

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

**REGULAR MEETING OF THE CITY COUNCIL
VIA ZOOM
Wednesday, October 6, 2021
6:00 p.m.**

PURSUANT TO GOVERNOR HOCHUL'S BILL PASSED ON SEPTEMBER 1, 2021, REQUIREMENTS UNDER THE OPEN MEETINGS LAW HAVE BEEN SUSPENDED AND PUBLIC BODIES MAY MEET WITHOUT ALLOWING THE PUBLIC TO BE PHYSICALLY PRESENT. THE MEETING WILL BE HELD VIA ZOOM VIDEO-CONFERENCING WITH NO IN-PERSON LOCATION AND WILL BE BROADCAST ON THE CITY WEBSITE. A FULL TRANSCRIPT OF THE MEETING WILL BE MADE AVAILABLE AT A FUTURE DATE.

RESIDENTS MAY EMAIL COMMENTS REGARDING THE PUBLIC HEARING TO: PUBLICHEARINGCOMMENTS@RYENY.GOV. ALL COMMENTS MUST BE RECEIVED BY 4:15 PM ON THE DAY OF THE MEETING. THE SUBJECT OF THE EMAIL SHOULD REFERENCE THE HEARING TOPIC. PLEASE INCLUDE YOUR NAME AND ADDRESS.

TO PARTICIPATE IN THE PUBLIC HEARING, PLEASE ATTEND THE MEETING VIA ZOOM VIA THIS LINK:

<https://zoom.us/j/92628259814?pwd=OUtYUIJkK2lCa3pnZk8wNk1TU0tZdz09>

Password: 196844

Or Telephone:

US: (646) 558-8656 or (312) 626-6799 or (301) 715-8592 or (253) 215-8782 or
(346) 248-7799 or (669) 900-9128

Press *9 to raise your hand to speak during the public hearing

Webinar ID: 926 2825 9814

Password: 196844

[The Council will convene via ZOOM CONFERENCE at 5:30 p.m. and it is expected they will adjourn into a teleconference Executive Session at 5:31 p.m. to discuss pending litigation, personnel matters and pending contracts.]

1. Roll Call.
2. Draft unapproved minutes of the Regular Meeting of the City Council held September 22, 2021.
3. Post-Ida Storm update.

4. Update on fall 2021 street resurfacing plan.
5. Update on Capital Projects.
6. Authorization to purchase and install a new fuel tank for City vehicles above ground at DPW at a cost not to exceed \$350,000 and determine the action to be a Type II Action, pursuant to Section 617.13 of the State Environmental Quality Review Act (SEQRA) regulations.
7. Consideration to create a Community Police Advisory Committee consistent with the Police Review Committee recommendations adopted on March 24, 2021.
8. Consideration of proposed revisions of the Rules and Regulations of the City of Rye Police Department: General Orders #103.3.
9. Open the public hearing to amend Chapter 147 “Records Management” of the Rye City Code local law to reflect a new records retention schedule as required by NY State.
10. Open the public hearing to amend Chapter 177 “Taxation” Article X “Cold War Veterans Exemption” of the Rye City Code to increase the Real Property Tax Exemption for Veterans of the Cold War.
11. Residents may be heard on matters for Council consideration that do not appear on the agenda.
12. Set the public hearing for October 20, 2021 to create a new local law, Chapter 122, “Landscapers and Leaf Blower Regulations” requiring all landscapers to obtain an annual permit in order to operate as a landscaper and restrict the use of leaf blowers.
13. Consideration of three appointments to the Boat Basin Commission, by the membership, for three-year terms.
14. Resolution to declare certain City equipment as surplus.
15. CONSENT AGENDA
 - a. Consideration of a request by the Rye Free Reading Room for use of the Village Green on select Saturdays next spring from 5:00 pm to 6:00 pm.
 - b. Consideration of a request by the Rye Chamber of Commerce for use of the Village Green on Sunday, November 28, 2021 from 7:00 a.m. to 5:00 p.m. for the Mistletoe Magic event. Brava Dance would set up the platform after 6:00 p.m. November 27, 2021.
16. Appointments to Boards and Commissions, by the Mayor with Council approval.
17. Old Business/New Business.

18. Adjournment

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The next regular meeting of the City Council will be held on Wednesday, October 20, 2021 at 6:00 p.m.

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

DRAFT UNAPPROVED MINUTES of the
Regular Meeting of the City Council via Zoom Conference
on September 22, 2021, at 6:00 P.M.

PRESENT:

JOSH COHN, Mayor
SARA GODDARD
CAROLINA JOHNSON
JULIE SOUZA
BENJAMIN STACKS
Councilmembers

ABSENT: RICHARD MECCA, Councilmember

The Council convened at 5:15 P.M. Councilwoman Goddard made a motion, seconded by Councilwoman Johnson, to enter into executive session to discuss litigation and personnel matters at 5:16 P.M., Councilwoman Johnson made a motion, seconded by Councilwoman Souza, to exit executive session and commence the regular meeting of the City Council. The meeting began at 6:00 P.M.

1. Pledge of Allegiance.

Mayor Cohn stated since there is no flag to face via zoom, the Council will resume the Pledge of Allegiance when resuming in-person meetings. He added that when Governor Hochul took office, she called the legislature back into special session at the end of August, and one of the matters on her list was restoring tele/video conference meetings under the Open Meetings Law until January 2022, with a view to take appropriate precautions for COVID, particularly the delta variant.

2. Roll Call.

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

3. Draft unapproved minutes of the Regular Meeting of the City Council held August 11, 2021.

Councilman Stacks made a motion, seconded by Councilwoman Goddard and unanimously carried, to adopt the minutes of August 11, 2021.

4. Preliminary Tropical Storm Ida Report

Mayor Cohn started by stating how devastating Tropical Storm Ida was, particularly in Rye. He noted many of the ways Rye residents have helped each other in the storm's aftermath, and he thanked the residents for their help. The Mayor also recalled the ways in which Ida was able to overwhelm the City with rainwater and flash flooding. He noted that the City will devise ways to be better prepared for similar storms, but also spoke to the ways the City had already prepared for such a storm.

Mayor Cohn started that the US Army Corps of Engineers has recently returned to the City with analysis that will permit the Corps to further study the Blind Brook Watershed. It might lead to a project that could approach a cost of \$15 million. He stated that the City has been in communication with the county, neighboring municipalities and the U.S. Army Corps of Engineers with the hope of improving the watershed.

Mayor Cohn spoke to the ways the City would be offering help to the residents of Rye following Tropical Storm Ida. He said that the City would be pursuing FEMA aid as well as helping injured residents access FEMA assistance, there will be an augmented Flood Advisory Committee working with the City Engineer and the City Planner, and the storm damage will be accounted for in the Master Plan as well as the County Hazard Management Plan.

Catherine Parker, Westchester County Legislator, extended her sympathy for those in Rye who experienced flooring loss due to Ida. She explained that in 2007, she sat on an ad-hoc committee to review sound shore communities to mitigate flooding, along with Councilwoman Johnson, for the City of Rye. She added that she introduced legislation that allowed for matching funding from the County for flood mitigation. She noted that the retention ponds at Westchester County Airport had not crested during Ida. County Legislator Parker explained that she had recently introduced legislation that will require commercial and residential landlords and homeowners to disclose flooding dates and high water marks prior to signing of a lease. She thanked the Council for their time.

Councilwoman Souza thanked County Legislator Parker for everything she did for the City following the flood and asked if the ponds did not crest at Westchester County Airport to which the County Legislator confirmed. Councilwoman Souza asked if there were any other retention ponds upstream, or resizing any of those that exist, would be a possibility. County Legislator Parker stated SUNY Purchase is a New York State school and the State would be responsible for adding a retention pond there, and Mayor Cohn added that the Army Corps of Engineers is currently looking into expanding the retention pond.

City Manager, Greg Usry, then provided a slideshow on the magnitude of the storm, how it affected Rye, and what the City will do in the months ahead. He summarized that the hurricane reached Rye on September 1, with a projection of 4-6 inches of rain over a 12-hour period, which is what the City, and the sound shore community, prepared for. What actually occurred was rainfall up to 4 inches of accumulation per hour. The most significant rainfall occurred between 8pm-2am, and during the heaviest rainfall, the velocity of the rainfall reached a magnitude of the equivalent of 9 inches per hour. Flooding in Rye occurred due to the overwhelming of the storm water catch basins, poor City-wide and residential storm water management, and dam overflow due to the volume and velocity of rain. Wind damage and coastal/tidal flooding were not issues, and the damage was mostly caused all by the rain event. Bowman Dam had site visits during the storm, and in a one hour period during the heaviest rainfall, the water accumulated 15 feet to crest the dam and began to spill over.

Councilwoman Souza asked for clarification on the amount of water the dam could hold. Mayor Cohn asked if anyone had ever seen flooding like this, and City Manager Usry stated that no one had ever seen an event like this.

City Manager Usry then displayed a map of the flood plain. He stated that everyone in the flood plain was flooded, and the areas in the 100-year flood plain were also flooded and then some. He noted that this affected most of the City with the exception of the very high elevations. Mayor Cohn noted that tidal flooding was not a factor in the flooding. He asked for clarification regarding the flood plain shown, and City Manager Usry confirmed that this was the non-tidal related flood plain.

City Manager Usry then spoke about the City-wide damage to included City property damage (Locus Ave. Firehouse, City Hall, the Boat Basin, the Theodore Fremd wall, some City streets, and the Bowman Ave. Dam), local business damage (portions of the Central Business District, Rye Free Reading Room, and the YMCA), and residential damage (nearly every residence in the Beaver Swamp and Blind Brook non-tidal flood zones, and City-wide localized flooding).

City Manager Usry then detailed the City's preparation for the storm. The City sent out storm warning messages to the City's distribution list via listserv and Code Red beginning on August 31 and continuing through September 7. There were 43 DPW workers, 28 Police Officers, and 21 Fire Fighters on call, and they worked over an 18 hour period during the height of the storm and flooding. Additionally, 500 emergency calls were responded to, and an emergency shelter was created at the Police station (which was then moved to Rye Recreation as the flooding worsened). There were several in-home rescues performed, as well as some swift-water rescues. He noted that for the first time in City history, DPW helped to perform rescues as some police and fire employees were stranded on the other side of the flooding and unable to cross.

The post-storm clean up began at 2am on September 2 with DPW removing debris from catch basins (750 tons of debris has been removed to date), 48 abandoned cars were removed from City streets, and safety and wellness checks were performed by the Rye PD, the Westchester County Health Department, and the American Red Cross. He added that the City Planner began a series of resident work sessions twice a week related to rebuilding and storm proofing homes that will continue in the coming weeks. The City will also be expediting and waiving Building Permit fees (subject to Council action) for permits related to storm clean up and repairs. He thanked the residents who have helped with clean up, made repairs, and assisted local businesses as they cleaned up.

He then spoke about NY Rising projects and outlined the proposed timeline. Councilwoman Souza asked if it was typical for projects to move so slowly. City Manager Usry stated NY State felt that it was moving in a timely manner. Councilwoman Johnson asked what City Manager Usry's level of confidence in the bids that will be awarded in the next few weeks. City Manager Usry stated that there were six bids for tree removal at the Bowman Pond, and he stated that DASNY has a process for awarding the project to the most qualified bidder. He stated that the City will report as much as they can when they can.

City Manager Usry detailed several action items the City plans to implement in order to try to mitigate a repeat of Tropical Storm Ida's impacts. There will be a City-wide review of the emergency notifications that the City sends, a virtual Emergency Operations Center will be established for dispatch during emergencies, the Police and Fire Departments will undergo Advanced Flash Flood Rescue training, additional monitoring devices will be installed at Bowman Dam and other locations along Blind Brook, additional Police and Fire rescue boats

will be procured, evacuation sites will be designated, residential and business applications will be prioritized by the Building Department, and storm-water problem areas will be under review for recommended action. There was general discussion about ways the City could prevent a repeat in the flooding seen with Tropical Storm Ida.

Lastly, City Manager Usry reminded residents and businesses that the deadline to register for FEMA aid and SBA loans is November 4, 2021 for physical damage (even if those impacted do not have the total for damages incurred). He stated that all of the pertinent information can be found on the City's website under the Tropical Storm Ida banner at the top of the homepage.

Liliana Tschanett, Public Affairs Specialist on behalf of the Small Business Association, reiterated the registration deadline of November 4, 2021. She detailed small business loan availability to those affected by Hurricane Ida and explained that representatives are available at pop-up locations throughout the County for those that do not want to apply online. Councilwoman Souza thanked Ms. Tschanett for the information.

Mayor Cohn opened up the discussion to the public.

Suki van Dijk, 62 Garden Dr., spoke with concern about the lack of cellular service at Milton Point which is necessary during disaster events.

Zak Volnyansky, 335 Park Ave., spoke with concern about flooding by the Beaver Swamp Brook. He asked if there are plans for the brook and how he can stay informed. Corporation Counsel Wilson stated the brook falls within Rye and Town of Harrison, so a joint effort would be needed.

