. Name of Stream and River to which it is tributary: _____

16. Lakes, ponds, wetland areas within or contiguous to project area:

a. Name _____ b. Size in acres _____

17. Is the site served by existing public utilities?

a. If yes, does sufficient capacity exist to allow connection? ☐ Yes ☐ No
b. If yes, will improvements be necessary to allow connection? ☐ Yes ☐ No

18. Is the site located in an agricultural district certified pursuant to Agriculture and Market Laws, Article 25-AA, Section 303 and 304?

☐ Yes ☐ No

19. Is the site located in or substantially contiguous to a Critical Environmental Area or an Environmentally Sensitive Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617? ☐ Yes ☐ No

20. Has the site ever been used for the disposal of solid or hazardous wastes? ☐ Yes ☐ No

B. Project Description – NOT APPLICABLE, Except #24 and #25

1. Physical dimensions and scale of project (fill in dimensions as appropriate)

- a. Total contiguous acreage owned or controlled by project sponsor _____ acres.
- b. Project acreage to be developed: _____ acres initially; _____ acres ultimately.
- c. Project acreage to remain undeveloped _____ acres.
- d. Length of project in miles: _____ (if appropriate)
- e. If the project is an expansion, indicate percent of expansion proposed _____%.
- f. Number of off-street parking spaces existing _____ proposed _____
- g. Maximum vehicular trips generated per hour _____ (upon completion of project)?
- h. If residential: Number and type of housing units:

	One Family	Two Family	Multiple Family	Condominium
Initially	_____	_____	_____	_____
Ultimately	_____	_____	_____	_____

i. Dimensions (in feet) of largest proposed structure: _____ height _____ width _____ length.

j. Linear feet of frontage along a public thoroughfare project will occupy is? _____ feet.

2. How much natural material (i.e., rock, earth, etc.) will be removed from the site? _____ tons/cubic yards.
3. Will disturbed areas be reclaimed? ☐ Yes ☐ No ☐ N/A
- a. If yes, for what intended purpose is the site being reclaimed? _____
- b. Will topsoil be stockpiled for reclamation? ☐ Yes ☐ No
- c. Will upper subsoil be stockpiled for reclamation? ☐ Yes ☐ No
4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? _____ acres.
5. Will any mature forest (over 100 years old) or other locally important vegetation be removed by this project? ☐ Yes ☐ No
6. If single phase project: Anticipated period of construction _____ months, (including demolition)
7. If multi-phased:
- a. Total number of phases anticipated _____ (number)
- b. Anticipated date of commencement Phase 1 _____ month _____ year. (Including demolition)
- c. Approximate completion date of final phase _____ month _____ year.
- d. Is Phase 1 functionally dependent on subsequent phase? ☐ Yes ☐ No
8. Will blasting occur during construction? ☐ Yes ☐ No
9. Number of jobs generated: during construction _____ after project is complete _____
10. Number of jobs eliminated by this project _____
11. Will project require relocation of any projects or facilities? ☐ Yes ☐ No
If yes, explain _____
12. Is surface liquid waste disposal involved? ☐ Yes ☐ No
- a. If yes, indicate type of waste (sewage, industrial, etc.) and amount _____
- b. Name of water body into which effluent will be discharged _____
13. Is subsurface liquid waste disposal involved? ☐ Yes ☐ No Type _____
14. Will surface area of an existing water body increase or decrease by proposal? ☐ Yes ☐ No
Explain _____
15. Is project or any portion of project located in a 100 year flood plain? ☐ Yes ☐ No
16. Will the project generate solid waste? ☐ Yes ☐ No
- a. If yes, what is the amount per month _____ tons.
- b. If yes, will an existing solid waste facility be used? ☐ Yes ☐ No
- c. If yes, give name _____; location _____
- d. Will any wastes not go into a sewage disposal system or into a sanitary landfill? ☐ Yes ☐ No
- e. If yes, explain _____
17. Will the project involve the disposal of solid waste? ☐ Yes ☐ No
- a. If yes, what is the anticipated rate of disposal? _____ tons/month.
- b. If yes, what is the anticipated site life? _____ years.
18. Will project use herbicides or pesticides? ☐ Yes ☐ No
19. Will project routinely produce odors (more than one hour per day)? ☐ Yes ☐ No
20. Will project produce operating noise exceeding the local ambient noise levels? ☐ Yes ☐ No
21. Will project result in an increase in energy use? ☐ Yes ☐ No
If yes, indicate type(s) _____
22. If water supply is from wells, indicate pumping capacity _____ gallons/minute.
23. Total anticipated water usage per day _____ gallons/day.
24. Does project involve Local, State or Federal funding? ☐ Yes ☒ No
If yes, explain _____

25. Approvals Required:

City Council	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Type <u>Local Law Adoption</u>	Submittal Date <u>Pending</u>
City Planning Commission	<input type="checkbox"/> Yes	<input type="checkbox"/> No		
City Health Department	<input type="checkbox"/> Yes	<input type="checkbox"/> No		
Other Local Agencies	<input type="checkbox"/> Yes	<input type="checkbox"/> No		
Other Regional Agencies	<input type="checkbox"/> Yes	<input type="checkbox"/> No		
State Agencies	<input type="checkbox"/> Yes	<input type="checkbox"/> No		
Federal Agencies	<input type="checkbox"/> Yes	<input type="checkbox"/> No		
Other: <u>West County Planning</u>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<u>Advisory Review per GML/WCAC Referral</u>	<u>Pending</u>

C. Zoning and Planning Information

- Does proposed action involve a planning or zoning decision? ☒ Yes ☐ No
If yes, indicate decision required:
☐ Resource Management Plan ☐ Zoning Variance ☐ Special Use Permit ☐ Subdivision
☐ New/Revision of Master Plan ☒ Zoning Amendment ☐ Site Plan ☐ Other _____
- What is the zoning classification(s) of the site? N.A.
- What is the maximum potential development of the site if developed as permitted by the present zoning?
N.A.
- What is the proposed zoning of the site? Text Amendment. Zoning district designation remains unchanged.
- What is the maximum potential development of the site if developed as permitted by the proposed zoning?
Zoning text amendment would not alter the bulk and dimensional restrictions of B-1 District.
- Is the proposed action consistent with the recommended uses in adopted local land use plan? ☒ Yes ☐ No
- What are the predominant land use(s) and zoning classifications within a ¼ mile radius of proposed action?
N.A.
- Is the proposed action compatible with adjoining/surrounding land uses within a ¼ mile? ☒ Yes ☐ No
- If the proposed action is the subdivision of land, how many lots are proposed? N.A.
a. What is the minimum lot size proposed? _____
- Will proposed action require any authorization(s) for the formation of sewer or water districts? ☐ Yes ☒ No
- Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)?
☐ Yes ☒ No
a. If yes, is existing capacity sufficient to handle projected demand? ☐ Yes ☐ No
- Will the proposed action result in the generation of traffic significantly above present levels? ☐ Yes ☒ No
a. If yes, is the existing road network adequate to handle the additional traffic? ☐ Yes ☐ No

D. Informational Details

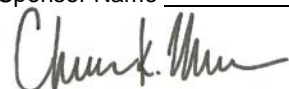
Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

E. Verification

I certify that the information provided above is true to the best of my knowledge.

Applicant/Sponsor Name _____

Date _____

Signature 
Christian K. Miller, AICP

Title City Planner

If the action is in the Coastal Area, and you are a State Agency, complete the Coastal Assessment Form before proceeding with this assessment.

PART 2 – PROJECT IMPACTS AND THEIR MAGNITUDE

Responsibility of Lead Agency

General Information (Read Carefully)

- In completing the form the reviewer should be guided by the question: Have my responses and determinations been **reasonable**? The reviewer is not expected to be an expert environmental analyst.
- The **examples** provided are to assist the reviewer by showing types of impacts and wherever possible the threshold of magnitude that would trigger a response in Column 2. The examples are generally applicable throughout the State and for most situations. But, for any specific project or site, other examples and/or lower thresholds may be appropriate for a Potential Large Impact Response, thus requiring evaluation in Part 3.
- The impacts of each project, on each site, in each locality, will vary. Therefore, the examples are illustrative and have been offered as guidance. They do not constitute an exhaustive list of impacts and thresholds to answer each question.
- The number of examples per question does not indicate the importance of each question.
- In identifying impacts, consider long term, short term and cumulative effects.

Instructions (Read carefully)

- Answer each of the 20 questions in Part 2. Answer Yes if there will be any impact.
- Maybe answers should be considered as Yes answers.
- If answering Yes to a question then check the appropriate box (column 1 or 2) to indicate the potential size of the impact. If impact threshold equals or exceeds any example provided, check column 2. If impact will occur, but threshold is lower than example, check column 1.
- Identifying that an impact will be potentially large (column 2) does not mean that it is also necessarily significant. Any large impact must be evaluated in Part 3 to determine significance. Identifying an impact in column 2 simply asks that it be looked at further.
- If reviewer has doubt about size of the impact, then consider the impact as potentially large and proceed to Part 3.
- If a potentially large impact checked in column 2 can be mitigated by change(s) in the project to a small to moderate impact, also check the Yes box in column 3. No response indicates that such a reduction is not possible. This must be explained in Part 3.

IMPACT ON LAND

- Will the proposed action result in a physical change to the project site?
☐ Yes ☒ No

Examples that would apply to column 2

- Any construction on slopes of 15% or greater, (15 foot rise per 100 foot of length), or where the general slopes in the project area.
- Construction on land where the depth to the water table is less than 3 feet.
- Construction of paved parking area for 1,000 or more vehicles.
- Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface.
- Construction that will continue for more than 1 year or involve more than one phase or stage.
- Excavation for mining purposes that would remove more than 1,000 tons of natural material (i.e., rock or soil) per year.
- Construction or expansion of a sanitary landfill.
- Construction in a designated floodway.
- Other impacts _____

- Will there be an effect to any unique or unusual land forms found on the site? (i.e., cliffs, dunes, geological formations, etc.) ☐ Yes ☒ No

- Specific land forms: _____

1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
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IMPACT ON WATER

3. Will proposed action affect any water body designated as protected?
Under Articles 15, 24, 25 of the Environmental Conservation Law, ECL)
- ☐ Yes ☒ No

Examples that would apply to column 2

- Developable area of site contains a protected water body.
- Dredging more than 100 cubic yards of material from a channel of a protected stream
- Extension of utility distribution facilities through a protected waterbody.
- Construction in a designated freshwater or tidal wetland.
- Other impacts _____

4. Will proposed action affect any non-protected existing or new body of water? ☐ Yes ☒ No

Examples that would apply to column 2

- A 10% increase or decrease in the surface area of any body of water or more than a 10 acre increase or decrease..
- Construction of a body of water that exceeds 10 acres of surface area
- Other impacts _____

5. Will proposed action affect surface or groundwater quality or quantity? ☐ Yes ☒ No

Examples that would apply to column 2

- Proposed action will require a discharge permit.
- Proposed action requires use of a source of water that does not have approval to serve proposed (project) action.
- Proposed action requires water supply from wells with greater than 45 gallons per minute pumping capacity.
- Construction or operation causing any contamination of a water supply system.
- Proposed action will adversely affect groundwater.
- Liquid effluent will be conveyed off the site to facilities which presently do not exist or have inadequate capacity.
- Proposed action would use water in excess of 20,000 gallons per day.
- Proposed action will likely cause siltation or other discharge into an existing body of water to the extent that there will be an obvious visual contrast to natural conditions.
- Proposed action will require the storage of petroleum or chemical products greater than 1,100 gallons.
- Proposed action will allow residential uses in areas without water and/or sewer services.
- Proposed action locates commercial and/or industrial uses which may require new or expansion of existing waste treatment and/or storage facilities.
- Other impacts

6. Will proposed action alter drainage flow or patterns, or surface water runoff? ☐ Yes ☒ No

Examples that would apply to column 2

- Proposed action would change flood water flows.

[illegible]

1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change	
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- ## IMPACT ON AESTHETIC RESOURCES

Examples that would apply to column 2

- ## IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES

Examples that would apply to column 2

- ## IMPACT ON OPEN SPACE AND RECREATION

Examples that would apply to column 2

- | 1
Small to Moderate Impact | 2
Potential Large Impact | 3
Can Impact Be Mitigated By Project Change | |
|--|--|--|---|
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NOISE AND ODOR IMPACTS

17. Will there be objectionable odors, noise, or vibration as a result of the Proposed Action? ☐ Yes ☒ No

Examples that would apply to column 2

- Blasting within 1,500 feet of a hospital, school or other sensitive facility.
- Odors will occur routinely (more than one hour per day).
- Proposed action will produce operating noise exceeding the local ambient noise levels for noise outside of structures.
- Proposed action will remove natural barriers that would act as a noise screen.
- Other impacts _____

IMPACT ON PUBLIC HEALTH

18. Will Proposed Action affect public health and safety? ☐ Yes ☒ No

Examples that would apply to column 2

- Proposed action may cause a risk of explosion or release of hazardous substances (i.e., oil, pesticides, chemicals, radiation, etc.) in the event of accident or upset conditions, or there may be a chronic low level discharge or emission.
- Proposed action may result in the burial of “hazardous wastes” in any form (i.e., toxic, poisonous, highly reactive, radioactive, irritating infectious, etc.)
- Storage facilities for one million or more gallons of liquefied natural gas or other flammable liquids.
- Proposed action may result in the excavation or other disturbance within 2,000 feet of a site used for the disposal of solid or hazardous waste.
- Other impacts

IMPACT ON GROWTH AND CHARACTER OF COMMUNITY OR NEIGHBORHOOD

19. Will proposed action affect the character of the existing community? ☐ Yes ☒ No

Examples that would apply to column 2

The permanent population of the city, town or village in which the project is located is likely to grow by more than 5%.

- The municipal budget for capital expenditures or operating services will increase by more than 5% per year as a result of this project.
- Proposed action will conflict with officially adopted plans or goals.
- Proposed action will cause a change in the density of land use.
- Proposed action will replace or eliminate existing facilities, structures or areas of historic importance to the community.
- Development will create a demand for additional community services (e.g., schools, police and fire, etc.)
- Proposed action will set an important precedent for future projects
- Proposed action will create or eliminate employment.
- Other impacts

[illegible]

20. Is there, or is there likely to be, public controversy related to potential adverse environmental impacts? ☐ Yes ☒ No

If any action in Part 2 is identified as a potential large impact or if you cannot determine the magnitude of impact, proceed to Part 3.

PART 3 – EVALUATION OF THE IMPORTANCE OF IMPACTS

Responsibility of Lead Agency

Part 3 must be prepared if one or more impact(s) is considered to be potentially large, even if the impact(s) may be mitigated.

Instructions:

Discuss the following for each impact identified in Column 2 of Part 2:

1. Briefly describe the impact.
2. Describe (if applicable) how the impact could be mitigated or reduced to a small to moderate impact by project change(s).
3. Based on the information available, decide if it is reasonable to conclude that this impact is important.

To answer the question of importance, consider:

- The probability of the impact occurring
- The duration of the impact
- It's irreversibility, including permanently lost resources of value
- Whether the impact can or will be controlled
- The regional consequence of the impact
- It's potential divergence from local needs and goals
- Whether known objections to the project relate to this impact

(Continue on attachments)



Seasonal Outdoor Customer Seating

City of Rye, New York Planning Department

1051 Boston Post Road, Rye, New York 10580

Phone: (914) 967-7167

Fax (914) 967-7185

www.ryeny.gov/planning.htm

A. Establishment Name: _____

B. Applicant or Representative:

Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Phone: _____
Fax: _____
Email: _____

C. Property Owner:

Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Phone: _____
Fax: _____

D. Property Information:

Street Address: _____
City: Rye State: NY Zip: 10580
Property Area (Acres): _____
Tax Map Designation: Sheet: _____ Block: _____ Lot(s): _____

E. Application Information:

Area of outdoor seating: _____
Number of tables: _____
Size of tables: _____
Table material type and color: _____
Number of chairs: _____
Chair material type and color: _____
Days and hours of outdoor seating: _____

F. Application Submission Information

1. A plan shall be provided with appropriate dimensions showing the following:
 - The size and configuration of the outdoor customer seating area and the extent of encroachment (if any) on adjacent City property. If seating is proposed in front of an



Seasonal Outdoor Customer Seating

City of Rye, New York Planning Department

Page 2 of 2

- adjacent establishment the owner/operator of that adjacent establishment and property owner shall also endorse this application.
- The location of adjacent buildings and storefront entrances.
 - Dimensions to City curb and other existing obstructions (e.g. trees, signs, planters or other street amenities)
2. If any outdoor customer seating is located on City property the applicant shall provide the City of Rye with an insurance certificate naming the City as an additional insured in the amount of \$2 million and shall provide a signed and notarized indemnification and hold harmless agreement.
3. Fees:
- Application Fee: \$500
 - License Fee: \$100 per table (*applicable to applications located on City property*).
4. Applications must be submitted not less than ten days before a Planning Commission Meeting. Upon submission of an application the applicant shall post in the front window of the establishment the following sign having a minimum size of 2 feet by 3 feet. The size of lettering shall be a minimum of 2 inches, except that the words "PUBLIC NOTICE" appearing at the top of the sign shall have no less than 5 inch high lettering.

