

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

**REGULAR MEETING OF THE CITY COUNCIL  
COUNCIL CHAMBERS, CITY HALL  
Wednesday, February 1, 2023  
6:30 p.m.**

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

*Please note: The Council will convene at 5:30 p.m. and it is expected they will adjourn into Executive Session at 5:31 p.m. to discuss pending litigation, personnel matters and pending contracts.*

1. Pledge of Allegiance.
2. Roll Call.
3. Draft unapproved minutes of the Regular Meeting of the City Council held January 18, 2023.
4. Presentation of the Mayor John Carey Merit Award to Lisa and Brian Dempsey.
5. Presentation of the Human Rights Commission awards.
6. Flooding Update.
7. Consideration of proposed policies for the City of Rye Fire Department:
  - Policy # 204 – Annual Planning Master Calendar
  - Policy # 207 - Liability Claims
  - Policy # 212 - Post-Incident Analysis
  - Policy # 311 – Atmospheric Monitoring for Carbon Monoxide
  - Policy # 400 - Fire Inspections
  - Policy # 401 - Permits
  - Policy # 402 - Code Enforcement
8. Consideration of proposed revisions of the Rules and Regulations of the City of Rye Police Department:
  - Policy # 343 – Community Relations
9. Resolution to adopt new Rye Recreation fees (resident and non-resident) to rent out the amphitheater.  
Roll Call

10. Resolution to amend the City of Rye's Investment Policy.
11. Declaration of intent to be lead agency under SEQRA and resolution to refer the Forest Avenue Sidewalks project to the Planning Commission for advisory LWRP review and the NYSDOT for preliminary design review approval.
12. Residents may be heard on matters for Council consideration that do not appear on the agenda.
13. Open a public hearing to adopt a local law amending Chapter 191, Article II "Traffic Regulations" of the Code of the City of Rye, by amending § 191-12 "Stop intersections." to add three new stop signs at Forest Avenue at Van Wagenen Avenue, Highland Road westbound at Club Road and Van Rensselaer Road at Kirby Lane.
14. Open a public hearing to adopt a local law amending Chapter 191, Article III "Parking Regulations" of the Code of the City of Rye, by amending § 191-19 "No Parking Anytime." to prohibit parking on the north side of Central Avenue between Maple Avenue and Summit Avenue.
15. Continue the public hearing to consider an application from Airosmith Development engaged with AT&T to modify an existing facility located at 66 Milton Rd that does not substantially change the physical dimensions of the current facility.
16. Open a public hearing for consideration of an application from AT&T to upgrade an existing public utility wireless communications services facility at 350 Theodore Fremd Ave.
17. Consideration of a resolution to appropriate \$1.7 million from the Capital Projects Reserve account to complete the reconstruction of the flood damaged retaining wall on Blind Brook at Theodore Fremd.  
Roll Call
18. Consideration of a resolution to appropriate \$116,671 from the Capital Projects Reserve account for the Rye Town Park 2022 capital supplement.  
Roll Call
19. Resolution authorizing the City Manager to retain Dichter Law LLC for an amount not to exceed \$9,000 for professional fees and services regarding water rate increases.  
Roll Call
20. Authorization for the City Manager to engage Hodgson Russ, LLP for consulting services.  
Roll Call
21. Consideration to amend the 2023 City Council Meetings calendar to allow the budget presentation to take place on the Wednesday following the November 7<sup>th</sup> election. The second November Council Meeting and Budget Workshops will be adjusted accordingly. (See proposed calendar).

22. Appointments to Boards and Commissions by the Mayor with Council approval.
23. Old Business/New Business.
24. Adjournment

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The next regular meeting of the City Council will be held on Wednesday, February 15, 2023, at 6:30 p.m.

\*\* City Council meetings are available live on Cablevision Channel 75, Verizon Channel 39, and on the City Website, indexed by Agenda item, at [www.ryeny.gov](http://www.ryeny.gov)

***DRAFT UNAPPROVED MINUTES*** of the  
Regular Meeting of the City Council of the City of  
Rye held in City Hall on January 18, 2023, at 6:30  
P.M.

PRESENT:

JOSH COHN, Mayor  
LORI FONTANES  
CAROLINA JOHNSON  
JOSHUA NATHAN  
JULIE SOUZA  
Councilmembers

ABSENT:

BILL HENDERSON  
BENJAMIN STACKS  
Councilmembers

The Council convened at 6:00 P.M. and adjourned into Executive Session at 6:01 P.M. to discuss pending litigation, personnel matters, and pending contracts. The Council reconvened for the public meeting at 7:00 P.M. The meeting was held in person and streamed live at [www.ryeny.gov](http://www.ryeny.gov) for public viewing.

1. Pledge of Allegiance.

The Mayor led the Council in the Pledge of Allegiance.

2. Roll Call.

City Clerk Carolyn D'Andrea called the roll. Councilmembers Henderson and Stacks were absent, but there was a quorum present to conduct official City business.

Mayor Cohn said that a Rye resident and former councilmember brought to the Council's attention the 2020 passing of Rye native Rogers Johnson, who moved as an adult to New Hampshire, where he became a state legislator and president of the Seacoast National Association for the Advancement of Colored People. Mayor Cohn said that just past Martin Luther King Day, it seemed an appropriate moment to recognize Rogers Johnson as a worthy son of Rye.

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

The City Clerk confirmed there were two non-substantive typos that have been fixed. Councilwoman Souza made a motion, seconded by Councilwoman Johnson, to adopt the unapproved meetings of the Regular Meeting of the City Council held January 4, 2023.

4. Flooding Update.

Mayor Cohn said the Council had received confirmation from Washington that the City's budget with the U.S. Corp for an Army Corps CAP 205 program study of the Blind Brook Water Shed had been increased from \$350,000 to \$700,000. However, that does not eliminate the need for a state/local match, so the City must still work on that part of things. Mayor Cohn said that on January 19, 2023, some City employees will be going on a tour of Westchester Airport, which is at the very top of the Blind Brook Water Shed, and he was hopeful that there will be opportunity for vigorous Q&A about how water drains or doesn't drain from the airport.

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

Public Safety Commissioner Michael Kopy said his department had some additional policies that they were bringing forward and seeking adoption. The first policy was regarding personal protective equipment. It establishes a policy to ensure that the members have the proper equipment and to make sure that they are wearing what is approved for their safety and to ensure that the City is protected in case an individual gets injured. The second policy was an illness and injury prevention program intended to reduce the number and severity of injuries that may occur to a firefighter performing his or her duties. The third policy addressed nepotism and conflicting relationships, ensuring that there's no bias nor favoritism within the Fire Department ranks. The fourth policy concerned smoking and tobacco use because there was nothing on the books in the City of Rye Fire Department. Councilwoman Souza said she wanted to ensure that the fourth policy covered vapes, which it does.

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

City Manager Greg Usry said that the City, in any given year, invests on average between \$25 and \$30 million, which is the collection of taxes for the city and for periods of time the county and the school district, before expenses are paid. The City has approximately \$20 million that it is investing that is for bond proceeds from the bonds the city issued in February as well as the CAPEX reserve. The City has a substantial amount of money that is under investment. For the last several years, it has not really mattered because interest rates were non-existent, and the City was earning virtually nothing on those monies. Mr. Usry said with the change in the rates in the last nine months, there is substantial rate opportunity.

The City is governed by state law in terms of where it can invest its monies as well as by local policy, which was set by the Council over 20 years ago. Mr. Usry said that City Comptroller Joseph Fazzino suggested to him a month ago that the City expand the list of possible investment providers to include the liquid asset fund, AAA-rated investment account, utilized exclusively by municipalities, school districts, and the like. The City has a slightly higher interest rate because the investments are collected as a pool and there are various terms of need. None of the money can be invested for long periods of time, but some municipalities need the money invested for nine months, some for six, some overnight, some weekly.

Mr. Usry said as an example, instead of a passbook savings account at Webster Bank, which is where the City invests a lot of its money now at 1%, the liquid asset fund pooled investment with a little over 4%, which is much closer in line with where Federal funds and commercial paper and LIBOR T-bills are. The recommendation is not to put all of the City's money there because there are limitations in the policy of concentration, but to add this as an additional opportunity for the finance office to utilize, particularly in light of the City's bond proceeds. This would be a Council-approved addition to the policy. Mr. Usry said the NYLAF is permitted under the City's charter and supported by state law. He added that Scarsdale and Rye City School District are in the fund, along with a number of counties and municipalities throughout the state that are in the fund. All of the purchases are in compliance with state law.

Councilwoman Johnson made a motion, seconded by Councilwoman Fontanes, to authorize the addition of New York Liquid Asset Fund (NYLAF) as an authorized depository of the City of Rye.

**ROLL CALL**

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

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

City Engineer Ryan Coyne addressed the Council and public on the matter of the Salt Shed. He said the first thing his department has to do is get rid of some fill material in that location, so they are looking for authorization to begin that work. The work will be done by DPW staff, so the \$300,000 will cover the cost to dispose of the material and a rental fee of some bigger equipment so the DPW can move it more efficiently. He said his department wants to get started on site preparation before snowfall.

Councilwoman Fontanes said somebody had reached out to her and reported that My Rye had posted a picture of a salt shed which was not the salt shed the Council was talking about. Mr. Coyne replied that the picture on My Rye about this meeting's agenda is the picture of the existing city salt shed, which is the building that will be relocated. Mayor Cohn added that the new salt shed will have a completely different design.

Councilwoman Souza made a resolution, seconded by Councilman Nathan, authorizing \$300,000 of bond proceeds to be used to begin site preparation for the salt shed.

**ROLL CALL**

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

8. Presentation and public comment on Forest Avenue Sidewalk Project. Residents may email comments to [forestsiderwalks@ryeny.gov](mailto:forestsiderwalks@ryeny.gov).

Tony Christian, Creighton Manning, the City's consultant and project manager for the project, discussed the project. Mr. Christian said the project is the Forest Avenue Pedestrian Improvements Project. From 2010 to 2015, there was some public support for sidewalks along the project limits with a pedestrian improvement study done by Stantec, that did a safety study along the corridor. It looked at different alternatives, looked at vehicle counts, pedestrian counts. From there, the City went out and put in an application for funding to be able to construct the sidewalks.

In 2019, the TAP grant was accepted by the City Council for about \$1.48 million. That includes design, construction, and inspection. In 2022, the City hired Creighton Manning Engineering to do the design and get the project moving forward. This is a federally-funded project, which means the City needs to go through the DOT process required as part of the funding. The first step of the process is identify the project and obtain funding, which the city did successfully, and got that grant funding to be able to construct the sidewalks and hire a consultant, Creighton Manning.

Mr. Christian said his firm is in preliminary design, and the next step is obtain design approval. DOT will look at the preliminary design and the firm's full report, which includes environmental items, such as any wetlands that are impacted, which there are none here, endangered species, a SHIPPO analysis, as well as what alternatives the firm is working on, including the no alternative, and cost. Once the firm has design approval, it will enter the detailed design phase. This phase of the project will be more in depth about materials, what depth the sidewalk will be, and the like. At that point, the firm and the City will put the project out to bid and award it to a contractor for construction.

Mr. Christian said the project is to construct sidewalks on Forest Avenue from Apawamis to Manursing Avenue, and then on Manursing Avenue from Forest to Davis Avenue. He explained that it would be a concrete sidewalk, based on the firm's preliminary design. Based on the design it has, it falls within the project budget. The firm recommends putting in new granite curbing where constraints are the available space that it has to construct the sidewalks. The project includes some additional drainage improvements, including curbing and avoiding ponding along the roadway. There is also a proposed a midblock crossing at the synagogue on Boulder Avenue.

Mr. Christian further explained that the firm is proposing to put in a rectangular rapid-flashing beacon. Pedestrians will walk up to it when they want to cross the road, press the button, and it will start flashing. He said there was one that exists at Apawamis. The Boulder Avenue crossing would bring awareness to people crossing the roadway. The sidewalks are proposed to be located on the west side of Forest Avenue from Apawamis to Boulder. At Boulder, pedestrians would cross over and go to the east side of the roadway up to Manursing. Once the sidewalks get to Manursing, pedestrians would cross over the road and will stay on the north side of Manursing Avenue until they get to Davis Avenue, and the firm will put a crosswalk there so pedestrians can cross over to an existing sidewalk.

Councilwoman Souza asked if the flashing lights at Boulder Avenue would be enough. Mr. Christian replied that his firm was going to look at whether a raised crosswalk is warranted, and that will be part of their detailed design process, along with factors such as traffic volume and speeds. Raised crosswalks have the inherent nature of slowing down speeds, so it is something that the firm will be looking into as part of detailed design. Mr. Christian said a raised crosswalk is one that cars can still travel over it at 15 to 20 miles per hour. Raised sidewalks require advance signage to warn vehicles that there is one coming. Councilwoman Souza said she was most concerned about pedestrian safety. Mr. Christian said the rectangular rapid-flashing beacons are bright, which are great in the nighttime but not as effective in the daytime.

Mr. Christian said his firm looked at determining which side of the road the sidewalks would be constructed. The thought is to minimize the impact on private property. Further, they recommend trying to minimize impacts from utility poles, grading, and steep slopes. He said there was one utility pole that the firm might need to suggest relocating. The firm will need to look into right-of-way to be able to relocate those utility poles. Mayor Cohn asked who would pay for the utility work. Mr. Christian replied that the utility company would pay for it. He said that there may need to be an acquisition of an easement from the utility companies if there was not enough space. The firm would walk with the utility companies to best create a resolution, should anything need to be moved to accommodate the sidewalk.

Mr. Christian said past Boulder, there are no impacts from utility poles on the east side or grading and landscaping concerns. He said there are two sections that the firm will be carrying throughout. One is a curbed section, and one is an uncurbed section. The firm prefers to do uncurbed sections for the majority because that gets the sidewalk off the roadway and allows space for snow storage. Where the firm doesn't have that space, it prefers to put in a curbed section where the sidewalk is raised up 6 inches off the road and provides a physical barrier between the shoulder and the sidewalk.

Mr. Christian said that there is a mix-and-match of sidewalk design based on the different constraints that the City is faced with. The plan currently has a granite curb on the existing pavement edge with a 4 to 5-ft.-wide sidewalk. The DOT standard is a 5-ft.-wide sidewalk. There are some spaces where a property owner might have trees that they're concerned about that provide privacy to their property, and the firm wants to avoid impacts to those. The design will go down to 4 ft. where there are physical constraints, which still meets ADA compliance and DOT standards. If there is a stretch over 200 ft. long of 4-ft.-wide sidewalk, the firm needs to provide a 5-ft.-wide passing space. Presently there are some areas where the firm is looking to avoid trees and some other constraints where it will be going down to 4 ft. wide. The uncurbed sections consist of a sidewalk with a grass median strip, varying between 3 ft. wide and 5 ft. wide, to give enough space if there is any signage that needs to go in there and snow storage, and the design pulls the sidewalk off the roadway.