Fraser Woodford, 24 Loewen Ct., asked how the City can move forward as a community to mitigate the flooding issue. He also asked if tearing down houses and building new homes has led to the flooding issue. Mayor Cohn stated that the Army Corps of Engineers stated we should continue to reach out to Senators Gillibrand and Schumer, and then he stated that additional limitations on development must continue to be looked at (something the Council is currently addressing). Councilwoman Johnson stated that residents can pressure the State to add a detention pond at SUNY Purchase, as well as installing a sluice at Bowman Dam.

Sue Drouin, 57 Morehead Dr., stated that the City need to insist on collaboration between the County and State as it relates to the Blind Brook and Blind Brook Dam. She also stated overbuilding by developers needs to be looked at more closely, and building permits need to be issued with stricter standards.

Ken Gilmore, 53 Midland Ave., spoke about a creek that runs under Playland Parkway and stated how overwhelmed the drainage tubes were during the storm. He asked if anyone is looking into this issue and if the County is responsible. City Manager Usry confirmed it was Westchester County property but it will be added to the list of things to speak about with them.

Joseph Donley, 78 Allendale Dr., spoke of his concern about the removal of trees and renovation at the Golf Club and how it negatively affects the homes around the Rye Golf Club.

Mayor Cohn thanked the residents for speaking.

Councilwoman Goddard made a motion, seconded by Councilwoman Souza, to adjourn for a 10 minute break. The meeting resumed at 7:55pm.

5. Consideration to retroactively waive through March 30, 2022, certain building permit fees related to repairs for flood damage and certain fees related to flood mitigation projects such as elevating homes, flood proofing a business or building a new home that has been deemed to be substantially damaged by Ida and requires reconstruction compliant with FEMA flood standards.

City Planner, Christian Miller, stated that due to the extensive damage from Hurricane Ida, the Building Department is suggesting to waive certain fees related to storm damage repairs, as well as fees related to flood prevention measures compliant with FEMA standards. The Building Department will also prioritize these permit requests to expedite the process.

Councilwoman Souza made a motion, seconded by Councilwoman Johnson and unanimously carried, to adopt the following resolution:

RESOLVED, that the City Council waive certain fees and charges related to building repair of Ida damages and other permits related to flood mitigation measure as determined by the Building Department, retroactively waived through March 30, 2022.

ROLL CALL

AYES: Mayor Cohn, Councilmembers Goddard, Johnson, Souza, Stacks

NAYS: None

ABSENT: Councilman Mecca

6. CapEx update

Ryan Coyne, Superintendent of Public Works, stated that the City is out to bid on 5 substantial sewer projects, and should be before the Council again at the second October meeting for the bid awards. He added that the project is being completed with an agreement with Save the Sound, and separately with the DEC, with an expectation of starting the project at the end of 2021 and an expected completion of spring 2022.

Additionally, the architect conducted a final walk through at City Hall for the improvements of the HVAC system so the City can move forward, along with Building 5, to the Landmarks and Architectural Review Boards.

7. Update on Boat Basin Dredging

City Manager Usry gave an overview and history of dredging at the Marina. He referenced the agenda packet, available on the City website. Mr. Usry said that beginning in the 1950s, when the City purchased the Marine, there has been regular dredging done of both the channel and the marina, funded and completed by the Army Corps. Unfortunately, beginning in the late 1980s, the Army Corps-funded dredges began to wane. Since 1992, there's been a little or no progress on the federal government taking over any ongoing or future responsibility. The last city dredge took place in 2013 and was funded by famous part of the Hurricane Sandy reimbursement.

City Manager Usry explained that for several years, the Boat Basin Commission and City staff have been working on both the operational and financial plans to dredge both the channel and the basin. Until recently, silt was removed and deposited off-shore, in the Long Island Sound for both the channel and basin. Mr. Usry explained that there are now numerous statutory and regulatory changes regarding off-shore disposal. As a result, the City is limited in the amount it can remove from the channel in a cost-effective manner and deposits must be done on land. This has caused the project costs to increase dramatically as a regulatory matter, the entire project is subject to the New England Corps and the New York Corps.

Mr. Usry reviewed the project and memo, regarding dredging in the channel and separately, in the basin. He explained that to make the channel navigable for most boats, the City will need to dredge approximately five feet in depth, and a width of 75 feet. To meet the overall needs based on this plan, the expected cost of the channel dredge to total approximately \$1.5 million, with approximately 21,000 cubic yards of silt being removed. The cost is significantly greater and more expensive because all silt in the base and must be disposed up land. Mr. Usry said that the Boat Basin Commission had requested a scope dredge that would result in 43,000 cubic yards of removal, which would cost somewhere in the neighborhood of \$7.7 million, which is far greater than the available commission resources. In recent months, the City has been looking at the practical financial limitations and how it might meet the needs of the of the slip owners overall. As it stands, the City is currently in the application process that would allow it to proceed with dredging of both the channel and the basin, beginning in November of 2022, but the completion date and time for the 2023 season. Mr. Usry said that this was subject to the ongoing approval and regulatory process with the New York DEC. He said that going forward, based upon the estimated rate of silting, will be necessary to dredge every five to 10 years. A longer term operational and financial plan will need to be developed in the course of the next of the next 12 months. Mr. Usry stated that in order to finance the dredge, it may in fact require the Council to consider advancing funds or securing bonds. For the channel, the \$1.5 million dollar cost needs to be considered in the context of the overall capital plan, and in light of other financial requests.

Mayor Cohn asked the City Manager to clarify the means of upland disposal.

Ryan Coyne, City Engineer, explained that the City was looking at transporting the sediment via barge to a location; either a landfill or separate facility. Mr. Coyne discussed the logistics of trucking the sediment, as opposed to transport by barge.

Councilwoman Goddard asked just for clarification, on various cost scenarios with regard to dredging.

City Manager Usry referred to the information in the agenda packet as an accurate cost per cubic yard. The estimates were based on Coastline Consulting's experience with what should be included for the City to have an accurate picture.

Councilwoman Goddard commented about interest rates currently going up with regard to the option of debt service. City Manager Usry discussed a current 2.5% rate.

Councilwoman Johnson referred to the previous funding the City received with regard to Hurricane Sandy. City Manager Usry responded that the City was doing its best to try to again recoup financial help based on Hurricane Ida from FEMA.

Mayor Cohn asked about the logistics of the funding being used from Sandy. City Engineer Coyne explained that the City had applied for the permits to dredge after Irene, and then used every dollar received after the silt was doubled up from Hurricane Sandy. Approximate dredging of 19,000 cubic yards of silt was completed after Sandy, which included a portion that was funded through Irene and a portion that was funded through Sandy.

Councilwoman Souza asked about the projected portion of which might be covered of the dredging due to Ida. There was general discussion that the portion is uncertain.

Shane Cunningham, 39 Adelaide Street, addressed the Council. He thanked the City and Council for their hard work regarding this and other issues. He stressed the issue of time passing and how the issue becomes more of a challenge. He expressed the importance of the marina's longevity.

Norbert Galligan, Robert Crisfield Place, discussed the importance of the asset that is the marina and stated support for dredging.

Councilwoman Goddard echoed Mr. Galligan's comments and stated the importance of seeing the marina as an asset for the entire community.

Edward Pellon, 36 Parkway Drive, stated that he has been a marina member since 1973. He reiterated that the boat basin is an important asset to the entire community, and stressed the importance of caring for it.

Josh Nathan, 4 Hillside Place, stated he was on the New York Rising Committee in Rye. He discussed the importance of how the issues facing the waterways are connected. He referenced the report from 2012-2014 and how the maintenance of the basin was connected to all of the water management issues.

Michael Mosha, a White Plains resident, addressed the Council. He stated he had been a member of the marina for 20 years. He stressed the importance of water management and maintaining the marina.

Mayor Cohn thanked everyone.

8. Open the public hearing to opt-out of allowing adult-use cannabis retail dispensaries or on-site consumption licenses by passing a local law as defined in Legislation (S.854-A/A.1248-A): New York's Marijuana Regulation and Taxation Act.

Councilwoman Souza made a motion, seconded by Councilman Stacks to open the public hearing to opt-out of allowing adult-use cannabis retail dispensaries or on-site consumption licenses by passing a local law as defined in Legislation (S.854-A/A.1248-A): New York's Marijuana Regulation and Taxation Act.

Eunsoo Chang, 240 North Street, and Kajol Khatri, 29 Grandview Ave, members of RyeACT and seniors of Rye High School, spoke in opposition stating more visibility and access to harmful substances can lead to higher teen drug use.

Nancy Pasquale, RyeACT Coalition Coordinator, spoke in opposition stating today's THC potency is much higher in comparison to years ago, and having visibility and availability can lead to addiction. She added that studies have shown marijuana use leads to using other harmful substances.

Councilwoman Souza made a motion, seconded by Councilwoman Johnson, to close the public hearing to opt-out of allowing adult-use cannabis retail dispensaries or on-site consumption licenses by passing a local law as defined in Legislation (S.854-A/A.1248-A): New York's Marijuana Regulation and Taxation Act.

Mayor Cohn stated that if we opt out, the City can always opt in at a later date, after seeing how other municipality experiences are, whereas if we opt in, we are locked in to that decision.

Councilwoman Souza made a motion, seconded by Councilwoman Goddard and unanimously carried, to adopt the following local law:

**CITY OF RYE
LOCAL LAW NO. 10 - 2021**

A local law adopted pursuant to Cannabis Law § 131 opting out of licensing and establishing retail cannabis dispensaries and/or on-site cannabis consumption establishments within the City of Rye by adding a new Chapter 155 "Retail Dispensary and On-Site Consumption Licenses of Cannabis Prohibited."

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

Section 1.

§ 155-1. Legislative Intent

It is the intent of this local law to opt the City of Rye out of hosting retail cannabis dispensaries and/or on-site cannabis consumption establishments within its boundaries.

Section 2.

§ 155-2. Authority

This local law is adopted pursuant to Cannabis Law § 131, which expressly authorizes cities to opt-out of allowing retail cannabis dispensaries and/or on-site cannabis consumption establishments to locate and operate within their boundaries.

Section 3.

§ 155-3. Local Cannabis Retail Dispensary and/or On-Site Consumption Opt-Out

The City Council of the City of Rye hereby opts-out of allowing retail cannabis dispensaries and/or on-site cannabis consumption establishments from locating and operating within the boundaries of the City of Rye.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State. Pursuant to Cannabis Law § 131, this local law is subject to a permissive referendum and thus may not be filed with the Secretary of State until the applicable time period has elapsed to file a petition or a referendum has been conducted approving this local law.

ROLL CALL

AYES: Mayor Cohn, Councilmembers Goddard, Johnson, Souza, Stacks
NAYS: None
ABSENT: Councilman Mecca

9. Consideration to extend through December 31, 2021 the moratorium in the City of Rye temporarily prohibiting the review, processing or approval of any new application related to a subdivision or re-subdivision of property [or, alternatively, prohibiting the issuance of any building permit for any development on subdivision plats filed after June 1, 2020], development on steep slopes or the placement of a residential structure with its front not oriented towards a front yard for the duration of this moratorium.

Mayor Cohn stated that given significant delays caused by Hurricane Ida, meetings to draft and finalize any new local laws related to the moratorium have had to be rescheduled. To ensure sufficient time is dedicated to the creation of these laws, the moratorium deadline would need to be extended.

Councilwoman Souza made a motion, seconded by Councilman Stacks, to extend through December 31, 2021 the moratorium in the City of Rye temporarily prohibiting the review, processing or approval of any new application related to a subdivision or re-subdivision of property [or, alternatively, prohibiting the issuance of any building permit for any development on subdivision plats filed after June 1, 2020], development on steep slopes or the placement of a residential structure with its front not oriented towards a front yard for the duration of this moratorium.

ROLL CALL

AYES: Mayor Cohn, Councilmembers Johnson, Souza, Stacks
NAYS: None

RECUSE: Councilwoman Goddard
ABSENT: Councilman Mecca

10. Set a public hearing for October 6, 2021 to amend Chapter 147 “Records Management” of the Rye City Code local law to reflect a new records retention schedule as required by NY State.

Corporation Counsel Wilson stated that New York State Archives has released a new records retention schedule to replace the existing MU-1 that the City has adopted. In order to adopt the updated schedule, LGS-1, a public hearing needs to be held prior to adoption.

Councilman Stacks made a motion, seconded by Councilwoman Souza and unanimously carried, to set a public hearing for October 6, 2021 to amend Chapter 147 “Records Management” of the Rye City Code local law to reflect a new records retention schedule as required by NY State.

11. Set a public hearing for October 6, 2021 to amend Chapter 177 “Taxation” Article X “Cold War Veterans Exemption” of the Rye City Code to increase the Real Property Tax Exemption for Veterans of the Cold War.

Corporation Counsel Wilson stated that from time to time a section of the Real Property Tax Law is amended with respect to the dollar amount that certain eligible property owners can avail themselves up to. In this instance, cold war veteran tax exemptions are being increased, one type of exemption from 54,000 to 75,000 and the other one from 180,000 to 250,000. Since these tax exemptions are listed in chapter 177 of our City Code, a public hearing to consider amending those thresholds must be held, so that we are consistent with the County of Westchester and the State.