PUBLIC NOTICE

AN APPLICATION FOR SEASONAL OUTDOOR CUSTOMER SEATING HAS BEEN SUBMITTED FOR THIS ESTABLISHMENT AND WILL BE CONSIDERED BY THE RYE CITY PLANNING COMMISSION AT ITS NEXT AVAILABLE MEETING.

ADDITIONAL INFORMATION IS AVAILABLE AT THE CITY PLANNER'S OFFICE AT RYE CITY HALL, 1051 BOSTON POST ROAD.

G. Signatures

By signing this application the applicant attests that to the best of his or her knowledge all information provided herein is accurate and truthful. The signature of the applicant and owner also grants consent to having any City Staff or Board or Commission members responsible for of the review or approval of this application to enter the property of the subject application.

Applicant Signature

Date

Property Owner Signature(s)

Date



CITY COUNCIL AGENDA

NO. 15

DEPT.: Police

DATE: July 13, 2016

CONTACT: Michael C. Corcoran, Jr., Police Commissioner

AGENDA ITEM: Consideration of the addition to the Rules and Regulations of the City of Rye Police Department: General Order #105.5 regarding a Missing Persons Policy.

FOR THE MEETING OF:

July 13, 2016

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: Approval of a new General Order #105.5, "Missing Persons Policy"

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

Enhancement of the operational effectiveness of the Department.

BACKGROUND: The proposed new General Order #105.5 establishes a Department policy regarding the Police Department's response to reports of missing persons. The proposed General Order establishes policies for official use for Department investigation of a report of a missing person, including abducted or missing children, to initiate an investigation.

A copy of the proposed order is attached. It has been provided to the Rye Police Association for review pursuant to the provisions of the collective bargaining agreement.

CITY OF RYE POLICE DEPARTMENT

General Order #105.5	New [x] Supersedes:	Revised []
Subject: Missing Persons Policy		
Date Issued 5/27/16	Date Effective	Page 1 of 5
Issuing Authority: Michael C. Corcoran Jr., Police Commissioner		

POLICY

The purpose of this policy is to establish guidelines and responsibilities regarding this agency's response to reports of missing persons.

POLICY STATEMENT

The Department shall immediately accept and investigate any report of a missing person, including abducted or missing children, without delay, and initiate an investigation.

PROCEDURE

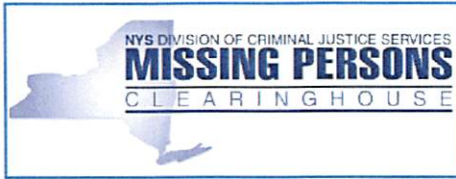
GENERAL

1. People shall be deemed "Missing Persons" to be addressed by the department when their whereabouts are unknown in one or more of the following categories or circumstances:
 - a. **Disabled-** persons of any age having proven physical disability indicating their safety may be in danger;
 - b. **Disaster Victim-** persons of any age missing after a catastrophe;
 - c. **Endangered-** persons of any age who are missing under circumstances that indicate a threat to their physical safety;

- d. **Foul Play/Life Threatening**- persons of any age missing under circumstances that gives rise to the belief that foul play may be involved; they are a danger to themselves or others; or their disappearance is out of character and no known reason can be determined;
 - e. **Involuntary**- persons of any age missing under circumstances that indicate that their disappearance was not voluntary;
 - f. **Juvenile**- person less than 18 years of age, not emancipated, and whose whereabouts is unknown to their legal custodians;
 - g. **Vulnerable Adult**- persons over 18 years of age having a cognitive impairment, mental disability or brain disorder indicating a credible risk of harm.
2. Desk Officers receiving a Missing Person complaint shall:
- a. Promptly dispatch an officer to interview the complainant
 - b. Notify the Patrol Supervisor of the Missing Person complaint
 - c. Search records management system for any information related to the complaint
3. Initial Officer Response:
- a. Assigned officer should verify that the subject is actually missing (check premises especially in cases of children; they could be hiding)
 - b. Obtain all pedigree information and subject's description to relay to other officers searching
 - c. Complete the NCIC missing persons data booklet; that information will be entered into E-Justice "Missing Person Entry"
 - d. If the subject is less than 18 years old; obtain parents information, school location, etc.
 - e. Obtain a current photograph of the subject
 - f. Contact supervisor with all related information

4. Supervisor Response:

- a. If the scene is a suspected crime scene; i.e. abduction immediately notify Detective Division Commander
- b. Ensure the subject's information is entered into E-Justice, missing persons section
- c. Alert Systems (**See attached pages on alert procedures and guidelines**)
 - Code Red System (city alert)
 - Amber Alert (subject is under 18)
 - Missing Child/College Student Alert
 - Missing Vulnerable Adult Alert
- d. Need for additional resources or specialized services, i.e. search dogs, helicopter - notify the Patrol Commander and Police Commissioner of these needs
- e. Once the subject is located ensure that a "missing person cancellation" is sent via E-Justice



**New York State Missing Child, Missing College Student and
Missing Vulnerable Adult Alert Procedures
(Law Enforcement Only)**

The following procedure should be followed by a law enforcement agency when requesting the activation of one of the following alerts: Missing Child, Missing College Student or Missing Vulnerable Adult.

1. E-mail or fax the Alert Submission Form to the New York State Missing Persons Clearinghouse (MPC) at missingpersons@dcjs.ny.gov or 518-457-6567.
2. E-mail available photos of the missing person, abductor and/or companion to missingpersons@dcjs.ny.gov.
3. Call the MPC to confirm receipt of the request and photos at 1-800-346-3543, option 1.
4. Ensure the appropriate entries are made in the DCJS/NCIC database. When requesting a Missing Vulnerable Adult Alert, always use the missing person condition of "Vulnerable Adult."
5. Immediately inform the MPC staff of any updates in the case, including when the missing child or individual has been located.
6. When the case is resolved, MPC staff will e-mail the Post Activation Report to the requesting officer. Complete and submit the report with all known details as soon as possible.

Please note the following:

Agencies are encouraged to contact the MPC to request an alert *as soon as possible*; there is no waiting period required. Alerts are most effective when activated as early as possible during the course of an investigation, especially when a missing person is believed to be traveling in a known vehicle.

Missing Child, Missing College Student and Missing Vulnerable Adult alerts have a maximum activation period of 72 hours.

If the case remains unresolved after that timeframe, the Alert will be converted to a standard missing person case. DCJS will continue to publicize the case on its website: www.criminaljustice.ny.gov/missing until the missing child or individual has been located, at which time a cancellation notice will be sent. If New York State Thruway and state Department of Transportation (DOT) highway signs are used to broadcast the alert, those signs are activated for a maximum of eight hours.

The Missing Child/College Student Alert Program

The [New York State AMBER Alert](#) plan is activated when an investigating law enforcement agency has reasonable cause to believe that an abduction of a child under the age of 18 has occurred and the child is believed to be in danger of serious bodily harm or death, either due to the actions of another or due to a proven mental or physical condition.

When a missing child under the age of 21 or a college student of any age is deemed to be endangered, but the case does not meet AMBER Alert activation criteria, the **Missing Child/College Student Alert Program** is available. A missing child or college student can be at serious risk of bodily harm or death without an abduction occurring. For example, children with Down syndrome, autism or other medical conditions can be at an extreme safety risk if they go missing.



When a **Missing Child/College Student Alert** is activated, information about the missing child or college student is distributed electronically to the appropriate region/regions in the state (see the alert region map, below) to every police agency, television and radio stations and newspapers, Thruway travel plazas/toll barriers, airports, bus terminals, train stations, border crossings, individuals who have subscribed to receive alerts and others within minutes.

When a vehicle is involved in the disappearance, the Thruway and state DOT are notified and post alert messages on highway signs.

Information about the missing child/college student also is posted to the DCJS website (www.criminaljustice.ny.gov) and [National Center for Missing and Exploited Children](http://www.nccmec.org) (NCMEC) website.

The Missing Vulnerable Adult Alert Program

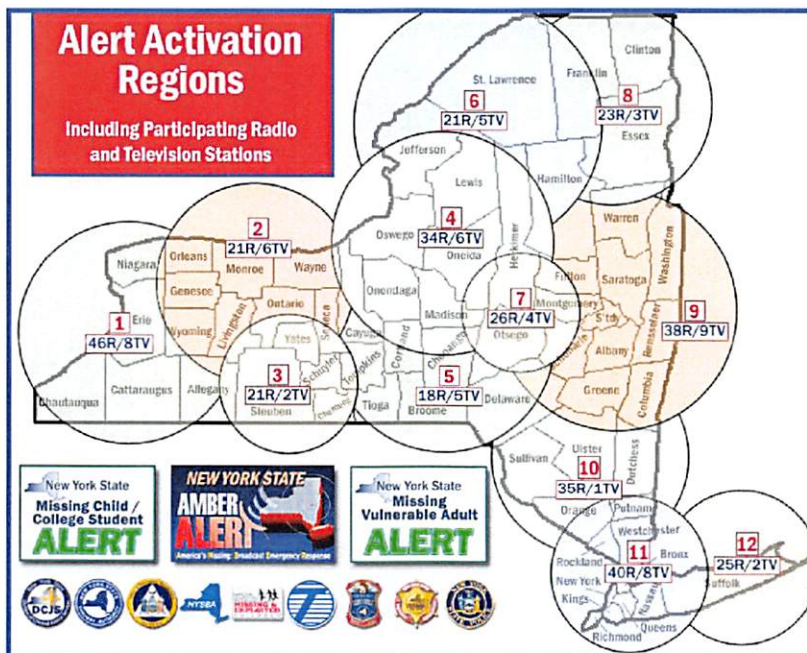
The **Missing Vulnerable Adult Alert Program** is activated when an adult who is at least 18 years old with Alzheimer's disease, dementia, autism or other cognitive disorder, a brain injury or a mental disability is reported missing and is at credible risk of harm.

The **Missing Adult Alerts** follow the exact process as described above for **Missing Child/College Student Alerts**. Only law enforcement agencies can contact the Missing Persons Clearinghouse and request these alerts.



Other resources available to law enforcement agencies investigating urgent missing person cases:

- NYS Department of Environmental Conservation Forest Rangers: 518-408-5850
- NYS Federation of Search and Rescue: 1-866-669-9727
- A Child is Missing (a reverse 911 calling system for children or vulnerable adults): 1-888-875-2246
- National Center for Missing & Exploited Children: 1-800-843-5678 (1-800-THE LOST)



New York State Division of Criminal Justice Services
Missing Persons Clearinghouse
80 South Swan St. , Albany, New York 122101
800-346-3543 or missingpersons@dcjs.ny.gov
www.criminaljustice.ny.gov/missing



CITY COUNCIL AGENDA

NO. 16

DEPT.: Police

DATE: July 13, 2016

CONTACT: Michael C. Corcoran, Jr., Police Commissioner

AGENDA ITEM: Consideration of the proposed new Rules and Regulations of the City of Rye Police Department General Order #116.10 regarding a Pregnancy and Maternity Leave Policy.

FOR THE MEETING OF:

July 13, 2016

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: Approval of a new General Order #116.10, "Pregnancy and Maternity Leave Policy"

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

BACKGROUND: The proposed new General Order #116.10 establishes a Department policy regarding pregnancy and maternity leave for female employees of the Police Department. The proposed General Order establishes policies to not discriminate against female officers based upon her decision to bear a child and recognizes that female police officers engaged in field activities may require reasonable accommodations with regard to duties and assignments.

A copy of the proposed order is attached. It has been provided to the Rye Police Association for review pursuant to the provisions of the collective bargaining agreement.

CITY OF RYE POLICE DEPARTMENT

General Order # 116.10	New [x]	Revised []
Supersedes:		
Subject: Pregnancy and Maternity Leave		
Date Issued: 5/27/16	Date Effective:	Page 1 of 6
Issuing Authority: Michael C Corcoran, Jr., Police Commissioner		

Purpose:

The purpose of this order is to establish a fair and lawful policy regarding pregnancy and maternity leave for female employees of this department. This order does not address paternity and/or child care issues for male employees of this department.

BACKGROUND:

To provide women the right to work in law enforcement and have children, management must ensure that any policy regarding pregnancy must embody three basic protections. First, no policy may discriminate against an employee because of or based on her pregnancy, childbirth, or related medical conditions. Second, women are entitled to equal treatment in the conditions, benefits, and privileges of employment, including the use of leave for pregnancy or related medical conditions. Third, pregnant women who can perform the essential functions of their jobs must be allowed to continue employment, and when disabled from performing these functions, must be treated the same as other temporarily disabled employees.

Any decisions as to the fitness of a female employee to perform her essential functions shall be determined by the employee and medical personnel and not by city administrators.

Further, any opportunity to work in a temporary modified assignment would be made available at the discretion of the Police Commissioner.

POLICY:

It is the policy of this department to not discriminate against a female employee based on pregnancy. It is further the policy of this department to remain in compliance with existing laws including:

- Family and Medical Leave Act;
- Fair Labor Standards Act;
- The Pregnancy Discrimination Act, which is an amendment to Title VII of the Civil Rights Act of 1964.

This order further recognizes the various job titles within the agency and realizes that female police officers engaged in field activities may require reasonable accommodations in regards to duties and assignments.

This order in no way affects the privileges of employees under the provisions of any of the above listed acts or other federal or state law.

PROCEDURE:

1. The following general provisions apply:
 - a. When used in this order, the term employee(s) mean all female employee(s) of this department, sworn.
 - b. When used in this order, the term police officer(s) means female police officer(s) of this department, regardless of rank.
 - c. Other provisions included:
 - An employee cannot be terminated because of pregnancy and related medical conditions
 - An employee cannot be forced to take any leave as a result of her pregnancy
 - Pregnant employees must be permitted to work as long as they are able to perform the essential duties of their position.
 - If an employee is temporarily unable to perform the essential duties of her position due to her pregnancy, the department will offer reasonable accommodations such as modified tasks, alternative assignments, or leave (sick, vacation, etc.).

- Administration cannot force a pregnant police officer to accept a modified position solely because the administration believes it is unsafe for a pregnant officer to perform field duties. An involuntary modified assignment is only legally justified where the officer's pregnancy is determined by a medical evaluation to be incompatible with the duties of her regular position.
2. Upon learning of her pregnancy, an employee must:
- a. Notify the Police Commissioner through the normal chain of command. This should be accomplished through a supplementary report. This report should contain attending physician's information, expected due date of her child, and any known medical conditions that may cause complications. This requirement is not an impingement upon someone's personal right to privacy. The department has a responsibility to provide ample time for scheduling matters and to ensure maximum benefits are offered to the employee.
 - b. If the employee's attending physician has ordered any restrictions on the type of work that the employee can perform, a copy of the physician's restrictions should be attached to the report.
 - c. Pregnant police officers with physician ordered restrictions on their work activities may be required to visit with the city's physician. The city physician may consult with the police officer's attending physician and will make any final determination, if necessary, as to the police officer's fitness for duty.
 - d. Any cost associated with a visit to the city physician will be borne by the city.
 - e. The Police Commissioner, or designee, shall ensure that the Personnel Department is notified of the pregnancy.

- f. Employees not engaged in field or enforcement activities will be permitted to work in their capacity as long as they are able to perform essential functions of their job. Physician restrictions on certain work activities including, but not limited to stooping, lifting, carrying heavy objects, not sitting for long period, etc., will be honored to the extent feasible and reasonable given the essential functions of their job.
- g. Police officers assigned to field or enforcement activities will be permitted to work in that capacity as long as they are able to perform their assigned duties and if the physician's restrictions do not hamper the performance of their duties.
- h. Police officers with physician ordered restrictions due to their pregnancy will be temporarily assigned to a modified assignment for the duration of the pregnancy if the restrictions make them unable to perform regular duties.
- i. The assignment and duties of a police officer on temporary modified duty due to her pregnancy are at the discretion of the Police Commissioner or designee. The assignment and duties should not be contrary to the physician's orders or instructions.
- j. Duty hours may be modified to suit organizational needs.
- k. Any changes in the physician ordered restrictions must be immediately reported to the Police Commissioner through the chain of command. Any changes may be subject to review by the city physician.
- l. Police officers on sick leave, modified duty, or maternity leave due to their pregnancy are prohibited from engaging in outside employment.
- m. Police officers on sick leave, modified duty, or maternity leave due to their pregnancy are prohibited from working any overtime assignments.
- n. Police officers may opt to take maternity leave at any time during their pregnancy if they are unable to perform the essential functions of their job.