Mr. Christian said that some of the things that are in the right-of-way include driveway modifications. He said that the project would need to pull the sidewalk through some of the existing driveways. Some driveways have the stone curbing along it. The firm is going to be looking to minimize the disruption to private homeowners as much as possible. There will need to be some removal within city right-of-way where there is stone curbing to be able to have a



walkable path without a step for the general public so it's ADA complaint. Mr. Christian said they are looking to minimize vegetation disruption, such as tree removal. As part of the project right now, based on the constraints, there are about seven trees throughout the entire corridor that will need to be removed in order to accommodate the sidewalk. Along Forest Avenue, there are some decorative landscaping rocks that will need to be moved as part of putting in the sidewalks. The property owner would be given the option to keep them elsewhere on their property, or the consultant would remove them for the homeowner. Councilwoman Johnson said that the landscaping rocks are illegal within the City's right of way.

Mr. Christian said there is one property near Eve Lane that has a steep slope that lies along the road, and the firm is taking a close look at it during detailed design with their grading and modeling. There is a retaining wall on the back side. Part of the firm's detailed design includes taking a closer look at the retaining wall so it will not impact it with the sidewalk. The project may have to propose cutting into it, but will have to see what is underneath the ground at that retaining wall.

He explained that the DOT standard for drainage design is to design and do an analysis for a five-year storm. The design firm did a five-year storm and a 25-year storm, which is a larger storm, one that will happen every 25 years or so. The firm cannot reconstruct the entire drainage system that is out there. The firm is taking a look at where the existing low spots are along Forest Avenue. If there is existing ponding along Forest Avenue, the firm is looking into putting a catch basin or some kind of flood remediation. Where there is existing ponding where it could freeze and be slippery in the winter, the firm is looking into putting in catch basins there to be able to collect that water and put it into the system. The firm is looking to minimize drainage impacts on the surface as much as it can.

Mr. Christian said that they took a look at four different outlet points. Boulder Road had the largest flow of output of drainage. When the firm does its drainage analysis, it's on a perfectly clean system. He said it was hard to model it based on any sediment that is in there, which is why the firm's numbers are based on an ideal situation. A five-year storm shows Boulder Road existing 51.9% full. With the addition of sidewalks and the impervious area and the curbing, it's up to 59% full. There will be a slight increase because of the increase in impervious area. The sidewalks have a slight impact with a generally slight increase to the impervious area.

Mr. Christian discussed the study of the area with regard to both five year storms and 25-year storms. He stated that this type of project would not see a standard of design for a 100-year storm, which would cost the City a significant amount of money to accommodate. Mr. Christian explained that the project needs to have a SEQR determination. The next steps would be to have the City Council declare itself as the lead agent, as well as a referral to the LWRP to the Planning Commission, and at some point do have a SEQR determination as part of this project.

Mr. Christian said that the firm is in preliminary design, so the DOT hasn't seen a report yet. The firm wants to present the draft design report to the Council before submitting it to the DOT. DOT needs to review the report before approving anything. The firm would like to gather comments from the City to do any necessary revisions of the preliminary design before resubmitting it to the DOT. The firm needs federal authorization for detailed design. The firm

could be submitting the draft design report in the next couple of weeks. After that, it typically takes DOT about four to six weeks to review the report. During that time is when SEQR comes in. The firm needs to have a determination prior to submitting the final design report to DOT.

Councilwoman Fontanes expressed concern that the crosswalk at Manursing will not be able to be raised because it is at a corner. She seconded Councilwoman Souza's statement that the safety considerations are enormous. Mr. Christian said his firm's number-one goal is always safety.

Councilman Nathan asked how this project is being coordinated with the drainage project. Mr. Christian replied that there is no current project to redo the entire drainage along Forest Avenue. Councilwoman Souza asked City Engineer Coyne if this project overlapped with anything as Boulder was on the list that he was looking at. Mr. Coyne replied that his department has no more drainage work in this corridor to do as of now. The Boulder Road pipe through the properties was relined. More recently, the DPW increased the size of the pipe between Forest Avenue and Boulder Road. The majority of the corridor drains south past Apawamis Avenue to Adelaide Street and then out through Playland. The pipe that crosses Sanford and Roosevelt was replaced into Playland's parking lot with a larger pipe this summer by DPW. There is a small piece of drainage on the north end that drains Manursing Way that doesn't need to be replaced. Mr. Coyne said that there is no coordination of any drainage work on this project since the work was done already.

Councilwoman Johnson asked where the pipes go. Mr. Christian replied that the pipes are not going to be underneath the sidewalk. They will be running mostly along the curb line. There are existing drainage structures that are along the existing edge of pavement. The firm will be putting in more drainage structures along the edge of the pavement that will run parallel to the roadway that will connect into the existing system.

Councilman Nathan asked why the project is ending at Manursing and not going to Grace Church. Mayor Cohn replied that in terms of a loop to Midland School, the City will have largely accomplished that. He further explained that the last stretch at Grace Church has a huge amount of rock. Councilwoman Johnson said that the topography there is difficult and there are huge trees with large roots. Mayor Cohn said there was a relatively small population to be served at that point. Councilwoman Souza said she thought one could walk on the grass there.

Caitlin Layng, 4 Fieldstone Road, said she knew that the efforts to add sidewalks to this stretch of Forest Avenue were underway even before she moved to Rye. She thanked everyone involved, notably Kelsey Johnson, for keeping the project moving forward over the years. She was hopeful that the project will become a reality in 2023. She said she has two children who ride their bikes daily to Rye Middle School, and she walks her three other children who attend Midland School to and from school each day. She said walking this stretch of road feels precarious. She believes that Forest Avenue between Apawamis Avenue and Manursing is the only stretch of double-yellow-lined un-sidewalked roadway in Rye that possesses these three elements. It's within half a mile from school. It has a tremendous amount of traffic, averaging almost 6,000 cars per day as counted through the Stantec traffic survey, and has vehicles traveling at high rates of speed. Over half of the vehicles measured in that survey were traveling above 35 miles an hour. Over

900 cars measured in that survey per day travel in excess of 40 miles per hour. She said that fatality risk increases exponentially as cars drive faster than 30 miles per hour. She said that combined, these three attributes are literally an accident waiting to happen. She said she appreciates the fact that adding sidewalks to Forest Avenue imposes a burden on her neighbors. She believed that this is an urgent community safety concern that the City must immediately address.

Sam Oher, 60 Forest, said he will be impacted by this project. He said he lives on the corner of Forest and Manursing Avenue. He expressed that his biggest concern with the project is safety, particularly with the second proposed crosswalk to Davis, where there is no ability to have a stop sign or flashing lights. He reported that there is a blind spot in either direction on that road. He has three small children, and he is concerned also given the large amount of children in the neighborhood. Mr. Oher recommended reevaluating the safety measures around that crosswalk, such as moving the sidewalk to the other side of the street or not making it contiguous. He expressed concern that the drainage study was predicated on perfect systems. He said the design firm should consider extreme weather since he doesn't think that a 100-year storm is truly a 100-year storm.

Jeremy Friedman, 41 Manursing, said he lives on the corner of Davis and Manursing Avenue and has lived in Rye his entire life. As the parent of a young child, he would like to be able to walk him throughout the city safely. He finds walking Manursing Avenue dangerous. He reported that there is an incline, and drivers fly down that street. Under the proposed design, children will be invisible in the street to head-on traffic. He proposed putting the sidewalk on the other side of Manursing or not at all despite it seemingly being a better option for himself as a resident. He also expressed concern about the location of the crosswalk. He said it's probably the most dangerous place for the crosswalk in all of Rye. He said he has to maintain a mirror on his property for cars pulling out of his driveway.

Cory Geis of 77 Forest Ave., off the corner of Forest and Manursing Avenue, said his concerns were mostly with part of the area that is not near his home. He expressed concerns over the drainage study and potential issues with flooding. He also expressed concerns over pedestrian safety, and questioned the analysis that had been done. He maintained that placing sidewalks would encourage more pedestrian traffic and these sidewalks would be very close to the road. He mentioned that bicyclists use sidewalks even though they are supposed to ride on the streets. Mr. Geis said there were lots of crossings in this project, including one at Boulder, two at Manursing, and one at Davis, raising the possibility of injury.

Patricia Goldstein of 2 Manursing Way, at the corner of Forest and Manursing, said to her knowledge that there's never been an accident on Forest Avenue in the proposed route. She said it was the worst idea she's heard in a long time. She said she understands the project is for safety as well as access to Midland School. She found that the population in Rye is anticipated to rise only 1.4% in the next ten years. She said there is never a traffic jam on Forest Avenue except when the synagogue is populated. She said she represents 90% of the 54 families that are affected by this project, and they did not know that it was a fait accompli until they were told. She explained that she was looking maybe for a different approach, such as more police enforcement, all-ways stop controls, calming options, or site options. She said that people in the homes bordering the

sidewalk are responsible for cleaning the sidewalk. She said that the sidewalks on Forest Avenue near the drugstore are in such disrepair that people don't use them half the time.

Todd Smith of 241 Forest Ave. said he appreciated the safety concerns that everybody brought up at the meeting. He would like to see more law enforcement along that stretch of Forest where he sees speeding every day. He was surprised by Mr. Coyne's comments that the drainage issues along this particular stretch of Forest are completed. He asked if the proposed pipe that's going to go down along Forest Avenue from approximately Fieldstone to the synagogue was going to tie into the same pipe that Mr. Coyne's department recently made larger. Mr. Christian replied that the proposed plan includes the larger pipe.

Mr. Smith asked if the crowning of the road was also taken into consideration because there's water right now that comes right across Forest onto the opposite side. Mr. Christian replied that their drainage analysis, they have a topographic survey of the roadway. So if water is going all to one side, the firm knows if it's right down the middle of the road. If it splits and goes to both sides of the road, that's included in the analysis. He asked that the council consider the drainage issues because 89% in that pipe for a 25-year storm he thought was modest considering the flooding that they've seen at the corner of Boulder and Forest.

Mr. Geis of 77 Forest Ave. said liability transfers to the homeowner upon installation of a sidewalk. That includes snow removal but also physical liability, if anyone trips or falls or if a sidewalk buckles. He was curious about what type of warranty associated with an installation of a sidewalk, if there were buckling or cracking or something along those lines. He expressed concern about where the snow would be going. He said the transfer of liability did not make a lot of sense to him as a homeowner, and it concerned him in a particularly litigious society.

Mr. Friedman said he's lived in his current home for six-plus years and only found out about the proposed sidewalk project a couple of weeks ago, despite there being comments about homeowners being met with. He said he has a stone wall on his property. He said if one were to try to make the crossing at the proposed crosswalk, it is possibly the most dangerous spot for a crosswalk. He said the sidewalk should be on the other side. He said putting a raised sidewalk doesn't really help because drivers are going down the hill with such speed that by the time they get to a stoplight, a stop sign, or a flashing light, which may or may not be beneficial in the day, it's going to be too late.

Councilwoman Souza said she was assuming that public safety best practices are built into the design. Mr. Christian said at that specific crossing, the firm is going to be looking at that as part of the detail design. The preliminary design is just a layout of the sidewalks. The firm will be looking at sight distance as part of detailed design. Putting in a crosswalk is incrementally an upgrade to the intersection since there are people crossing there today. The firm will be taking a look at if there are any other improvements they can do at that intersection so that vehicles can see crossings. They can put in additional signage and are also considering pedestrian warning signs that are retro-reflective so one can see the signs beforehand. In advance of those additional signs, additional warning signs that the firm can look at that are the pedestrian walking signs with the plaque that says ahead below it, which gives the driver a notification that there is a crosswalk ahead, some kind of additional look ahead.

Katie Schmitz said she has lived at 4 Stonycrest Rd. for almost nine years. About eight years ago, she stood in front of the City Council asking for sidewalks. She was part of the initial petition. She has a child who will be attending kindergarten next year at Midland and an older child who is in third grade. She said she does not walk on Forest very often due to safety concerns. She believes the safety without the sidewalks is ten times worse. She is in support of the sidewalks, and she appreciates the hard work that the City Council and the government has put into this project.

Susan Drouin, 57 Morehead, said she is in support of the sidewalks. She is also an advocate for water quality and preserving the health of the Long Island Sound. She suggested with putting in this amount of impervious surface that the City might want to consider green infrastructure and that a great reference is New Haven, Connecticut for their bioswales and rain gardens next to their sidewalks. She said they help rainwater percolate down into the ground rather than run off into larger infrastructure, such as pipes. She said the statistic about Boulder Road intersection was concerning, and that it might be a great spot for a rain garden. She said there is a demo rain garden at the Rye Arts Center and encouraged the Council to check it out.

Mr. Oher said the house on the southwest corner of Manursing and Forest has basically taken every tree down within sight. He said he didn't realize that the City is not liable for utility poles from a cost perspective and that it's not as important an issue as safety.

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

There were no comments.

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

Mr. Usry said there has been over a period of time three intersections that have been identified by residents as being problematic, because they are not three-way stops even though there are three roads coming together. One is at Highland and Apawamis, the second is at Stuyvesant and Forest, and the third is at Westchester Country Club/Beach Club right next to the entrance of Manursing Island. The City has received regular comments from the Traffic and Pedestrian Safety Committee with regard to these locations. City Staff also studied the intersections from a traffic engineering standpoint and agreed that they do deserve three-way stops at each of those intersections.

Councilwoman Souza made a motion, seconded by Councilman Nathan, to set a public hearing for February 1, 2023 to adopt a local law amending Chapter 191, Article II "Traffic Regulations" of the Code of the City of Rye, by amending §191-12 "Stop intersections" to add three new stop signs at Forest Avenue at Van Wagenen Avenue, Highland Road westbound at Club Road and Van Rensselaer Road at Kirby Lane. The Council unanimously agreed.

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

Mr. Usry said in this vicinity that there are either sidewalks or there is no parking on one side of the street for almost all of those neighborhood blocks. There is parking currently permitted on both sides. There have been a handful of residents that have been persistent with TPS about asking for no parking on one side to allow pedestrians at least to walk on the side of the street. It would be consistent with the other blocks in that area. This was a matter that Assistant City Manager Brian Shea brought to Mr. Usry and Commissioner Kopy.

Councilwoman Souza made a motion, seconded by Councilwoman Johnson, to set a public hearing for February 1, 2023 to adopt a local law amending Chapter 191, Article III “Parking Regulations” of the Code of the City of Rye, by amending § 191-19 “No Parking Anytime.” to prohibit parking on the north side of Central Avenue between Maple Avenue and Summit Avenue. The Council unanimously agreed.