Councilwoman Johnson made a motion, seconded by Councilwoman Souza and unanimously carried, to set a public hearing for October 6, 2021 to amend Chapter 177 “Taxation” Article X “Cold War Veterans Exemption” of the Rye City Code to increase the Real Property Tax Exemption for Veterans of the Cold War.

12. Consideration to authorize the City Manager to sign a settlement agreement with Altice regarding Franchise Fee obligations in question from January 1, 2011 through December 31, 2016.

City Manager Usry stated an audit of the Altice Agreement Franchise Fee (effective March of 2009) was conducted on behalf of the City for the period January 1, 2011 through December 31, 2016. The audit determined that the City was underpaid a significant amount of franchise fees. After 2-3 years of negotiations and discussions, The City and Altice have agreed to the settlement to resolve the obligations for a total amount of \$180,000.00.

Councilwoman Souza made a motion, seconded by Councilwoman Johnson and unanimously carried, to authorize the City Manager to sign a settlement agreement with Altice regarding Franchise Fee obligations in question from January 1, 2011 through December 31, 2016.

ROLL CALL

AYES: Mayor Cohn, Councilmembers Goddard, Johnson, Souza, Stacks
NAYS: None
ABSENT: Councilman Mecca

13. A Resolution to provide a technology upgrade to the Council Chambers for a cost not to exceed \$150,000.

Nicole Levitsky, RyeTV, provided an overview on much needed upgrades in Council Chambers. The timely settlement with Altice for technology money allows RyeTV to begin the process of increasing the meetings accessibility.

Ms. Levitsky discussed the improvements as the following:

- Adding monitors on the two side walls for audience viewing and an additional monitor in the hallway for overflow.
- Addressing the intermittent sound issues in the Council room.
- Adding a new podium to serve as the point of control for the presentations. The controller will handle feeds, including the zoom, to each monitor and can be changed as needed.
- Replacing the robotic cameras with HD cameras for better image quality on TV and the webstream. All will be wired to our existing switcher upstairs.
- To address the City's need for hybrid Zoom meetings, we will be adding a large monitor cart to allow for Zoom flexibility. The cart has the ability to automatically raise/lower. It holds a camera and microphone. During the Council hybrid meetings, the cart will be facing the dais. The Council will see the zoom attendees, and they in turn will see the Council. Remote presenters will appear on the large screen, along with their presentation. The cart will also be available for other roundtable hybrid Board meetings.
- Extensive re-wiring and controller programming for hybrid meetings will ensure the quality of the audio for in-person, television and web-stream.

Mayor Cohn stated the Village of Rye Brook, Town of Rye, and Village of Port Chester have had similar set ups for 3 years now.

Councilwoman Souza made a motion, seconded by Councilwoman Goddard and unanimously carried, to adopt the following resolution:

RESOLVED, that the City Council authorizes an upgrade of Council Chambers technology for a cost not to exceed \$150,000.

ROLL CALL

AYES: Mayor Cohn, Councilmembers Goddard, Johnson, Souza, Stacks
NAYS: None
ABSENT: Councilman Mecca

14. Consideration to authorize the City Manager to execute an agreement with Tyler Technologies, Inc. to secure a software license for a CAD, RMS, and Mobile system

utilized by desk officers to record incidence calls, identify the status and location of responders in the field, and effectively dispatch responder personnel.

Commissioner Anfuso, Acting Commissioner of Public Safety, stated the Rye Police Department is looking to move to a new technology system for their cars, CAD system, RMS system and mobile system, which is currently 21 years old. He then provided an overview of how the systems are used by the PD. CAD, computer aided dispatch, is a system utilized by our desk officers at the PD to record incident calls, identify the status and location of responders in the field, and effectively dispatch responder responding personnel. The RMS, records management system, enables the police department to store, retrieve, retain, archive, and view information that has been gathered through the other systems.

City Manager Usry stated the cost is just under \$400,000.00, with funds being utilized by unfilled staff positions, namely the Assistant City Manager, and other surpluses in the budget. He added that Corporation Counsel will conduct a final review of the agreement.

Councilwoman Souza made a motion, seconded by Councilwoman Johnson and unanimously carried, to adopt the following resolution:

RESOLVED, that the City Council authorizes the City Manager to execute an agreement with Tyler Technologies, Inc. to secure a software license for a CAD, RMS, and Mobile system utilized by desk officers to record incidence calls, identify the status and location of responders in the field, and effectively dispatch responder personnel.

15. Residents may be heard on matters for Council consideration that do not appear on the agenda. (Please note each resident comment will be limited to 3 minutes.)

Suki van Dijk, 62 Garden Dr., asked for an update on her e-mail she sent to the Council. She requested that the three minute timer be stopped when others are speaking and asked the Council to not make judgements on people that were not present. She requested an apology from Councilwoman Johnson because she stated she did not verbally attack Corporation Counsel Wilson but rather exercised her right to speech.

Edward Pellon, 36 Parkway Drive, spoke on his concern that there are a group of 30 moorings in the Manursing Island area that have not paid their annual \$250 fee and why it is not being enforced.

City Manager Usry replied that almost two years ago, there was not an attempt to collect mooring fees outside of the immediate marina area. Since then, the Boat Basin Supervisor has worked to collect in the overlooked areas and has retrieved a majority of the payments. Corporation Counsel Wilson is currently in communication with the Port Chester Yacht Club to streamline the process to be in line with the American Yacht Club as well as surveying and formally recording for the courts our property line extending out into our navigable waters.

16. Resolution to declare certain City equipment as surplus.

In accordance with City Policy, items that have become obsolete must be declared as surplus by the City Council so the items can be disposed of. City Manager Usry clarified that although there is a long list of items from RyeTV, it should be noted that those items will be transferred to the Rye Arts Center and Rye Free Reading Room as part of the terms to complete the transition of RyeTV. Therefore, those items will not be sold but rather utilized as excess equipment at the two locations.

The following are the items the City would like to deem as surplus:

Boat Basin

- 1979 20ft Continental Work boat Vin# CTL21150M79AOF with a 2003 Yamaha F115 HP Engine Serial# 68VX1016540
- 1989 Sea lion dual axle roller trailer Serial # 45LBS2121K1050183

DPW Managed Vehicles

- 1988 Case W20C, Vin#JAK0019355, Mileage (DPW)
- 1999 Komatsu WA250, Vin# BR080622, Mileage 15,239 (DPW)
- 2003 Ford F550, Vin # 1FDAF57P53EC39596, Mileage 48,861 old TK 2 (DPW)
- 1997 Chevy C8500, Vin # 1GBP7H1J0VJ115834, Mileage 26,952 old Tk5 (DPW)
- Holmes Trailer, Vin # 5LVBL1822CA023021 (DPW)
- 2001 Chevy Tahoe, Vin # 1GNEK13V81J264454, Mileage 51,630 (REC)
- 2003 Chevy Tahoe, Vin # 1GNEK13Z13J295597, Mileage 118,423 old Tk 34 (PD)
- 2006 Ford Escape, Vin # 1FMYU96H26KD26500 Mileage 228,474 Car 86 (Staff)
- Air Jacks – (DPW)
 - (2) Lincoln Air Jacks
 - (1) Gray TNT 550 Air Jack
- Chipper Body – handmade for F550 dump body (DPW)
- (4) Diesel power Centrifugal fresh water pumps

Studio Lights

- Arri 650 Plus
- Arri 650 Plus
- Arri 650 Plus
- Kino Flo - Image 40 3374
- Kino Flo - Image 40 3378
- Kino Flo - Image 40 3379
- Kino Flo - Image 20 2231
- Kino Flo - Image 20 2232
- Kino Flo - Image 20 2233
- Kino Flo - Image 20 2234
- Kino Flo - Image 20 2235
- Kino Flo - Image 20 2236
- Source Four 26* Stage Light
- Source Four 26* Stage Light
- Kino Flo - Image 40 Light Mounts
- ETC Smartfade Lighting Board 416000519

- ETC Smartboard Dimmer 3355000628
- ETC Smartboard Dimmer 335500638
- ETC Smartboard Dimmer 3355000637
- ETC Smartboard Dimmer 3355000767
- ETC Smartboard Dimmer 3355000627
- Arri 300 10177
- Lowel LPD
- Lowel LPD
- Lighting Grid
- Extra Bulbs
- Various Audio Accessories

Studio Audio

- Whirlwind Connect multi-channel in/out (audio snake) 1307013
- Keystation Mini 32 BUDKN22600020
- 2x Mic Stand

Studio Sets

- 6x Studio Brown Table
- 2x Studio Brown Tabletop
- 6x Studio Black Table Legs
- 3x Studio Black Table Tabletop
- Table Cart (wheeled) for Table Storage
- Cycloromater Track (Curtains)
- 2x Large Black Curtain
- Small Blue Curtain

Storage

- 7 ft Large Metal Black Cabinet

Studio Video

- JVC Camera 073G1168
- JVC Camera 073G1170
- JVC Camera 073G1172
- JVC Studio Camera & Adaptor 143G1711 A
- JVC Studio Camera & Adaptor 143G1716 A
- JVC Studio Camera & Adaptor 143G1707 A
- Vinten Tripod 3319-1251
- Vinten Tripod 3319-12340
- Vinten Tripod 3319-11933
- JVC Viewfinder 113G0567

- JVC Viewfinder 113G0575
- JVC Viewfinder 113G0597
- JVC Focus & Zoom Unit
- JVC Focus & Zoom Unit
- JVC Focus & Zoom Unit
- Clear Com Audio communication system 20WC1590
- Clear Com Audio communication system 20WC1900
- Clear Com Audio communication system 20Wc1898

Studio Mounts

- Manfrotto 535 MPROC1984745

Control Room

- Alesis MultiMix 8 Line Audio Mixer
- Tascam CD-401 MKII CD player 04300020 973
- Tannoy Speaker
- Soundcraft Si Expression Audio Mixer 60169460
- Broadcast PiX Studio Switcher BPP0819080526
- AJA Pro Deck Recorder CCAF09LP0450T7
- AJA Storage Drive S0106841
- AJA Storage Drive S0113235
- AJA Storage Drive S0113194
- Marshall monitor -4 Preview Rack
- Sharp TV 52" 80001060
- Sharp TV 52" 80001070
- HP Elite Display E2729 Monitor CNK7091VRH T

Tripods & Monopods

- Libec LX7 Pro Tripod6A939
- Manfrotto 546B w/ VariZoom Tripod C2283602 | E238846
- Miller DS-10 Tripod D 30704
- Miller DS-10 Tripod D 37593
- Libec TH-650 DV Tripod
- Libec TH-650 DV Tripod
- Libec TH-650 DV Tripod
- Manfrotto 557B Monopod
- Manfrotto 557B Monopod
- Miller Monopod
- Miller DS-10 D 32895
- Steadicam Phone Mount

Microphones

- Shure Legendary Vocal Microphone 28AF2032
- Sony Electret Condenser Microphone ECM-55B 881636
- Sony Electret Condenser Microphone ECM-55B 238167
- Sony Electret Condenser Microphone ECM-55B 238166
- Sony Electret Condenser Microphone ECM-55B 236999
- Sony Electret Condenser Microphone ECM-55B 238163
- Sony Electret Condenser Microphone ECM-55B 236998
- Sony Electret Condenser Microphone ECM-77B 827993
- Sony Electret Condenser Microphone ECM-77B 881637
- Sennheiser Shotgun Microphone (Metal) 71077
- Shure SM90 Omnidirectional Condenser Microphone
- Voice Technologies Lapel Microphone
- EV RE50B Handheld Microphone
- EV 635N/D-B Handheld Microphone
- EV 635A/B Handheld Microphone 636
- EV 635A/B Handheld Microphone 1107
- Mic Stand

Wireless Microphone Kits

- Sennheiser EW100 9v Wireless Kit
- Bodypack Receiver 146358
- Bodypack Transmitter 214966
- Sennheiser EW100 Wireless Plug On Transmitter 4130002236
- Lapel Microphone Cord to 1/4 Connector Cord
- XLR to 1/4 Connector Cord
- 1/4 Audio Jack to 1/4 Connector Cord x2

Audio Recorders

- Zoom H6 Handy Recorder 60271
- - Zoom XY Stereo Mic 14081
- - Zoom MS Stereo Mic 14091
- Zoom F1 Field Recorder C20031129
- Zoom F1 Field Recorder C20031128
- Zoom H4n 120929
- Zoom F1 Field Recorder C20020418
- Zoom F1 Field Recorder C20006118

Audio Mixers

- Wendt 3 Channel Mixer 3798
- Shure SCM410 Mixer
- Focusrite Saffire Pro 14

Lighting

- Lite Panels Kit Camera Light Kit (Spot) LP20 + 14040
- Miniburst 256 Camera Light Kit
- Lightpanels Camera Light (Flood) LP50 + 18748
- TORCHLED Led Light X115171
- Lowel Light Mount Kit
- Lite Panels LED Light Kit
- ARRI Light Kit
- Lowel TOTA Light Kit
- Impact Speedring/Softbox Kit
- Impact Softbox/Diffuser Kit
- Kino Flo Diva Lite 200 Light Kit
- Neewer Light Reflector
- Visual Departures Flexfil Light Diffuser
- Visual Departures Flexfil Light Diffuser
- 4x Lowel Light Stand
- Lowel TOTA Light (free)
- Litepanels Light Stand
- Lightstand
- 3x Impact C-Stand (in Pelican box)