3. Uniform Modifications:

- a. Pregnant uniformed police officers who choose to remain on full duty may modify their uniform to accommodate their pregnancy. Any cost associated with the purchase of maternity uniforms is to be borne by the employee.
- b. Pregnant police officers who choose to remain on full duty are not exempt from wearing body armor when engaged in field activities. Any cost associated with modifying body armor due to pregnancy is to be borne by the employee.
- c. Pregnant uniformed police officers who choose to remain on full duty are not exempt from wearing their regulation gun belt or service weapon.
- d. Pregnant police officers on a modified duty assignment are exempt from wearing their body armor.
- e. Pregnant uniformed police officers on a modified duty assignment are exempt from wearing their regulation gun belt but must still carry their duty sidearm in a holster that is more comfortable.
- f. When a pregnancy progresses to the point where the wearing of a uniform is not feasible, the Police Commissioner or designee may permit the wearing of plain clothes, but only for a modified assignment.
- g. When the pregnancy progresses to the point where wearing of a sidearm is not feasible, the Police Commissioner or designee may permit an exemption.

4. Firearms Qualification:

- a. Pregnant police officers are exempt from mandatory handgun qualification requirements.
- b. This exemption shall remain in effect until the employee is certified for full duty status.
- c. Pregnant police officers beyond the yearly handgun qualification period shall be required to surrender their department sidearm to a firearm instructor or designee.
- d. Pregnant police officers who surrendered their department sidearm are prohibited from wearing an off duty firearm at any time until they have been re-qualified by a firearms instructor.
- e. The firearms instructor shall ensure that the necessary notifications regarding the surrender of the firearm are made in a timely fashion.
- f. Upon being certified for full duty, the officer shall be scheduled for handgun qualification by a firearms instructor.

5. Maternity Leave

- a. Maternity leave may be taken at any time the employee feels it is in her best medical interest to do so.
- b. Maternity leave becomes necessary when the police officer becomes physically incapable of performing the essential functions of her job.
- c. Maternity leave can be taken as sick leave, vacation leave, compensatory time, family and medical leave, or a combination of these leaves.
- d. Except in the event of some unforeseen medical complication or other unanticipated circumstances; the officer should give a minimum of four weeks advance written notice as to when she will begin maternity leave.
- e. The officer should keep the administration advised of any change in her expected date of return to work as soon as feasible.
- f. Officers must provide a minimum two weeks notice prior to returning to work. Officers requesting additional maternity leave must provide a minimum two weeks notice prior to the expected return date.
- g. Requests for additional maternity leave must be made to the Police Commissioner through the chain of command.
- h. Officers must be able to work full duty following their return from maternity leave.
- i. The Police Commissioner may grant an extended period of modified duty for a police officer returning from maternity leave based solely upon the officer's medical condition. This will be granted on a case by case basis, in the sole and exclusive discretion of the Police Commissioner, and if supported by appropriate documentation by the employee and her physician.



CITY COUNCIL AGENDA

NO. 17 DEPT.: Police DATE: July 13, 2016
CONTACT: Michael C. Corcoran, Jr., Police Commissioner

AGENDA ITEM: Consideration of the addition to the Rules and Regulations of the City of Rye Police Department: General Order #119.5 regarding an Anonymous Crimes Tip Policy.

FOR THE MEETING OF:

July 13, 2016
RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION: Approval of a new General Order #119.5, "Anonymous Crimes Tip Policy"

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

BACKGROUND: The proposed new General Order #119.5 establishes a Department policy for promoting crime prevention by allowing the submission of anonymous crime tips to the Department by the public via telephone, email, text message or through a link on the Department's website/Facebook page for the use of the Tip411 Anonymous Crime Tips Program within the City of Rye Police Department.

A copy of the proposed order is attached. It has been provided to the Rye Police Association for review pursuant to the provisions of the collective bargaining agreement.

CITY OF RYE POLICE DEPARTMENT

General Order # 119.5		New [x] Supersedes:	Revised []
Subject: Anonymous Crime Tip Program			Page 1 of 2
Date Issued: 07/15/2016	Date Effective: 07/15/2016		
Issuing Authority: Michael C Corcoran, Jr., Police Commissioner			

Purpose:

The purpose of this policy is to define and establish procedures for promoting crime prevention by allowing the submission of anonymous crime tips to the Department by the public via telephone, email, text message or through a link on the Department's website/Facebook page for the use of the Tip411 Anonymous Crime Tips Program within the City of Rye Police Department.

BACKGROUND:

There are multiple methods by which the public can transmit an anonymous tip to the City of Rye Police Department.

First, the Department will maintain an anonymous phone Tip-Line (914-760-4243) so that the public can call and leave information.

Second, tips can be submitted via email to: Tips@ryepd.ryeny.gov

Third, Tip411 is an anonymous texting program that allows the public to send CRIME tips to the City of Rye Police Department. The tipster texts **RYEPD** plus their tip to **847411**. The tip is then sent to a 3rd party provider company named Citizen Observer and all identifying information is removed from the source of the tip.

Finally, Tipsters can also submit anonymous tips over the Internet through a link on the Department's website at www.ryeny.gov/police.cfm. The tip with a generic ID number is then sent to the City of Rye Police Department.

POLICY:

It shall be the policy of the City of Rye Police Department to receive anonymous crime tips from the public through the Tip-Line phone number, TIPS email address, Tip411 program and the Department's website. The Detective Commander or designee shall be the administrator of the Anonymous Tips program.

PROCEDURE:

1. It will be the responsibility of the Police Commissioner or his designee to check for any new Tip411 and Tips email messages each day.
 - a. TIP411 message information will be routed to the appropriate Division Commander who will then respond to the crime tip.
 - b. TIPS received via department anonymous email address at TIPS@ryepd.ryeny.gov will be routed to the appropriate Division Commander who will then respond to the crime tip.
2. It will be the responsibility of the Desk Sergeant/Officer to check the phone Tip-Line for any new tips received. This Tip-Line will be maintained at the front desk, whenever a call is received the officer assigned to the desk will let the call be answered by voicemail. Once the message is received the desk officer will review the message and determine the nature of the content. If the information in the message requires immediate attention the desk officer will dispatch an officer to investigate. A CAD ticket will be generated and the information received and the action taken will be documented. If the information received does not require immediate attention the desk officer will complete a supplemental report and forward it to the Commissioner, the Detective Commander, and the Patrol Commander.
3. The Desk Officer only needs to respond to tips that require immediate attention, such as crimes in progress or emergencies.
 - a. The anonymous phone Tip-Line, anonymous email submissions, TIP411 program and online submissions do not replace 911 for emergencies, and has been advertised as such.
 - b. Despite being advertised as a non-emergency notification system, reports of emergencies and crimes in progress may still come in as tips.
 - c. In these situations, patrol units shall be dispatched to the location to investigate the report.
 - d. Tips reporting an emergency in another jurisdiction should be referred to the proper Police Agency for follow-up.



CITY COUNCIL AGENDA

NO. 18

DEPT.: City Manager

DATE: July 13, 2016

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Resolution to amend the Boat Basin Commission procedures regarding voting procedures and the Commission level of members.

FOR THE MEETING OF:

July 13, 2016

RYE CITY CODE,

CHAPTER
SECTION

RECOMMENDATION: That the Council approve the proposed changes regarding voting procedures and Commission level for the Boat Basin Commission.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND: The Rye DePauw Boat Basin Commission has proposed governance changes regarding the number of members and election procedures. Upon approval by the City Council, the Boat Basin Commission will implement the following changes:

- the Boat Basin Commission will consist of seven members; the Commission will maintain the eligibility of one non-resident member
- the term of a Boat Basin Commission member will increase from the current two years to three years
- the Boat Basin Commission will eliminate the current Nominating Committee; any member in good standing can submit an application to run for the Commission
- Voting will take place on-line replacing the previous paper ballots; Members will be notified about voting dates and procedures via email; Members must vote during the specified one-week time period
- Votes will be tallied by the online service

See attached redline version of the proposed changes.

RESOLUTION
establishing
THE DE PAUW MUNICIPAL BOAT BASIN COMMISSION

WHEREAS, the City of Rye owns and operates the De Pauw Municipal Boat Basin in Milton Harbor; and

WHEREAS, the City Council of the City of Rye has determined that the DePauw Municipal Boat Basin should be operated as a municipal enterprise and has established the De Pauw Municipal Boat Basin Enterprise Fund for such purpose; and

WHEREAS, the City Council of the City of Rye has determined that it is in the best interests of the City that a new municipal Commission be established to advise the City Council and the City Manager on the operation of said Boat Basin and related matters; now therefore be it

RESOLVED, that the De Pauw Municipal Boat Basin Commission be and the same hereby is established as follows:

Section 1. Commission; Appointment

(a) There will be a De Pauw Municipal Boat Basin Commission to consist of ~~five~~seven ~~adult Boat Basin resident~~ members in good standing who have a permit to moor a boat at the facility. The Commission shall reserve one position for a non-resident member. At the time of election, should there be no non-resident on the ballot, the position shall be filled by a resident member. At the next election if there is no non-resident on the Commission, a resident position will once again be available to a non-resident. The non-resident will always be available first to a non-resident, and only be filled by a resident in the absence of a non-resident candidate. The members will be appointed by the City Council after election by the resident and non-resident permit-holders of the Boat Basin. The members of the Commission will elect a Chairman each year from their group. The Chairman may serve only three terms in succession.

(b) The term of the members will be ~~two~~ three years, commencing on January 1. There is no limit to the number of terms a member may serve.

(c) Vacancies will be filled within 45 days by appointment of the City Council until the next election, at which time the unexpired term will be filled by the candidate elected with the least number of votes.

(d) Any Boat Basin member in good standing can submit an application to run for the Commission; the application must be submitted no later than September 10.

~~Section 2. Nominating Committee~~

~~(a) The City Council will designate a three member nominating committee to consist of one current Commission member who is not standing for re-election at that time, one permit holder~~

~~recommended by the Commission and one person elected to the nominating committee during the previous year's election.~~

~~(b) The nominating committee will not be restricted in the maximum number of people it can name and it must name at least two more candidates than there are open seats.~~

~~(c) The Chair shall be appointed by the City Council.~~

~~(d) The nominating committee may not name any of its members as candidates.~~

~~(e) Other permit holders who wish to serve on the Commission and who are not named by the nominating committee may secure a place on the ballot by obtaining signatures of 25 qualified voting permit holders on a designating petition.~~

Section 23. Responsibilities

(a) The Commission shall adopt rules and regulations relating to the recreational use of the Municipal Boat Basin, which are not inconsistent or in conflict with any agreement of the City of Rye or any declared policy of the City Council and subject to the approval of the City Manager.

(b) It may make recommendations to the City Council and City Manager with respect to future programs and activities of the De Pauw Municipal Boat Basin and any other important related policy matter. .

(c) It shall approve annual budget estimates prepared by staff personnel, including mooring categories and proposed fee schedules prior to submission of such estimates to the City Manager. Such budget estimates are to be consistent with the City Council's policy on the self-sufficiency of Enterprise Funds. .

(d) The City Manager is responsible for implementation of the City Council's policy, the rules and regulations of the Municipal Boat Basin and the supervision and direction of employees assigned to the Municipal Boat Basin.

Section 34. Election

(a) Voting will take place by online mail over a one~~three~~-week period through a secure online service approved by the Commission.

(b) One ballot will be allowed per mooring permit.

(c) Resident and non-resident permit-holders will have equal voting rights.

(d) An invitation email will be sent to all eligible voters with instructions on how to cast their vote online.

(e) To receive an invitation email and vote in an election, the voting member must have an email on file.

(f) For those members wishing to cast their vote onsite, a computer kiosk will be available at the Boat Basin during normal business hours throughout the voting time period.

(g) Votes will be tallied with the instructions provided therewith and will not be counted as a result of any of the following:

- i) Vote is not cast within the specified time period; or
- ii) Vote is not cast in accordance with specified instructions; or
- iii) Vote is rejected for any reason by the online service being used.

(h) ~~d~~ Valid Ballots shall be tallied for each Commission candidate by the online service. The results will be forwarded to ~~will be tabulated by~~ the City Clerk, ~~and the results will be prominently posted at the Boat Basin.~~

(i) ~~e~~ The City Clerk will submit a list of election results ~~the elected nominees~~ to the City Council for approval no later than by the middle of October ~~September 10~~.



CITY COUNCIL AGENDA

NO. 19

DEPT.: City Manager

DATE: July 13, 2016

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Resolution to amend the 2016 Adopted Fees and Charges for the Rye Boat Basin Enterprise Fund.

FOR THE MEETING OF:

July 13, 2016

RYE CITY CODE:

CHAPTER
SECTION

RECOMMENDATION: That the Council amend the 2016 Adopted Fees and Charges for the Rye Boat Basin Enterprise Fund.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: The Boat Basin Commission recommends implementing a policy for the pumping out of boats that are in danger of sinking, including owner notification, pump out, removal of a boat if the pump out is not successful, and necessary steps when an owner is unreachable/unresponsive as well as associated costs with these items. The 2016 Adopted Fees and Charges for the Rye Boat Basin Enterprise Fund must be amended to reflect this new pump out policy and fees.

- The fee for a pump out by Boat Basin personnel would be \$90/hour fee with a half-hour minimum. The Boat Basin Supervisor will determine that a boat must be pumped out.
- If a Boat is in danger of sinking, a contractor will be engaged to remove the boat. The Boat Basin will pay the contractor directly and the City will be reimbursed by the boat owner. If payment is not received from the boat owner, a renewal permit for the owner will not be issued. The Boat Basin Supervisor will determine that a boat is in danger of sinking and must be removed.

See attached 2016 Adopted Fee Schedule for the Rye Boat Basin Enterprise Fund



CITY COUNCIL AGENDA

NO. 20

DEPT.: City Manager

DATE: July 13, 2016

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Authorization for City Manager to enter into an Inter-municipal Agreement with Westchester County for the Stop-DWI Patrol/Datamaster Project for the City of Rye Police Department.

FOR THE MEETING OF:

July 13, 2016

RYE CITY CODE,

CHAPTER

SECTION

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

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND:

In an effort to increase the enforcement of laws against DWI and maintain a County-wide record keeping standard for this information, the County is requesting a continued municipal participation in the STOP-DWI Patrol/Datamaster Project. In exchange for the City's participation, the County will reimburse the City an amount not to exceed \$8,400.

The Agreement is for a four-year period commencing January 1, 2016 through December 31, 2020.

See attached Agreement.

City of Rye: 2016-2020-32

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

THE COUNTY OF WESTCHESTER, a municipal corporation of the State of New York, having an office and place of business in the Michaelian Office Building, 148 Martine Avenue, White Plains, New York 10601 (hereinafter referred to as the "County") Acting by and through its Department of Public Safety Services (hereinafter referred to as the "Department")

And

**Rye City
21 McCullough Place
Rye, NY 10580**

_____ a municipal corporation of the State of New York having an office and place of business at _____, New York _____ acting by and through the _____ Police Department, (hereinafter referred to as the "Municipality").

1. In consideration of an amount not to exceed EIGHT THOUSAND FOUR HUNDRED (\$8,400.00) DOLLARS per year to be paid in the manner and at the rates set forth in Schedule "A," which is attached to and forms a part of this Agreement, the Municipality shall participate in the Westchester County STOP-DWI Patrol/Datamaster Project as described in Schedule "A" (hereinafter the "Work").

2. The parties recognize and acknowledge that the obligations of the County under this Agreement are subject to the County's receipt of funds from New York State to operate the Westchester County STOP-DWI Patrol/Datamaster Project.

If, for any reason, the full amount of said funds is not paid over or made available to the County by New York State, the County may terminate this Agreement immediately or reduce the amount payable to the Municipality, in the discretion of the County. The County shall give prompt notice of any such termination or reduction to the Municipality. If the County subsequently offers to pay a reduced amount to the Municipality, then the Municipality shall have the right to terminate this Agreement upon reasonable prior written notice.