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

Corporation Council Kristen Wilson said on the most recent Board of Architectural Review agenda, the modification plan was approved. She stated that even though on the agenda, Airosmith was not present at the meeting this evening. She said the Council could legally close the public hearing and vote on the matter. However, Airosmith's absence would be justification to extend the shot clock. Councilwoman Souza said the façade detail is an issue. Ms. Wilson said Airosmith was informed about this meeting. Ms. Wilson suggested a motion to continue the hearing until February 1<sup>st</sup>.

Councilwoman Souza made a motion, seconded by Councilwoman Johnson, to continue the public hearing to consider an application from Airosmith Development engaged with AT&T to modify an existing facility located at 66 Milton Rd that does not substantially change the physical dimensions of the current facility. The Council unanimously agreed.

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

Mayor Cohn said that this includes an application to the BAR for an advisory opinion. This is under the City's new wireless law. This is discretionary and not mandatory. Ms. Wilson said her department made sure that it was able to be put on the BAR agenda in time for the February 1<sup>st</sup> meeting.

Councilwoman Souza made a motion, seconded by Councilwoman Johnson, to set a public hearing for February 1, 2023 for consideration of an application from AT&T to upgrade an existing public utility wireless communications services facility at 350 Theodore Fremd Ave. and refer the application to the BAR for an advisory opinion. The Council unanimously agreed.

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

Mr. Usry said this agenda item comes from the owner of the property where Row America is located, and they are replacing those docks. Starboard is offering the docks to the City, which Boat Basin Supervisor Rodrigo Paulino estimates to be about four years old. The Council is required, since the docks would become part of the assets of the City, to accept those by a roll call vote. Mr. Usry said Mr. Paulino agrees with the valuation that's included in the letter of approximately \$85,000 as the value of the materials. They are aging docks and things that must be replaced. Mr. Paulino will not have to go out of pocket to replace the docks. Councilman Nathan said the Boat Basin Commission met last night and they were very enthusiastic about this donation.

Councilman Nathan made a motion, seconded by Councilwoman Souza, to accept donation of a 4'x 60' Section of dock as well as (4) 3'x 20' finger docks to the Boat Basin from Starboard Properties, valued at \$85,000.

ROLL CALL

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

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

Mayor Cohn made the following appointments:

- Police Advisory Committee
  - Faisal Kahn, reappointed for a three-year term expiring 12/31/25
  - Patrick McGovern, reappointed for a three-year term expiring 12/31/25
- Traffic and Pedestrian Safety committee
  - Robert November, appointed for a three year term, expiring 12/31/25
  - Sun Matsui, appointed for three-year term, expiring 12/31/25
  - Jason Urtel, to fill the unexpired term expiring 12/31/24

16. Old Business/New Business.

There was no old business or new business items.

17. Adjournment

Councilwoman Souza made a motion, seconded by Councilwoman Johnson, to adjourn the City Council meeting at 8:20 P.M. The Council unanimously agreed.

Respectfully submitted,

Carolyn D'Andrea  
City Clerk





# CITY COUNCIL AGENDA

DEPT.: Mayor

DATE: February 1, 2023

CONTACT: Josh Cohn, Mayor

**AGENDA ITEM:**

Presentation of the John Carey Merit Award by the mayor to Lisa and Brian Dempsey.

**FOR THE MEETING OF:**

February 1, 2023

**RECOMMENDATION:**

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** Annual award presented by the mayor.



# CITY COUNCIL AGENDA

DEPT.: Mayor

DATE: February 1, 2023

CONTACT: Josh Cohn, Mayor

**AGENDA ITEM:**

Presentation of the Human Rights Commission awards.

**FOR THE MEETING OF:**

February 1, 2023

**RECOMMENDATION:**

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**



# CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: February 1, 2023

CONTACT: Greg Usry, City Manager

**AGENDA ITEM:** Flooding Update.

**FOR THE MEETING OF:**

February 1, 2023

**RECOMMENDATION:** That the City Council hear the update.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**



# CITY COUNCIL AGENDA

DEPT.: Fire Department

DATE: February 1, 2023

CONTACT: Michael A, Kopy, Commissioner of Public Safety

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

- Policy # 204 - Annual\_Planning\_Master\_Calendar
- Policy # 207 - Liability\_Claims
- Policy # 212 - Post-Incident\_Analysis
- Policy # 311 - Atmospheric\_Monitoring\_for\_Carbon\_Monoxide
- Policy # 400 - Fire\_Inspections
- Policy # 401 - Permits
- Policy # 402 - Code\_Enforcement

**FOR THE MEETING OF:**

February 1, 2023

**RECOMMENDATION:** Approval of the listed policies.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

Enhancement of the operational effectiveness of the Department.

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

See attached memo and new policies.

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



**CITY OF RYE**

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# Department of Public Safety

## Memorandum

To: Greg Usry, City Manager  
From: Michael A. Kopy, Public Safety Commissioner  
Date: 02/01/2023  
Re: Fire Department – Lexipol Policy

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

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

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

### **Policy 204 – Annual Planning Master Calendar**

The purpose of this policy is to ensure the development of a master schedule of annual activities that will assist with the overall planning and coordination of department resources, training and other activities.

### **Policy 207 – Liability Claims**

This policy provides guidelines for the management of all claims, including personal injury and property loss or damage, filed against the Department.



## **Policy 212 – Post-Incident Analysis**

The purpose of this policy is to establish a uniform Post-Incident Analysis (PIA) to identify strengths and weaknesses within the Department. This policy describes the various types of PIA that can be used in the evaluation of department performance. A PIA may also be used to identify equipment needs, staffing deficiencies and training needs. The information collected during the PIA process also may be useful in justifying future funding requests for equipment, personnel and/or training.

## **Policy 311 – Atmospheric Monitoring for Carbon Monoxide**

This policy establishes procedures for measuring atmospheric concentrations of carbon monoxide (CO) at an incident for the safety of members working in potentially hazardous conditions.

## **Policy 400 – Fire Inspections**

This policy provides guidance for the enforcement of fire codes through periodic inspection within Rye Fire Department's jurisdiction. Additionally, this policy establishes the minimum standards for inspection frequencies of certain buildings in the department's jurisdiction.

## **Policy 401 – Permit**

The purpose of this policy is to provide guidance for issuing permits that are required by the Fire Code and local ordinances.

## **Policy 402 – Code Enforcement**

The purpose of this policy is to establish the process by which the Rye Fire Department will enforce City fire and life-safety codes during inspections.



# Annual Planning Master Calendar

## 204.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure the development of a master schedule of annual activities that will assist with the overall planning and coordination of department resources, training and other activities.

### 204.1.1 DEFINITIONS

Definitions related to this policy include:

**Target hazard** - A building or occupancy that is unusually dangerous in terms of life loss, or that has a high potential for property damage. A target hazard is often the subject of a target hazard assessment and training by virtue of its potential to overload equipment and personnel resources; involve atypical hazards; require special technical advice; require a multi-agency response; involve complex firefighting operations; and have a significant impact on the community if the building or occupancy were destroyed.

## 204.2 POLICY

The Rye Fire Department will establish, update and maintain a master schedule of annual activities to facilitate the overall planning and coordination of activities and resources.

## 204.3 RESPONSIBILITIES

The Career Captain shall direct a Lieutenant to create and maintain a calendar that includes a schedule of all training required in compliance with state and federal regulations, required inspections and other significant activities. The calendar should include at a minimum:

- (a) All necessary National Incident Management System (NIMS) and New York State Public Employee Safety and Health (PESH) Bureau training.
- (b) Training required for maintaining competencies in job-specific duties and functions, including emergency response roles, the Incident Command System (ICS) and the New York State Office of Fire Prevention and Control (OFPC) training, in addition to hazardous material training, wildland interface training and target hazard training as required by federal, state and local law or regulatory agency. Training may include manipulative exercises, didactic classroom work and simulations.
- (c) An annual vehicle and equipment inventory.
- (d) An inspection and review of all plot plans and pre-fire plans.
- (e) Protective clothing inspections.
- (f) Self-contained breathing apparatus (SCBA) inspections and testing.
- (g) Hose and ladder inspection, including aerial inspections.
- (h) Vehicle and pump capacity inspection and testing.
- (i) Annual medical evaluation of personnel.

# Rye Fire Department

Policy Manual

## *Annual Planning Master Calendar*

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- (j) Annual quantitative and qualitative fit testing of respiratory protection devices.
- (k) All other training and inspections required by any federal, state or local agency.
- (l) Other matters that need to be tracked as directed.



## Liability Claims

### 207.1 PURPOSE AND SCOPE

This policy provides guidelines for the management of all claims, including personal injury and property loss or damage, filed against the Department.

### 207.2 POLICY

It is the policy of this department to evaluate and resolve claims in a timely manner, as appropriate.

### 207.3 RESPONSIBILITY

The Career Captain shall be designated as risk manager to receive, investigate and evaluate any claim for loss or damage received by the Department. The Career Captain will forward all claims to Corporation Counsel.

Any member of this department who becomes aware of any potential for a claim or lawsuit, or who receives a formal written claim against the Department, shall forward the information to the risk manager as soon as practicable.

The risk manager should ensure the claim meets the requirements of General Municipal Law § 50-e.

### 207.4 RESPONSE TO CLAIMS

The risk manager will proceed as directed by Corporation Counsel.

Corporation Counsel should ensure the claim is accepted or rejected. Notice of acceptance or rejection should be given to the claimant in writing.

## Post-Incident Analysis

### 212.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a uniform Post-Incident Analysis (PIA) to identify strengths and weaknesses within the Department. This policy describes the various types of PIA that can be used in the evaluation of department performance. A PIA may also be used to identify equipment needs, staffing deficiencies and training needs. The information collected during the PIA process also may be useful in justifying future funding requests for equipment, personnel and/or training.

### 212.2 POLICY

The PIA is a valuable tool to improve the overall operations of the fire service. It is the policy of this department to use the PIA as a tool for Incident Commanders (IC), Career Lieutenants, Shift Commanders and command staff to identify areas of strength and weakness within the Department on an incident-by-incident basis, for the purpose of continuous improvement.

The PIA may additionally be utilized in department-wide training to communicate continuous improvement of emergency scene operations and fireground safety.

#### 212.2.1 RESPONSIBILITIES

The ICs, Career Lieutenants, Shift Commanders and command staff have shared responsibility for the overall effectiveness of the PIA process.

The IC should informally analyze every incident to improve personnel, unit and system performance. After every major incident or special event, the IC should develop a PIA to determine strengths, weaknesses and lessons learned about the incident operation.

Anyone may request a PIA of a particular incident. Any PIA requests must be made through the chain of command.

Any significant safety issue that is identified in the PIA should be addressed immediately, if it was not already resolved prior to the PIA being completed. If appropriate, a report should be sent to the International Association of Fire Chiefs (IAFC) Near-Miss Reporting System on any significant safety issues.

### 212.3 POST-INCIDENT ANALYSIS

A PIA should be completed within 30 days of an incident and may result in recommendations for changes to procedures, staffing, equipment use, policy and/or training to better enable the Department to serve the community.

A PIA should include lessons learned from the observation of effective and efficient methods of mitigating a major incident. These include all strategic decisions, operational issues, built-in fire protection devices and anything else that assisted in mitigating the incident.

- (a) A PIA may include:
  1. Evaluation of the overall operational effectiveness.

## *Post-Incident Analysis*

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2. Evaluation of safety procedures.
  3. Evaluation of the success or failure of tactical objectives.
  4. Evaluation of the application and effectiveness of policies and/or procedures.
  5. Specific knowledge that might be beneficial.
- (b) The information gained from a PIA should be used by Lieutenants and staff teams to:
1. Reinforce the incident management system.
  2. Evaluate current training programs and/or identify training needs.
  3. Evaluate current policies and procedures.
  4. Identify and prioritize planning needs for the future.
  5. Identify equipment problems/concerns.
  6. Evaluate fire prevention inspection and public education effectiveness.

### **212.4 TYPES OF POST-INCIDENT ANALYSIS**

#### **212.4.1 HOT WASH**

An incident “hot wash” should be performed at the incident scene prior to the release of equipment or personnel. A hot wash is a meeting of all involved personnel on-scene. It is an informal briefing of the incident, the actions taken and problems encountered. An IC may present an analysis with key companies or crews while they are on-scene. The advantage to this is that crews are present and all aspects of the call are still fresh. One disadvantage to a hot wash might occur at medical incidents, when some members may be caring for patients and are unable to participate.

If the analysis takes place while on-scene, it is the responsibility of the IC to:

- Meet in a safe area, even if it requires relocating to another area.
- Ensure that the meeting area is inaccessible by the public and media.
- Consider the impact of company downtime.
- Consider public perception.

#### **212.4.2 INFORMAL PIA**

An informal PIA is used following smaller multi-company incidents, such as structure fires, medical incidents or special operations incidents. The IC or a designated representative should arrange for and conduct the informal analysis.

#### **212.4.3 COMPANY-LEVEL PIA**

A company-level PIA is highly encouraged and should be a standard communication tool for all Lieutenants. It is appropriate for significant incidents involving single companies as well as multiple-company stations where more than one company participated in the incident.

# Rye Fire Department

## Policy Manual

### *Post-Incident Analysis*

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Company-level analysis promotes unity and teamwork, enhances communication, improves company performance and is a useful tool for evaluating the health and welfare of crew members following certain traumatic incidents. A company-level PIA can take place while at the fire station or any location that provides privacy.

#### 212.4.4 FORMAL PIA

- (a) A formal PIA should be conducted following all:
  - 1. Multiple-alarm structure fires.
  - 2. Multiple-alarm brush fires.
  - 3. Multiple-alarm Emergency Medical Service (EMS) incidents.
  - 4. Multiple-alarm special operations incidents.
  - 5. Major disaster drills.
  - 6. Unusual incidents identified by the IC or other staff officers.
- (b) A formal PIA should be considered for:
  - 1. A building fire in which three or more rooms are severely damaged by fire, a high-rise structure or where unusual extinguishment problems existed.
  - 2. Any incident in which an unusual event occurs (e.g., explosion, collapse).
  - 3. Any fire resulting in a fatality.
  - 4. Any fire resulting in injury to firefighters that is serious enough to require transport to a medical facility.
  - 5. Any "close call" incident where firefighters could have been injured.
  - 6. Any hazardous materials incident with multi-company involvement.
  - 7. Any specialty rescue operation with multi-company involvement.
  - 8. Any incident, at the IC's discretion or at the request of a Lieutenant.
- (c) The Training Lieutenant is responsible for scheduling and facilitating the presentation of all formal PIAs. This will include:
  - 1. Setting a presentation date and location within three days (whenever possible) of the incident.
  - 2. Supervising the completion of an incident analysis packet that should include a summary of the incident, drawings and identification of any lessons learned.
  - 3. Developing a written After Action Report (AAR) summarizing the PIA and submitting it to the Career Captain for approval and distribution.
  - 4. Notifying Shift Commanders.
  - 5. Coordinating/scheduling with other departments or outside agencies that worked the incident.
  - 6. Arranging move-up and/or cover companies from other departments.