Misc Equipment

- Ikan Shoulder Mount
- Ikan Shoulder Mount
- Ikan Shoulder Mount fasteners
- Miller L.W. Pro Dolly
- Miller L.W. Pro Dolly
- Varizoom Lens Control + View Finder
- Bosch I-Driver Powered Screw Driver (+ Kit) 886001649
- Westscott Photo Basic Green Screen
- Impact Chroma Green Screen 10'x12'
- Impact White Screen
- Impact Muslin Black 10'x12'
- Impact Background Support Screen Kit
- Tool Kit
- Fostex 6301B Speaker 0268982HA

GoPro Kit

- GoPro Hero 3 HD3BB051
- Steadycam Smoothie 4130833
- GoPro Suction Cup Mount

- 2x GoPro Adhesive Flat Mount
- GoPro Remote Record Control "RMTEB02139B8
- D9B"
- GoPro Hero 3 Case
- 2x GoPro Hero 3 Watersealed Case Back
- 2x GoPro Hero 3 Open Case Back
- GoPro Adhesive Surboard Mount
- GoPro Adhesive Curved Mount
- 2x GoPro Mount Buckle
- 2x GoPro Raised Mount Buckle
- GoPro Tripod Mount
- 3x GoPro Pivot Arms
- GoPro Hero 3 Battery

Cameras

- Samsung Gear 360 RFAH70EHZDE
- Canon Vixia HF G20 632672001896
- Canon Vixia HF G20
- Canon Vixia HF G20 632692203631
- Canon Vixia HF G40 32242000734
- Canon Vixia HF M32 282080100825
- Canon EOS 30D 720501507
- Nikon D3400 3856185
- Canon XA35 12479000111
- Panasonic P2 G8TC00538
- Panasonic P2 H6TC00442
- Canon GL1 2110202481
- Canon HL2 132810810357
- Canon GL1 2110202
- Canon HL2 1328108

Camera Lenses & Accessories

- Lensbaby Composer Tiltshift Lens

Batteries & Chargers

- Canon CA-750 Compact Power Adapter
- Canon CG-800 Battery Charger
- Canon CG-800 Battery Charger
- Canon BP-808 Battery Pack 201307 G
- Canon BP-808 Battery Pack 201307 G
- Canon BP-808 Battery Pack 201309 I
- Canon BP-808 Battery Pack 201309 H

- Canon BP-820 Battery Pack 201712 A
- Canon BP-828 Battery Pack 201604 D
- Canon BB-828 Battery Pack 201604 D
- Zoom AD-14A/D AC Adaptor 101203539
- 5x Panasonic Battery Pack
- Panasonic DE-A20 B Battery Charger/AC Adaptor E6A0925DC R
- Panasonic DE-A20 B Battery Charger/AC Adaptor F8B1102DC R

Tripods

- Miller DS-10 D 32895
- Steadicam Phone Mount

Tape Recorders

- Panasonic AG-7650 VHS Recorder L1TC00129
- Panasonic Video Cassette Player B9TC00029
- JVC Video Cassette Recorder 9311490
- Sony DSR-40 Digital Video Cassette Recorder 16064
- Panasonic AG-7350 VHS Recorder H3TA00042
- Sony HDV Recorder 11900

Misc.

- Knox RS8x8 HB Routing Switcher CO-020927-1-002
- Camera Chest Harness (in Blue Bag)
- Glidecam 2000 Pro
- Pihong A/C Switching Power Supply
- Tech Electronics VDS - 2 Video Detector Switcher 5129
- OmniMount 75 WA Wall Mounts
- Ikan Portable Teleprompter (iPAD)
- Macintosh Macbook Pro W81030SJ6Z
- C-Stand Kit (3 C-Stands)
- Macbook Pro C02W70ZFHTDF
- Ikan Portable Teleprompter (iPAD)
- Knox RS8x8 HB Routing Switcher CO-020927-1-002
- Camera Chest Harness (in Blue Bag)
- Glidecam 2000 Pro
- C-Stand Kit (3 C-Stands) Pelican
- Sennheiser eH 150 Headphones
- Editing Table w/ Upper Cabinet
- 3x Extension Cords
- 8x Blue Fabric Stackable Chairs

Lighting

- Chimera 9810AL Metal DIA. Speed Ring
- Barn Doors x4
- Box of Lightbulbs
- Box of Lightgrills
- Roll of Light Diffusers/Gels
- Box of Light Diffusers, Gells, Grills & Reflectors

Edit Bays

- Mac Pro Tower F7KQ50MSF694
- Acer Predator Tower UDP01AA91983 4000400100
- Acer UHD4k2k Monitor 75005918185
- 2017 Mac Pro Tower F5KN119PFP9VN
- Mac Monitor 2A10406T6JL
- Mac Cinema HD Display Monitor CY6370ZBUG1
- Macintosh Monitor C02PX27RF2GC
- Macintosh Monitor CY845053XMP
- Macbook Pro C02W70ZFHTDF
- Macintosh Macbook Pro (old) W81030SJ6Z
- Extron Mav 44 AV Switcher A0R47QF E25786
- Panasonic Viera LCD TV MX70730115
- Soundcraft Mini Stagebox
- Soundcraft s1 Expression audio board 30385873
- Cablecast SX2 Tightrope Media System 10066
- Compact Disc server hub X41XEC
- CD Duplicator00332-002664

Server Room

- 5x5 Video Audio Matrix Switcher 2010938734
- Dolby Encoder AAYXXMH
- Tightrope Server - Carousel 58371
- Swagit Streaming Encoder BB3Y51
- Netgear Gigabit Switch 2W027156008FA
- Netgear GS105 Gigabit Switch 3TL1635M02FFC
- Juniper Network SSG5 0162062014001492
- Panasonic Video Monitor KA3340130
- Matrox Convert DVI Plus TAE69445
- Triplite Power Top 1B6462
- Black Design Smart Hub Clean Switch 12x12
- TP-Link PoE Injector 2159342013843
- TP-Link PoE Injector 12C71001241
- Mini Converter SDI to Analog 2600843

- Mini Converter SDI to Analog 2556012
- Mini Converter SDI to Analog 2600823
- Mini Converter SDI to Analog 2600859
- Mini Converter SDI to Analog 2463750
- Mini Converter SDI to Analog 2463247
- Mini Converter SDI to Analog 2463265
- dbx Compressor Limiter Gate
- Denon AM-FM Radio Stereo Tuner 8101
- Tightrope Server
- APC
- Sigma Electronic Color Sync Generator
- Leitch Audio Distribution Amplifiers
- Sony DV Cassette Recorder 2329
- Leader LV77 Multi SDI Rasterizer 4077210
- JVC Remote Control Unti
- JVC Remote Control Unti
- JVC Remote Control Unti
- Bittree Patch Amp
- ADVC-HDMI Advanced Digital Video Converter
- Model HD8021 HD/SD-SDI Converter
- HPL170 Monitor GS917A
- 7ft + Black Storage Cart for Server Equipment
- 6ft. Black Storage Cart for Server Equipment
- Panasonic AG-7650 VHS Recorder L1TC00129
- Panasonic Video Cassette Player B9TC00029
- JVC Video Cassette Recorder 9311490
- Sony DSR-40 Digital Video Cassette Recorder 16064
- Panasonic AG-7350 VHS Recorder H3TA00042
- Sennheiser Shotgun Microphone
- Comprehensive XLR to 1/4 [1ft]

Councilman Stacks made a motion, seconded by Councilwoman Souza and unanimously carried, to adopt the following resolution:

WHEREAS, the City has been provided with a list of City equipment identified as being obsolete or has become obsolete during 2022, and,

WHEREAS, the Boat Basin and DPW have recommended that said equipment be declared surplus, now, therefore, be it

RESOLVED, that said equipment is 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

ROLL CALL

AYES: Mayor Cohn, Councilmembers Goddard, Johnson, Souza, Stacks
NAYS: None
ABSENT: Councilman Mecca

17. Resolution to amend the 2021 Adopted Fees and Charges for the Boat Basin to increase certain winter fees for residents and non-residents.

Joe Pecora, Chairman of the Boat Basin Commission, stated fees have not been raised and is substantially lower than neighboring municipal marinas, such as New Rochelle. He added the need to raise fees with also support the dredge.

The Boat Basin Commission is requesting that the City Council amend the following 2021 Adopted Fees and Charges for the Boat Basin Enterprise Fund:

- Resident Land Storage from \$35 per foot to \$40 per foot • Non-resident Land Storage from \$47 per foot to \$52 per foot
- Resident Land Storage/Non Slip Holder from \$38.50 per foot to \$42 per foot
- Non-resident Land Storage/Non Slip Holder from \$51.70 per foot to \$55 per foot.
- Kayak Winter Rack Storage from \$300 to \$315
- Winter Wet Float Storage from \$12/ per foot to \$15 per foot

Councilwoman Johnson made a motion, seconded by Councilwoman Souza and unanimously carried, to adopt the amended 2021 Adopted Fees and Charges for the Boat Basin to increase certain winter fees for residents and non-residents as listed above.

ROLL CALL

AYES: Mayor Cohn, Councilmembers Goddard, Johnson, Souza, Stacks
NAYS: None
ABSENT: Councilman Mecca

18. Adjourn the public hearing to October 20, 2021 for consideration of a petition from The Miriam Osborn Memorial Home to amend the text of the City of Rye Zoning Code Association to create new use and development standards for “Senior Living Facilities” in the R-2 Zoning District.

Mayor Cohn stated this item has been adjourned until October 20, 2021.

19. CONSENT AGENDA

Councilwoman Souza, seconded by Councilman Stacks and unanimously carried by the Council, affirmatively approved the following agenda items:

- a. Consideration of a request by the Rye Chamber of Commerce to close a portion of Purchase Street on Sunday, November 28, 2021 from 7:00 a.m. to 5:00 p.m. for the Mistletoe Magic event.
- b. Consideration of a request by the Sole Ryeders & Friends and the Rye High School Breast Cancer Awareness Club to have a TieTheTownPink breast cancer awareness campaign in the City of Rye during the month of October, 2021.
- c. Consideration of request from the Rye Free Reading Room to use the Village Green from 8 am – 6 pm for the Rye Children's Book Festival on October 10, 2021.
- d. Consideration of request from the Rye Free Reading Room to have 4 food trucks at the Rye Children's Book Festival on Green and Haviland Lane from 10 am – 4pm on October 10, 2021.

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

Mayor Cohn, with Council approval, the following appointment were made to the Flood Advisory Committee:

- Martha Monserrate
- Tim Kirby
- Sean Traynor

21. Old Business/New Business.

There was nothing to report on this agenda item.

22. Adjournment

There being no further business to discuss, Councilwoman Johnson made a motion, seconded by Councilwoman Souza and unanimously carried, to adjourn the regular meeting of the City Council at 9:17 P.M.

Respectfully submitted,

Carolyn D'Andrea
City Clerk



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: October 6, 2021

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Update on fall 2021 Street Resurfacing Plan.

FOR THE MEETING OF:
October 6, 2021

RECOMMENDATION: That the Council hear the presentation.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: October 6, 2021

CONTACT: Greg Usry, City Manager

AGENDA ITEM: CapEx Update

FOR THE MEETING OF:

October 6, 2021

RECOMMENDATION: That the Council hear the update.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: October 6, 2021

CONTACT: Greg Usry, City Manager

AGENDA ITEM:

Authorization to purchase and install a new fuel tank for City vehicles above ground at DPW at a cost not to exceed \$350,000 and determine the action to be a Type II Action, pursuant to Section 617.13 of the State Environmental Quality Review Act (SEQRA) regulations.

FOR THE MEETING OF:

October 6, 2021

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council adopt the resolution and make the Type II SEQRA determination.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

See attached resolution.

RESOLUTION
AUTHORIZING THE INSTALLATION OF A NEW, ABOVE-GROUND FUEL TANK AT DISBROW PARK AT A COST-NOT-TO-EXCEED \$350,000.00 AND ESTABLISHING TYPE II ACTION UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT.

WHEREAS, the City's Capital Improvement Plan includes the replacement of the fuel tank at Disbrow Park for use by the City of Rye; and

WHEREAS, the anticipated cost, including soft costs and oversight, will not exceed \$350,000.00 (Three Hundred Fifty Thousand Dollars); and

WHEREAS, the new fuel tank will be installed above ground for convenient, 24-hour access to City vehicles; and

WHEREAS, the new fuel tank will hold 10,000 (Ten Thousand) gallons of gas separated into two compartments each holding 5,000 (Five Thousand) gallons of fuel; and

WHEREAS, one fuel tank compartment holds diesel fuel while the other compartment holds gas; and

WHEREAS, the City Council determines that the proposed action is considered a Type II Action under the State Environmental Quality Review Act.

RESOLVED that the City Manager is authorized and directed to fund the installation of the tanks.