In addition, the parties recognize and acknowledge that the obligations of the County under this Agreement are subject to annual appropriations by its Board of Legislators pursuant to the Laws of Westchester County. Therefore, this Agreement shall be deemed executory only to the extent of the monies appropriated and available. The County shall have no liability under this Agreement beyond funds appropriated and available for payment pursuant to this Agreement. The parties understand and intend that the obligation of the County hereunder shall constitute a current expense of the County and shall not in any way be construed to be a debt of the County in contravention of any applicable constitutional or statutory limitations or requirements concerning the creation of indebtedness by the County, nor shall anything contained in this Agreement constitute a pledge of the

general tax revenues, funds or moneys of the County. The County shall pay amounts due under this Agreement exclusively from legally available funds appropriated for this purpose. The County shall retain the right, upon the occurrence of the adoption of any County Budget by its Board of Legislators during the term of this Agreement or any amendments thereto, and for a reasonable period of time after such adoption(s), to conduct an analysis of the impacts of any such County Budget on County finances. After such analysis, the County shall retain the right to either terminate this Agreement or to renegotiate the amounts and rates set forth herein. If the County subsequently offers to pay a reduced amount to the Municipality, then the Municipality shall have the right to terminate this Agreement upon reasonable prior written notice.

This Agreement is also subject to further financial analysis of the impact of any New York State Budget (the "State Budget") proposed and adopted during the term of this Agreement. The County shall retain the right, upon the occurrence of any release by the Governor of a proposed State Budget and/or the adoption of a State Budget or any amendments thereto, and for a reasonable period of time after such release(s) or adoption(s), to conduct an analysis of the impacts of any such State Budget on County finances. After such analysis, the County shall retain the right to either terminate this Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Municipality, then the Municipality shall have the right to terminate this Agreement upon reasonable prior written notice.

3. All records or recorded data of any kind compiled by the Municipality in completing the Work described in this Agreement, including but not limited to written reports, studies, computer printouts, graphs, charts, and all other similar recorded data, shall become and remain the property of the County. The Municipality may retain copies of such records for its own use and shall not disclose any such information without the express written consent of the Stop-DWI Director or his designee ("Director"). The County shall have the right to reproduce and publish such records, if it so desires, at no additional cost to the County.

4. The Work to be performed pursuant to the terms of this Agreement shall commence January 1, 2016 and continue through December 31, 2020.

The Municipality shall issue progress reports to the County as the Director may direct and shall immediately inform the Director in writing of any cause for delay in the performance of its obligations under this Agreement.

5. The Municipality agrees and shall be subject to the insurance requirements contained in Schedule "B," which schedule is attached to and forms a part of this Agreement. In addition to and not in limitation of the insurance provisions contained in Schedule "B," the Municipality agrees:

(a) that except for the amount, if any, of damage contributed to, caused by or resulting from the negligent or intentional acts, errors and omissions or willful misconduct of the County, the Municipality shall indemnify and hold harmless the County, its officers, employees, and agents from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorney's fees or loss arising out of the negligent or intentional acts, errors and omissions or willful misconduct of the Municipality or third parties under the direction or control of the Municipality; and

(b) to provide defense for and defend, at its sole expense, any and all claims, demands or causes of action arising out of the negligent or intentional acts, errors and omissions or willful

misconduct of the Municipality or third parties under the direction and control of the Municipality and to bear all other costs and expenses related thereto.

6. The Municipality shall comply, at its own expense, with the provisions of all applicable local, state and federal laws, rules and regulations, including, but not limited to, those applicable to the Municipality as an employer of labor or otherwise.

7. Requests for payment to be made shall be submitted by the Municipality on properly executed payment vouchers of the County in accordance with Schedule "A" and paid only after approval by the Director. All payment vouchers must be accompanied by a numbered invoice and must contain the invoice number where indicated. All invoices submitted during each calendar year shall utilize consecutive numbering and be non-repeating. In no event shall payment be made to the Municipality prior to completion of all Work and the approval of same by the Director.

The Municipality shall, at no additional charge, furnish all labor, services, materials, tools, equipment and other appliances necessary to complete the Work, unless specific additional charges are expressly permitted under this Agreement. It is recognized and understood that even if specific additional charges are expressly permitted under this Agreement, in no event shall total payment to the Municipality exceed the not-to-exceed amount set forth in Section 1 above.

All payments made by the County to the Municipality will be made by electronic funds transfer ("EFT") pursuant to the County's Vendor Direct program. Municipalities doing business with Westchester County, who are not already enrolled in the Vendor Direct Program, will be required to fill out and submit an EFT Authorization Form prior to receiving an award or purchase order. The EFT Authorization Form and related information are annexed hereto as Schedule "C." The completed Authorization Form must be returned by the Municipality to the Westchester County Department of Finance ("Finance Department") prior to execution of the contract. In rare cases, a hardship waiver may be granted. For a Hardship Waiver Request Form, please contact the Finance Department.

8. (a) The County, upon ten (10) days notice to the Municipality, may terminate this Agreement in whole or in part when the County deems it to be in its best interest. In such event, the Municipality shall be compensated and the County shall be liable only for payment for services already rendered under this Agreement prior to the effective date of termination at the rates specified in Schedule "A." Upon receipt of notice that the County is terminating this Agreement in its best interests, the Municipality shall stop work immediately and incur no further costs in furtherance of this Agreement without the express approval of the Director, and the Municipality shall direct any approved subconsultants to do the same.

In the event of a dispute as to the value of the Work rendered by the Municipality prior to the date of termination, it is understood and agreed that the Director shall determine the value of such Work rendered by the Municipality. The Municipality shall accept such reasonable and good faith determination as final.

(b) In the event the County determines that there has been a material breach by the Municipality of any of the terms of the Agreement and such breach remains uncured for forty-eight (48) hours after service on the Municipality of written notice thereof, the County, in addition to any other right or remedy it might have, may terminate this Agreement and the County shall have the right, power and authority to complete the Work provided for in this Agreement, or contract for its

completion, and any additional expense or cost of such completion shall be charged to and paid by the Municipality. Without limiting the foregoing, upon written notice to the Municipality, repeated breaches by the Municipality of duties or obligations under this Agreement shall be deemed a material breach of this Agreement justifying termination for cause hereunder without requirement for further opportunity to cure.

9. All notices of any nature referred to in this Agreement shall be in writing and either sent by registered or certified mail postage pre-paid, or delivered by hand or overnight courier, or sent by facsimile (with acknowledgment received and a copy of the notice sent by registered or certified mail, postage pre-paid), as set forth below or to such other addresses as the respective parties hereto may designate in writing. Notice shall be effective on the date of receipt. Notices shall be sent to the following:

To the County:

Commissioner - Sheriff of Public Safety
1 Saw Mill River Parkway
Hawthorne, New York 10532

With a copy to:

Director, Drug Abuse Prevention & STOP-DWI
112 E. Post Road, 3rd Floor
White Plains, New York 10601

with a copy to:

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

To the Municipality:

10. This Agreement and its attachments constitute the entire Agreement between the parties with respect to the subject matter hereof and shall supersede all previous negotiations, commitments and writings. It shall not be released, discharged, changed or modified except by an instrument in writing signed by a duly authorized representative of each of the parties.

11. In the event of any conflict between the terms of this Agreement and the terms of any schedule or attachment hereto, it is understood that the terms of this Agreement shall be controlling with respect to any interpretation of the meaning and intent of the parties.

12. Nothing contained herein shall be construed to make either party the agent, employee or co-venturer of the other and the parties hereto expressly disclaim the existence of any such relationship between them.

13. The failure of the County to insist upon strict performance of any term, condition or covenant herein, shall not be considered a waiver of such breach or default or any subsequent breach or default of the terms, conditions and covenants herein. The remedies contained herein are cumulative and shall not limit or restrict any other remedy at law or in equity to which the County may be entitled.

14. Except as provided herein, the Municipality shall not assign, sublet, subcontract or otherwise dispose of this Agreement, or any right, duty or interest herein, without the prior express written approval of the County. Any purported delegation of duties, assignment of rights under this Agreement without the prior express written consent of the County is void. No assignment, subcontracting, subletting or other such disposition of this Agreement, either with or without such consent of the County, shall serve to relieve the Municipality of its obligations under this Agreement.

15. This Agreement shall be construed and enforced in accordance with the Laws of the State of New York.

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

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

THE COUNTY OF WESTCHESTER

BY: _____
GEORGE N. LONGWORTH
Commissioner – Sheriff of Public Safety

MUNICIPALITY

BY: _____
Name & Title

Approved by the Westchester County Board of Legislators on the 30th day of March, 2016 by Act No. 39-2016.

Approved by the Westchester County Board of Acquisition and Contract on the 26th day of May, 2016.

Approved as to form and manner of execution

Assistant County Attorney
County of Westchester

ACKNOWLEDGMENT

[illegible]

On the _____ day of _____ in the year 201 _____ before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Date: _____

Notary Public

CERTIFICATE OF AUTHORITY
(CORPORATION)

I, _____,
(Officer other than officer signing contract)

certify that I am the _____ of
(Title)
the _____
(Name of Corporation)

a corporation duly organized and in good standing under the _____ (Law
under which organized, e.g., the New York Business Corporation Law) named in the foregoing
agreement; that

(Person executing agreement)

who signed said agreement on behalf of the _____
(Name of Corporation)

was, at the time of execution

(Title of such person)

of the Corporation and that said agreement was duly signed for and on behalf of said Corporation by
authority of its Board of Directors, thereunto duly authorized and that such authority is in full force
and effect at the date hereof.

(Signature)

STATE OF NEW YORK)
) ss.:
COUNTY OF WESTCHESTER)

On the _____ day of _____ in the year 201____ before me, the undersigned, a
Notary Public in and for said State, _____ personally appeared,
personally known to me or proved to me on the basis of satisfactory evidence to be the officer
described in and who executed the above certificate, who being by me duly sworn did depose and say
that he/she resides at _____, and he/she is
an officer of said corporation; that he/she is duly authorized to execute said certificate on behalf of
said corporation, and that he/she signed his/her name thereto pursuant to such authority.

Notary Public
Date

SCHEDULE A

STOP-DWI PATROL PROJECT

The STOP-DWI Patrol Project is an overtime, added, patrol effort to enforce the New York State Vehicle and Traffic Laws against intoxicated and impaired driving (DWI/DWAI) in Westchester County. Each participating municipality, through its police department, must submit the required documentation to claim reimbursement from the STOP-DWI Program. This is described below.

The Patrol Project requires that the STOP-DWI Patrol activity and assignment be in addition to the participating police department's normal and /or routine patrol activity and assignment. **It cannot be used to replace any regular, normal or routine patrol**. The additional patrol must be conducted during the critical DWI/DWAI hours of evening and nighttime as approved by the STOP-DWI Director. The STOP-DWI Patrol Project vehicle must bear the special logo and markings to increase public awareness of the enforcement effort. A police chief project director is appointed to work with the STOP-DWI Program in the operation of the patrol project. **ALL PATROLS AND SOBRIETY CHECKPOINTS MUST BE SCHEDULED AND APPROVED PRIOR TO CONDUCTING SAID OPERATION. THE MUNICIPALITIES' DWI PROJECT COORDINATOR MUST CALL THE COUNTY'S STOP-DWI OFFICE AND GET AN APPROVED CONTROL NUMBER. ONLY OPERATIONS WITH AN APPROVED CONTROL NUMBER WILL BE PROCESSED FOR PAYMENT.**

THE MAXIMUM AMOUNT PAYABLE UNDER THIS AGREEMENT IS \$8,400.00 PER YEAR.

Sobriety Checkpoints may be conducted with the reimbursable funds and one or more quarters may be combined to fund this particular effort. Coordination with the STOP-DWI Program Director is required before the checkpoint is conducted.

Patrol Project Reimbursement Documentation Packet - The following four items are required for reimbursement under this program and **MUST** be forwarded to the STOP-DWI Office within two weeks of the end of each quarter for payment to be approved. Each Municipality is required to maintain copies of all submitted documents and have them available for examination for a minimum of two calendar years in addition to the current calendar year. This is to facilitate future audits.

- A. **OFFICER Tracking Report:** This is to be completed and signed by the Police Officer assigned to a specific STOP-DWI Patrol. The form must also be signed by the Supervisor in charge for a specific STOP-DWI Patrol. All of the entries must be completed, including the date, times, number of hours, number of stops, tickets issued, arrests made before submission.
- B. **PATROL Tracking Report Summary:** This is to be completed and signed by the Supervisor in charge for a specific STOP-DWI Patrol. The report summarizes the work of each officer assigned to particular STOP DWI patrol duty for a given date. The information should be a compilation of the individual Officer Tracking Report. Note – Please use this report **ONLY** if there is more than one officers assigned to the patrol.
- C. **Payment Voucher:** A copy of the overtime report form used by the Municipality to pay each assigned officer must be included. Copy **MUST** show the assigned officer's name, title, number of hours, and assignment to solely to STOP-DWI Patrol. **AN AUTHORIZED INDIVIDUAL MUST SIGN THE SUBMITTED COPY AS**

CERTIFICATION THAT IT IS A TRUE AND ACCURATE COPY OF THE ORIGINAL AND THAT THE STOP-DWI PATROL ASSIGNMENTS WERE IN ADDITION TO ROUTINE PATROLS. The originals are to be kept by the submitting agency.

Vouchers MUST include your municipality's assigned "Vendor number." and "Account number." They must show that they are for the STOP-DWI Patrol Program and include the quarter and dates, officer's name, number of hours worked, officer's actual hourly rate and total payment for officer. The rate of reimbursement for officers assigned to STOP-DWI is the officer's actual hourly rate up to a maximum of \$75.00 per hour.

- D. **Quarterly Summary Report:** For reimbursement, each submission must have a Summary Report included. This Report, which indicates the activity of the Municipality for the quarter, will cover a specific period and should be submitted at the **END OF THE QUARTER**. This is a Summary of the **Patrol Tracking Report Summary** that is filled out for each STOP DWI Enforcement Patrol

Copies of the **OFFICER'S Patrol Tracking Report**, the **PATROL Tracking Report Summary**, as well as the **Payment Voucher** are to be attached to the completed **Quarterly Summary Report**. This complete reimbursement documentation packet is to be forwarded to:

**Director, STOP-DWI
112 E. Post Road
3rd Floor
White Plains, New York 10601**

ANY REIMBURSEMENT DOCUMENTATION PACKET FILED MORE THAN 30 DAYS AFTER THE CLOSE OF A QUARTER WILL NOT BE PAID UNLESS SPECIAL ARRANGEMENTS HAVE BEEN MADE WITH THE STOP-DWI PROGRAM DIRECTOR IN ADVANCE.

SCHEDULE B
STANDARD INSURANCE PROVISIONS
(MUNICIPALITY)

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

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

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

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

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

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

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

(b) Employer's Liability with minimum limit of \$100,000.00.

(c) Commercial General Liability Insurance with a minimum limit of liability per occurrence of \$1,000,000.00 for bodily injury and \$100,000.00 for property damage or a combined single limit of \$1,000,000.00 (c.s.l.), naming the County of Westchester as an additional insured. This insurance shall indicate the following coverages:

- (i) Premises - Operations.
- (ii) Broad Form Contractual.

(d) Automobile Liability Insurance with a minimum limit of liability per occurrence of \$1,000,000.00 per occurrence for bodily injury and a minimum limit of \$100,000.00 per occurrence for property damage or a combined single limit of \$1,000,000.00 unless otherwise indicated in the contract specifications. This insurance shall include for bodily injury and property damage the following coverages:

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

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

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

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

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

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

SCHEDULE “C”
Westchester County Vendor Direct Program Frequently Asked Questions

1. WHAT ARE THE BENEFITS OF THE ELECTRONIC FUNDS TRANSFER (EFT) ASSOCIATED WITH THE VENDOR DIRECT PROGRAM?

There are several advantages to having your payments automatically deposited into your designated bank account via EFT:

Payments are secure – Paper checks can be lost in the mail or stolen, but money deposited directly into your bank account is more secure.

You save time – Money deposited into your bank account is automatic. You save the time of preparing and delivering the deposit to the bank. Additionally, the funds are immediately available to you.

2. ARE MY PAYMENTS GOING TO BE PROCESSED ON THE SAME SCHEDULE AS THEY WERE BEFORE VENDOR DIRECT?

Yes.

3. HOW QUICKLY WILL A PAYMENT BE DEPOSITED INTO MY ACCOUNT?

Payments are deposited two business days after the voucher/invoice is processed. Saturdays, Sundays, and legal holidays are not considered business days.