# Rye Fire Department

## Policy Manual

### *Post-Incident Analysis*

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The Shift Commander is responsible for notifications to all members of the shift who are scheduled to attend the PIA. All members should be notified within one week if a formal PIA is being arranged to allow them to prepare or gather any necessary documentation.

Copies of the AAR should be posted at each fire station for all personnel to review.

A copy of all PIAs and AARs shall be forwarded to the Career Captain for approval prior to distribution, including any determinations or conclusions reached through the PIA presentations.

# Atmospheric Monitoring for Carbon Monoxide

## 311.1 PURPOSE AND SCOPE

This policy establishes procedures for measuring atmospheric concentrations of carbon monoxide (CO) at an incident for the safety of members working in potentially hazardous conditions.

### 311.1.1 DEFINITIONS

Definitions related to this policy include:

**Calibration** - The process of resetting the values for each sensor in the instrument.

**Spanning** - The process of using the calibration gasses to check the calibration of the instrument, also known as bump testing.

## 311.2 POLICY

Exposure to CO can be hazardous to the health of those exposed. It is the policy of the Rye Fire Department to mitigate the health risks associated with exposure to CO by its members and the public.

## 311.3 RESPONSIBILITIES

Career Lieutenants should ensure that atmospheric monitoring instruments are spanned or calibrated to manufacturer's specifications on a monthly basis, if they have not been used, and prior to use.

The instruments should be stored in operating condition.

The Incident Commander or the authorized designee is responsible for monitoring atmospheric concentrations of CO at any location containing or suspected of containing elevated levels of CO.

## 311.4 PROCEDURES

Carbon monoxide may be present as a by-product of combustion, an emission from internal combustion engines, a chemical reaction or a leak from an industrial process. Carbon monoxide has approximately the same vapor density as air. When measuring for atmospheric concentrations of CO at an incident, instruments do not have to be placed near the floor or ceiling to obtain accurate readings.

Positive pressure ventilation may be used to reduce the CO concentration, as well as the presence of other toxic gases in the atmosphere.

All members shall use self-contained breathing apparatus (SCBA) in any atmosphere containing 35 parts per million or greater of CO. An atmospheric concentration of CO that is below 35 parts per million does not necessarily indicate an adequate level of oxygen or eliminate the possibility of other toxic gases or products of combustion being present.

# Rye Fire Department

## Policy Manual

### *Atmospheric Monitoring for Carbon Monoxide*

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Members shall also use an SCBA in any atmospheric concentration of CO that is below 35 parts per million where there is also the presence of visible smoke, and in any atmosphere containing less than 19.5 percent oxygen (29 CFR 1910.134; 12 NYCRR § 800.3).

#### **311.5 EMERGENCY MEDICAL TREATMENT**

A person with acute CO exposure may exhibit the signs and symptoms of headache, flushing, nausea, vertigo, weakness, irritability, unconsciousness, and in persons with pre-existing heart disease and atherosclerosis, chest pain and leg pain.

An affected or incapacitated person should be removed from further exposure and have appropriate emergency medical procedures implemented, including any listed on the Safety Data Sheet (SDS) for CO.

All personnel with the potential for becoming exposed to CO or being present during an exposure should be familiar with emergency procedures, the location and proper use of emergency equipment, and the methods of protecting themselves during rescue operations.

#### **311.6 DOCUMENTATION**

Each time an atmospheric monitoring instrument is spanned or calibrated, the testing will be entered on a log. The log should be submitted to a Career Lieutenant once a month and retained in accordance with the established records retention schedule. The log documents will serve as a history of an instrument's performance.

## Fire Inspections

### 400.1 PURPOSE AND SCOPE

This policy provides guidance for the enforcement of fire codes through periodic inspection within Rye Fire Department's jurisdiction. Additionally, this policy establishes the minimum standards for inspection frequencies of certain buildings in the department's jurisdiction.

### 400.2 POLICY

The Rye Fire Department is committed to improving public safety through the enforcement of building standards relating to fire and public safety as adopted by the New York State Fire Prevention and Building Code Council and published in the Fire Code, and any other regulations or ordinances that have been formally adopted by the New York State Office of Fire Prevention and Control (OFPC) or the City for the prevention of fire or the protection of life and property against fire (Executive Law § 377; Executive Law § 381; 19 NYCRR § 1225.2; 19 NYCRR § 1203.1 et seq.).

### 400.3 RESPONSIBILITIES

The Career Captain or the authorized designee shall develop a periodic inspection program based on the risks to life and property for occupancies within the Rye Fire Department's jurisdictional boundaries. The inspection program will comply with the Fire Code and any local amendments or ordinances specific to the City. The department fire inspection program will be administered by the Fire Prevention Bureau under the responsibility of the Career Captain.

### 400.4 INSPECTION PROGRAM GUIDELINES

The Career Captain should develop an inspection program based on community risk reduction through education and enforcement. Inspections should be identified by risk, hazard, occupancy, frequency, and required state law and local code or ordinance (19 NYCRR § 1203.3).

### 400.5 HAZARDOUS OCCUPANCIES

Facilities that handle, store, or use hazardous materials should be inspected for compliance with applicable provisions of federal and New York law as well as the accuracy of any required hazardous materials management plan (19 NYCRR §1225.2). Facilities that are required to submit a hazardous materials management plan should be inspected annually.

### 400.6 CONDUCT OF INSPECTIONS

If a building or premise to be inspected is occupied, the inspector shall present credentials to the occupant and request entry. If the building or premise is unoccupied, the inspector shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premise and request entry (19 NYCRR § 1203.3).

If no permission to enter is granted, the inspector should work with legal counsel to secure entry in a manner provided by law, such as obtaining an administrative search warrant.



*Fire Inspections*

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**400.7 INSPECTION FEES**

Fees or assessments associated with fire inspections are governed by the City Council.

## Permits

### 401.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for issuing permits that are required by the Fire Code and local ordinances (Executive Law § 377; 19 NYCRR § 1225.2).

### 401.2 POLICY

In order to provide for the safety of the community, it is the policy of the Rye Fire Department that permit requirements are appropriately observed and enforced (19 NYCRR § 1202.4).

### 401.3 PERMIT PROCESS

A list of permits requiring approval should be available to the public and upon request. The Department shall provide adequate guidance to assist the public in obtaining approval for a particular permit.

An inspection may be conducted prior to permit issuance.

A permit does not constitute authority to violate, cancel or set aside any of the provisions of the Fire Code or other applicable regulations.

#### 401.3.1 PERMIT APPLICATIONS

Applications for permits should be submitted to the Career Captain or the authorized designee and should include adequate documentation of the intent to comply, including, but not limited to:

- A site plan showing the location of storage, use, handling or processes associated with the permit.
- The floor plan approved by the Rye Fire Department depicting the storage of hazardous materials and the use of equipment or processes, including proof of compliance with all applicable codes and standards.
- A current hazardous materials emergency plan, if applicable.
- A chemical classification inventory as prescribed by General Municipal Law § 209-u.
- Additional information as required by the Career Captain or designee.

#### 401.3.2 PERMIT FEES

Permit fees should be collected at the time of application. The fees are established by the state and City governing body and are applicable to each permit application.

#### 401.3.3 PERMIT ISSUANCE

A permit may be issued for a specific or an indefinite period of time, depending on the circumstances. A permit may be extended upon showing good cause if the permittee applies for an extension in writing before the expiration of the permit. A permit is not transferable. Any change in ownership, operation, occupancy or use shall require a new permit.

# Rye Fire Department

## Policy Manual

### *Permits*

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Construction permits shall automatically become invalid unless the work authorized by such permit is commenced within 180 days after its issuance. If the work is suspended or abandoned for a period of 180 days after the time the work is commenced, the permit shall become invalid.

All permits shall bear the signature of the Career Captain or the authorized designee and contain a general description of the operation or occupancy and its location.

#### **401.4 SITE REQUIREMENTS**

Permits should be posted in a visible location at the permitted premises or in a location approved by the Career Captain or the authorized designee. Permits are subject to inspection at any time by any firefighter or authorized designee acting in an official capacity.

#### **401.5 SUSPENDED OR REVOKED PERMITS**

Permits may be suspended or revoked any time it is determined that:

- The permit is being used by someone other than the person who was issued the permit.
- The permit is being used at a location other than the permitted location.
- Any condition of the permit has been violated.
- The work being performed is out of compliance with applicable code requirements.
- The permit was obtained by the use of false statements on the application.
- The issuance of the permit was an error or in violation of a regulation, code or law.

#### **401.6 REQUIRED OPERATIONAL PERMITS**

Permits are generally required for all items, locations, and activities as described in the Fire Code (Executive Law § 377; 19 NYCRR § 1225.2).

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## Code Enforcement

### 402.1 PURPOSE AND SCOPE

The purpose of this policy is to establish the process by which the Rye Fire Department will enforce City fire and life-safety codes during inspections.

### 402.2 POLICY

It is the policy of the Rye Fire Department to use inspections to help reduce the risk of injury or death due to fire and life-safety code related violations, and increase the safety of building occupants, the community and emergency responders.

### 402.3 PROCEDURE

The Rye Fire Department may issue correction notices when violations of the Fire Code or local ordinances are found during fire and life-safety inspections.

Any violation determined by an inspector to pose an immediate fire danger or threat to life-safety should be referred to the Career Captain as soon as practicable.

#### 402.3.1 INITIAL INSPECTIONS

An initial inspection should be made to determine if any violations exist and identify the code sections violated. A notice of correction should be issued for violations. The written correction notice should describe the conditions deemed to be unsafe, identify the code section violated and, when compliance is not immediate, specify a time for re-inspection, typically to occur within two weeks. This time frame may be adjusted at the inspector's discretion and based on the type of violation.

All inspections, meetings and telephone conversations should be documented and an inspection report completed including names, telephone numbers, dates, violations and any other pertinent information related to the inspection. All documentation should be maintained in an inspection file.

A copy of the inspection report will be provided to the responsible party.

#### 402.3.2 RE-INSPECTIONS

Violations that pose an immediate hazard to life or property should be corrected before the inspector leaves the premises (e.g., a required exit being chained or locked).

All other violations should be corrected by the date identified in the correction notice for re-inspection.

Generally, no more than two re-inspections should be conducted before escalating the process as provided in this policy.

#### 402.3.3 TIME EXTENSIONS FOR COMPLIANCE

An inspector may extend the compliance period if reasonable progress is being made toward correcting the violation, or if a plan is established for completion and life and property are not being

## *Code Enforcement*

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compromised. Extensions should only be granted when the inspector believes there is a high probability of obtaining complete compliance. The inspector may request the responsible person submit a statement in writing, detailing the reason for the extension and the new compliance date.

### 402.3.4 FINAL NOTICES

An Order to Remedy in a form that is in compliance with New York law shall be used as the last warning notice issued prior to civil or criminal action. The Order to Remedy must clearly note that the necessary corrections, modifications or improvements must be accomplished within 30 days of the order or legal penalties may be sought. Issuance of the Order to Remedy is required prior to initiating legal action (19 NYCRR § 1203.5).

An Order to Remedy must be provided to the violator personally or by certified or registered mail within five days of the date of the order and must include (19 NYCRR § 1203.5):

- The date of the order.
- The date by which the violator must correct the violation.
- The written statement required by 19 NYCRR § 1203.5.



# CITY COUNCIL AGENDA

DEPT.: Public Safety

DATE: February 1, 2023

CONTACT: Michael A, Kopy, Commissioner of Public Safety

**AGENDA ITEM:** Consideration of proposed revisions of the Rules and Regulations of the City of Rye Police Department: Policy # 343 - Community Relations

**FOR THE MEETING OF:**

February 1, 2023

**RECOMMENDATION:** Approval of the listed General Orders.

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

## BACKGROUND:

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.

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



**CITY OF RYE**

Tel: (914) 967-1234  
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E-mail: [mkopy@ryeny.gov](mailto:mkopy@ryeny.gov)  
<http://www.ryeny.gov>

# Department of Public Safety

## Memorandum

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To: Greg Usry, City Manager  
From: Michael A. Kopy, Public Safety Commissioner  
Date: 02/01/2023  
Re: Police Department – Lexipol Policy

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Reference the captioned subject, the attached policy is being forwarded for review.

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

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

### **Policy 343 – Community Relations**

The purpose of this policy is to provide guidelines for community relationship building.



# Community Relations

## 343.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for community relationship-building.

Additional guidance on community relations and outreach is provided in other policies.

## 343.2 POLICY

It is the policy of the Rye Police Department to promote positive relationships between department members and the community by treating community members with dignity and respect and engaging them in public safety strategy development and relationship-building activities, and by making relevant policy and operations information available to the community in a transparent manner.

## 343.3 MEMBER RESPONSIBILITIES

Officers should, as time and circumstances reasonably permit:

- (a) Make casual and consensual contacts with community members to promote positive community relationships (see the Contacts and Temporary Detentions Policy).
- (b) Become reasonably familiar with the schools, businesses and community groups in their assigned jurisdictional areas.
- (c) Work with community members and the department community relations coordinator to identify issues and solve problems related to community relations and public safety.
- (d) Conduct periodic foot patrols of their assigned areas to facilitate interaction with community members. Officers carrying out foot patrols should notify an appropriate supervisor and the Desk of their status (i.e., on foot patrol) and location before beginning and upon completion of the foot patrol. They should also periodically inform the Desk of their location and status during the foot patrol.

## 343.4 COMMUNITY RELATIONS COORDINATOR

The Commissioner of Public Safety or the authorized designee should designate a member of the Department to serve as the community relations coordinator. He/she should report directly to the Commissioner of Public Safety or authorized designee and is responsible for:

- (a) Obtaining department-approved training related to his/her responsibilities.
- (b) Responding to requests from department members and the community for assistance in identifying issues and solving problems related to community relations and public safety.
- (c) Working with community groups, department members and other community resources to:
  - (a) Identify and solve public safety problems within the community.



## *Community Relations*

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- (b) Organize programs and activities that help build positive relationships between department members and the community and provide community members with an improved understanding of department operations.
- (d) Working with the Patrol Division Commander to develop patrol deployment plans that allow officers the time to participate in community engagement and problem-solving activities.
- (e) Recognizing department and community members for exceptional work or performance in community relations efforts.
- (f) Attending City council and other community meetings to obtain information on community relations needs.
- (g) Informing the Commissioner of Public Safety and others of developments and needs related to the furtherance of the department's community relations goals, as appropriate.