CITY COUNCIL AGENDA

DEPT.: Police

DATE: October 6, 2021

CONTACT: Michael Anfuso, Acting Commissioner of Public Safety

AGENDA ITEM: Consideration to create a Community Police Advisory Committee consistent with the Police Review Committee recommendations adopted on March 24, 2021.

FOR THE MEETING OF:
October 6, 2021

RECOMMENDATION: That the Council create the Community Police Advisory Committee.

RESOLVED that the City Council creates a Community Police Advisory Committee consistent with the Police Review Committee recommendations adopted on March 24, 2021.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: Governor Cuomo's Executive Order 203 instructed all local government entities in New York State with operating police agencies to perform a comprehensive and collaborative review of current police force deployments, strategies, policies, procedures and practices and develop a plan to improve the same in order to best serve its community.

As part of the City of Rye's Police Review Committee recommendations adopted in March of 2021, the Committee recommended the creation of a Community Police Advisory Committee to increase community understanding and trust building between the police and community. They recommended the Committee should have the same type of membership, organization and administration as other City of Rye advisory committees. The membership may include, but should not be limited to, the Commissioner for Public Safety, other assigned police officers; members of local clergy; representatives from community youth organizations, local merchants, and a diverse set of local residents. The Committee will not be an oversight Committee.



CITY COUNCIL AGENDA

DEPT.: Police

DATE: October 6, 2021

CONTACT: Michael Anfuso, Acting Commissioner of Public Safety

AGENDA ITEM: Consideration of proposed revisions of the Rules and Regulations of the City of Rye Police Department: General Order #103.3.

FOR THE MEETING OF:
October 6, 2021

RECOMMENDATION: Approval of the listed General Orders.

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

BACKGROUND: The proposed revision of the following General Order updates the Department's procedures:

General Order #103.3 Use of Force / Deadly Physical Force

(2018) Several updates made to conform to the DCJS model policy on use of force. These updates have been reviewed by DCJS and are necessary to maintain accreditation. Most noticeable changes include the policy change regarding factors used in determining the reasonableness of force, addition of the duty to intercede, addition of some prohibited uses of force, and the addition of medical attention in post incident management.

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.

See attached.



POLICE DEPARTMENT

City Of Rye, New York

21 McCullough Place

Rye, N. Y. 10580

Phone: (914) 967-1234

FAX: (914) 967-8341



Dear City Manager Usry,

I am recommending that the City Council review and approve the proposed changes to General Order 103.3 Use of Force Policy. The policy was last revised in March of 2018 and, in order to stay current with Department of Criminal Justice Standards, needs to be updated. Please note, DCJS has already reviewed and approved these changes so I assure you they are as legitimate as they are necessary. All changes and additions have been made to comply with DCJS and hold our department to a higher standard.

Purpose: note the addition of: This policy, combined with comprehensive training, will serve as a guide to officers for the real-world application of the concepts that follow.

Policy: note separating the existing opening sentence from the rest of the paragraph to highlight it's importance. With the addition, it now reads: It is the policy of this department to value and preserve human life and human dignity without prejudice to anyone. **Additionally the policy reads:** Sworn Members will use only the level of **Physical Force** that is **objectively reasonable**, in light of the facts and circumstances perceived by the officer, to effect an arrest, prevent an escape, or in defense of themselves or others. This will be done in accordance with Article 35 of the New York State Penal Law, the Department's General Orders and the current training standards of this Department.

Factors that may be used in determine the reasonableness of force include, but are not limited to:

1. The severity of the crime(s) or circumstance(s).
2. The level and immediacy of the threat or resistance posed by the suspect.
3. The potential for injury to citizens, officers, and suspects.
4. The risk or attempt of the suspect to escape.
5. The knowledge, training, and experience of the officer.
6. Officer/subject considerations such as age, size, relative strength, skill level, injury or exhaustion, and the number of officers or subjects.
7. Other environmental conditions or exigent circumstances.

Procedure:

General Provisions: note the addition of item #7: While on-duty, any officer present and observing another officer using force that he/she reasonably believes to be clearly beyond that which is objectively reasonable under the circumstances will intercede to halt, to the best of their abilities, the use of

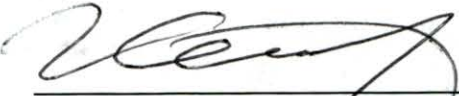
unreasonable force, if and when the officer has a realistic opportunity to prevent harm.

Restraint Techniques: note the addition of item #4: Physical force will not be used by an officer for any of the following reasons:

- a. To extract an item from the anus or vagina of a subject without a warrant (see G.O. 110.3).
- b. To coerce a confession from a subject in custody.
- c. To obtain blood, saliva, urine, or other bodily fluid or cells, from an individual for the purpose of scientific testing in lieu of a court order where required.
- d. Against persons who are handcuffed or restrained unless it is used to prevent injury, escape, or otherwise overcome active or passive resistance posed by the subject.

Post Incident Management: note the item "a" is now item "b". Also note the addition of new item "a" reading: Any injuries resulting from a use of force incident shall result in appropriate and timely medical attention being provided to the injured party.

Training: note the addition of the training section, which reads: All officers will receive training and demonstrate their understanding on the proper application of force. Training will include, but is not limited to, use of force, conflict prevention, conflict resolution and negotiation, de-escalation techniques and strategies, duty to intervene, and prohibited conduct.



Lieutenant Michael Anfuso
Acting Commissioner
City of Rye Police Department

CITY OF RYE POLICE DEPARTMENT

General Order # 103.3		New []	Revised [X]
		Supersedes:103.3 issued 3/14/2018	
Subject: Use of Force / Deadly Physical Force			
Date Issued XXXX	Date Effective XXXX	Page 1 of 8	
Issuing Authority: Robert J. Falk, Commissioner of Public Safety			

PURPOSE

To establish the Standard Operating Procedures and reporting requirements for the use of **Physical Force**, including **Deadly Physical Force**, by Sworn Members in performance of their official duties. This policy, combined with comprehensive training, will serve as a guide to officers for the real-world application of the concepts that follow.

POLICY

It is the policy of this department to value and preserve human life and human dignity without prejudice to anyone.

Sworn Members will use only the level of **Physical Force** that is **objectively reasonable**, in light of the facts and circumstances perceived by the officer, to effect an arrest, prevent an escape, or in defense of themselves or others. This will be done in accordance with Article 35 of the New York State Penal Law, the Department's General Orders and the current training standards of this Department.

Factors that may be used in determine the reasonableness of force include, but are not limited to:

1. The severity of the crime(s) or circumstance(s).
2. The level and immediacy of the threat or resistance posed by the suspect.
3. The potential for injury to citizens, officers, and suspects.
4. The risk or attempt of the suspect to escape.
5. The knowledge, training, and experience of the officer.
6. Officer/subject considerations such as age, size, relative strength, skill level, injury or exhaustion, and the number of officers or subjects.
7. Other environmental conditions or exigent circumstances.

DEFINITIONS

- A. **De-escalation Techniques** - taking action(s) or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation without the use of force. De-escalation may include the use of such techniques as command presence, advisements, warnings, verbal persuasion, tactical positioning and THE display of department equipment.
- B. **Restraining Force** - use of force which is limited to holding and restraining a person.
- C. **Physical Force** - use of any part of the officer's body, O.C. sprays, CEWs and use of any object (riot baton, straight baton, flashlight, body shield) as a less lethal weapon to compel compliance.
- D. **Less Lethal Force** - any use of force which an officer applies that is not likely to cause death or **Serious Physical Injury**.
- E. **Deadly Physical Force** - any use of force which, under the circumstances in which it is used, is readily capable of causing death or other **Serious Physical Injury**.
- F. **Physical Injury** - impairment of physical condition or substantial pain.
- G. **Serious Physical Injury** - **Physical Injury** which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ.
- H. **Objectively Reasonable** - the determination that the necessity for using force and the level of force used is based upon the officer's evaluation of the situation in light of the totality of the circumstances known to the officer at the time the force is used and upon what a reasonably prudent officer would use under the same or similar situations.

PROCEDURE

A. **GENERAL PROVISIONS**

- 1. Use of **Physical Force** should be discontinued when resistance ceases or when the incident is under control.
- 2. **Physical Force** will not be used against individuals in restraints, except as **Objectively Reasonable** to prevent imminent bodily injury to the individual, the officer, or another person. In these situations, only

the minimal amount of force necessary to control the situation will be used.

3. Once the scene is safe and as soon as practical, an officer will provide appropriate medical care consistent with his/her training to any individual who has visible injuries, complains of being injured, or requests medical attention.
4. All uses of force by Sworn Members will be documented through a Use of Force Report and an Incident report.
5. **Restraining Force** and **De-escalation Techniques** will **not** constitute a Use of Force.
6. Nothing contained herein will be deemed to limit the routine restraint of prisoners, including, without limitation, the use of handcuffs and shackles.
7. While on-duty, any officer present and observing another officer using force that he/she reasonably believes to be clearly beyond that which is objectively reasonable under the circumstances will intercede to halt, to the best of their abilities, the use of unreasonable force, if and when the officer has a realistic opportunity to prevent harm.

B. DE-ESCALATION TECHNIQUES

1. Sworn Members will use **De-escalation Techniques** and other alternatives to higher levels of force consistent with his/her training whenever possible and appropriate before resorting to force and to reduce the need for force.
2. Whenever possible and when such delay will not compromise the safety of the officer or another person and will not result in the destruction of evidence, escape of a suspect, or commission of a crime, Sworn Members will allow individuals time and opportunity to submit to verbal commands before force is used.
3. **Restraining Force** and other compliant handcuffing will be performed as outlined in G.O. 110.1.

C. RESTRAINT TECHNIQUES

1. When **De-escalation Techniques** are not effective or appropriate, Sworn Members may consider the use of **Physical Force** to control a non-compliant or actively resistant individual.
2. Sworn Members are authorized to use **Physical Force**:
 - a. To protect the officer or others from immediate physical harm.
 - b. To restrain or subdue an individual who is actively resisting or evading arrest.
 - c. To bring an unlawful situation safely and effectively under control.
 - d. When the officer reasonably believes use of **Restraining Force** alone would result in injury to

himself, the suspect or a third party, or would result in further escalation of force.

3. All sworn members will be trained annually on department issued weapons placed at this level of force, namely O.C. Spray, CEWs and Police Batons.
4. Physical force will not be used by an officer for any of the following reasons:
 - a. To extract an item from the anus or vagina of a subject without a warrant (see G.O. 110.3).
 - b. To coerce a confession from a subject in custody.
 - c. To obtain blood, saliva, urine, or other bodily fluid or cells, from an individual for the purpose of scientific testing in lieu of a court order where required.
 - d. Against persons who are handcuffed or restrained unless it is used to prevent injury, escape, or otherwise overcome active or passive resistance posed by the subject.

D. DEADLY PHYSICAL FORCE

1. Confrontation Situations

Sworn Members are authorized to use **Deadly Physical Force** to defend the officer or another person from what the officer reasonably perceives as an immediate threat of death or **Serious Physical Injury**.

2. Apprehension and Pursuit Situations

- a. When a Sworn Member acting on personally known information has reasonable cause to believe that an armed or dangerous subject has committed a felony which involved the use or attempted use, or threatened immediate use of **Deadly Physical Force** against a person; and
- b. There is a substantial risk that the fleeing subject will cause death or **Serious Physical Injury** if not immediately apprehended; and
- c. There is no other reasonable means to effect the arrest; and
- d. The discharge does not appear likely to injure innocent bystanders.
- e. Where feasible, the officer will identify himself/herself as a law enforcement officer and warn of his/her intent to use deadly force.

The foundation of this policy is found in Section 35.30 of the Penal Law as modified by the holding of the United States Supreme Court in Tennessee v. Garner. That court held that the firing at a fleeing felon is unconstitutional unless the

discharging officer has probable cause to believe that the suspected person poses a significant threat of death or **Serious Physical Injury** to the officer or others. Officers should be thoroughly familiar with the above section and the holding in Tennessee v. Garner.

3. Injured Animal

Sworn Members are authorized to use **Deadly Physical Force** to kill a dangerous animal only when no other means to bring the animal under control exists, or for the destruction of a critically injured animal.

Headquarters will be notified whenever possible prior to the discharge of a firearm. Following the discharge an Animal Destruction report will be completed in accordance with G.O. 120.5.

4. Moving Vehicles

Discharging a firearm at or from a moving vehicle is prohibited unless the occupants of same are using **Deadly Physical Force** against the officer, or another person and the officer reasonably believes that he will not endanger innocent persons.

5. Warning Shots

Sworn Members are not authorized to use their firearm to fire warning shots.

6. Firing Shots for Alarm

Firearms will not be discharged to summon assistance except where the officer's safety or that of another is seriously endangered and they believe there is no reasonable alternative. Extreme care must be exercised in such situations to prevent injury to the officer or other persons.

7. Firearms Practice and Testing

- a. Sworn Members may discharge firearms in a controlled setting for training purposes at legitimate firing ranges or for other lawful recreational purposes conducted in accordance with applicable law, rules and regulations.
- b. Sworn Members will receive training, at least annually, on this department's use of force policy and NYS Penal Law Article 35.