4. HOW WILL I KNOW WHEN THE PAYMENT IS IN MY BANK ACCOUNT AND WHAT IT IS FOR?

Under the Vendor Direct program you will receive an e-mail notification two days prior to the day the payment will be credited to your designated account. The e-mail notification will come in the form of a remittance advice with the same information that currently appears on your check stub, and will contain the date that the funds will be credited to your account.

5. WHAT IF THERE IS A DISCREPANCY IN THE AMOUNT RECEIVED?

Please contact your Westchester County representative as you would have in the past if there were a discrepancy on a check received.

6. WHAT IF I DO NOT RECEIVE THE MONEY IN MY DESIGNATED BANK ACCOUNT ON THE DATE INDICATED IN THE E-MAIL?

In the unlikely event that this occurs, please contact the Westchester County Accounts Payable Department at 914-995-4708.

7. WHAT MUST I DO IF I CHANGE MY BANK OR MY ACCOUNT NUMBER?

Whenever you change any information or close your account a new Vendor Direct Payment Authorization Form must be submitted. Please contact the Westchester County Accounts Payable Department at 914-995-4708 and we will e-mail you a new form.

8. WHEN COMPLETING THE PAYMENT AUTHORIZATION FORM, WHY MUST I HAVE IT SIGNED BY A BANK OFFICIAL IF I DON'T INCLUDE A VOIDED CHECK?

This is to ensure the authenticity of the account being set up to receive your payments.



Westchester County • Department of Finance • Treasury Division

Electronic Funds Transfer (EFT) Vendor Direct Payment Authorization Form

Authorization is:
(check one)

☐ New

☐ Change

INSTRUCTIONS: Please complete both sections of this Authorization Form and attach a voided check. See the reverse side for more information and instructions.

Mail to: Westchester County, Department of Finance, Treasury Division, 148 Martine Avenue, White Plains, NY 10601
Attention: Vendor Direct

Section I - Vendor Information

1. Vendor Name:

2. Taxpayer ID Number or Social Security Number:

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3. Vendor Primary Address

4. Contact Person Name:

Contact Person Telephone Number:

5. Vendor E-Mail Addresses for Remittance Notification:

6. Vendor Certification: *I have read and understand the Vendor Direct Payment Program and hereby authorize payments to be received by electronic funds transfer into the bank that I designate in Section II. I further understand that in the event that an erroneous electronic payment is sent, Westchester County reserves the right to reverse the electronic payment. In the event that a reversal cannot be implemented, Westchester County will utilize any other lawful means to retrieve payments to which the payee was not entitled.*

Authorized Signature

Print Name/Title

Date

Section II- Financial Institution Information

7. Bank Name:

8. Bank Address:

9. Routing Transit Number:

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10. Account Type:
(check one)

☐ Checking

☐ Savings

11. Bank Account Number:

12. Bank Account Title:

13. Bank Contact Person Name:

Telephone Number:

14. FINANCIAL INSTITUTION CERTIFICATION (required **ONLY** if directing funds into a Savings Account **OR** if a voided check is not attached to this form): *I certify that the account number and type of account is maintained in the name of the vendor named above. As a representative of the named financial Institution, I certify that this financial Institution is ACH capable and agrees to receive and deposit payments to the account shown.*

Authorized Signature

Print Name / Title

Date

(Leave Blank - to be completed by
Westchester County) - Vendor number assigned

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Electronic Funds Transfer (EFT) Vendor Direct Payment Authorization Form

GENERAL INSTRUCTIONS

Please complete both sections of the Vendor Direct Payment Authorization Form and forward the completed form (along with a voided check for the account to which you want your payments credited) to: Westchester County Department of Finance, 148 Martine Ave, Room 720, White Plains, NY 10601, Attention: Vendor Direct. Please see item 14 below regarding attachment of a voided check.

Section I - VENDOR INFORMATION

1. Provide the name of the vendor as it appears on the W-9 form.
2. Enter the vendor's Taxpayer ID number or Social Security Number as it appears on the W-9 form.
3. Enter the vendor's complete primary address (not a P.O. Box).
4. Provide the name and telephone number of the vendor's contact person.
5. Enter the business e-mail address for the remittance notification. THIS IS VERY IMPORTANT. This is the e-mail address that we will use to send you notification and remittance information two days prior to the payment being credited to your bank account. We suggest that you provide a group mailbox (if applicable) for your e-mail address. You may also designate multiple e-mail addresses.
6. Please have an authorized Payee/Company official sign and date the form and include his/her title.

Section II - FINANCIAL INSTITUTION INFORMATION

7. Provide bank's name.
8. Provide the complete address of your bank.
9. Enter your bank's 9 digit routing transit number.
10. Indicate the type of account (check one box only).
11. Enter the vendor's bank account number.
12. Enter the title of the vendor's account.
13. Provide the name and telephone number of your bank contact person.
14. If you are directing your payments to a Savings Account OR you can not attach a voided check for your checking account, this line needs to be completed and signed by an authorized bank official. IF YOU DO ATTACH A VOIDED CHECK FOR A CHECKING ACCOUNT, YOU MAY LEAVE THIS LINE BLANK.



CITY COUNCIL AGENDA

NO. 21

DEPT.: Engineering

DATE: July 13, 2016

CONTACT: Ryan X. Coyne, City Engineer

ACTION: Bid Award for the Solid Waste Containers bid (Bid #1-16).

FOR THE MEETING OF:

July 13, 2016

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That Bid #1-16 be awarded to the low bidder, City Carting, Inc., in the amount of fifty three thousand five hundred dollars (\$53,500.00) as recommended by the City Engineer and approved in the City's Annual Budget.

IMPACT: Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:


BACKGROUND: The Solid Waste Containers are stored at DPW and hauled by the contractor to dispose of the City's refuse and street sweeper debris.

The City Engineer's recommendation and bid results are attached for your review.



CITY OF RYE
Engineering Department

Interoffice Memorandum

To: Marcus Serrano, City Manager
From: Ryan Coyne, PE, City Engineer 
Cc: Joseph Fazzino, Deputy City Comptroller
Date: July 8, 2016
Subject: Bid 1-16 – Solid Waste Container Service Contract

The bid opening for the above contract took place on July 6, 2016. A copy of the bid results is attached.

I have checked and tabulated the two bids submitted and hereby recommend that the bid be awarded to City Carting, Inc. in the amount of \$53,500.00. City Carting, Inc. was the lowest responsive and responsible bidder for this contract. In addition, City Carting, Inc. has been providing the City with container services since 2010.

Please feel free to contact me should you need any additional information.

Service Contract for Solid Waste Containers - Bid 1-16

Bid Tabulation



		1. City Carting		2. AAA Carting	
Item No. Quantity	Items of Work with Unit Prices	Unit Price	Total Price	Unit Price	Total Price
40 Container Pulls per Year	10 cubic yard container for street sweepings and catch basin cleanings. Price per pull	\$175.00	\$7,000.00	\$700.00	\$28,000.00
500 Tons per Year	Price per Ton for disposal of material contained in containers for Item 1	\$78.00	\$39,000.00	\$35.00	\$17,500.00
50 Container Pulls per Year	30 cubic yard container for garbage	\$150.00	\$7,500.00	\$200.00	\$10,000.00
Engineer's Total		\$53,500.00		\$55,500.00	
Contractor's Total		\$53,500.00		\$55,500.00	

Bid Opening:
July 6, 2016



CITY COUNCIL AGENDA

NO. 22

DEPT.: Engineering

DATE: July 13, 2016

CONTACT: Ryan X. Coyne, City Engineer

ACTION: Bid Award for the Nursery Lane Sewer Extension contract (Contract #2016-05).

FOR THE MEETING OF:

July 13, 2016

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That Contract #2016-05 be awarded to the low bidder, Montesano Brothers, Inc., in the amount of seven hundred seventy four thousand two hundred ninety dollars (\$774,290.00) recommended by the City Engineer and approved in the City's Annual Budget.

IMPACT: Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: The Nursery Lane Sewer Extension project will reroute the sanitary sewer to an existing manhole in North Street and into the Mamaroneck Valley Sewer District and is funded by a reimbursement from Westchester County as part of their affordable housing project.


The City Engineer's recommendation and bid results are attached for your review.



CITY OF RYE
Engineering Department

Interoffice Memorandum

To: Marcus Serrano, City Manager

From: Ryan Coyne, PE, City Engineer 

Cc: Joseph Fazzino, Deputy City Comptroller

Date: July 8, 2016

Subject: **Nursery Lane Sewer Main Extension**
Contract 2016-05

I have checked and tabulated the eight bids received on July 6, 2016 for the above contract. A copy of the bid results is attached. I recommend the bid be awarded to the low bidder, Montesano Brothers, Inc., in the amount of \$774,290.00.

Montesano Brothers is the lowest responsive and responsible bidder. This work will be reimbursed by Westchester County as part of the affordable housing project on Theodore Fremd Avenue. Montesano has ample experience performing work of this magnitude.

Please feel free to contact me should you need additional information.

Nursery Lane Sewer Main Extension - Contract 2016-05
Bid Tabulation



				1. Montesano Brothers, Inc.		2. ELQ Industries		3. Paladino Concrete Creations Corp.		4. Casale Construction Services, Inc.		5. Joken Development Corp.		6. Con-Tech Construction Technology, Inc.		7. Bilotta Construction Corp.		8. Morano Brothers Corp.	
Item Number	Item	Unit	Quantity	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
02220.01	Demolition (Including Sediment & Erosion Control)	LS	1	\$23,000.00	\$23,000.00	\$20,000.00	\$20,000.00	\$30,000.00	\$30,000.00	\$50,000.00	\$50,000.00	\$61,200.00	\$61,200.00	\$27,000.00	\$27,000.00	\$33,600.00	\$33,600.00	\$115,000.00	\$115,000.00
02300.01	Earth Work - Subbase Course, Type 2	CY	50	\$73.00	\$3,650.00	\$55.00	\$2,750.00	\$55.00	\$2,750.00	\$75.00	\$3,750.00	\$55.25	\$2,762.50	\$79.00	\$3,950.00	\$54.00	\$2,700.00	\$150.00	\$7,500.00
02300.02	Earth Work - Controlled Low Strength Material (CLSM (K-Crete))	CY	1900	\$98.00	\$186,200.00	\$135.00	\$256,500.00	\$115.00	\$218,500.00	\$165.00	\$313,500.00	\$155.00	\$294,500.00	\$120.00	\$228,000.00	\$95.00	\$180,500.00	\$150.00	\$285,000.00
02316.01	Rock Removal	CY	200	\$110.00	\$22,000.00	\$220.00	\$44,000.00	\$225.00	\$45,000.00	\$100.00	\$20,000.00	\$150.00	\$30,000.00	\$315.00	\$63,000.00	\$350.00	\$70,000.00	\$475.00	\$95,000.00
02511.01	8" Class 52 Cement Lined Ductile Iron Sewer Pipe and Fittings (Including Sediment & Erosion Control)	LF	872	\$340.00	\$296,480.00	\$250.00	\$218,000.00	\$283.55	\$247,255.60	\$200.00	\$174,400.00	\$305.00	\$265,960.00	\$545.00	\$475,240.00	\$604.83	\$527,411.76	\$415.00	\$361,880.00
02511.02	4" Class 52 Cement Lined Ductile Iron Sewer Pipe and Fittings (Including Sediment & Erosion Control)	LF	280	\$125.00	\$35,000.00	\$140.00	\$39,200.00	\$280.00	\$78,400.00	\$100.00	\$28,000.00	\$288.00	\$80,640.00	\$375.00	\$105,000.00	\$604.00	\$169,120.00	\$300.00	\$84,000.00
02631.01	Sanitary Manholes (Including Sediment & Erosion Control)	Each	9	\$7,700.00	\$69,300.00	\$10,000.00	\$90,000.00	\$8,200.00	\$73,800.00	\$17,900.00	\$161,100.00	\$10,700.00	\$96,300.00	\$14,000.00	\$126,000.00	\$5,700.00	\$51,300.00	\$25,000.00	\$225,000.00
02741.01	Asphalt Concrete Paving - Top Course	Ton	270	\$140.00	\$37,800.00	\$110.00	\$29,700.00	\$175.00	\$47,250.00	\$200.00	\$54,000.00	\$121.00	\$32,670.00	\$137.00	\$36,990.00	\$230.00	\$62,100.00	\$143.00	\$38,610.00
02741.02	Asphalt Concrete Paving - Binder Course	Ton	70	\$110.00	\$7,700.00	\$130.00	\$9,100.00	\$175.00	\$12,250.00	\$175.00	\$12,250.00	\$157.00	\$10,990.00	\$178.00	\$12,460.00	\$260.00	\$18,200.00	\$208.00	\$14,560.00
02751.02	Portland Cement Concrete Road Paving	CY	100	\$160.00	\$16,000.00	\$420.00	\$42,000.00	\$550.00	\$55,000.00	\$300.00	\$30,000.00	\$392.00	\$39,200.00	\$500.00	\$50,000.00	\$525.00	\$52,500.00	\$500.00	\$50,000.00
02762.01	Pavement Marking - Striping	LF	800	\$5.00	\$4,000.00	\$1.00	\$800.00	\$2.50	\$2,000.00	\$10.00	\$8,000.00	\$1.00	\$800.00	\$2.00	\$1,600.00	\$1.10	\$880.00	\$4.00	\$3,200.00
02966.01	Pavement Repair and Resurfacing - Pavement Milling	SY	1,700	\$11.00	\$18,700.00	\$6.00	\$10,200.00	\$9.00	\$15,300.00	\$10.00	\$17,000.00	\$7.70	\$13,090.00	\$14.50	\$24,650.00	\$9.50	\$16,150.00	\$13.00	\$22,100.00
02967.01	Pavement Repair and Resurfacing - Asphalt Filler	Gal.	5	\$700.00	\$3,500.00	\$190.00	\$950.00	\$25.00	\$125.00	\$100.00	\$500.00	\$121.00	\$605.00	\$208.00	\$1,040.00	\$400.00	\$2,000.00	\$305.00	\$1,525.00
02967.02	Pavement Repair and Resurfacing - Tack Coat	Gal.	120	\$8.00	\$960.00	\$9.00	\$1,080.00	\$10.00	\$1,200.00	\$10.00	\$1,200.00	\$10.00	\$1,200.00	\$8.50	\$1,020.00	\$16.00	\$1,920.00	\$14.00	\$1,680.00
09999.01	Miscellaneous Additional Work (MAW)	LS	1	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00
Engineer's Total				\$774,290.00		\$814,280.00		\$878,830.60		\$923,700.00		\$979,917.50		\$1,205,950.00		\$1,238,381.76		\$1,355,055.00	
Contractor's Total				\$774,290.00		\$814,280.00		\$878,830.60		\$923,700.00		\$979,917.50		\$1,205,950.00		\$1,238,381.76		\$1,355,055.00	



CITY COUNCIL AGENDA

NO. 23

DEPT.: Public Works

DATE: July 13, 2016

CONTACT: Ryan X. Coyne, City Engineer

ACTION: Bid Award for the Annual Sidewalk Replacement Program Contract (Contract #2016-07).

FOR THE MEETING OF:

July 13, 2016

RYE CITY CODE,

CHAPTER
SECTION

RECOMMENDATION: That Contract #2016-07 be awarded to the low bidder, Con-Tech Construction Technology, Inc., in the amount of ninety-three thousand one hundred eighty dollars (\$93,180.00) as recommended by the City Engineer and approved in the City's Annual Budget.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND:

The Annual Sidewalk Replacement Program includes removing and replacing concrete sidewalks, concrete driveway aprons, handicap ramps, and the replacement or installation of curbing.


The City Engineer's recommendation and bid results are attached for your review.



CITY OF RYE
Engineering Department

Interoffice Memorandum

To: Marcus Serrano, City Manager

From: Ryan Coyne, PE, City Engineer 

Cc: Joseph Fazzino, Deputy City Comptroller

Date: July 8, 2016

Subject: **Annual Sidewalk Replacement Program**
Contract 2016-07

I have checked and tabulated the eight bids received on July 6, 2016 for the above contract. A copy of the bid results is attached.

I recommend the bid be awarded to the low bidder, Con-Tech Construction Technology, Inc., in the amount of \$93,180.00. They are the lowest responsive and responsible bidder.

Con-Tech Construction has experience with similar sidewalk projects and have successfully performed sidewalk work for the City in the past.

Please feel free to contact me should you need additional information.