### **343.5 COMMUNITY AND YOUTH ACTIVITIES AND PROGRAMS**

The community relations coordinator should assist with programs and activities that create opportunities for department members and community members, especially youth, to interact in a positive setting.

### **343.6 INFORMATION SHARING**

The community relations coordinator should work with the Public Information Officer to develop methods and procedures for the convenient sharing of information (e.g., major incident notifications, significant changes in department operations, comments, feedback, positive events) between the Department and community members. Examples of information-sharing methods include:

- (a) Community meetings.
- (b) Social media (see the Department Use of Social Media Policy).
- (c) Department website postings.

### **343.7 COMMUNITY ADVISORY COMMITTEE**

The Commissioner of Public Safety should establish a committee of volunteers consisting of community members, community leaders and other community stakeholders (e.g., representatives from schools, churches, businesses, social service organizations). The makeup of the committee should reflect the demographics of the community as much as practicable.

The committee should convene regularly to:

- (a) Provide a public forum for gathering information about public safety concerns in the community.
- (b) Work with the Department to develop strategies to solve public safety problems.

## *Community Relations*

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- (c) Generate plans for improving the relationship between the Department and the community.
- (d) Participate in community outreach to solicit input from community members, including youth from the community.

The Patrol or Detective Lieutenant should arrange for initial and ongoing training for committee members on topics relevant to their responsibilities.

The Commissioner of Public Safety may include the committee in the evaluation and development of department policies and procedures and may ask them to review certain personnel complaints for the purpose of providing recommendations regarding supervisory, training or other issues as appropriate.

### **343.8 TRANSPARENCY**

The Department should periodically publish statistical data and analysis regarding the department's operations. The reports should not contain the names of officer, suspects or case numbers. The community relations coordinator should work with the community advisory committee to identify information that may increase transparency regarding department operations.

### **343.9 TRAINING**

Subject to available resources, members should receive training related to this policy, including training on topics such as:

- (a) Effective social interaction and communication skills.
- (b) Cultural, racial and ethnic diversity and relations.
- (c) Building community partnerships.
- (d) Community policing and problem-solving principles.
- (e) Enforcement actions and their effects on community relations.

Where practicable and appropriate, community members, especially those with relevant expertise, should be involved in the training to provide input from a community perspective.



# CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: February 1, 2023

CONTACT: Greg Usry, City Manager

**AGENDA ITEM:**

Resolution to adopt new Rye Recreation fees (resident and non-resident) to rent the amphitheater.

**FOR THE MEETING OF:**

February 1, 2023

**RECOMMENDATION:**

RESOLVED that the Council adopts the new fees to rent the amphitheater.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** See attached memo from Rye Recreation Superintendent Erin Mantz.

Erin Mantz  
Recreation Superintendent  
Rye, New York 10580



CITY OF RYE

Tel: (914) 967-2535  
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E-mail: [recreation@ryeny.gov](mailto:recreation@ryeny.gov)  
<http://www.ryeny.gov>

# Recreation Department

## Memorandum

To: Greg Usry, City Manager  
From: Erin Mantz, Recreation Superintendent  
Date: 1/25/2023  
Re: 2023 Amphitheater Fees

The Recreation Commission met on Monday, January 23, 2022 and adopted the following fees for the 2023 rental season.

	<u>Resident Hourly Rate</u>	<u>Non-resident Hourly Rate</u>
Amphitheater- 75 people and under	\$150.00	\$300.00
Amphitheater- 76 people and over	\$250.00	\$400.00

Superintendent has discretionary authority to adjust hourly rate for commercial/business rentals and or Non-for-Profit Rye based fundraising rentals.

The commission and I feel this is a fair price for the space. We will monitor and track the rental requests that we receive. If we find adjustments need to be made we will revisit and request approvals.

If any additional information is required I will be happy to provide it.

Thank you in advance for your consideration and approval.





# CITY COUNCIL AGENDA

DEPT.: Finance

DATE: February 1, 2023

CONTACT: Joseph Fazzino, Deputy Comptroller

**AGENDA ITEM:**

Resolution to amend the City of Rye's Investment Policy.

**FOR THE MEETING OF:**

February 1, 2023

**RECOMMENDATION:** RESOLVED that the Council amends the City's investment policy.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** See attached memo and changes from Deputy Comptroller, Joe Fazzino.

Joseph Fazzino  
Deputy Comptroller  
1051 Boston Post Road  
Rye, New York 10580



Tel: (914) 967-7303  
E-mail: [jfazzino@ryeny.gov](mailto:jfazzino@ryeny.gov)  
<http://www.ryeny.gov>

## CITY OF RYE Finance Department

### Inter-Office Memorandum

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**To:** Mayor Cohn and Rye City Council

**From:** Joe Fazzino, Deputy Comptroller

**Date:** January 26, 2023

**Re:** Update to City's Cash Management and Investment Policy Scope

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Following the addition of New York Liquid Asset Fund (NYLAF) to the City's Authorized Financial Institutions and Dealers, the Manager's Office and Finance Office reviewed the City's Cash Management and Investment Policy Scope, and made a few additional changes. Please see the attached, proposed policy.

The main change to the policy is to update the investment thresholds pertaining to Cooperative Investment Programs. The current policy allows for no more than 55% of the overall portfolio to be invested in these programs. This has been the policy in place for over twenty years, prior to my arrival. With the addition of NYLAF, the City now has the ability to invest in two cooperative investment programs, with New York Cooperative Liquid Asset Securities System (NYCLASS), a City resource for many years, being the other. These programs currently yield the highest rates of return on investment available to the City.

The proposed policy change increases the threshold for investment in cooperative investment programs to 75% of the overall portfolio and no more than 40% of the overall portfolio may be invested in a single program. While this change will allow the City to invest additional funds in cooperative investment programs, resulting in a greater return on investment, it still adheres to the primary objectives of the City's Cash Management and Investment policy to conform with all applicable federal, state and other legal requirements (legality), to adequately safeguard principal (safety), to provide sufficient liquidity to meet all operating requirements (liquidity), as well diversifying its deposits and investments by financial institution, by investment instrument, and by maturity schedule.

Removing banks that the City no longer uses or no longer exist from the list of the City's Authorized Financial Institutions and Dealers, and other minor changes represent the overall change to the Cash Management and Investment Policy Scope.

## ***Cash Management and Investment Policy Scope***

### ***Scope***

This cash management and investment policy applies to all money and other financial resources available to the City of Rye for deposit and/or investment on its own behalf or on behalf of any other entity or individual.

### ***Objectives***

The primary objectives of the City's cash management and investment activities are, ~~in order of priority:~~

- To conform with all applicable federal, state and other legal requirements ~~(legality);~~
- To adequately safeguard principal ~~(safety);~~
- To provide sufficient liquidity to meet all operating requirements ~~(liquidity), and;~~
- To obtain a reasonable rate of return ~~(yield).~~

### ***Delegation of Authority***

In accordance with City Charter §C10-2, responsibility for administration of the cash management and investment program is delegated to the City Comptroller, who shall establish written procedures for the operation of the cash management and investment program consistent with these cash management and investment guidelines. Such procedures shall include an internal control structure adequate to provide an satisfactory-appropriate level of accountability, maintaining records incorporating descriptions and amounts of investments, transaction dates, and other relevant information, and regulating the activities of subordinate employees.

### ***Prudence***

All participants in the cash management and investment process shall act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the City.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.

All participants involved in the cash management and investment process shall refrain from personal business activity that could conflict or appear to conflict with the proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

### ***Diversification***

It is the policy of the City to diversify its deposits and investments by financial institution, by investment instrument, and by maturity scheduling.

The following diversification limitations shall be imposed on the City's portfolio of deposits and investments:

- ~~Institution~~—No more than 55% of the overall portfolio may be deposited in a single bank, except in the case of money center banks, for which the limit is 75%.
- ~~In the case of cooperative investment programs, no more than 40% of the overall portfolio may be held by a single program and no more than 75% of the total may be invested in these programs~~

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~~Instrument:~~

- ~~No more than 55% of the overall portfolio may be invested in cooperative investment programs, and,~~
- No more than 25% of the overall portfolio may be invested in the securities of a single issuer, except the U.S. Treasury.

Maturity:

- No more than 10% of the portfolio may have a maturity beyond twelve months;
- The average maturity of the portfolio shall never exceed one year, ~~and,~~
- At least 10% of the portfolio shall be invested in overnight instruments or marketable securities that can be sold to raise cash on one business day's notice-

**Internal Controls**

It is the policy of the City for all money collected by any officer or employee of the City to transfer those funds to the City Comptroller as soon as is practicable, but in any event within one business day of receipt, or within the time period specified by law, whichever is shorter.

The City Comptroller is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization and recorded properly, and that deposits and investments are managed prudently and in compliance with applicable laws and regulations.

**Designation of Depositories**

The banks and trust companies authorized for the deposit of money are as follows:

~~Capital One Bank~~  
Customers Bank  
~~Cutwater Cooperative Liquid Asset Securities System (CLASS)~~  
~~Chase Investment Services Corp.~~  
Citibank, N.A.



HSBC Bank USA  
 JPMorgan Chase Bank  
[New York Cooperative Liquid Asset Securities System \(NYCLASS\)](#)  
[New York Liquid Asset Fund](#)  
~~Peoples United Bank~~  
 TD Bank  
 Webster Bank  
~~Wells Fargo~~

Banks and trust companies holding City deposits must meet or exceed the following rating requirements of at least one of the nationally recognized statistical rating organizations (“NRSRO”) listed below for long-term debt (debt having a term of one year or more):

<u>NRSRO</u>	<u>Long-Term Debt Rating</u>
Moody's Investors Services	A
Standard & Poors	A
Fitch	A

The City Council shall review and approve this list at least annually.

***Collateralizing of Deposits***

In accordance with the provisions of General Municipal Law §10, all deposits of the City, including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured by any one or combination of the following:

1. By a pledge of eligible securities with an aggregate market value equal to the aggregate amount of deposits, from one of the following categories:
  - Obligations issued by the United States of America, an agency thereof or a United States government sponsored corporation or obligations fully insured or guaranteed as to the payment of principal and interest by the United States of America, an agency thereof or a United States government sponsored corporation.
  - Obligations issued or fully guaranteed by the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, and the African Development Bank.
  - Obligations partially insured or guaranteed by any agency of the United States of America, at a proportion of the market value of the obligation that represents the amount of the insurance or guaranty.
  - Obligations issued or fully insured or guaranteed by New York State, obligations issued by a municipal corporation, school district or district corporation of New York State or obligations of any public benefit corporation which under a specific state statute may be accepted as security for deposit of public moneys.

- Obligations issued by states (other than New York State) of the United States rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- Obligations of Puerto Rico rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- Obligations of counties, cities and other governmental entities of another state having the power to levy taxes that are backed by the full faith and credit of such governmental entity and rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- Obligations of domestic corporations rated in one of the two highest rating categories by at least one nationally recognized statistical rating organization.
- Any mortgage related securities, as defined in the Securities Exchange Act of 1934, as amended, which may be purchased by banks under the limitations established by federal bank regulatory agencies.
- Commercial paper and bankers' acceptances issued by a bank (other than the bank with which the money is being deposited or invested) rated in the highest short-term category by at least one nationally recognized statistical rating organization and having maturities of not longer than sixty days from the date they are pledged.
- Zero-coupon obligations of the United States government marketed as "Treasury STRIPS".

There must be diversification of the collateral securing deposits, except where the deposits aggregate less than \$2,000,000 or the security is in the form of obligations of the U.S. Government or State of New York.

Eligible securities must meet or exceed the following rating requirements of at least one of the nationally recognized statistical rating organizations ("NRSRO") listed below:

<u>NRSRO</u>	<u>Long Term Debt (a)</u>	<u>Short Term Debt (b)</u>
Moody's Investors Service	A1	P-1
Standard & Poors	A+	A-1
Fitch	A+	F-1

(a) Securities with an original term of one year or longer.

(b) Obligations usually defined as less than one year.

2. By an eligible irrevocable letter of credit issued by a qualified bank, other than the bank with the deposits in favor of the City for a term not to exceed 90 days, with an aggregate value equal to 140% of the aggregate amount of deposits and the agreed upon interest, if any. A qualified bank is one whose commercial paper and other unsecured short-term debt obligations meets the rating requirements of at least one nationally recognized statistical rating organization as heretofore described or by a bank that is in compliance with applicable federal minimum risk-based capital requirements.

3. By an eligible surety bond payable to the City for an amount at least equal to 100% of the aggregate amount of deposits and the agreed upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims - paying ability meets the rating requirements of at least two nationally recognized statistical rating organizations as heretofore described.

***Safekeeping and Collateralization***

Eligible securities used for collateralizing deposits shall be held by the depository and/or a third party bank or trust company, subject to security and custodial agreements satisfactory to the City's Corporation Counsel.

The security agreement shall provide that eligible securities are being pledged to secure City deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released providing collateral values are maintained, and, the events which will enable the City to exercise its rights against the pledged securities including failure to meet deposit repayment or collateral terms, or the deposit institution's insolvency. In the event that the securities are not registered or inscribed in the name of the City, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the City or its custodial bank.

The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for the City, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement shall also describe how the custodian shall confirm the receipt, substitution or release of the securities. The agreement shall provide for daily revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility. The agreement shall provide that the custodian will exercise the City's rights to the security or as instructed by the City. Such agreement shall include all provisions necessary to provide the City with a perfected interest in the securities.

***Permitted Investments***

As authorized by General Municipal Law §11, the City authorizes the City Comptroller to invest money not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

- Special time deposit accounts
- Certificates of deposit
- Obligations of the United States of America
- Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America
- Obligations of the State of New York
- Obligations issued pursuant to Local Finance Law §24 or §25 (with approval of the State Comptroller) by any municipality, school district or district corporation other than this City
- Obligations of public authorities, public housing authorities, urban renewal agencies and industrial development agencies where the general State statutes governing such entities or whose specific enabling legislation authorizes such investments

- Certificates of Participation issued pursuant to General Municipal Law §109-b
- Obligations of this City, but only with any money in a reserve fund established pursuant to General Municipal Law §6-c, 6-d, 6-e, 6-g, 6-h, 6-j, 6-k, 6-l, 6-m, or 6-n.

All investment obligations shall be payable, saleable or redeemable at the option of the City within such times as the proceeds will be needed to meet expenditures for purposes for which the monies were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable, saleable or redeemable at the option of the City within two years of the date of purchase.