8. Post Incident Management

a. Any injuries resulting from a use of force incident shall result in appropriate and timely medical attention being provided to the injured party.

b. In every instance in which a Sworn Member, whose action(s) or use of force in an official capacity, uses **Deadly Physical Force** and where such use of force results in death or bodily injury to another person the following steps will be taken:

- i. If the incident involves a Sworn Member's weapon, it will be replaced with another weapon and all weapons carried by the officer at the time of the incident will be safeguarded and turned over to the Tour Supervisor.
- ii. The involved officer will be given the opportunity to call his/her family as soon as possible to avoid the possibility of learning about the incident through other than official sources, e.g. press, radio, TV, etc.
- iii. The officer will not be allowed to talk to the press. All information regarding the incident will be given out through the office of the Commissioner of Public Safety. (see G.O. 119.2)
- iv. Prior to the officer making a written statement, he/she will be provided the opportunity to consult with a P.B.A representative.
- v. The officer will be relieved of regular duty and transported to the hospital as soon as practical.
- vi. Supervisory Notification and Response General Order (114.2) will be followed.

REPORTING

A. GENERAL PROVISIONS

1. All Use of Force reports, Incident reports, and Supplemental reports will be completed in a timely and accurate manner by the involved Sworn Member.

2. All Use of Force reports will include:
 - a.The location of the incident, date, time, source and defendant's pedigree information.
 - b.The condition of the defendant.
 - c.Any **Physical Force** used.
 - d.Any firearms information.
 - e.Any medical care provided.
 - f.Any uninvolved witnesses to the incident.
 - g.Any comments that do not appear in an Incident report or a Supplemental report.
 - h.Police photos and video information.
 - i.Any other Officers on scene.
 - j.Reporting Officer, Tour Supervisor and Patrol Commander review.
3. Unless ordered by the Patrol Commander, at minimum, Incident reports will contain the reasons for the use of force, any injuries prior to and after the use of force for all involved parties and any medical care given.

B. DE-ESCALATION TECHNIQUES

1. A Sworn Member that uses **De-escalation Techniques** will, depending on the nature of the call, enter comments on the Incident report.

C. RESTRAINT TECHNIQUES

1. Any Sworn Member that uses **Physical Force** will give verbal notification to the Tour Supervisor as soon as practical.
2. If there is any obvious medical need, EMS will respond to provide medical care and/or transport the subject to the hospital.
3. Handling and transport of prisoners will be conducted as outlined in General Order 110.1.
4. Any special considerations regarding prisoner handling and transport for CEW use or O.C. Spray can be found in G.O. 103.10 or 103.7.
5. Each Officer that uses **Physical Force** will submit a Use of Force report.
6. The assigned officer will submit an Incident report along with the Use of Force report.
7. Additional officers will submit a Supplemental Report.
8. All uses of force will be investigated as outlined in G.O. 120.4.

D. DEADLY PHYSICAL FORCE

1. Any Sworn Member that uses **Deadly Physical Force** will give verbal notification to the Tour Supervisor as soon as practical.

2. The Tour Supervisor will respond to the scene immediately and follow the steps as outlined in the Post Incident Management section of this G.O.
3. EMS will respond immediately for transport to the hospital.
4. Handling and transport of prisoners will be conducted as outlined in General Order 110.1.
5. Each Officer that uses **Deadly Physical Force** will submit a Use of Force report.
6. The assigned officer will submit an Incident report along with the Use of Force report.
7. Additional officers will submit a Supplemental Report.
8. All uses of force will be investigated as outlined in G.O. 120.4.
9. Firearm Discharge Report will be completed as outlined in G.O. 120.5.

TRAINING

All officers will receive training and demonstrate their understanding on the proper application of force. Training will include, but is not limited to, use of force, conflict prevention, conflict resolution and negotiation, de-escalation techniques and strategies, duty to intervene, and prohibited conduct.



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: October 6, 2021

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Open the public hearing to amend Chapter 147 "Records Management" of the Rye City Code local law to reflect a new records retention schedule as required by NY State.

FOR THE MEETING OF:

October 6, 2021

RECOMMENDATION: That the Council open the public hearing.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

New York State updated its records retention schedule to be adopted by local municipalities, replacing the MU-1 schedule with the ***Retention and Disposition Schedule for New York Local Government Records (LGS-1)***. Each municipality must adopt the updated schedule for records retention purpose by resolution. The City must also amend its current Chapter 147, replacing the MU-1 with the LGS-1.

**CITY OF RYE
LOCAL LAW NO. 11 2021**

A local law to amend Chapter 147 “Records Management” of the Code of the City of Rye to adopt the New York State Archives updated Records Retention LGS-1 Schedule, replacing the MU-1, as follows:

Section 1. Chapter 147 - “Records Management”

§ 147-1. Program established; designation of officer.

There shall be a records management program established under the aegis of the City of Rye Clerk. The City Clerk is designated as the city's Records Management Officer. The officer will be responsible for administering the noncurrent and archival public records and storage areas for the city in accordance with local, state and federal laws and guidelines.

§ 147-2. Powers and duties.

A. The City Records Management Officer shall have all the necessary powers to carry out the efficient administration, determination of value, use, preservation, storage and disposition of the noncurrent and archival public records kept, filed or received by the officers and departments of the City of Rye.

B. The Records Management Officer shall:

(1) Continually survey and examine public records to recommend their classification so as to determine the most suitable methods to be used for the maintaining, storing and servicing of archival material. "Archival material" shall be:

(a) Obsolete and unnecessary records according to New York State Archives Records Retention and Disposition Schedules (LGS-1) thereby subject to disposition;

(b) Information containing administrative, legal, fiscal, research, historical or educational value which warrant their permanent retention; or

(c) Records not subject to disposition according to state law.

(2) Establish guidelines for proper records management in any department or agency of city government in accordance with local, state and federal laws and guidelines.

(3) Report annually to the City Council on the powers and duties herein mentioned, including but not limited to the cost-benefit ratio of programs effectuated by the program.

(4) Oversee all requests for records storage equipment, microfilm equipment, etc., and coordinate and participate in planning for the expansion of micrographics and automated data processing systems.

(5) Establish an inactive records storage area for the storage, processing and servicing of all noncurrent and archival records for all city departments and agencies.

C. The Records Management Officer shall perform the following functions with respect to the city:

(1) Advise and assist city departments in reviewing and selecting records to be transferred to the inactive records storage area for storage and/or preservation.

(2) Continually survey and examine public records to determine the most suitable methods to be used for the creating, maintaining, storing and servicing of archival materials.

(3) Establish and maintain an adequate repository for the proper storage, conservation, processing and servicing of archival records.

(4) Promulgate rules governing public access to and use of records in the archives, subject to the approval of the Records Advisory Board.

(5) Develop a confidentiality policy for archival records designated confidential, provided that such policy does not conflict with any federal or state statutes.

(6) Provide information services to other City of Rye offices.

(7) Develop a procedure whereby historically-important records are to be identified at the point of generation.

(8) Collect archival materials which are not official City of Rye records but which have associational value to the city or a close relationship to the existing archival collection. Such collecting shall be subject to archive space, staff and cost limitations and to the potential endangerment of such materials if they are not collected by the archives.

§ 147-3. Records Advisory Board.

There shall be a Records Advisory Board designated to work closely with and provide advice to the Records Management Officer. The Board shall consist of representatives appointed by the Mayor or City Manager. (It may consist of the City Auditor, the City Historian, one or two representatives of the City Council or others who may be beneficial to the duties of a Records Advisory Board.) The Board shall meet periodically and have the following powers and duties:

A. Provide advice to the City Records Management Officer on the development of the records management program.

B. Review the performance of the program on an ongoing basis and propose changes and improvements.

C. Review retention periods not covered by the LGS-1 or retention period changes recommended by department heads.

D. Provide advice on the appraisal of records for archival value and to be the final sign-off entity as to what is or is not archival.

§ 147-4. Custody.

The Records Management Officer shall maintain physical custody and official responsibility of all records in his/her possession. Department heads shall retain constructive control and authority over all department records, regardless of their

§ 147-5. Replevin.

The City Attorney may take steps to recover local government records which have been alienated from proper custody and may, when necessary, institute actions of replevin.

§ 147-6. Disposal of records.

No records shall be destroyed or otherwise disposed of by a department of the city unless a records disposal form has been executed. Records will not be destroyed if they are required for any pending audit, litigation or other investigation.

§ 147-7. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ARCHIVES — Those official records which have been determined by the Records Management Officer and Advisory Committee to have sufficient historical or other value to warrant their continued preservation by the city.

RECORDS — Any documents, books, papers, photographs, sound recordings, microfilm or any other materials, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official city business.

RECORDS MANAGEMENT — The planning, controlling, directing, organizing, training, promotion and other managerial activities involved in records maintenance, use and disposition, including records preservation, disposal, records centers or other storage facilities.

RECORDS DISPOSITION —

A. The removal by the city, in accordance with approved records control schedules, of records no longer necessary for the conduct of business by such agency through removal methods which may include:

(1) The disposal of temporary records by destruction or donation; or

(2) The transfer of records to the inactive records storage area for temporary storage of inactive records and permanent storage of records determined to have historical or other sufficient value warranting continued preservation.

(3) The transfer of records from one city agency to any other city agency.

INACTIVE RECORDS STORAGE AREA — An establishment maintained by the city primarily for the storage, servicing, security and processing of records which must be preserved for varying periods of time and need not be retained in active office space and equipment.

SERVICING — Making information in records available to any city department for official use or to the public.

Section 2. This law shall become effective upon the filing of the Secretary of State.

Use of Force

Model Policy

June 2019



**Municipal Police
Training Council**

New York State Division of Criminal Justice Services
80 South Swan Street, Albany, New York 12210

www.criminaljustice.ny.gov



**Municipal Police
Training Council**

Use of Force Model Policy



STATE OF NEW YORK
Division of Criminal Justice Services
Office of Public Safety

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Use of Force - Model Policy

Municipal Police Training Council

I. PURPOSE

Law enforcement officers around the country and here in New York State are authorized to use reasonable and legitimate force in specific circumstances. Federal constitutional and state statutory standards dictate when and how much force can be used. This policy is founded in these standards, but is not intended to be an exhaustive recitation of state and/or federal legal framework governing use of force. The policy is designed to provide guidance to individual agencies as they develop their own use of force policies in accordance with Executive Law §840(4)(d)(3).

This policy is not intended to endorse or prohibit any particular tactic, technique, or method of employing force. Separate policy guidance and training should be provided for each of the available force instrumentalities made available to officers.

II. POLICY

The federal and state standards by which use of force is measured are both founded in the basic premise of objective reasonableness.¹ The amount of force that is used by the officers shall be the amount of force that is objectively reasonable under the circumstances for the officer involved to effect an arrest, prevent an escape, or in defense of themselves or others. The standard of objective reasonableness, established by the United States Supreme Court in *Graham v. Connor*, is used in this policy and is intended to provide officers with guidelines for the use of force, including deadly physical force.

As the Supreme Court has recognized, this reasonableness inquiry embodies “allowance for the fact that police officers are often forced to make split-second judgments — in circumstances that are tense, uncertain, and rapidly evolving — about the amount of force that is necessary in a particular situation.”²

This policy is written in recognition of the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires a careful balancing of all interests.

¹ Force which is objectively reasonable is insulated from criminal liability through Article 35 of the NYS Penal Law and civil liability by the 4th Amendment standard of objective reasonableness.

² *Graham v. Connor*, 490 U.S. 386 at 396 (1989).

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III. DEFINITIONS

- A. **Objectively Reasonable** – An objective standard used to judge an officer's actions. Under this standard, a particular application of force must be judged through the perspective of a reasonable officer facing the same set of circumstances, without the benefit of 20/20 hindsight, and be based on the totality of the facts that are known to that officer at the time that the force was used.³
- B. **Deadly Physical Force** - Physical force which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury.⁴
- C. **Physical Injury** – Impairment of physical condition or substantial pain.⁵
- D. **Serious Physical Injury** – Physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ.⁶

IV. USE OF FORCE

- A. In general terms, force is authorized to be used when reasonably believed to be necessary to effect a lawful arrest or detention, prevent the escape of a person from custody, or in defense of one's self or another.⁷
- B. Under the 4th Amendment, a police officer may use only such force as is "objectively reasonable" under the circumstances. The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene.⁸

³ *Graham*, 490 U.S. 396 (1989)

⁴ NY Penal Law § 10 (11) (McKinney 2013)

⁵ NY Penal Law § 10 (9) (McKinney 2013)

⁶ NY Penal Law § 10 (10) (McKinney 2013)

⁷ NY Penal Law and § 35.30(1) (McKinney 2013)

⁸ *Graham*, 490 U.S. at 396 (1989)

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V. DETERMINING THE OBJECTIVE REASONABLENESS OF FORCE

- A. When used, force should be only that which is objectively reasonable given the circumstances perceived by the officer at the time of the event.
- B. Factors that may be used in determining the reasonableness of force include, but are not limited to:
 - 1. The severity of the crime or circumstance;⁹
 - 2. The level and immediacy of threat or resistance posed by the suspect;¹⁰
 - 3. The potential for injury to citizens, officers, and suspects;¹¹
 - 4. The risk or attempt of the suspect to escape;¹²
 - 5. The knowledge, training, and experience of the officer;¹³
 - 6. Officer/subject considerations such as age, size, relative strength, skill level, injury or exhaustion, and the number of officers or subjects;¹⁴
 - 7. Other environmental conditions or exigent circumstances.¹⁵

VI. DUTY TO INTERVENE

- A. Any officer present and observing another officer using force that he/she reasonably believes to be clearly beyond that which is objectively reasonable under the circumstances shall intercede to prevent the use of unreasonable force, if and when the officer has a realistic opportunity to prevent harm.