Annual Sidewalk Replacement Program - Contract 2016-07
Bid Tabulation



				1. Con-Tech Construction Technology, Inc.		2. Acocella Contracting		3. Peter J. Landi, Inc.		4. Tony Casale, Inc.		5. Paladino Concrete Creations Corp.		6. PCI Industries Corp.		7. Primeline Construction Corp.		8. Coppola Paving & Landscaping Corp.	
Item Number	Item	Unit	Quantity	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
203.02	Unclassified Excavation	CY	160	\$88.00	\$14,080.00	\$110.00	\$17,600.00	\$25.00	\$4,000.00	\$85.00	\$13,600.00	\$70.00	\$11,200.00	\$200.00	\$32,000.00	*	\$12,595.00	\$250.00	\$40,000.00
08304.11	Subbase Course, Type 1	CY	30	\$35.00	\$1,050.00	\$98.00	\$2,940.00	\$55.00	\$1,650.00	\$56.00	\$1,680.00	\$75.00	\$2,250.00	\$200.00	\$6,000.00	*	\$30,784.00	\$335.00	\$10,050.00
304.15	Subbase Course, Optional Type - Coarse Aggregate CA1 (3/4" Crushed Stone)	CY	50	\$50.00	\$2,500.00	\$125.00	\$6,250.00	\$60.00	\$3,000.00	\$68.00	\$3,400.00	\$75.00	\$3,750.00	\$200.00	\$10,000.00	*	\$27,664.00	\$200.00	\$10,000.00
403.178902	Hot Mix Asphalt, Type 6 Top	Ton	20	\$400.00	\$8,000.00	\$212.00	\$4,240.00	\$175.00	\$3,500.00	\$210.00	\$4,200.00	\$220.00	\$4,400.00	\$350.00	\$7,000.00	*	\$21,014.00	\$380.00	\$7,600.00
608.0101	Concrete Sidewalks and Driveways	CY	80	\$475.00	\$38,000.00	\$510.00	\$40,800.00	\$850.00	\$68,000.00	\$774.00	\$61,920.00	\$700.00	\$56,000.00	\$650.00	\$52,000.00	*	\$7,080.00	\$765.00	\$61,200.00
608.21	Embedded Detectable Warning Units (Gray)	SY	10	\$300.00	\$3,000.00	\$430.00	\$4,300.00	\$300.00	\$3,000.00	\$244.00	\$2,440.00	\$350.00	\$3,500.00	\$450.00	\$4,500.00	*	\$1,100.00	\$265.00	\$2,650.00
609.0201-A	Granite Curb, Type A (Straight)	LF	150	\$45.00	\$6,750.00	\$45.00	\$6,750.00	\$50.00	\$7,500.00	\$65.00	\$9,750.00	\$75.00	\$11,250.00	\$110.00	\$16,500.00	*	\$6,650.00	\$210.00	\$31,500.00
609.0201-B	Granite Curb, Type B (10' Radius)	LF	50	\$50.00	\$2,500.00	\$70.00	\$3,500.00	\$60.00	\$3,000.00	\$86.00	\$4,300.00	\$90.00	\$4,500.00	\$135.00	\$6,750.00	*	\$9,400.00	\$240.00	\$12,000.00
609.0201-C	Granite Curb, Type C (15' Radius)	LF	50	\$50.00	\$2,500.00	\$65.00	\$3,250.00	\$60.00	\$3,000.00	\$86.00	\$4,300.00	\$90.00	\$4,500.00	\$135.00	\$6,750.00	*	\$9,200.00	\$240.00	\$12,000.00
609.0401	Cast in Place Concrete Curb, Type VF150	LF	150	\$42.00	\$6,300.00	\$29.00	\$4,350.00	\$35.00	\$5,250.00	\$31.00	\$4,650.00	\$30.00	\$4,500.00	\$75.00	\$11,250.00	*	\$22,610.00	\$50.00	\$7,500.00
609.06000008	Curb Removal	LF	300	\$14.00	\$4,200.00	\$10.00	\$3,000.00	\$10.00	\$3,000.00	\$13.00	\$3,900.00	\$15.00	\$4,500.00	\$25.00	\$7,500.00	*	\$12,502.00	\$8.00	\$2,400.00
310.0203	Establishing Turf	SY	100	\$9.00	\$900.00	\$15.00	\$1,500.00	\$10.00	\$1,000.00	\$9.00	\$900.00	\$5.00	\$500.00	\$5.00	\$500.00	*	\$19,950.00	\$45.00	\$4,500.00
613.02	Topsoil (Type A)	CY	20	\$120.00	\$2,400.00	\$65.00	\$1,300.00	\$45.00	\$900.00	\$65.00	\$1,300.00	\$75.00	\$1,500.00	\$150.00	\$3,000.00	*	\$8,246.00	\$400.00	\$8,000.00
619.01	Basic Work Zone Traffic Control	LS	1	\$1,000.00	\$1,000.00	\$2,500.00	\$2,500.00	\$3,000.00	\$3,000.00	\$10,660.00	\$10,660.00	\$15,000.00	\$15,000.00	\$20,000.00	\$20,000.00	*	\$1,596.00	\$29,500.00	\$29,500.00
Engineer's Total				\$93,180.00		\$102,280.00		\$109,800.00		\$127,000.00		\$127,350.00		\$183,750.00		\$190,391.00		\$238,900.00	
Contractor's Total				\$93,180.00		\$102,280.00		\$109,800.00		\$127,000.00		\$127,350.00		\$183,750.00		\$190,391.00		\$238,900.00	

* Bidder did not provide unit prices.



CITY COUNCIL AGENDA

NO. 24

DEPT.: Engineering

DATE: July 13, 2016

CONTACT: Ryan X. Coyne, City Engineer

ACTION: Bid Award for the Annual Street Resurfacing Program contract (Contract #2016-08).

FOR THE MEETING OF:

July 13, 2016

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That Contract #2016-08 be awarded to the low bidder, PCI Industries, in the amount of seven hundred seventy nine thousand five hundred dollars (\$779,500.00) as recommended by the City Engineer and approved in the City's Annual Budget.

IMPACT: Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: The Engineering Department has prioritized a list of streets for resurfacing. Utility companies have been notified of the selected streets in order to coordinate construction activities and avoid excavation of new roadways.


The City Engineer's recommendation and bid results are attached for your review.



CITY OF RYE
Engineering Department

Interoffice Memorandum

To: Marcus Serrano, City Manager

From: Ryan Coyne, PE, City Engineer 

Cc: Joseph Fazzino, Deputy City Comptroller

Date: July 8, 2016

Subject: **Annual Street Resurfacing Program**
Contract 2016-08

I have checked and tabulated the four bids received on July 6, 2016 for the above contract. A copy of the bid results is attached. I recommend the bid be awarded to the low bidder, PCI Industries, in the amount of \$779,500.00.

PCI Industries is the lowest responsive and responsible bidder. PCI Industries has performed similar work for nearby municipalities.

The proposed streets to be repaved this year are:

- Boston Post Road from Central Avenue to Purchase Street;
- Milton Road from Playland Parkway to Apawamis Avenue;
- Milton Road from Oakland Beach Avenue to Hewlett Avenue; and
- Oakland Beach Avenue from the Blind Brook to Milton Road.

Please feel free to contact me should you need additional information.

Annual Street Resurfacing Program - Contract 2016-08
Bid Tabulation



Item Number	Item	Unit	Quantity	1. PCI Industries		2. ELQ Industries		3. Montesano Brothers		4. Bilotta Construction	
				Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
48A	Milling of Asphalt Roads (3"-6" depth)	SY	20,000	\$6.50	\$130,000.00	\$7.00	\$140,000.00	\$12.15	\$243,000.00	\$8.55	\$171,000.00
83SB	Pre-Coated Non-Woven Fabric Reinforcement (18" Wide Mat)	LF	20,000	\$4.00	\$80,000.00	\$4.00	\$80,000.00	\$3.25	\$65,000.00	\$4.25	\$85,000.00
W604.07	Remove, Replace, and Adjust Manhole Castings for Resurfacing Work	EA	10	\$550.00	\$5,500.00	\$1,900.00	\$19,000.00	\$860.00	\$8,600.00	\$1,100.00	\$11,000.00
203.02	Unclassified Excavation	CY	240	\$100.00	\$24,000.00	\$60.00	\$14,400.00	\$125.00	\$30,000.00	\$82.50	\$19,800.00
304.15	Subbase Course, Optional Type - Coarse Aggregate CA1 (3/4" Crushed Stone)	CY	120	\$100.00	\$12,000.00	\$60.00	\$7,200.00	\$189.00	\$22,680.00	\$93.50	\$11,220.00
403.138902	Hot Mix Asphalt, Type 3 Binder	Tons	1,000	\$112.00	\$112,000.00	\$115.00	\$115,000.00	\$109.00	\$109,000.00	\$115.00	\$115,000.00
403.178902	Hot Mix Asphalt, Type 6 Top	Tons	1,800	\$112.00	\$201,600.00	\$117.00	\$210,600.00	\$106.00	\$190,800.00	\$118.00	\$212,400.00
407.0103	Straight Tack Coat	Gal	1,600	\$8.00	\$12,800.00	\$7.00	\$11,200.00	\$7.45	\$11,920.00	\$9.50	\$15,200.00
608.0101	Concrete Sidewalks and Driveways	CY	120	\$590.00	\$70,800.00	\$650.00	\$78,000.00	\$515.00	\$61,800.00	\$975.00	\$117,000.00
608.21	Embedded Detectable Warning Unit	SY	40	\$360.00	\$14,400.00	\$350.00	\$14,000.00	\$325.00	\$13,000.00	\$302.50	\$12,100.00
609.01	Stone Curb, Type C (per foot)	FT	1,000	\$60.00	\$60,000.00	\$55.00	\$55,000.00	\$67.25	\$67,250.00	\$82.00	\$82,000.00
609.04	Cast in Place Concrete Curb Type VF150 (per foot)	FT	500	\$42.00	\$21,000.00	\$28.00	\$14,000.00	\$69.00	\$34,500.00	\$40.00	\$20,000.00
619.01	Basic Work Zone Traffic Control	LS	1	\$26,000.00	\$26,000.00	\$45,000.00	\$45,000.00	\$68,615.00	\$68,615.00	\$85,000.00	\$85,000.00
619.0901	Temporary Pavement Markings	LF	9,000	\$0.25	\$2,250.00	\$0.17	\$1,530.00	\$1.10	\$9,900.00	\$0.17	\$1,530.00
685.11	White Epoxy ReflectORIZED Pavement Stripes, 20 mils	LF	1,000	\$0.45	\$450.00	\$0.42	\$420.00	\$2.20	\$2,200.00	\$0.42	\$420.00
685.12	Yellow Epoxy ReflectORIZED Pavement Stripes, 20 mils	LF	8,000	\$0.45	\$3,600.00	\$0.42	\$3,360.00	\$2.20	\$17,600.00	\$0.42	\$3,360.00
687.0101.	Thermoplastic ReflectORIZED Pavement Markings (Crosswalks)	LF	3,000	\$1.00	\$3,000.00	\$0.95	\$2,850.00	\$2.75	\$8,250.00	\$0.94	\$2,820.00
698.04	Asphalt Price Adjustment	DC	1	\$100.00	\$100.00	\$100.00	\$100.00	\$100.00	\$100.00	\$100.00	\$100.00
Engineer's Total				\$779,500.00		\$811,660.00		\$964,215.00		\$964,950.00	
Contractor's Total				\$779,500.00		\$811,660.00		\$964,215.00		\$964,950.00	

Bid Opening:
July 6, 2016



CITY COUNCIL AGENDA

NO. 25

DEPT.: Engineering

DATE: July 13, 2016

CONTACT: Ryan X. Coyne, City Engineer

ACTION: Bid Award for the Purchase Street Streetscape Improvements contract (Contract #2016-09).

FOR THE MEETING OF:

July 13, 2016

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That Contract #2016-09 be awarded to the low bidder, Paladino Concrete Creations Corp., in the amount of seven hundred forty four thousand three hundred forty seven dollars and seventy five cents (\$744,347.75) and that Alternate Phase B (\$269,549) and Alternate Cobblestone Bid (\$22,500) be authorized as recommended by the City Engineer and approved in the City's Annual Budget.

IMPACT: Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: The Purchase Street Streetscape Improvements project includes sidewalk, crosswalk, and curb improvements along Purchase Street, Smith Street, and Elm Place.


The City Engineer's recommendation and bid results are attached for your review.



CITY OF RYE
Engineering Department

Interoffice Memorandum

To: Marcus Serrano, City Manager

From: Ryan Coyne, PE, City Engineer 

Cc: Joseph Fazzino, Deputy City Comptroller

Date: July 7, 2016

Subject: **Purchase Street Streetscape Improvements**
Contract 2016-09

I have checked and tabulated the six bids received on July 6, 2016 for the above contract. A copy of the bid results is attached. I recommend the bid be awarded to the low bidder, Paladino Concrete Creations Corp., in the amount of \$744,347.75. Paladino is the lowest responsive and responsible bidder.

The Base Bid includes work on Purchase Street and the intersections of Elm Place and Smith Street. The reconstruction of Smith Street proper was bid as an Alternate Phase. The cost of the Smith Street reconstruction phase is \$269,549. Additionally, a second alternate was bid for the installation of cobblestone as a decorative treatment at the intersection of Purchase Street and Smith Street. The cost for this work is \$22,500.

It is my recommendation, should the Council agree, that both alternates be included in this work bringing the total cost of the project to \$1,036,396.75.

Please feel free to contact me should you need additional information.

Purchase Street Streetscape Improvements - Contract 2016-09
Bid Tabulation



Bid Summary	1. Paladino Concrete Creations Corp.	2. Con-Tech Construction Technology, Inc.	3. PCI Industries	4. ELQ Industries	5. Peter J. Landi, Inc.	6. Montesano Brothers, Inc.
Total Base Bid (Phase A)	\$744,347.75	\$753,550.00	\$940,295.20	\$943,348.00	\$1,094,303.00	\$1,208,219.00
Total Alternate Phase B Bid	\$269,549.00	\$244,000.00	\$303,114.00	\$272,082.00	\$367,192.00	\$367,776.00
Total Alternate Cobblestone Bid	\$22,500.00	\$38,500.00	\$30,000.00	\$30,000.00	\$30,000.00	\$49,500.00

BOLD indicates that the contractor's total differs from the Engineer's total. Number presented is the Engineer's total.

