

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

**REGULAR MEETING OF THE CITY COUNCIL
COUNCIL CHAMBERS, CITY HALL
Wednesday, May 10, 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.

1. Pledge of Allegiance.
2. Roll Call.
3. Draft unapproved minutes of the Regular Meeting of the City Council held April 26, 2023, and the Joint City Council/School Board Meeting of April 22, 2023.
4. Consideration of proposed policies for the City of Rye Fire Department:
 - Policy # 2005 – Training Policy
 - Policy # 206 – Disclosure of Interest
 - Policy # 208 – Solicitation of Funds
 - Policy # 213 – Emergency Action Plan
 - Policy # 304 – Traffic accidents involving Department vehicles
 - Policy # 1040 – Line of Duty Death
 - Policy # 1041 – Line of Duty Death Notification
5. Consideration of proposed revisions of the Rules and Regulations of the City of Rye Police Department:
 - Policy # 100 – Law Enforcement Authority for Police Officers
 - Policy # 201 – General Orders
6. Boat Basin and Rye Golf Club 2022 preliminary financial results.
7. Resolution to amend the 2023 Adopted Fees and Charges for police overtime reimbursable rates.
Roll Call.
8. Continue the public hearing to adopt a new local law to amend Chapter 191 “Vehicles and Traffic” by adding a new Part 4 “Residential On-Street Parking Permit System” and adding Article IX “Residential On-Street Parking Permit Regulations” to the Code of the City of Rye. (Mead Place parking district)

9. Open a public hearing to adopt a Local Law to amend Chapter 161, Article III “Private Sanitary Sewer Laterals” by adding § 161-17.1 “Standards for connection to a common force main,” to the Code of the City of Rye.
10. Members of the public may be heard on matters for Council consideration that do not appear on the agenda.
11. Set a public hearing for May 24, 2023, to adopt a new local law to amend Chapter 191 “Vehicles and Traffic” by repealing section 191-38.1. “Resident meter parking permit zone” within Article VII “Off-Street Metered Parking” to eliminate resident-only metered parking zones.
12. Resolution to declare certain City equipment as surplus.
13. Old Business/New Business.
14. Adjournment

The next regular meeting of the City Council will be held on Wednesday, May 24, 2023, at 6:30 p.m.

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

DRAFT UNAPPROVED MINUTES of the
Joint Meeting of the City Council of the City of Rye
and the Rye City School Board held in City Hall on
April 22, 2023 at 9:00 A.M.

PRESENT:

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

JANE ANDERSON, President
JENNIFER BOYLE
KELSEY JOHNSON
CHRIS REPETTO
School Board Members

GREG URSY, City Manager
BRIAN SHEA, Assistant City Manager
ERIC BYRNE, Superintendent of Schools
MIKE KOPE, Public Safety Commissioner

ABSENT:

CALLIE ERICKSON
VIVEK KAMATH
TOM STEIN
School Board Members

The City Council and the School Board convened at 9:00 a.m.

1. Pledge of Allegiance

President Jane Anderson called the meeting to order and invited the Council and Board to join in the Pledge of Allegiance.

2. Roll Call

Mayor Cohn asked the City Manager to call the roll; a quorum of both boards was present to conduct official business.

3. State of the City of Rye Report

Mayor Cohn explained how the city's financial condition is good, and how they've been fortunate with the city manager and finance team in receipt of grants, not without saying there have been financial and administrative challenges. In terms of Capital investment and Infrastructure investment, the City of Rye is the first administration to take infrastructure renewal in Rye seriously and recognize the same need that towns across the country share. It takes a lot of attention for capital projects, but the city has taken on an ambitious list that they are currently seeing through, including DPW personnel and equipment needs as well as City Hall's HVAC and lighting.

Mayor Cohn also states that there's a great amount of sewer work and other City projects having to do with potholes, roads, and sidewalks that the City needs to do, as well as work on the City Court.

Mayor Cohn addressed the flooding that affects the City, discussing the repercussions of Hurricane Ida and explaining the long-term effort to cope with flooding and how to continue.

Mayor Cohn then discussed public safety saying both the Police Department and Fire Department are performing well.

Later this year Mayor Cohn said he hopes to embark on a new masterplan effort, since the last one was in 1985.

4. State of the School's Report

Dr. Byrne reported the capital project of \$79.9 million has completed phase 1, 1A, 2, and 2A. They will be beginning phase 3 and 3A. Some of the highlights of the first phases included Midland School and Osborn School receiving facelifts.

Dr. Byrne said that there's about \$29 million remaining for more projects at the Midland School, Osborn School, and Rye High School. They have been in discussion with the design team and the Board will have an presentation with updates on June 20th.

Dr. Byrne also spoke about enrollment and a recent demographic study that showed projections going forward in the for the number of students in upcoming school years as well as future attendance and new programming.

Dr. Byrne also discussed flooding and explained that they have been working with local community members, programs, and ways for students to get involved to help the environment (such as planting trees).

Working with Youth Sports groups, neighbors, and Rye Recreation to discuss the policy for the turf field during “shoulder season” and at nights a couple times a week.

Other points Dr. Byrne mentioned include launching a new website by fall of 2023, making informational videos for the community, and continuing the efforts to make maps for curriculum maps for all courses.