***Authorized Financial Institutions and Dealers***

Financial institutions and dealers approved for the purchase and sale of investments are as follows:

- ~~Capital One Bank~~
- ~~Cutwater Cooperative Liquid Asset Securities System (CLASS)~~
- ~~Chase Investment Services Corp.~~
- Citibank, N.A.
- Customers Bank
- HSBC Bank USA
- JPMorgan Chase Bank
- New York Cooperative Liquid Asset Securities System (NYCLASS)
- New York Liquid Asset Fund
- ~~Peoples United Bank~~
- TD Bank
- Webster Bank
- ~~Wells Fargo~~

All financial institutions with which the City conducts business must meet or exceed the following rating requirements of at least one of the nationally recognized statistical rating organizations (“NRSRO”) listed below for long-term debt (debt having a term of one year or more):

<u>NRSRO</u>	<u>Long-Term Debt Rating</u>
Moody's Investors Services	A
Standard & Poors	A
Fitch	A

Banks shall provide their most recent Consolidated Report of Condition (Call Report) at the request of the City. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers. The City Comptroller is responsible for evaluating the financial position and maintaining a listing of

proposed depositories, trading partners and custodians. Such listing shall be evaluated by the City Council at least annually.

#### ***Purchase of Investments***

The City Comptroller is authorized to contract for the purchase of investments:

1. Directly, including through a repurchase agreement, from an authorized trading partner. Authorization for the purchase of repurchase agreements is subject to the limitations outlined in the section of this policy entitled "Repurchase Agreements".
2. By participation in a cooperative investment program where such program meets all the requirements of the General Municipal Law, the diversification characteristics as outlined in the section of this policy entitled "Diversification", and that otherwise meets the same standards as the City has for direct investments.
3. By utilizing an ongoing investment program with an authorized trading partner, pursuant to a contract authorized by the City Council.

All purchased investments, obligations, or participations unless registered or inscribed in the name of the City, shall be purchased through, delivered to, and held in the custody of a bank or trust company. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the City by the bank or trust company. Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law §10.

#### ***Repurchase Agreements***

Repurchase agreements are authorized subject to the following restrictions:

- All repurchase agreements must be entered into subject to a Master Repurchase agreement providing for the terms outlined below and satisfactory to the Corporation Counsel
- The City may only be the initial purchaser in such agreements
- Trading partners are limited to banks or trust companies meeting the rating requirements of one of the nationally recognized rating organizations as heretofore described or primary reporting dealers approved by the Federal Reserve Bank of New York
- Obligations shall be limited to obligations of the United States of America and obligations guaranteed by agencies of the United States of America
- No substitution of securities will be allowed
- The custodian of the purchased securities shall be a party other than the trading partner, satisfactory to the City
- Tenor of the repurchase agreement should be no longer than 3 months
- Tenor of the securities to be purchased should be no longer than 10 years
- The market value of the securities purchased shall exceed the purchase funds by the margins shown below; and, the securities shall be revalued daily, and these margins should be maintained by the initial seller during the life of the transaction:
  - For bills or bonds less than 3 years tenor, 3%;
  - For bills or bonds of 3 years to 10 years, 4 1/2%;
  - No one repurchase agreement may exceed \$2,000,000, and,
- The City retains the right to terminate the agreement and sell the securities outside the repurchase agreement if any of the above items are not met after adequate notice to the initial seller.



# CITY COUNCIL AGENDA

DEPT.: Planning

DATE: January 28, 2023

CONTACT: Christian Miller, City Planner

**AGENDA ITEM:**

Declaration of intent to be lead agency under SEQRA and resolution to refer the Forest Avenue Sidewalks project to the Planning Commission for advisory LWRP review and the NYSDOT for preliminary design review approval.

**FOR THE MEETING OF:**

February 1, 2023

**RECOMMENDATION:**

**IMPACT:**    Environmental    Fiscal    Neighborhood    Other:

**BACKGROUND:**

In October 2022, the City’s engineering consultant, Creighton Manning, completed [draft plans](#) for new sidewalks and other pedestrian improvements on Forest Avenue and Manursing Avenues between Apawamis and Davis Avenues. On November 16, 2022, City staff and its consultants conducted a meeting with neighbors immediately adjacent to or on the opposite side of the proposed sidewalk to review and discuss the draft plan. Approximately 20 residents attended the [November meeting at the Damiano Center](#) and raised a [number of questions, comments and concerns](#). At its January 18, 2023 meeting, the City Council was provided with a presentation of the latest plans from the City’s consultant and heard public comments.

The attached resolution is required to advance the preliminary design to the NYSDOT for their review and approval and to begin the SEQR and Coastal Consistency Review required by State and/or City laws.

You can view the latest draft plans and other relevant information online at [www.ryeny.gov](http://www.ryeny.gov) by clicking on the “Services” tab at the top of the page, then clicking on “City Projects” and scrolling down to “Forest Avenue Sidewalk” or [click here](#).



## **RESOLUTION**

### **Declaring the City Council's Intent to be Lead Agency under SEQRA and referral of the Forest Avenue sidewalks project to the Planning Commission for advisory LWRP review and the NYSDOT for preliminary design review approval.**

WHEREAS, on September 18, 2019, the Rye City Council adopted a resolution accepting a grant to implement the Forest Avenue Corridor Accessibility Improvement Project in the City of Rye, Westchester County, PIN 8762.52 (the "Project"); and

WHEREAS, the Project involves the construction of new sidewalks and other pedestrian improvements on Forest Avenue and Manursing Avenues between Apawamis and Davis Avenues; and

WHEREAS, in October 2022, the City's engineering consultant, Creighton Manning, completed draft plans for the Project, which were subject to public review and comment in a November 16, 2022 meeting with neighbors immediately adjacent to or on the opposite side of the proposed sidewalk; and

WHEREAS, at its January 18, 2023 meeting, the City Council conducted a public meeting to hear comments on the Project and draft plans;

NOW, THEREFORE, BE IT RESOLVED, that the Rye City Council, declares its intent to be Lead Agency with respect to the State Environmental Quality Review (SEQR) of the Project; and

BE IT FURTHER RESOLVED, that the Rye City Council hereby refers the Project to the Rye City Planning Commission for its advisory coastal consistency review as required by Chapter 73, *Coastal Zone Management Waterfront Consistency Review*, of the Rye City Code; and

BE IT FURTHER RESOLVED, that the Rye City Council authorizes the submission of the preliminary design report for the Project to the New York State Department of Transportation (NYSDOT) for their review and approval.



# CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: January 18, 2023

CONTACT: Greg Usry, City Manager

**AGENDA ITEM:** Open a public hearing to adopt a local law amending Chapter 191, Article II “Traffic Regulations” of the Code of the City of Rye, by amending § 191-12 “Stop intersections” to add three new stop signs at Forest Avenue at Van Wagenen Avenue, Highland Road westbound at Club Road and Van Rensselaer Road at Kirby Lane.

**FOR THE MEETING OF:**

February 1, 2023

**RECOMMENDATION:** That the Council open the public hearing.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** See attached memo and draft law.



**CITY OF RYE  
MEMORANDUM**

TO: Mayor Cohn and City Council  
ALSO TO: G. Usry, C. Miller, R. Coyne, Commissioner Kopy  
FROM: Traffic and Pedestrian Safety Committee  
SUBJECT: Intersection of Forest Avenue, Van Wagenen Avenue, Parsonage Point and Fords Lane  
DATE: January 12, 2023

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Introduction

Some City Residents have separately approached the Traffic and Pedestrian Safety (TPS) Committee requesting that a Stop sign be installed at the southern end of Forest Avenue at the intersection of Forest Avenue, Van Wagenen Avenue, Parsonage Point and Fords Lane, modifying the intersection from the existing three-way Stop to an All-Way Stop. One of the residents lives adjacent to the intersection and provided pictures of a recent crash where a young driver traveling southbound on Forest Avenue drove through the intersection and went through the bushes into his yard.

Current Conditions

Forest Avenue serves as the southbound approach and ends at the intersection. Van Wagenen Avenue forms the eastbound approach. Parsonage Point forms the northbound approach while Fords Lane forms the westbound approach. The overwhelming majority of traffic at the intersection turns from Forest Avenue to Van Wagenen Avenue or the reverse movement. The other two approaches are private and have limited traffic, but the traffic on those approaches has increased over the years.

There is a Stop Sign facing the eastbound approach of Van Wagenen Avenue. This is accompanied by a “Traffic From Left Does Not Stop” sign. The Stop bar is also pulled back from the intersection due to the wide curb radius for Parsonage Point. There is no Stop Sign facing the southbound approach of Forest Avenue. There are no Stop Signs facing the two private approaches.

Resident Concerns/Requests

The residents that brought this issue to the Committee are requesting the intersection of Forest Avenue, Van Wagenen Avenue, Parsonage Point and Fords Lane be modified from the existing three-way Stop to an All-Way Stop. Their reasons/concerns include:

- Drivers stopped at the Stop bar on Van Wagenen Avenue cannot see the southbound Forest Avenue traffic due to the significant bushes/trees at the southwest corner of the intersection.
- Drivers not familiar with the intersection are sometimes confused with the traffic control/operation of the intersection.
- Some drivers traveling southbound on Forest Avenue and are turning right do not use their blinker to signal, confusing the other drivers stopped at the intersection.

- Drivers exiting the two private approaches are not alerted that the southbound traffic does not stop.
- There are pedestrians and bicyclists at the intersection going to and from the clubs.

### TPS Actions

For the request, the TPS Committee drove the roadway at various times and days of the week to observe operating conditions. The Committee also discussed the issue during our standard meetings.

### Emergency Services

Emergency vehicles would not be significantly impacted at this intersection.

### Crash History

A review of the crash history did not indicate a significant amount of accidents at the intersection. A crash did recently occur there, as mentioned above.

### TPS Recommendations

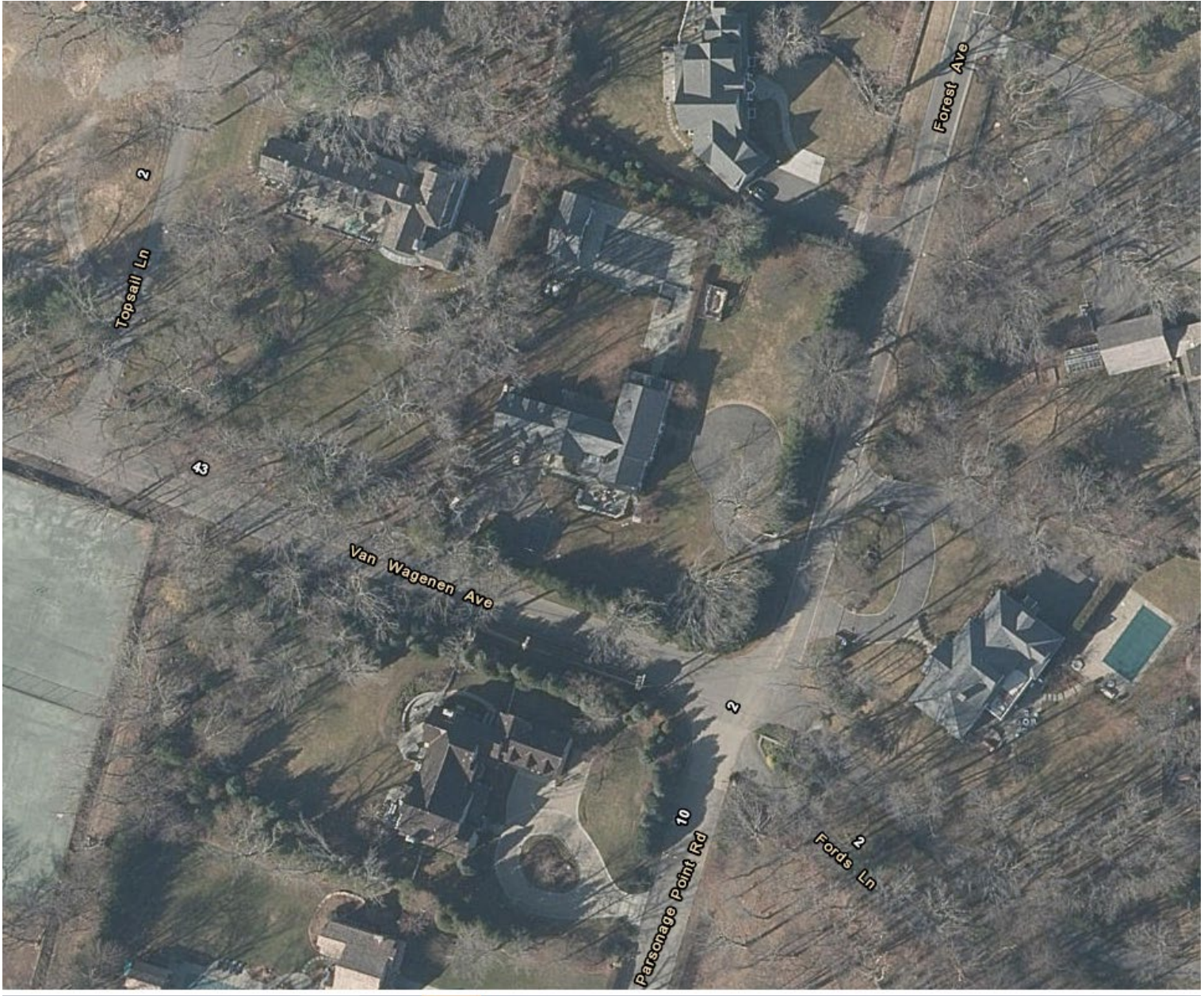
There are various options that were considered for this intersection including:

- Maintain existing conditions/signage at intersection.
- Maintain existing intersection control at intersection but increase signage to further alert drivers.
- Convert the intersection to an All-Way Stop.
- Remove/cut-back the bushes at the northwest corner of the intersection. The TPS does not know whether the vegetation is on private property or is in the public right-of-way. A review of older photos of the intersection illustrate that the bushes have significantly grown/increased over the years.

The TPS is acceptable to the addition of a Stop sign and Stop bar at the southern end of Forest Avenue and recommends it be installed. It is acknowledged that some drivers may not stop at the intersection when making the right turn but they will slow up and roll through the turn. The post on the Stop sign pole should be supplemented with a reflective strip for the length of the pole. A “Stop Ahead” sign should be added along with a yellow “New” sign (which should be in place for a limited amount of time). If the bushes could be cut back some (while still maintaining the screening of the property), it would also be beneficial, possibly allowing drivers on the southbound and eastbound approaches to see each other.