Purchase Street Streetscape Improvements - Contract 2016-09
Bid Tabulation



Base Bid Phase A				1. Paladino Concrete Creations Corp.		2. Con-Tech Construction Technology, Inc.		3. PCI Industries		4. ELQ Industries		5. Peter J. Landi, Inc.		6. Montesano Brothers, Inc.	
Item Number	Item	Unit	Quantity	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
203.02	Unclassified Excavation	CY	965	\$65.00	\$62,725.00	\$88.00	\$84,920.00	\$100.00	\$96,500.00	\$60.00	\$57,900.00	\$50.00	\$48,250.00	\$92.00	\$88,780.00
204.01	Controlled Low Strength Material	CY	170	\$115.00	\$19,550.00	\$150.00	\$25,500.00	\$125.00	\$21,250.00	\$140.00	\$23,800.00	\$145.00	\$24,650.00	\$208.00	\$35,360.00
206.0201	Trench and Culvert Excavation	CY	160	\$65.00	\$10,400.00	\$88.00	\$14,080.00	\$100.00	\$16,000.00	\$50.00	\$8,000.00	\$50.00	\$8,000.00	\$91.50	\$14,640.00
206.0201-A	Drainage Structure Excavation and Disposal	Each	6	\$850.00	\$5,100.00	\$2,400.00	\$14,400.00	\$1,500.00	\$9,000.00	\$850.00	\$5,100.00	\$800.00	\$4,800.00	\$2,675.00	\$16,050.00
206.0201-B	Culvert Excavation and Disposal	LF	120	\$50.00	\$6,000.00	\$45.00	\$5,400.00	\$50.00	\$6,000.00	\$60.00	\$7,200.00	\$25.00	\$3,000.00	\$117.00	\$14,040.00
206.05	Test Pit Excavation	Each	6	\$500.00	\$3,000.00	\$1,500.00	\$9,000.00	\$1,000.00	\$6,000.00	\$1,500.00	\$9,000.00	\$1,500.00	\$9,000.00	\$8,400.00	\$50,400.00
304.11	Subbase Course, Type I	CY	475	\$35.00	\$16,625.00	\$48.00	\$22,800.00	\$100.00	\$47,500.00	\$60.00	\$28,500.00	\$55.00	\$26,125.00	\$139.00	\$66,025.00
403.13	Asphalt Concrete - Type 3 Binder Course	Ton	430	\$130.00	\$55,900.00	\$168.00	\$72,240.00	\$125.00	\$53,750.00	\$114.00	\$49,020.00	\$150.00	\$64,500.00	\$148.00	\$63,640.00
403.17	Asphalt Concrete - Type 6F Top Course	Ton	215	\$130.00	\$27,950.00	\$195.00	\$41,925.00	\$150.00	\$32,250.00	\$140.00	\$30,100.00	\$150.00	\$32,250.00	\$154.00	\$33,110.00
407.0101	Tack Coat	GAL	68	\$15.00	\$1,020.00	\$35.00	\$2,380.00	\$10.00	\$680.00	\$10.00	\$680.00	\$25.00	\$1,700.00	\$18.00	\$1,224.00
603.9815	Smooth Interior Corrugated Polyethylene Culvert - Culvert and Storm Drain 15-Inch Diameter	LF	261	\$135.00	\$35,235.00	\$25.00	\$6,525.00	\$100.00	\$26,100.00	\$210.00	\$54,810.00	\$200.00	\$52,200.00	\$138.00	\$36,018.00
604.070801	Altering Drainage Structures, Leaching Basins, and Manholes	Each	14	\$450.00	\$6,300.00	\$550.00	\$7,700.00	\$400.00	\$5,600.00	\$600.00	\$8,400.00	\$1,200.00	\$16,800.00	\$1,100.00	\$15,400.00
604.07260011	Connecting to Existing Drainage Facilities	Each	1	\$850.00	\$850.00	\$1,800.00	\$1,800.00	\$1,500.00	\$1,500.00	\$1,300.00	\$1,300.00	\$800.00	\$800.00	\$3,885.00	\$3,885.00
604.300272	Rectangular Drainage Structure, 30"x36", Precast, Cast Frame	LF	59	\$610.00	\$35,990.00	\$850.00	\$50,150.00	\$800.00	\$47,200.00	\$600.00	\$35,400.00	\$1,000.00	\$59,000.00	\$711.00	\$41,949.00
604.4048	Round Precast Concrete Manhole, Type 48	LF	37	\$675.00	\$24,975.00	\$95.00	\$3,515.00	\$1,600.00	\$59,200.00	\$1,200.00	\$44,400.00	\$1,000.00	\$37,000.00	\$710.00	\$26,270.00

Bid Opening:
July 6, 2016

Purchase Street Streetscape Improvements - Contract 2016-09
Bid Tabulation



Base Bid Phase A				1. Paladino Concrete Creations Corp.		2. Con-Tech Construction Technology, Inc.		3. PCI Industries		4. ELQ Industries		5. Peter J. Landi, Inc.		6. Montesano Brothers, Inc.	
Item Number	Item	Unit	Quantity	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
608.0101	Concrete Sidewalks and Driveways	CY	135	\$575.00	\$77,625.00	\$475.00	\$64,125.00	\$650.00	\$87,750.00	\$710.00	\$95,850.00	\$1,200.00	\$162,000.00	\$1,108.00	\$149,580.00
608.0101-A	Concrete Pedestrian Crossing (As Detailed)	CY	11	\$595.00	\$6,545.00	\$475.00	\$5,225.00	\$650.00	\$7,150.00	\$800.00	\$8,800.00	\$2,000.00	\$22,000.00	\$1,285.00	\$14,135.00
608.21	Embedded Detectable Waning Units (Charcoal Grey)	SY	13	\$350.00	\$4,550.00	\$300.00	\$3,900.00	\$450.00	\$5,850.00	\$400.00	\$5,200.00	\$270.00	\$3,510.00	\$510.00	\$6,630.00
609.01	Stone Curb (As Detailed, Planter Edge)	LF	210	\$45.00	\$9,450.00	\$40.00	\$8,400.00	\$35.00	\$7,350.00	\$48.00	\$10,080.00	\$27.00	\$5,670.00	\$107.00	\$22,470.00
609.0201-A	Granite Curb, Type A (Straight)	LF	631	\$62.00	\$39,122.00	\$48.00	\$30,288.00	\$65.00	\$41,015.00	\$61.00	\$38,491.00	\$75.00	\$47,325.00	\$105.00	\$66,255.00
609.0201-B	Granite Curb, Type B (1' Radius)	LF	2	\$85.00	\$170.00	\$90.00	\$180.00	\$250.00	\$500.00	\$160.00	\$320.00	\$80.00	\$160.00	\$127.50	\$255.00
609.0201-C	Granite Curb, Type C (2' Radius)	LF	4	\$85.00	\$340.00	\$90.00	\$360.00	\$200.00	\$800.00	\$160.00	\$640.00	\$80.00	\$320.00	\$127.00	\$508.00
609.0201-D	Granite Curb, Type D (8' Radius)	LF	12	\$85.00	\$1,020.00	\$80.00	\$960.00	\$125.00	\$1,500.00	\$160.00	\$1,920.00	\$80.00	\$960.00	\$112.00	\$1,344.00
609.0201-E	Granite Curb, Type E (10' Radius)	LF	13	\$85.00	\$1,105.00	\$76.00	\$988.00	\$125.00	\$1,625.00	\$130.00	\$1,690.00	\$80.00	\$1,040.00	\$112.00	\$1,456.00
609.0201-F	Granite Curb, Type F (12' Radius)	LF	38	\$85.00	\$3,230.00	\$72.00	\$2,736.00	\$125.00	\$4,750.00	\$130.00	\$4,940.00	\$80.00	\$3,040.00	\$105.00	\$3,990.00
609.0201-G	Granite Curb, Type G (15' Radius)	LF	183	\$85.00	\$15,555.00	\$76.00	\$13,908.00	\$125.00	\$22,875.00	\$130.00	\$23,790.00	\$65.00	\$11,895.00	\$111.00	\$20,313.00
609.0201-H	Granite Curb, Type H (25' Radius)	LF	71	\$65.00	\$4,615.00	\$60.00	\$4,260.00	\$125.00	\$8,875.00	\$130.00	\$9,230.00	\$60.00	\$4,260.00	\$111.00	\$7,881.00
609.0201-I	Granite Curb, Type I (30' Radius)	LF	34	\$85.00	\$2,890.00	\$78.00	\$2,652.00	\$125.00	\$4,250.00	\$130.00	\$4,420.00	\$60.00	\$2,040.00	\$115.00	\$3,910.00
609.06000008	Curb Removal	LF	975	\$10.00	\$9,750.00	\$14.00	\$13,650.00	\$15.00	\$14,625.00	\$15.00	\$14,625.00	\$10.00	\$9,750.00	\$16.00	\$15,600.00
611.010194	Planting - Major Deciduous Trees, See Contract Documents, As Specified	Each	4	\$675.00	\$2,700.00	\$675.00	\$2,700.00	\$900.00	\$3,600.00	\$700.00	\$2,800.00	\$600.00	\$2,400.00	\$2,050.00	\$8,200.00

Bid Opening:
July 6, 2016

Purchase Street Streetscape Improvements - Contract 2016-09
Bid Tabulation



Base Bid Phase A				1. Paladino Concrete Creations Corp.		2. Con-Tech Construction Technology, Inc.		3. PCI Industries		4. ELQ Industries		5. Peter J. Landi, Inc.		6. Montesano Brothers, Inc.	
Item Number	Item	Unit	Quantity	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
614.060304	Tree Removal Over 12"-18" Diameter Breast Height - Stumps Grubbed	Each	3	\$1,000.00	\$3,000.00	\$3,000.00	\$9,000.00	\$2,000.00	\$6,000.00	\$1,000.00	\$3,000.00	\$1,500.00	\$4,500.00	\$2,800.00	\$8,400.00
619.01	Basic Work Zone Traffic Control	LS	1	\$50,000.00	\$50,000.00	\$55,000.00	\$55,000.00	\$75,000.00	\$75,000.00	\$100,000.00	\$100,000.00	\$150,000.00	\$150,000.00	\$47,794.00	\$47,794.00
619.04	Type III Construction Barricade	Each	3	\$500.00	\$1,500.00	\$200.00	\$600.00	\$200.00	\$600.00	\$150.00	\$450.00	\$500.00	\$1,500.00	\$660.00	\$1,980.00
619.24	Nighttime Operations	LS	1	\$30,000.00	\$30,000.00	\$34,621.00	\$34,621.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00
627.50140008	Cutting Pavement	LF	220	\$4.00	\$880.00	\$8.00	\$1,760.00	\$10.00	\$2,200.00	\$3.00	\$660.00	\$10.00	\$2,200.00	\$7.00	\$1,540.00
635.0103	Cleaning and Preparation of Pavement Surfaces - Lines	LF	926	\$2.00	\$1,852.00	\$1.00	\$926.00	\$0.50	\$463.00	\$0.50	\$463.00	\$2.00	\$1,852.00	\$2.50	\$2,315.00
635.0203	Cleaning and Preparation of Pavement Surfaces - Letters	Each	16	\$40.00	\$640.00	\$22.00	\$352.00	\$20.00	\$320.00	\$25.00	\$400.00	\$100.00	\$1,600.00	\$195.00	\$3,120.00
635.0303	Cleaning and Preparation of Pavement Surfaces - Symbols	Each	3	\$50.00	\$150.00	\$30.00	\$90.00	\$25.00	\$75.00	\$30.00	\$90.00	\$100.00	\$300.00	\$325.00	\$975.00
645.5101	Ground-Mounted Sign Panels Without Z-Bars	Each	13	\$180.00	\$2,340.00	\$235.00	\$3,055.00	\$450.00	\$5,850.00	\$140.00	\$1,820.00	\$250.00	\$3,250.00	\$416.00	\$5,408.00
645.5201	Ground-Mounted Sign Panels Without Z-Bars - High-Visibility Sheeting	Each	5	\$180.00	\$900.00	\$300.00	\$1,500.00	\$550.00	\$2,750.00	\$200.00	\$1,000.00	\$600.00	\$3,000.00	\$806.00	\$4,030.00
645.81	Type A Sign Posts	Each	16	\$125.00	\$2,000.00	\$300.00	\$4,800.00	\$125.00	\$2,000.00	\$330.00	\$5,280.00	\$200.00	\$3,200.00	\$296.00	\$4,736.00
645.81020003	Retroreflective Sign Post Strip	Each	7	\$150.00	\$1,050.00	\$195.00	\$1,365.00	\$100.00	\$700.00	\$125.00	\$875.00	\$100.00	\$700.00	\$32.00	\$224.00
647.51	Remove and Dispose Sign Panel, Sign Panel Assembly	Each	12	\$75.00	\$900.00	\$360.00	\$4,320.00	\$150.00	\$1,800.00	\$200.00	\$2,400.00	\$50.00	\$600.00	\$148.00	\$1,776.00
655.07020010	Cast Frame with Grate (Without Curb Box)	Each	1	\$750.00	\$750.00	\$1,850.00	\$1,850.00	\$1,500.00	\$1,500.00	\$1,200.00	\$1,200.00	\$1,600.00	\$1,600.00	\$1,230.00	\$1,230.00
655.0705	Cast Frame with Unmountable Curb Box and Grate	Each	11	\$900.00	\$9,900.00	\$2,000.00	\$22,000.00	\$1,200.00	\$13,200.00	\$1,200.00	\$13,200.00	\$1,800.00	\$19,800.00	\$1,230.00	\$13,530.00

Bid Opening:
July 6, 2016

Purchase Street Streetscape Improvements - Contract 2016-09
Bid Tabulation



Base Bid Phase A				1. Paladino Concrete Creations Corp.		2. Con-Tech Construction Technology, Inc.		3. PCI Industries		4. ELQ Industries		5. Peter J. Landi, Inc.		6. Montesano Brothers, Inc.	
Item Number	Item	Unit	Quantity	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
655.1202	Manhole Frame and Cover	Each	4	\$750.00	\$3,000.00	\$1,225.00	\$4,900.00	\$800.00	\$3,200.00	\$1,000.00	\$4,000.00	\$1,200.00	\$4,800.00	\$956.00	\$3,824.00
662.60030008	Altering Elevation of Gas Valve Boxes	Each	42	\$75.00	\$3,150.00	\$25.00	\$1,050.00	\$90.00	\$3,780.00	\$460.00	\$19,320.00	\$150.00	\$6,300.00	\$275.00	\$11,550.00
663.13000010	Install Fire Hydrant	Each	1	\$5,500.00	\$5,500.00	\$6,500.00	\$6,500.00	\$10,000.00	\$10,000.00	\$7,000.00	\$7,000.00	\$9,000.00	\$9,000.00	\$9,550.00	\$9,550.00
663.161206	Tapping Sleeve, Valve & Valve Box Assembly 12"x6"	Each	1	\$8,500.00	\$8,500.00	\$8,500.00	\$8,500.00	\$20,000.00	\$20,000.00	\$17,000.00	\$17,000.00	\$12,000.00	\$12,000.00	\$7,400.00	\$7,400.00
663.30	Relocate Existing Water Valve & Valve Box	Each	1	\$1,500.00	\$1,500.00	\$2,500.00	\$2,500.00	\$5,000.00	\$5,000.00	\$2,000.00	\$2,000.00	\$4,000.00	\$4,000.00	\$5,500.00	\$5,500.00
663.33	Adjust Existing Valve Box Elevation	Each	36	\$75.00	\$2,700.00	\$100.00	\$3,600.00	\$250.00	\$9,000.00	\$460.00	\$16,560.00	\$100.00	\$3,600.00	\$320.00	\$11,520.00
665.10000011	Furnish and Install Bollards (As Specified)	Each	22	\$1,300.00	\$28,600.00	\$1,000.00	\$22,000.00	\$1,200.00	\$26,400.00	\$1,800.00	\$39,600.00	\$1,800.00	\$39,600.00	\$1,720.00	\$37,840.00
670.0104	Foundation for Light Standards, 4 Feet Long	Each	11	\$1,400.00	\$15,400.00	\$1,150.00	\$12,650.00	\$1,750.00	\$19,250.00	\$1,800.00	\$19,800.00	\$1,200.00	\$13,200.00	\$3,025.00	\$33,275.00
670.10010004	Decorative Light Poles with One Luminaire - See Contract Documents	Each	11	\$5,700.00	\$62,700.00	\$550.00	\$6,050.00	\$5,000.00	\$55,000.00	\$5,400.00	\$59,400.00	\$5,500.00	\$60,500.00	\$6,125.00	\$67,375.00
670.2602	Rigid Plastic Conduit, 2"	LF	615	\$17.00	\$10,455.00	\$35.00	\$21,525.00	\$40.00	\$24,600.00	\$50.00	\$30,750.00	\$35.00	\$21,525.00	\$56.00	\$34,440.00
685.01-A	White Epoxy Reflectorized Pavement Stripes - 15 Mils (4" Wide)	LF	266	\$0.75	\$199.50	\$0.50	\$133.00	\$0.45	\$119.70	\$0.50	\$133.00	\$2.00	\$532.00	\$2.00	\$532.00
685.01-B	White Epoxy Reflectorized Pavement Stripes - 15 Mils (12" Wide)	LF	182	\$4.50	\$819.00	\$5.00	\$910.00	\$4.00	\$728.00	\$4.00	\$728.00	\$6.00	\$1,092.00	\$6.00	\$1,092.00
685.01-C	White Epoxy Reflectorized Pavement Stripes - 15 Mils (24" Wide)	LF	421	\$9.00	\$3,789.00	\$9.00	\$3,789.00	\$7.50	\$3,157.50	\$8.00	\$3,368.00	\$12.00	\$5,052.00	\$12.00	\$5,052.00
685.02	Yellow Epoxy Reflectorized Pavement Stripes - 15 Mils (2-4" Wide Lines 8" O.C.)	LF	57	\$1.25	\$71.25	\$1.00	\$57.00	\$1.00	\$57.00	\$1.00	\$57.00	\$5.00	\$285.00	\$4.00	\$228.00
685.03	White Epoxy Reflectorized Pavement Letters - 15 Mils	Each	16	\$90.00	\$1,440.00	\$70.00	\$1,120.00	\$75.00	\$1,200.00	\$68.00	\$1,088.00	\$250.00	\$4,000.00	\$130.00	\$2,080.00