⁹ *Ibid.*

¹⁰ *Ibid.*

¹¹ *Scott v. Harris*, 550 U.S. 372 (2007)

¹² *Graham*, 490 U.S. at 396 (1989)

¹³ Analysis of cases under the 4th Amendment require the focus to be on the perspective of a reasonable officer on the scene which includes the training and experience of the officer. *Graham v. Connor*, 490 U.S. 386 (1989), *Terry v. Ohio*, 392 U.S. 1 (1968)

¹⁴ *Sharrar v. Felsing*, 128 F. 3d 810 (3rd Cir. 1997) (numbers of officers or subjects)

¹⁵ Courts have repeatedly declined to provide an exhaustive listing of factors. *Chew v. Gates*, 27 F. 3d 1432, 1475 n.5 9th Cir. (1994)

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- B. An officer who observes another officer use force that exceeds the degree of force as described in subdivision A of this section should promptly report these observations to a supervisor.

VII. USE OF DEADLY PHYSICAL FORCE

- A. Deadly physical force may be used by an officer to protect themselves or another person from what the officer reasonably believes is an imminent threat of serious physical injury or death.¹⁶
- B. Deadly physical force may be used to stop a fleeing suspect where:
 - 1. The officer has probable cause to believe the suspect has committed a felony involving the infliction or threat of serious physical injury or death; and,
 - 2. The officer reasonably believes that the suspect poses an imminent threat of serious physical injury to the officer or to others.
 - 3. Where feasible, some warning should be given prior to the use of deadly physical force.¹⁷

VIII. PROHIBITED USES OF FORCE

- A. Force shall not be used by an officer for the following reasons:
 - 1. To extract an item from the anus or vagina of a subject without a warrant, except where exigent circumstances are present;
 - 2. To coerce a confession from a subject in custody;
 - 3. To obtain blood, saliva, urine, or other bodily fluid or cells, from an individual for the purposes of scientific testing in lieu of a court order where required;

¹⁶ NY Penal Law and § 35.30(1)(c)(McKinney 2013)

¹⁷ NY Penal Law and § 35.30(1), as restricted by *Tennessee v. Garner*, 471 U.S. 1 (1985) (restricting the use of deadly physical force as it relates to fleeing felons) In *Garner*, the Supreme Court uses "significant threat of serious physical harm, either to the officer or others" in describing the limited circumstances under which deadly force can be used to prevent the escape of a felon.

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4. Against persons who are handcuffed or restrained unless it is used to prevent injury, escape, or otherwise overcome active or passive resistance posed by the subject.

IX. REPORTING & REVIEWING THE USE OF FORCE

- A. Any injuries resulting from a use of force incident shall result in the appropriate and timely medical attention being provided to the injured party.
- B. Members involved in use of force incidents as described below shall notify their supervisor as soon as practicable and shall complete a departmental use of force report.
 1. Use of force that results in a physical injury.
 2. Use of force incidents that a reasonable person would believe is likely to cause an injury.
 3. Incidents that result in a complaint of pain from the suspect except complaints of minor discomfort from compliant handcuffing.
 4. Incidents where a conducted energy device (CED) was intentionally discharged or accidentally discharged after being displayed.
 5. Incidents where a firearm was discharged at a subject.
- C. A standardized use of force form should be used to document any reportable use of force incident.¹⁸

X. PROCEDURES FOR INVESTIGATING USE OF FORCE INCIDENTS

- A. Where practicable, a supervisor should respond to the scene to begin the preliminary force investigation.
- B. A supervisor that is made aware of a force incident shall ensure the completion of a use of force report by all officers engaging in reportable use of force and, to the extent practical, make a record of all officers present.

¹⁸ Chiefs of police departments, County Sheriffs, and the Superintendent of State Police should consider utilizing these forms to ensure compliance with the administrative reporting requirement of EXC §837-t.

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- C. Photographs should be taken which sufficiently document any injuries or lack thereof to officers or suspects.
- D. The [applicable person, unit, or bureau] will receive the supervisor's report and conduct an investigation.
- E. Consistent with agency disciplinary protocols and any applicable collective bargaining agreements, agency policy should establish standards for addressing the failure to adhere to use of force guidelines.¹⁹

XI. TRAINING

- A. All officers should receive training and demonstrate their understanding on the proper application of force.
- B. Training topics will include use of force, conflict prevention, conflict resolution and negotiation, and de-escalation techniques and strategies, including, but not limited to, interacting with persons presenting in an agitated condition as well as duty to intervene and prohibited conduct.²⁰
- C. This policy is not intended to be a substitute for proper training in the use of force. Comprehensive training is the key to the real-world application of the concepts discussed within this policy.

¹⁹ EXC §840(4)(d)(2)(vi)

²⁰ EXC §840(4)(d)(2)(vii)



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: October 6, 2021

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Open the public hearing to amend Chapter 177 "Taxation" Article X "Cold War Veterans Exemption" of the Rye City Code to increase the Real Property Tax Exemption for Veterans of the Cold War.

FOR THE MEETING OF:

October 6, 2021

RECOMMENDATION: That the Council set the public hearing.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

The new law will expand the Veterans' tax exemption by increasing the exemption cap to provide property tax relief for those who have served our country.

See attached.

LOCAL LAW INTRO NO. 311 - 2021

TO: BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee has reviewed “A LOCAL LAW amending Chapter 473 of the Laws of Westchester County to Increase Veteran’s Tax Exemptions.”

Your Committee is aware that Chapter 473 of the Laws of Westchester County provides for real property tax exemptions for veterans, and was adopted pursuant to authority granted by the New York State Real Property Tax Law. Under Chapter 473, veterans receive an exemption equal to fifteen percent of the assessed value of the property, subject to a cap of \$54,000 multiplied by latest state equalization rate for the assessing unit. Veterans who served in a combat theater or combat zone of operations can receive an additional exemption of ten percent, subject to a cap of \$36,000 multiplied by latest state equalization rate for the assessing unit. Service-disabled veterans can receive an additional exemption equal to half of the veteran’s disability rating, subject to a cap of \$180,000 multiplied by latest state equalization rate for the assessing unit.

Your Committee is informed that the County is entitled to increase those caps. Pursuant to State law, the County can increase the caps to \$75,000, \$50,000, and \$250,000, respectively, as long as the County is a “high-appreciation municipality.”³ A high-appreciation municipality includes any county where the Office of Real Property Tax Services has

³ See https://www.tax.ny.gov/research/property/assess/manuals/vol4/pt1/sec4_01/sec458_a.htm; https://www.tax.ny.gov/research/property/assess/manuals/vol4/pt1/sec4_01/sec458_b.htm

established a sales price differential factor for the purpose of the STAR exemption for at least three consecutive years. Westchester County qualifies as such a municipality.⁴

Increasing the cap will provide property tax relief for those who have served our country. Further, it will fulfill the purpose of our local law, which is to provide “the maximum possible real property tax exemption provided for” in State law. *See* Laws of Westchester § 473.101.

Your Committee is aware that this Honorable Board must comply with the requirements of the State Environmental Quality Review Act (“SEQRA”) and its implementing regulations. *See* Title 6, Part 617 of the New York Code Rules and Regulations (N.Y.C.R.R.). The Department of Planning has reviewed the applicable SEQRA regulations, and has concluded that this proposed Local Law is not an action which requires any environmental review. Your Committee concurs in this conclusion.

In light of all of the foregoing, your Committee recommends the adoption of this Local Law.

⁴ *See* <https://www.tax.ny.gov/pit/property/star/diff.htm>

Dated: May 17, 2021
White Plains, New York

Vedat Jalil
Benjamin Boyfanta
Catherine M

K. J. Szall
Vedat Jalil
Benjamin Boyfanta
Catherine M

COMMITTEES ON

Budget & Appropriations

Legislation

Dated: May 17, 2021
White Plains, New York

The following members attended the meeting remotely, as per Governor Cuomo's Executive Order 202.1 and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

Committee(s) on:

Budget & Appropriations

Nancy E. Dan

Margaret A. Cunzio

Catherine F. Parker

Ruth Walker

Alfreda Willis

Tye H. [Signature]

Legislation

Nancy E. Dan

Mary Jane Skomsky

Alfreda Willis

FISCAL IMPACT STATEMENT

SUBJECT: Cold War Veteran RPT Exemption NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND

GENERAL FUND

AIRPORT FUND

SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ _____ -

Total Current Year Revenue \$ _____ -

Source of Funds (check one): Current Appropriations Transfer of Existing Appropriations

Additional Appropriations

Other (explain)

Identify Accounts: _____

Potential Related Operating Budget Expenses: Annual Amount \$ _____ -

Describe: _____

Potential Related Operating Budget Revenues: Annual Amount \$ _____ -

Describe: _____

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: _____

Next Four Years: _____

Prepared by: Gideon Grande

Title: Deputy Director

Department: Budget


Date: April 30, 2021

Reviewed By: 

Budget Director

Date: 4/30/21

TO: Justin Adin, Deputy County Attorney
Department of Law

FROM: David S. Kvinge, AICP, RLA, CFM 
Director of Environmental Planning

DATE: May 6, 2021

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR
VETERAN'S TAX EXEMPTION INCREASE**

PROJECT/ACTION: A local law that will increase the real property tax exemption for military veterans by amending Chapter 473 of the Laws of Westchester County to increase the assessed value caps, as permitted under State law.

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no further environmental review is required because the project/action:

- DOES NOT MEET THE DEFINITION OF AN "ACTION" AS DEFINED UNDER SECTION 617.2(b)**
- MAY BE CLASSIFIED AS TYPE II PURSUANT TO SECTION 617.5(c)():**
-

COMMENTS: None

DSK/cnm

cc: Andrew Ferris, Chief of Staff
Steven Bass, Assistant to the County Executive
Victor Mallison, Executive Director, Tax Commission
Norma Drummond, Commissioner
Claudia Maxwell, Associate Environmental Planner

LOCAL LAW INTRO. NO. 311 -2021

A LOCAL LAW amending Chapter 473 of the Laws of Westchester County to Increase Veteran's Tax Exemptions

BE IT ENACTED by the County Board of the County of Westchester as follows:

Section 1: Section 473.211 of the Laws of Westchester County is hereby amended to reads as follows:

1. Qualifying residential real property, as defined in New York State Real Property Tax Law Section 458-a, shall be exempt from taxation to the extent of fifteen percent of the assessed value of such property; provided, however, that such exemption shall not exceed [~~fifty-four~~]seventy-five thousand dollars or the product of [~~fifty-four~~]seventy-five thousand dollars multiplied by the latest state equalization rate for the assessing unit.

2. In addition to the exemption provided by subdivision one of this Section, where the veteran served in a combat theatre or combat zone of operations, as documented by the award of a United States campaign ribbon or service medal, qualifying residential real property, as defined in New York State Real Property Tax Law Section 458-a, shall be exempt from taxation to the extent of ten percent of the assessed value of such property; provided, however, that such exemption shall not exceed [~~thirty-six~~]fifty thousand dollars or the product of [~~thirty-six~~]fifty thousand dollars multiplied by the latest state equalization rate for the assessing unit.

3. In addition to the exemptions provided by subdivisions one and two of this Section, where the veteran received a compensation rating from the United States veteran's administration or from the United States department of defense because of a service connected disability, qualifying residential real property, as defined in New York State Real Property Tax Law Section 458-a, shall be exempt from taxation to the extent of the product of the assessed value of such property multiplied by fifty percent of the veteran's disability

rating; provided, however, that such exemption shall not exceed [~~one hundred eighty~~]two hundred fifty thousand dollars or the product of [~~one hundred eighty~~]two hundred fifty thousand dollars multiplied by the latest state equalization rate for the assessing unit. For purposes of this subdivision, where a person who served in the active military, naval or air service during a period of war died in service of a service connected disability, such person shall be deemed to have been assigned a compensation rating of one hundred percent.

Section 2: Section 473.321 of the Laws of Westchester County is hereby amended to reads as follows:

1. Qualifying residential real property shall be exempt from taxation to the extent of fifteen percent (15%) of the assessed value of such property; provided however, that such exemption shall not exceed [~~fifty-four~~]seventy-five thousand dollars [(\$54,000)]or the product of [~~fifty-four~~]seventy-five thousand dollars [(\$54,000)]multiplied by the latest state equalization rate for the assessing unit, or, in the case of a special assessing unit, the latest class ratio, whichever is less.