**CITY OF RYE  
MEMORANDUM**

TO: Mayor Cohn and City Council  
ALSO TO: G. Usry, C. Miller, R. Coyne, Commissioner Kopy  
FROM: Traffic and Pedestrian Safety Committee  
SUBJECT: Intersection of Highland Road, Club Road and the Apawamis Club Driveway  
DATE: January 12, 2023

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Introduction

Some City Residents have approached the Traffic and Pedestrian Safety (TPS) Committee requesting that the intersection of Highland Road, Club Road and the Apawamis Club Exit Driveway be modified from the existing three-way Stop to an All-Way Stop.

Current Conditions

Highland Road turns at the intersection, forming an “L” and provides the westbound and southbound approaches of the intersection. Club Road forms the northbound approach while the Apawamis Club Driveway (which is an exit only) forms the eastbound approach. Highland Road is under City jurisdiction while Club Road and the Club Driveway are private.

There is a Stop Sign facing the southbound approach of Highland Road. This is accompanied by a “Traffic From Left Does Not Stop” sign. However, there is no Stop Sign facing the westbound approach of Highland Road, which is the heaviest approach at the intersection with the drivers predominantly making a right turn. There are small non-standard Stop Signs facing the two private approaches.

Resident Concerns/Requests

The residents that brought this issue to the Committee are requesting that the intersection of Highland Road, Club Road and the Apawamis Club Driveway be modified from the existing three-way Stop to an All-Way Stop. Their reasons/concerns include:

- Drivers not familiar with the intersection are sometimes confused with the traffic control/operation of the intersection.
- Some drivers stopped at the Stop sign on the Highland Road southbound approach mistakenly assume that all traffic traveling westbound on Highland Road will be turning right so they start to leave the Stop sign and enter the intersection.
- Some drivers traveling westbound on Highland Road and are turning right do not use their blinker to signal, confusing the other drivers stopped at the intersection.
- Drivers exiting the two private approaches are not alerted that the westbound traffic does not stop.
- Pedestrians crossing between the northeast corner of the intersection (from the main portion of Indian Village) and the Club have issues crossing since the Highland Road westbound traffic does not always stop for them to cross.

### TPS Actions

For the request, the TPS Committee drove the intersection at various times and days of the week to observe operating conditions. The Committee also discussed the issue during our standard meetings. TPS also reviewed the crash history of the intersection.

### Emergency Services

Emergency vehicles would not be significantly impacted at this intersection.

### Crash History

A review of the crash history did not indicate a significant amount of accidents at the intersection.

### TPS Recommendations

There are various options that can be applied to this intersection including:

- Maintain existing conditions/signage at intersection.
- Maintain existing intersection control at intersection but increase signage to further alert drivers.
- Convert the intersection to an All-Way Stop.

There was not complete consensus amongst the Committee Members, however, the Committee is acceptable to the addition of a Stop sign and Stop bar on the western approach of Highland Road to be consistent with standard operating procedures for an intersection, especially for drivers that are not familiar with the area. It is acknowledged that some drivers may not stop at the intersection when making the right turn but may roll through the turn. The post on the Stop sign pole should be supplemented with a reflective strip for the length of the pole. A “Stop Ahead” sign should be added along with a yellow “New” sign (which should be in place for a limited amount of time). Full size Stop signs would be more appropriate for the two private approaches. In addition, official “Do Not Enter” signs should be provided at the Apawamis Club Exit along with a directional arrow pointing towards Club Road as the entrance, as various vehicles were observed entering through the exit.











**CITY OF RYE  
MEMORANDUM**

TO: Mayor Cohn and City Council  
ALSO TO: G. Usry, C. Miller, R. Coyne, Commissioner Kopy  
FROM: Traffic and Pedestrian Safety Committee  
SUBJECT: Intersection of Kirby Lane, Van Rensselaer Road and Island Drive  
DATE: January 12, 2023

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Introduction

A City Resident has approached the Traffic and Pedestrian Safety (TPS) Committee requesting that a Stop sign be installed at the end of Van Rensselaer Road at the three-way intersection of Van Rensselaer Road, Kirby Lane, and Island Drive.

Current Conditions

Van Rensselaer Road ends at the intersection as the northbound approach of the intersection. Kirby Lane forms the eastbound approach while Island Drive forms the westbound approach. Van Rensselaer Road and Kirby Lane are under City jurisdiction while Island Drive is private.

There is an unofficial Stop Sign facing the northbound approach of Van Rensselaer Road, but it is located at the far end of the intersection. (see photos) This sign was likely put up by someone other than the City and does not meet the Manual on Uniform Traffic Control Devices (MUTCD) standards. It is the wrong size, is not retroreflective, and is in the wrong location.

Resident Concerns/Requests

The resident that brought this issue to the Committee is requesting that a real Stop sign be properly located at the end of Van Rensselaer Road at its intersection with Island Drive and Kirby Lane. The resident's reasons/concerns include:

- Drivers not familiar with the intersection are sometimes confused with the traffic control/operation of the intersection and some do not stop when exiting the Clubs on Van Rensselaer Road thus interfering with traffic (vehicular, bicycle and pedestrian) traveling on Kirby Lane and Island Drive.

TPS Actions

For the request, the TPS Committee drove the intersection at various times and days of the week to observe operating conditions. The Committee also discussed the issue during our standard meetings.

Emergency Services

Emergency vehicles would not be significantly impacted at this intersection by the requested modification.

Crash History

A review of the crash history did not indicate a significant amount of accidents at the intersection.

### TPS Recommendations

It is recommended that an official Stop sign meeting MUTCD standards (proper size, retroreflectivity and location) be installed on the Van Rensselaer Road approach at this intersection, along with a Stop bar. The unofficial Stop sign should be removed.

It is also recommended that the vegetation in the southwest corner be trimmed back slightly in the spring/summer to provide better sight distance.







**DRAFT**

LOCAL LAW NO. \_\_\_\_\_-2023

**A Local Law to amend Chapter 191, Article II “Traffic Regulations” of the Code of the City of Rye, by amending § 191-12 “Stop intersections.” to add three new stop signs at Forest Avenue at Van Wagenen Avenue, Highland Road westbound at Club Road and Van Rensselaer Road at Kirby Lane.**

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

**Section 1. Chapter 191, titled “Vehicles and Traffic,” Article II titled Traffic Regulations” is hereby amended in the Rye City Code as follows:**

New material is underlined and in blue.

**Article II**

**Traffic Regulations**

**§ 191-12 Stop intersections.**

Pursuant to § 1603 of the Vehicle and Traffic Law of the State of New York, the City Manager is hereby authorized to designate, subject to the approval of the City Council, full-stop locations. The following locations are designated full-stop locations, and a stop sign shall be installed at the designated location:

<b>Name of Street</b>	<b>Location</b>
Anchor Drive	At Rye Road
Avon driveway	At Peck Avenue
Boulder Road	At Stoneycress Road
Bradford Avenue	At Florence Avenue
Brevoort Lane	At Captains Lane
Brevoort Lane	At Greenhaven Road
Brevoort Lane	At Rye Road
Brown Avenue	At Apawamis Avenue
Brown Avenue	At Orchard Lane
Captains Lane	At Rye Road
Cedar Place	At Manursing Avenue
Cedar Place	At Sylvan Place
Central Avenue	At Maple Avenue
Central Avenue	At Summit Avenue
Centre Street	At Brown Avenue
Chester Drive	At Harbor Lane

Name of Street	Location
Chestnut Street	At Central Avenue
Claremont Avenue	At Morehead Drive
Clinton Avenue	At Central Avenue
Colby Avenue	At Morehead Drive
Coolidge Avenue	At Glen Oaks Drive
Coolidge Avenue	At Harding Drive
Coolidge Avenue	At Osborn Road
Coolidge Avenue	At Park Avenue
Coolidge Avenue	At Wilson Drive
Cowles Avenue	At Apawamis Avenue
Cowles Avenue	At Intervale Place
Dalphin Drive	At Hix Avenue
Davis Avenue	At Manursing Avenue
Elizabeth Street	At Grandview Avenue
Evergreen Avenue	At Elizabeth Street
Evergreen Avenue	Where the north fork meets the south fork
Fairway Avenue	At Green Avenue
Fairway Avenue	At Hewlett Avenue
First Street	At Purdy Avenue
First Street	At Smith Street
Florence Avenue	At Bradford Avenue
Florence Avenue	At Glen Oaks Drive
Florence Avenue	At Harding Drive
Florence Avenue	At Park Avenue
<a href="#">Forest Avenue</a>	<a href="#">At Van Wagenen Avenue</a>
Fulton Avenue	At Parkway Drive
Glendale Road	At Locust Avenue
Glen Oaks Drive	At Coolidge Avenue
Grandview Avenue	
Grandview Avenue	At Cedar Street
Grapal Street	At Palisade Road
Green Avenue	At Fairway Avenue
Greenhaven Road	At Rye Road
Halls Lane	At Stuyvesant Avenue
Harbor Lane	At Barlow Lane
Harding Drive	At Coolidge Avenue
Hewlett Avenue crosswalk	Opposite the southerly entrance of the driveway which runs along the easterly side of Milton School, when school is in

Name of Street	Location
	session (A portable stop sign shall be maintained at that location.)
<a href="#">Highland Road, westbound</a>	<a href="#">At Club Road</a>
Hillside Road	At Grandview Avenue, 4-way
Lake Road	At Brevoort Lane
Lindbergh Avenue	At Chamberlain Street
Lindbergh Avenue	At Hix Avenue
Loewen Court	At Central Avenue
Lynden Street	At Brown Avenue
Macy Road	At Sunnyside Avenue
Maple Avenue	At Central Avenue
Maple Avenue	At High Street
Maple Avenue	At Locust Avenue
Milton Road	At the driveway exit from 520 Milton Road
Norman Drive	At Rye Road
North Island Drive	At Van Rensselaer Road
Oakland Beach Avenue	At the driveway exit from 520 Milton Road
Old Post Road, at turnoff	From Post Road
Old Post Road, eastbound	At Triangle
Ormond Place	At Halstead Place
Ormond Place	At Overlook Place
Overdale Road	At Greenhaven Road
Playland Access Drive	At Old Post Road
Redfield Street	Old Rye Beach Avenue
Reymont Avenue	At Morehead Drive
Ridge Street	At High Street
Rye Country Day School exiting driveways	
Rye Road	At Captains Lane
Rye Road	At Greenhaven Road
Rye Road	At Norman Drive
Rye Road	At Sound Road
Rye Road, westbound	At Brevoort Lane
Station Plaza	At Peck Avenue
Station Plaza	At Third Street
Stuyvesant Avenue	At Milton Road
Stuyvesant Avenue	At Van Wagenen Avenue
Summit Avenue	At Central Avenue
Summit Avenue	At Locust Avenue

Name of Street	Location
Sylvan Place	At Davis Avenue
Theall Road	At Osborn Road
Theall Road	At Playland Access Drive
Third Street	At Purdy Avenue
Thruway Access Drive	At Old Post Road
<a href="#">Van Rensselaer Road</a>	<a href="#">At Kirby Lane</a>
Van Wagenen Avenue	At Stuyvesant Avenue
Walden Lane	At Brevoort Lane
Walnut Street	At Central Avenue
Wappanocca Avenue	At Natoma Street
Wappanocca Avenue	At Blind Brook Lane
Wilson Drive	At Coolidge Avenue
Woodland Drive	At Rye Road

**Section 2. Severability.**

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

**Section 3: Effective Date.**

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





# CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: January 18, 2023

CONTACT: Greg Usry, City Manager

**AGENDA ITEM:**

Open a public hearing to adopt a local law amending Chapter 191, Article III "Parking Regulations" of the Code of the City of Rye, by amending § 191-19 "No Parking Anytime." to prohibit parking on the north side of Central Avenue between Maple Avenue and Summit Avenue.

**FOR THE MEETING OF:**

February 1, 2023

**RECOMMENDATION:** That the Council open the public hearing.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** See attached memo from Traffic and Pedestrian Safety Committee as well as new draft law.

**CITY OF RYE  
MEMORANDUM**

TO: Mayor Cohn and City Council  
ALSO TO: G. Usry, C. Miller, R. Coyne, Commissioner Kopy  
FROM: Traffic and Pedestrian Safety Committee  
SUBJECT: Central Avenue Parking Between Maple Avenue to Summit Avenue  
DATE: January 13, 2022

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Introduction

Some City Residents with properties along Central Avenue and Summit Avenue have approached the Traffic and Pedestrian Safety (TPS) Committee and requested that parking on the portion of Central Avenue between Maple Avenue and Summit Avenue be modified from on-street parking on both sides to on-street parking on only the south side of the street. With this change, this section of Central Avenue would be consistent with the adjacent portion of Central Avenue.

Current Conditions

On the western end Central Avenue between Summit Avenue and Maple Avenue, parking is currently permitted on both sides of the street (see attached aerial photo). However, Central Avenue between Maple Avenue and Clinton Avenue, the next section to the east, is signed (and codified) "No Parking This Side of Street" on the north side. Between Clinton Avenue and Theodore Fremd Avenue, no parking is permitted on either side of the street. There is a notation in the City Code that references Central Avenue that was added on 12-2-1981 and repealed 10-20-1982. No roadway section is referenced but the next section in the order of the Code would be from Maple Avenue to Summit Avenue. However, TPS is unaware of why the regulation was repealed.

In the vicinity of Maple Avenue, both portions of Central Avenue have a similar roadway cross section of approximately 28 feet. However, one major difference between the two sections is that the portion east of Maple Avenue also has sidewalks on both sides of Central Avenue while the portion west of Maple Avenue does not have sidewalks on either side.

The properties along the north side of this section of Central Avenue are single family houses while there are some multi-family houses on the south side so there is more of a desire to park on the south side. There are only two driveways on the north side (there were previously three but one was recently located to Maple Avenue) and three driveways (with one being two-vehicle-wide) on the south side so there is slightly less room to park on-street on the south side.

Resident Concerns/Requests

The residents that brought this issue to the Committee are requesting the elimination of the on-street parking on the north side of the street, the side that abuts their properties. Their concerns regarding the parking on both sides of the street included:

- The impact on emergency vehicles, including fire trucks, to travel along the street.

- Pedestrian safety as some pedestrians walk in the street as there are no sidewalks on this section of Clinton Avenue.
- Limited sight distance backing out of driveways.

The residents presented various pictures of the parking conditions. Some of the pictures are attached. During most of our visits, there were less cars on the roadway than in the pictures.

### TPS Actions

The Stop signs were added on Central Avenue at Maple Avenue to make the intersection a four-way Stop on 4-6-1994 while the Stop signs were added at Summit in 1986. Based upon earlier requests a few years ago, TPS and the City had previously made some minor parking modifications in this section of Central Avenue including installing a “No Parking Here to Corner” signs as vehicles were parking right up to the corner and blocking sight distance of the Stop Sign (State Law indicates that a driver cannot park within 30 feet of a Stop sign unless there is signage permitting so).