Bid Opening:
July 6, 2016

Purchase Street Streetscape Improvements - Contract 2016-09
Bid Tabulation



Base Bid Phase A				1. Paladino Concrete Creations Corp.		2. Con-Tech Construction Technology, Inc.		3. PCI Industries		4. ELQ Industries		5. Peter J. Landi, Inc.		6. Montesano Brothers, Inc.	
Item Number	Item	Unit	Quantity	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
685.04	White Epoxy Reflectorized Pavement Symbols - 15 Mils	Each	3	\$125.00	\$375.00	\$120.00	\$360.00	\$100.00	\$300.00	\$100.00	\$300.00	\$90.00	\$270.00	\$195.00	\$585.00
Engineer's Total				\$744,347.75		\$753,550.00		\$940,295.20		\$943,348.00		\$1,094,303.00		\$1,208,219.00	
Contractor's Total				\$744,347.75		\$808,000.00		\$940,295.20		\$943,348.00		\$1,103,303.00		\$1,208,219.00	

Purchase Street Streetscape Improvements - Contract 2016-09
Bid Tabulation



Alternate Phase B Bid				1. Paladino Concrete Creations Corp.		2. Con-Tech Construction Technology, Inc.		3. PCI Industries		4. ELQ Industries		5. Peter J. Landi, Inc.		6. Montesano Brothers, Inc.	
Item Number	Item	Unit	Quantity	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
203.02	Unclassified Excavation	CY	505	\$65.00	\$32,825.00	\$88.00	\$44,440.00	\$100.00	\$50,500.00	\$60.00	\$30,300.00	\$70.00	\$35,350.00	\$106.00	\$53,530.00
304.11	Subbase Course, Type I	CY	260	\$75.00	\$19,500.00	\$48.00	\$12,480.00	\$100.00	\$26,000.00	\$60.00	\$15,600.00	\$60.00	\$15,600.00	\$133.00	\$34,580.00
403.13	Asphalt Concrete - Type 3 Binder Course	Ton	260	\$130.00	\$33,800.00	\$140.00	\$36,400.00	\$125.00	\$32,500.00	\$110.00	\$28,600.00	\$175.00	\$45,500.00	\$154.00	\$40,040.00
403.17	Asphalt Concrete - Type 6F Top Course	Ton	130	\$130.00	\$16,900.00	\$178.00	\$23,140.00	\$150.00	\$19,500.00	\$130.00	\$16,900.00	\$175.00	\$22,750.00	\$185.00	\$24,050.00
407.0101	Tack Coat	GAL	41	\$15.00	\$615.00	\$35.00	\$1,435.00	\$10.00	\$410.00	\$10.00	\$410.00	\$25.00	\$1,025.00	\$27.50	\$1,127.50
604.070801	Altering Drainage Structures, Leaching Basins, and Manholes	Each	6	\$650.00	\$3,900.00	\$550.00	\$3,300.00	\$400.00	\$2,400.00	\$600.00	\$3,600.00	\$1,200.00	\$7,200.00	\$1,275.00	\$7,650.00
604.4048	Round Precast Concrete Manhole, Type 48	LF	3	\$675.00	\$2,025.00	\$95.00	\$285.00	\$1,200.00	\$3,600.00	\$2,800.00	\$8,400.00	\$1,000.00	\$3,000.00	\$1,125.00	\$3,375.00
608.0101	Concrete Sidewalks and Driveways	CY	65	\$575.00	\$37,375.00	\$475.00	\$30,875.00	\$650.00	\$42,250.00	\$720.00	\$46,800.00	\$1,000.00	\$65,000.00	\$900.00	\$58,500.00
608.21	Embedded Detectable Waning Units (Charcoal Grey)	SY	8	\$350.00	\$2,800.00	\$300.00	\$2,400.00	\$450.00	\$3,600.00	\$400.00	\$3,200.00	\$270.00	\$2,160.00	\$510.00	\$4,080.00
609.0201-A	Granite Curb, Type A (Straight)	LF	739	\$69.00	\$50,991.00	\$48.00	\$35,472.00	\$65.00	\$48,035.00	\$61.00	\$45,079.00	\$60.00	\$44,340.00	\$110.50	\$81,659.50
609.0201-J	Granite Curb, Type J (5' Radius)	LF	6	\$85.00	\$510.00	\$80.00	\$480.00	\$200.00	\$1,200.00	\$130.00	\$780.00	\$75.00	\$450.00	\$117.50	\$705.00
609.0201-K	Granite Curb, Type K (7" Radius)	LF	11	\$85.00	\$935.00	\$77.00	\$847.00	\$125.00	\$1,375.00	\$130.00	\$1,430.00	\$75.00	\$825.00	\$115.00	\$1,265.00
609.0201-D	Granite Curb, Type D (8' Radius)	LF	14	\$85.00	\$1,190.00	\$100.00	\$1,400.00	\$150.00	\$2,100.00	\$130.00	\$1,820.00	\$75.00	\$1,050.00	\$145.00	\$2,030.00
609.0201-L	Granite Curb, Type L (9' Radius)	LF	13	\$85.00	\$1,105.00	\$77.00	\$1,001.00	\$150.00	\$1,950.00	\$130.00	\$1,690.00	\$75.00	\$975.00	\$131.00	\$1,703.00
609.0201-E	Granite Curb, Type E (10' Radius)	LF	11	\$85.00	\$935.00	\$77.00	\$847.00	\$150.00	\$1,650.00	\$130.00	\$1,430.00	\$75.00	\$825.00	\$114.00	\$1,254.00
609.0201-M	Granite Curb, Type M (50' Radius)	LF	22	\$85.00	\$1,870.00	\$80.00	\$1,760.00	\$125.00	\$2,750.00	\$130.00	\$2,860.00	\$75.00	\$1,650.00	\$118.00	\$2,596.00
609.0600008	Curb Removal	LF	580	\$10.00	\$5,800.00	\$14.00	\$8,120.00	\$15.00	\$8,700.00	\$15.00	\$8,700.00	\$15.00	\$8,700.00	\$18.00	\$10,440.00
619.01	Basic Work Zone Traffic Control	LS	1	\$25,000.00	\$25,000.00	\$15,069.00	\$15,069.00	\$35,000.00	\$35,000.00	\$30,000.00	\$30,000.00	\$45,000.00	\$45,000.00	\$9,000.00	\$9,000.00
619.04	Type III Construction Barricade	Each	4	\$500.00	\$2,000.00	\$200.00	\$800.00	\$250.00	\$1,000.00	\$85.00	\$340.00	\$500.00	\$2,000.00	\$585.00	\$2,340.00
619.24	Nighttime Operations	LS	1	\$20,000.00	\$20,000.00	\$10,000.00	\$10,000.00	\$5,000.00	\$5,000.00	\$2,500.00	\$2,500.00	\$50,000.00	\$50,000.00	\$10,000.00	\$10,000.00
627.50140008	Cutting Pavement	LF	105	\$4.00	\$420.00	\$15.00	\$1,575.00	\$10.00	\$1,050.00	\$3.00	\$315.00	\$10.00	\$1,050.00	\$7.00	\$735.00
635.0103	Cleaning and Preparation of Pavement Surfaces - Lines	LF	162	\$5.50	\$891.00	\$1.00	\$162.00	\$5.00	\$810.00	\$5.00	\$810.00	\$8.00	\$1,296.00	\$2.50	\$405.00
645.5101	Ground-Mounted Sign Panels Without Z-Bars	Each	1	\$180.00	\$180.00	\$235.00	\$235.00	\$450.00	\$450.00	\$140.00	\$140.00	\$500.00	\$500.00	\$491.00	\$491.00
645.5201	Ground-Mounted Sign Panels Without Z-Bars - High-Visibility Sheeting	Each	1	\$180.00	\$180.00	\$300.00	\$300.00	\$550.00	\$550.00	\$200.00	\$200.00	\$600.00	\$600.00	\$752.00	\$752.00
645.81	Type A Sign Posts	Each	7	\$125.00	\$875.00	\$300.00	\$2,100.00	\$150.00	\$1,050.00	\$330.00	\$2,310.00	\$250.00	\$1,750.00	\$295.00	\$2,065.00
645.81020003	Retroreflective Sign Post Strip	Each	6	\$150.00	\$900.00	\$195.00	\$1,170.00	\$100.00	\$600.00	\$125.00	\$750.00	\$100.00	\$600.00	\$32.00	\$192.00
647.31	Relocate Sign Panel, Sign Panel Assembly	Each	7	\$180.00	\$1,260.00	\$275.00	\$1,925.00	\$300.00	\$2,100.00	\$370.00	\$2,590.00	\$200.00	\$1,400.00	\$275.00	\$1,925.00
647.51	Remove and Dispose Sign Panel, Sign Panel Assembly	Each	8	\$75.00	\$600.00	\$360.00	\$2,880.00	\$150.00	\$1,200.00	\$220.00	\$1,760.00	\$100.00	\$800.00	\$150.00	\$1,200.00
662.60030008	Altering Elevation of Gas Valve Boxes	Each	15	\$75.00	\$1,125.00	\$25.00	\$375.00	\$100.00	\$1,500.00	\$460.00	\$6,900.00	\$150.00	\$2,250.00	\$310.00	\$4,650.00
663.33	Adjust Existing Valve Box Elevation	Each	9	\$75.00	\$675.00	\$100.00	\$900.00	\$300.00	\$2,700.00	\$460.00	\$4,140.00	\$150.00	\$1,350.00	\$500.00	\$4,500.00
685.01-C	White Epoxy ReflectORIZED Pavement Stripes - 15 Mils (24" Wide)	LF	36	\$50.00	\$1,800.00	\$35.00	\$1,260.00	\$30.00	\$1,080.00	\$34.00	\$1,224.00	\$40.00	\$1,440.00	\$12.00	\$432.00
685.02	Yellow Epoxy ReflectORIZED Pavement Stripes - 15 Mils (2-4" Wide Lines 8" O.C.)	LF	126	\$4.50	\$567.00	\$4.50	\$567.00	\$4.00	\$504.00	\$4.00	\$504.00	\$6.00	\$756.00	\$4.00	\$504.00
Engineer's Total				\$269,549.00		\$244,000.00		\$303,114.00		\$272,082.00		\$367,192.00		\$367,776.00	
Contractor's Total				\$269,549.00		\$244,000.00		\$303,114.00		\$272,082.00		\$367,192.00		\$367,776.00	

Alternate Cobblestone Bid				1. Paladino Concrete Creations Corp.		2. Con-Tech Construction Technology, Inc.		3. PCI Industries		4. ELQ Industries		5. Peter J. Landi, Inc.		6. Montesano Brothers, Inc.	
Item Number	Item	Unit	Quantity	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
608.09	Grouted Stone Block Paved Sidewalks and Driveways (Bituminous Setting Bed)	SY	100	\$225.00	\$22,500.00	\$385.00	\$38,500.00	\$300.00	\$30,000.00	\$300.00	\$30,000.00	\$300.00	\$30,000.00	\$495.00	\$49,500.00
Engineer's Total				\$22,500.00		\$38,500.00		\$30,000.00		\$30,000.00		\$30,000.00		\$49,500.00	
Contractor's Total				\$22,500.00		\$38,500.00		\$30,000.00		\$30,000.00		\$30,000.00		\$49,500.00	



CITY COUNCIL AGENDA

NO. 26

DEPT.: City Manager's Office

DATE: July 13, 2016

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Consideration of a request by Christ's Church Nursery School for use of city streets on Saturday, September 24, 2016 from 7:30 a.m. to 3:00 p.m. for their *Touch a Truck/Vehicle Fair* event.

FOR THE MEETING OF:

July 13, 2016

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the City Council approve the request.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: The City Manager's Office received a request from Lisa Pearson, Director of the Christ's Church Nursery School, asking that traffic be restricted on Rectory Street on Saturday, September 24, 2016 from 7:30 am to 3:00 pm for their annual *Touch a Truck/Vehicle Fair* event. The majority of the event will be held in the Christ's Church parking lot with the fire truck on Rectory Street. Access for emergency vehicles will be provided.

See attached.

CHRIST'S CHURCH NURSERY SCHOOL
RECTORY STREET
RYE, NEW YORK 10580
914-967-5758
director@ccnsrye.org

LISA PEARSON, DIRECTOR

June 16, 2016

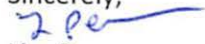
To Whom It May Concern:

Christ's Church Nursery School, one of Rye's oldest early childhood education programs, will be holding its annual Fall Fair on Saturday, September 24, 2016. Ordinarily this fair is held in our parking lot; however we are hoping to hold a "Touch a Truck/Vehicle Fair" this year. In addition to the bounce houses and food concessions we are also seeking to have various vehicles available for our children to explore. Hence, we anticipate needing to use Rectory Street and are requesting to restrict traffic during the hours of 7:30 AM – 3:00 PM on that day. We are aware that the layout of the Fair needs to be designed in such a way that emergency vehicles can still access Rectory Street if need be.

The Fair is run by our very proactive Parents' Association. Proceeds from the Fair help support the scholarship program at CCNS. We are very aware that there are children in our community whose parents may not be able to afford a high quality Pre-K program such as the one that is offered at CCNS. Through the proceeds of the Fair we are able to extend a hand of fellowship to those families in need.

Thank you for your consideration of our request. If you have any questions please do not hesitate to contact me.

Sincerely,



Lisa Pearson

Director

Christ's Church Nursery School



MEMBER: NATIONAL ASSOCIATION OF EPISCOPAL SCHOOLS



CITY COUNCIL AGENDA

NO. 27

DEPT.: City Manager's Office

DATE: July 13, 2016

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Consideration of request to close a section of Purchase Street on Sunday, October 16, 2016 (rain date October 23), for events to be held in conjunction with the 64th Annual Halloween Window Painting Contest.

FOR THE MEETING OF:

July 13, 2016

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the City Council approve the request.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☐ Other:

Closing a section of Purchase Street for activities related to the Halloween Window Painting Contest will have minimal effect on the area.

BACKGROUND: The City Manager's Office received a request from the Recreation Department asking that Purchase Street, from the Square House (Boston Post Road) to Purdy Avenue, be closed from 8:00 am to 3:00 pm on Sunday, October 16, 2016 for the Annual Halloween Window Painting Contest. Special activities, including street entertainment from 10:00 am to 2:30 pm have been planned on Purchase Street during the day.

See attached.

INTEROFFICE MEMORANDUM

TO: MARCUS SERRANO, CITY MANAGER
FROM: GREGORY BEAN
SUBJECT: HALLOWEEN WINDOW PAINTING 2016
DATE: JUNE 21, 2016
CC: SALLY ROGOL, SUPERINTENDENT

Rye Recreation would like to request closing of Purchase Street for the 64th Annual Celebration of the Halloween Window Painting Event. This year's event will take place on Sunday, October 16, 2016 with a rain date of Sunday, October 23, 2016.

- Closing of Purchase Street from the Square House (Boston Post Road) to Purdy Ave from 8:00 – 3:15 p.m. This will provide a safe place for the more than 1,200 youngsters and their families who participate in this event throughout the day.
- The closing of the street will be coordinated with the Rye Police Department so that all safety issues are taken into account. Rye/Port Chester EMS will be on stand-by during the day as well.
- On street entertainment will be performed between 10:00 – 2:30 p.m.

If you have any questions or concerns, please let me know.

Gregory Bean
281 Midland Ave.
Rye, NY 10580
(914)967-2535
Gbean@ryeny.gov



CITY COUNCIL AGENDA

NO. 28

DEPT.: City Manager

DATE: July 13, 2016

CONTACT: Marcus Serrano, City Manager

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

FOR THE MEETING OF:

July 13, 2016

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the City Council adopt the following resolution:

WHEREAS, the City has been provided with a list of City equipment identified as being obsolete or will become obsolete during 2016, and,

WHEREAS, the Rye Boat Basin has recommended that said equipment be declared surplus, now, therefore, be it

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

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

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other

BACKGROUND: The Rye Boat Basin staff has provided a list of equipment that is either currently obsolete or will become obsolete during calendar year 2016. The City Council is asked to approve that this equipment be declared as surplus.

See attached.

INTEROFFICE MEMORANDUM

TO: MARCUS SERRANO, CITY MANAGER
FROM: SALLY ROGOL, SUPERINTENDENT
SUBJECT: SURPLUS ITEMS
DATE: JULY 8, 2016
CC: ELEANOR MILITANA, IKE KUZIO, GEORGE HOGBEN

Rye Boat Basin is seeking permission to surplus the following items. They are in non-working order and from the advice from the Garage Foreman, not worth the time and materials to fix. New items will be part of the 2017 Marina budget. Many of these items were hand-me-downs from the recreation department over the years.

1. Boat Basin Work Boat (will salvage the motor)
2. Homelite Safer XL chain saw, serial # HJ2840236
3. Stihl M5 250 chain saw, no serial #
4. Honda power washer GC1600cc serial # 1100213538
5. Echo back pack blower, serial # 005584
6. Homelite generator, no serial #
7. Floating dock – old kayak storage dock