2. In addition to the exemption provided by subdivision "1" of this Section, where the Cold War veteran received a compensation rating from the United States veterans affairs or from the United States department of defense because of a service related disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property, multiplied by fifty percent of the Cold war veteran disability rating; provided, however, that such exemption shall not exceed [~~one hundred eighty~~]two hundred fifty thousand dollars [(\$180,000)]or the product of [~~one hundred eighty~~]two hundred fifty thousand dollars [(\$180,000)]multiplied by the latest state equalization rate for

the assessing unit, or, in the case of a special assessing unit, the latest class ratio, whichever is less.

3. If a Cold War veteran receives either a veterans' exemption under Article I of this Chapter, authorized by Section 458 of the Real Property Tax Law, or an alternative veterans' exemption under Article II of this Chapter, authorized by Section 458-a of the Real Property Tax Law, the Cold War veteran shall not be eligible to receive an exemption under this Article.

Section 3: This Local Law shall take effect immediately.



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: September 28, 2021

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Set a public hearing for October 20, 2021 to create a new local law, Chapter 122, "Landscapers and Leaf Blower Regulations" requiring all landscapers to obtain an annual permit in order to operate as a landscaper and restrict the use of leaf blowers.

FOR THE MEETING OF:

October 6, 2021

RECOMMENDATION: That the Council set the public hearing.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: See attached law regarding landscaper permits and related leaf blower restrictions.

CITY OF RYE

LOCAL LAW NO. __ 2021

A local law to add a new Chapter 122 “Landscapers and Leaf Blower Regulations” of the Code of the City of Rye to set forth permit requirements for Landscaping Companies and to regulate the use of gas and electric powered leaf blowers as follows:

Section 1: Chapter 122, Landscapers and Leaf Blower Regulations

§ 122-1 Purpose.

The City Council finds that landscaping activities generate noise, disseminate dust particles and other airborne pollutants into the air and onto other nearby properties and that the use of leaf blowers specifically can increase environmental pollution. In addition, there are numerous landscaping companies providing services to properties in the City and the City Council finds that it is in the City’s interest to ensure that such companies are properly licensed and are aware of the applicable regulations in the City. It is the intent and purpose of this Chapter to preserve and improve air quality, decrease the high and low-frequency noise pollution and decrease carbon and non-carbon emissions and dust particulate. It is the policy of the City to regulate the use of all leaf blowers and minimize and mitigate the harmful impacts of their use.

§ 122-2 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

LANDSCAPER – Any person, corporation, partnership or business entity of any form who tends, plants, installs, maintains, or repairs lawns, or performs general yard maintenance work or leaf collection of any kind on real property which such person or business entity does not own or at which s/he does not reside. A Landscaper shall not include landscape designers or landscape architects.

LEAF BLOWER – a portable, handheld or backpack-style device powered by fuel or electricity and used for the purpose of blowing, moving, removing, dispersing, vacuuming or redistributing leaves, dust, dirt, grass clippings, cuttings, and trimmings from trees and shrubs or any other type of litter or debris.

§ 122-3 Registration required; requirements; fee; exemption

- A. No Landscaper shall operate or provide services within the City of Rye unless the Landscaper is registered annually pursuant to this Chapter.
- B. Registration requirements.
 - 1. All Landscapers shall submit a completed registration form provided by the City Clerk and pay a nonrefundable fee in an amount to be determined by the City Council.

2. The registration form, at a minimum, shall state that the landscaper has read, understands and agrees to comply with the City's leaf blower regulations and other relevant City laws and policies.
3. In addition, the Landscaper shall submit proof of a valid and current Westchester County Home Improvement License and such other insurance information that the City deems relevant.

C. When the City Clerk determines that all requirements have been met, s/he shall issue a Landscaper Registration Tag, which must be placed on the rear view mirror of each vehicle the landscaper uses in the City. The Tag is not transferable.

D. The Landscaper Registration Tag shall be valid from January 1 through December 31 each year, unless revoked.

§ 122-4 Use of Gas Powered Leaf Blowers Prohibited.

Effective January 2023, during the time that leaf blower use is permitted, only electric blowers shall be permitted. Gas powered leaf blowers are prohibited at all times.

§ 122-5 Maximum Sound Pressure [db(A)] and hours of operation of leaf blowers

- A. Effective January 2023, leaf blowers (electric only) shall have a maximum permitted intensity of 65 db(A). Effective immediately, all other lawn equipment, including, but not limited to, outdoor vacuum cleaners shall have a maximum permitted intensity of 85 db(A).
- B. Use of lawn equipment, including, but not limited to, leaf blowers and outdoor vacuum cleaners is permitted only between 8:00 a.m. and 6:00 p.m. weekdays and 10:00 a.m. and 4:00 p.m. on weekends and holiday. The permitted intensity and hours described in this subsection will apply to leaf blowers during months when the use of leaf blowers is permitted.
- C. The use of leaf blowers shall be prohibited between May 1 and September 30 every year.
- D. Additional rules for any person operating a leaf blower between the dates of October 1 and April 30 are as follows:
 1. No leaf blower shall be operated simultaneously on the same lot with any other type of machine-powered lawn equipment.
 2. Two or more leaf blowers shall not be operated simultaneously except in R-1 Residence Districts as indicted on the City of Rye Zoning Map.

- E. This section shall not apply to the following entities and activities: municipal, schools, religious institutions, membership clubs, golf courses, hospital and retirement communities, cemeteries, and driveway/road paving and sealing activities, except that any leaf blower use shall be minimized to the maximum extent practicable in proximity to residences.
- F. Moving leaves or yard debris to City streets, public property, storm drains or abutting lots is prohibited at all times.

§ 122-6 Enforcement.

The provisions of this chapter shall be enforced by the City of Rye Police Department or the City of Rye Building Department.

§ 122-7 Penalties for offenses.

- A. The following parties shall have committed a violation of this laws if it is not complied with:
 - (1) The party operating the leaf blower; and
 - (2) The party who employed the person to operate the leaf blower at the time of violation; and
 - (3) The party who owns the property where the violation occurs.
- B. Any party violating any of the provisions of this chapter shall be guilty of a violation and, upon conviction thereof, shall be punished by a fine not to exceed the sum of \$250 for the first offense. A second offense shall be punishable by a fine not to exceed the sum of \$350 and a third offense shall result in the revocation of the Landscaper's permit for the next 6 (six) months. Any Landscaper found operating without a permit or after the permit has been revoked shall be punished by a fine of up to \$1,500.

Section 2. Severability.

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

Section 3: Effective Date.

This local law will take effect on January 1, 2022.



CITY COUNCIL AGENDA

DEPT.: Boat Basin

DATE: October 6, 2021

CONTACT: Rodrigo Paulino

AGENDA ITEM: Consideration of three appointments to the Boat Basin Commission, by the Boat Basin members, for three year terms.

FOR THE MEETING OF:

October 6, 2021

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council approve the appointments.

RESOLVED that the City Council approves these appointments to the Boat Basin Commission for a three-year term.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: Elections are held in the summer; appointments are effective as of the first of each year (January 1, 2022 in this case). Scott Beechert, Joe Pecora and Tara Kaplan were elected to the Commission for three-year terms.

CITY OF RYE, NY
Boat Basin
Memorandum

DATE: September 24th, 2021

TO: Greg Usry, City Manager

FROM: Rodrigo Paulino, Boat Basin Supervisor

RE: Boat Basin Commissioners Election Results

Three of our Resident Boat Basin Commissioners terms are up on December 31st, 2021 (Joe Pecora, Robert November and Maryellen Pilkington-12/31/2020)

On September 13th, 2021, the Boat Basin began the election process using a company named Simply Voting in order to elect 3 Resident Boat Basin Commissioners. Four Resident candidates expressed interest in these open positions. Their names and bio were submitted to Simply Voting as well an email list of our current slip holders.

100 out of 411 electors voted in this ballot. The election results can be seen below:

Scott Beechert – 31.3%
Joe Pecora – 29.6%
Tara Kaplan – 23%
Pablo Mascolo – 16%

The newly elected commissioners Scott Beechert, Joe Pecora and Tara Kaplan will begin a 3 year term on January 1st, 2022. If you have any questions, please feel free to reach out at any time.

Sep 20, 2021

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

To Whom It May Concern:

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

Respectfully yours,



Brian Lack
President
Simply Voting Inc.

Results - Boat Basin Commissioners 2022

Start: 2021-09-13 09:00:00 America/New_York
End: 2021-09-20 17:00:00 America/New_York
Turnout: 100 (24.3%) of 411 electors voted in this ballot.

Nominees

Option	Votes
Scott Beechert	76 (31.3%)
Joe Pecora	72 (29.6%)
Tara Kaplan	56 (23.0%)
Pablo Mascolo	39 (16.0%)

VOTER SUMMARY

Total	100
Abstain	8 (8.0%)





CITY COUNCIL AGENDA

DEPT.: City Departments

DATE: October 6, 2021

CONTACT: Greg Usry, City Manager

AGNDA ITEM: Resolution to declare certain City equipment as surplus.

FOR THE MEETING OF:

October 6, 2021

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 has become obsolete during 2021, and,

WHEREAS, the Police Department recommended that said equipment be declared surplus, now, therefore, be it

RESOLVED, that said equipment is 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 Police Department has provided the attached list of equipment and vehicles that have become obsolete to their departments. They are recommending the City Council declare the items as surplus so the items can be disposed of in accordance with City Policy.



The City of Rye Police Department would like to dispose of the following out dated items consistent with the City's surplus Policy.

Lt Mike Anfuso

Panasonic CF-31 Toughbook serial # CF-31WALAXLM -4HTYA24870	
Panasonic CF-31 Toughbook serial # CF-31 WALAXLM -4JT YA38031	
Panasonic CF-31 Toughbook serial # CF-31WALAXLM -4HTYA24969	
Panasonic CF-31 Toughbook serial # CF-31WALAXLM -4HTYA 25288	
Panasonic CF-31 Toughbook serial # CF-31WALAXLM - 4HTYA25180	
Panasonic CF-31 Toughbook serial # CF-31W BLAHLM -5AKYA12212	
Panasonic CF-31 Toughbook serial # CF-31WALAXLM - 4HTYA25007	
Panasonic CF-31 Toughbook serial # CF-31WALAXLM - 4HTYA24734	
Panasonic CF-31 Toughbook serial # CF-31 SBLAB1M -3HTYB54885-AB-0123456789	

TOUGHBOOK® 31, the 13.1" laptop with Intel® Core™ i5 processor

Polaroid Macro Pro MFP

Dictaphone

Wheel writer 1000 Type Writer

Laser Jet Pro MFP Copier M227FDN



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: October 6, 2021

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Consideration of a request by the Rye Free Reading Room for use of the Village Green on select Saturdays next spring from 5:00 pm to 6:00 pm.

FOR THE MEETING OF:

October 6, 2021

RECOMMENDATION: That the City Council approve the request for the Rye Free Reading Room.

RESOLVED that the Council approves this request to use the Village Green.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The Rye Free Reading Room has requested use of the Village Green on three Saturdays in 2022: May 7, May 21 and June 4 for musical events. The performances start at 5 p.m. and run for approximately 60 minutes. All rain dates are the subsequent Sunday. The City Council is asked to approve the Rye Free Reading Room's request for use of the Village Green.

See attached.



September 28, 2021

Honorable Joshua Cohn, Mayor
Rye City Council

Dear Mayor Cohn:

The Rye Free Reading Room respectfully requests the use of the Village Green to offer three musical events this spring and summer with flautist Dr. Caroline Sonett-Assor and violinist Dr. Soo Yeon Kim.

Duo partners Dr. Soo Yeon Kim, violin, and Dr. Caroline Sonett-Assor, flute, are performing musicians, educators, and administrators in the NYC Metropolitan Area. Dr. Kim and Dr. Sonett-Assor met during their doctoral degrees at the Eastman School of Music and have been collaborating ever since. They are strong advocates for creative and inclusive musical programming and for innovations in music education. Both women have performed internationally, spoken at industry conferences, and have held university teaching positions. They seek to infuse every musical performance with an educational aspect, sharing with their audiences the historical significance and technical considerations of each musical selection.

The dates for the 2022 performances are:

- Saturday, May 7, rain date Sunday May 8
- Saturday, May 21, rain date Sunday May 22
- Saturday, June 4, rain date Sunday June 5

All performances will be from 5:00 pm to 6:00 pm

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chris Shoemaker', with a long horizontal flourish extending to the right.

Chris Shoemaker
Library Director



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: October 6, 2021

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Consideration of a request by the Rye Chamber of Commerce for use of the Village Green on Sunday, November 28, 2021 from 7:00 a.m. to 5:00 p.m. for the Mistletoe Magic event. Brava Dance would set up the platform after 6:00 p.m. November 27, 2021.

FOR THE MEETING OF:

October 6, 2021

RECOMMENDATION: That the City Council approve the request for the Village Green.

RESOLVED that the Council approves this request for use of the Village Green on Sunday, November 28, 2021 from 7:00 a.m. to 5:00 p.m. for the Mistletoe Magic event.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: The Chamber of Commerce has already received approval for the Mistletoe Magic event. This request is for use of the Village Green for Brava Dance performances.