TPS reduced the accident history for this section of the roadway and there were not a significant number of accidents.

For the current request, the TPS Committee drove the roadway at various times and days of the week to observe parking conditions. The Committee also discussed the issue during our standard meetings. Based upon our observations, there were generally a limited number of vehicles parked on the roadway and it appears that they all can park on the one side or off-street (which occurs during the Winter/Snow Overnight rules). Some of the vehicles parked may not necessarily be for properties on Central Avenue. TPS also asked the Fire Department about their opinion in terms of impacting emergency responses (see discussion below).

### Emergency Services

The Fire Department (during new driver training) drove this portion of Central Avenue at different times and reported back that they had no issues driving the road with parking on both sides of the road during their trial runs. Because of the limited traffic on this portion of the roadway, they did not experience the potential case where a vehicle is traveling in the opposite direction that could not pull over and thus possibly interfere with the fire engine traveling along the roadway.

### TPS Recommendations

The TPS is acceptable to this modification but recommends that the City Council hold a public hearing on the subject as the Committee has only heard from those in favor of the change. One concern that the Committee originally had was that could all vehicles either park on the one side of the street or in the adjacent driveways without overflowing onto the adjacent streets, just pushing the issue up the block. As there are no cars permitted to park on-street overnight due to winter parking rules, it appears that all cars can be supported. As stated above, the TPS Committee is not aware of the reason why there was a repeal in 1982 of some of the parking regulations on Central Avenue, possibly the section in question.







# CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: December 7, 2022

CONTACT: Greg Usry, City Manager

**AGENDA ITEM:** Continue a public hearing to consider an application from Airosmith Development, engaged by AT&T to modify an existing facility located at 66 Milton Rd. that does not substantially change the physical dimensions of the current facility.

**FOR THE MEETING OF:**

February 1, 2023

**RECOMMENDATION:** That the Council continue the public hearing.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**

All wireless telecommunications facilities within the City must comply with Chapter 196 "Wireless Telecommunications Facilities" of the City Code and all other applicable law and regulations. All wireless telecommunications facilities (including modifications), or construction, modification or replacement of support structures in connection with the installation of wireless telecommunications facilities must be permitted by a special use permit, special exception permit or eligible facility permit. Before the Council considers this application, the Council shall refer it to the Board of Architectural Review for and advisory opinion.

See attached and with further application details here: <https://ryeny.sharefile.com/>



# CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: January 5, 2023

CONTACT: Greg Usry, City Manager

**AGENDA ITEM:** Open a public hearing for consideration of an application from AT&T to upgrade an existing public utility wireless communications services facility at 350 Theodore Fremd Ave.

**FOR THE MEETING OF:**

February 1, 2023

**RECOMMENDATION:** That the Council open the public hearing.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**

All wireless telecommunications facilities within the City must comply with Chapter 196 "Wireless Telecommunications Facilities" of the City Code and all other applicable law and regulations. All wireless telecommunications facilities (including modifications), or construction, modification or replacement of support structures in connection with the installation of wireless telecommunications facilities must be permitted by a special use permit, special exception permit or eligible facility permit. Before the Council considers this application, the Council shall refer it to the Board of Architectural Review for and advisory opinion.

See attached and with further application details here: <https://ryeny.sharefile.com/>



# CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: January 26, 2023

CONTACT: Greg Usry, City Manager

**AGENDA ITEM:** Consideration of a resolution to appropriate \$1.7 million from the Capital Projects Reserve account in connection with the reconstruction of the flood damaged retaining wall on Blind Brook at Theodore Fremd.

**FOR THE MEETING OF:**

February 1, 2023

**RECOMMENDATION:** RESOLVED that the Council appropriate the funding from the Capital Reserve account for the Theodore Fremd retaining wall project.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** A Permanent Restoration project will correct the damages caused by the April 15, 2007 Floods at the retaining wall on Blind Brook at Theodore Fremd. The project is listed in the City of Rye, Westchester County, PIN 8701.43 and is eligible for funding under Title 23 U.S. Code, as amended, for Federal emergency relief that calls for the apportionment of the costs of the Permanent Restoration to be borne at the ratio of 80% Federal funds and 20% non-federal funds. The Council issued a negative SEQRA declaration for the project in 2009.

See attached resolution for further information.



**CITY OF RYE**  
**Department of Engineering**

**Interoffice Memorandum**

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To: Greg Usry, City Manager  
From: Ryan Coyne, PE, City Engineer *RXC*  
Date: January 30, 2023  
Subject: **Theodore Fremd Wall – Request for Funding**

The wall along the Blind Brook at Theodore Fremd Avenue near the City parking lot was heavily damaged during two back-to-back flood events in 2007. The City received Emergency Relief funding from the Federal Highway Administration to repair the wall.

The project has required coordination with multiple State and local agencies. Discussions with the Metropolitan Transportation Authority (MTA) and Con Edison have been particularly involved. Early design iterations of the wall project involved the acquisition of temporary and permanent easements on both private property and Metro North property, which required extensive discussions between staff, legal counsel, and the MTA Real Estate division. It was ultimately determined that the project could proceed without the need for any easements via a realignment of the wall. In 2018 when the preliminary design of the project was nearly complete, Con Edison determined that it was no longer feasible to relocate the high pressure gas main as had been discussed in 2008, forcing a complete redesign of the structure and footings.

The preliminary design is now complete. The City has responded to all NYSDOT comments on the plans and specifications and is working through a question of property ownership, which is expected to be resolved in the near future.

The most recent estimated construction cost of the wall is \$1,651,000 from 2020 with an additional \$360,000 for construction inspection, for a total remaining expenditure of \$2,011,000. We have accounted for some project escalation and recommend utilizing a project estimate of \$2.2M. The actual cost of the project will not be known until the bids are received.

Federal funds allocated for this project total \$900,000, of which \$270,000 has been spent on design and coordination leaving \$630,000 remaining. The Federal grant covers 80% of the funds with the remaining 20% being matched by the City. Therefore, there is approximately \$510,000 of Federal funds to be used in the construction of the wall. Given the estimated project cost of \$2.2M and accounting for the federal grant of \$510,000, it is recommended that the City allocate \$1.7M toward the construction of the wall at this time.





## CITY OF RYE

### **RESOLUTION OF THE RYE CITY COUNCIL AUTHORIZING THE CITY MANAGER TO APPROPRIATE FUNDS FROM THE CAPEX RESERVE FUND IN TO COMPLETE RECONSTRUCTION OF THE FLOOD DAMAGED RETAINING WALL ON BLIND BROOK AT THEODORE FREMD**

WHEREAS, the retaining wall on Blind Brook at Theodore Fremd Avenue near the City parking lot was damaged during two back-to-back flood events in 2007; and

WHEREAS, the project (“wall project”) received federal funding as an emergency relief project, with funding authorized by the Federal Highway Administration and distributed by NYSDOT; and

WHEREAS, the emergency relief funding is a reimbursement program with a 20% local share requirement; and

WHEREAS, the wall project was combined for funding purposes with replacement of the Central Avenue Bridge (“bridge project”), which was also damaged during the 2007 floods; and

WHEREAS, FHWA authorized a total of \$2,815,000 for both projects, of which approximately \$1,915,000 was allocated to the bridge project and the remaining \$900,000 was allocated to the wall project; and

WHEREAS, the wall project is adjacent to MetroNorth railroad property, and contains many utilities, including a Con Edison high pressure gas main, County trunk sewer, water main, and overhead and underground electric wires; and

WHEREAS, the wall project has required extensive coordination with MetroNorth, Con Edison, Westchester County, Suez Water, NYSDOT, and FHWA; and

WHEREAS, of the \$900,000 wall project allocation, \$270,000 has been spent on soft costs, leaving \$630,000 remaining for construction, of which \$510,000 is the federal share; and

WHEREAS, the total estimated construction cost of the wall is \$1,840,000 with an additional \$360,000 for construction inspection, for a total remaining expenditure of \$2,200,000,

NOW, THEREFORE, BE IT RESOLVED, the City Council authorizes the City Comptroller to appropriate \$1,700,000 from the CapEx Reserve Fund for completion of the wall project.



# CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: January 2 , 2023

CONTACT: Greg Usry, City Manager

**AGENDA ITEM:** Consideration of a resolution to appropriate \$116,671 from the Capital Projects Reserve account for the Rye Town Park (RTP) 2022 capital supplement.

**FOR THE MEETING OF:**

February 1, 2023

**RECOMMENDATION:** RESOLVED, that the City of Rye does hereby authorize the appropriation of funds from the Capital Projects Reserve account for the Rye Town Park 2022 capital supplement in the amount of \$116,671 .

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** The City of Rye has already budgeted \$50k as an operating expense for Rye Town Park. The City is required to fund an additional \$116,671 (see attached) for Rye Town Park's 2021 capital expenditures to provide a total of \$166,671.



## Rye Town Park Commission

222 Grace Church Street, Suite 302

Port Chester, NY 10573

Tel: 914.939.3075 · Fax: 914.939.1465

www.townofrycny.com

Gary J. Zuckerman, Esq.  
President

Deborah A. Reisner  
Secretary to the Rye Town Park Commission

Commissioners  
Jason Klein  
Lindsay Jackson  
Luis Marino  
Josh Cohn  
Emily Proskine Hurd

Mr. Joseph Fazzino  
Rye City Acting Comptroller  
1051 Boston Post Road  
Rye, New York 10580

August 4, 2022

Dear Mr. Fazzino,

The Rye Town Park Commission requests \$38,404.00 due from the City of Rye as its share of the 2021 operating deficit contribution to Rye Town Park and \$128,267 as its share of the 2021 Capital Contribution, as specified on page 8 of the Audited Statements for FY2021 provided by our Auditors, PKF O'Connor Davies, LLP.

Description	Operating	Capital Supplement	Total
FY 2021 Deficit (Page 8)	\$ 74,741	\$326,563	\$401,304
FY2021 City of Rye share	\$ 38,404	\$128,267	\$166,671
FY2021 Town of Rye share	\$ 36,337	\$198,296	\$234,633

Please make this payment to: "Rye Town Park Commission" and forward it to:  
Rye Town Park Commission  
Office of the Supervisor  
222 Grace Church Street  
Port Chester, New York 10573

Best regards,

Debbie Reisner  
Secretary to the Rye Town Park Commission



# CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: February 1, 2023

CONTACT: Greg Usry, City Manager

**AGENDA ITEM:** Resolution authorizing the City Manager to retain Dichter Law, LLC for an amount not to exceed \$9,000 for professional fees and services regarding water rate increases.

**FOR THE MEETING OF:**  
February 1, 2023

**RECOMMENDATION:** RESOLVED that the Council authorizes the City Manager to retain Dichter Law, LLC for an amount not to exceed \$9,000 for professional fees and services regarding Veolia water rate increases.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** Please see attached email and invoice from Joel R. Dichter.

**From:** Joel R. Dichter, Esq. <[dichter@dichterlaw.com](mailto:dichter@dichterlaw.com)>  
**Sent:** Tuesday, January 24, 2023 2:40 PM  
**To:** Usry, Greg G. <[gusry@ryeny.gov](mailto:gusry@ryeny.gov)>  
**Subject:** Invoice for Monitoring Veolia

Greg,

Please find attached an invoice for our professional fee for 2023 for monitoring the compliance of Veolia with the terms of the last rate proceeding and their obligations as a public utility. Under the four year rate plan approved by the PSC for Suez Water, Suez is required to file no less than 18 reports with the PSC on a quarterly and/or annual basis. The reports range from capital projects to non revenue water percentages to purchased water escalators to annual earnings to conservation to annual increases under the agreement.

We are now entering the fourth and final year of the agreement.

For the last two years, we have been retained to monitor, review, comment and respond on such submissions. For example, Veolia recently filed to increase the purchased water surcharge. We demanded the workpapers and supporting documents and now are reviewing for any anomalies or errors.

The annual monitoring rate of \$27,000 has been shared equally by the City of Rye, Village of Port Chester and Village of Rye Brook. That is \$9,000 per community annually. In addition to PSC rate case matters, we have applied the monitoring fee to discussions with Veolia and Westchester Joint Water Works to avoid WJWW's shutting off the supply of water to Veolia, and thus to the communities, due to a rate dispute, to proceedings on Veolia's takeover of Suez and to the review of a PSC study finding a public acquisition of Veolia not to provide economic benefits at this time.

**DICHTER LAW LLC**

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118 N. BEDFORD RD.  
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MOUNT KISCO, N.Y. 10549**

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JOEL R. DICHTER  
Dichter@dichterlaw.com

January 24, 2023

Mr. Greg G. Usry  
City Manager  
City of Rye  
1051 Boston Post Road  
Rye, New York 10580

**RE:** Municipal Intervenors

Invoice for continued Veolia Water Westchester rate case representation

One-Third (1/3) of Dichter Law fixed fee for monitoring Suez (now Veolia) submissions to the PSC during 2023 pursuant to PSC under rate agreement to protect City of Rye residents ..... \$9,000.00

**TOTAL DUE =** \$9,000.00

Please remit payment in the amount of \$9,000.00



# CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: January 28, 2023

CONTACT: Greg Usry, City Manager

**AGENDA ITEM:**

Authorization for the City Manager to engage Hodgson Russ, LLP for consulting services.

**FOR THE MEETING OF:**

February 1, 2023

**RECOMMENDATION:**

RESOLVED that the Council authorizes for City Manager to to engage Hodgson Russ, LLP for consulting services.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:**



# CITY COUNCIL AGENDA

DEPT.: City Manager's Office

DATE: February 1, 2023

CONTACT: Greg Usry, City Manager

**AGENDA ITEM:** Consideration to amend 2023 City Council Meetings calendar to allow the budget presentation to take place on the Wednesday following the November 7<sup>th</sup> election. November Council meetings and Budget Workshops were adjusted accordingly.

**FOR THE MEETING OF:**

February 1, 2023

**RECOMMENDATION:** That the Council amend the 2023 City Council Meetings Calendar.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** The original calendar had the first meeting in November scheduled for November 1, 2023. Per the City Charter, the annual budget must be presented on the Wednesday after Election Day.



# 2023 City Council Meetings Calendar

January 2023						
Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

February 2023						
Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28				

March 2023						
Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

April 2023						
Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

May 2023						
Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

June 2023						
Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

July 2023						
Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

August 2023						
Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

September 2023						
Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

October 2023						
Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

November 2023						
Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

December 2023						
Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

- Council Meeting Dates
- Budget Workshops
- Joint City Council/School Board Meeting
- Council Inauguration

February 20-24      School Mid-Winter Recess  
 April 3-7            School Spring Break  
 November 7         Election Day