Finally, Dr. Byrne says the school district is financially pleased and has had good fiscal management and the election for the budget is being held May 16th, so he advises to please go vote.

5. Safety and Security

Dr. Byrne thanked Commissioner Kopy and the support of the Police and Fire Departments, especially with their relationship to the school district.

Councilwoman Souza said she thinks it would be important to review the great opportunities that the renovations gave the officers in terms of training.

President Anderson said that through the bond, the schools, with the community support, was fortunate to put into place several facilities improvements that have been able to help support the work of the police and their own security staff.

Dr. Byrne followed up by explaining some of the safety enhancements, implements, and upgrades to each school. He also doesn't think the students are intimidated by the police in the building.

Commissioner Kopy talked about police training and how the police department selects and trains the officers who are going into the schools as well as discussed preparation and upgrades to the equipment in relation to the school. He also says that the Fire Department is also going to each school and practicing on the building for certain scenarios. Furthermore, Commissioner Kopy states that they are getting upgrades to their communication system.

Dr. Byrne said it's been great working with the emergency services groups on their school drills and that communicate as best as possible. Commissioner Kopy says their department takes everything as seriously as possible.

Councilman Nathan asked if there's any communication between police and fire department and the schools in terms of training and resources or awareness on how to divert problems before they come into play. Dr. Byrne said that's part of the practice and explained what they're doing as far as threat assessment. This is for mental health and academic needs.

President Anderson added that as a school district, there has been an effort to start to address social and emotional learning of all kids in the hopes that they do not get to that point.

Dr. Byrne added that they have trained the entire faculty, especially with updated Red Flag Law.

President Anderson stated that that as a community, it is important that if you have a gun at home, to keep them responsibly locked up.

There being no further business for the two boards to discuss, Mayor Cohn adjourned the joint meeting at 9:56 a.m.

Respectfully submitted,

Carolyn D'Andrea
City Clerk

DRAFT UNAPPROVED MINUTES of the
Regular Meeting of the City Council of the City of
Rye held in City Hall on April 26, 2023, at 6:30 P.M.

PRESENT:

LORI FONTANES
BILL HENDERSON
CAROLINA JOHNSON
JOSHUA NATHAN
JULIE SOUZA
BENJAMIN STACKS
Councilmembers

ABSENT:

JOSH COHN, Mayor

The Council convened at 6:00 P.M. Councilwoman Souza made a motion, seconded by Councilman Stacks, to enter into executive session to discussion litigation and personnel matters. The Council reconvened in a public meeting at 6:34 P.M. The meeting was streamed live at www.ryeny.gov for public viewing.

1. Pledge of Allegiance.

Deputy Mayor Johnson led the Council in the Pledge of Allegiance.

2. Role Call.

The City Clerk called the roll and there was a quorum.

3. Draft unapproved minutes of the Regular Meeting of the City Council held April 12, 2023.

Councilwoman Souza made the motion, seconded by Councilman Stacks, to adopt the minutes of the Regular Meeting of the City Council held April 12, 2023. The minutes were unanimously approved.

4. Flooding Update - Presentation by Envision Strategy on proposed federal funding strategies.

Steve Schultz, Alyssa Lovelace, and retired Congressman Tim Bishop from Envision Strategy, an Albany-based, bipartisan lobbying firm, introduced themselves to the Council. Envision has been working with the City of Rye to identify flood reduction methods to minimize flood impact through various nonstructural and/or structural strategies. Envision has identified methods and potential funding to provide a positive cost-benefit to Rye and provide positive local impacts. Representatives of Envision Strategy bring valuable political and government funding experience.

The outline of Envision’s methodology is to develop the scope of flood mitigation projects, identify state and federal funding opportunities, educate decision makers, and apply for funding for eligible projects. Mr. Schultz recognized Rye’s significant flood mitigation work and gathered data which will be leveraged in the pursuit of funding. Envision will competitively position Rye for funding opportunities by prioritizing climate change, watershed protection, coastal protection partnerships, improving water quality, and creating resilient, energy-efficient infrastructure. Envision will help agencies understand how Rye meets their mission and is therefore eligible for funding. Mr. Schultz shared the list of federal contacts Envision has already made on Rye’s behalf, including Senate delegates, House representatives, and contacts at FEMA and Coastal Wetlands Conservation.

As a project exemplar, Mr. Schultz outlined the process to secure congressionally directed funding for the sluice gate on the Bowman Avenue Dam. The plan was strategically developed for funder appeal, focusing on cybersecurity, climate change protection, and environmental protection. Envision seeded political and legislative interest with Senate staff. Based on the compelling request and strong political relationships, Senators Schumer and Gillibrand recommended that the Appropriations Committee fund the sluice gate project. Mr. Bishop estimated there would be confirmation in June whether the project had the “Chairman’s mark” on the Senate Appropriations bill. He was hopeful it would be passed by the end of the fiscal year, but there were competing circumstances in the Senate.

Mr. Schultz maintained that a similar strategy would be employed in future projects. Three flood management goals identified as priorities were flood water control and detention, protecting the watershed, and reduction of peak water surface elevations. Councilman Stacks asked about the likelihood of the sluice gate dam project funding approval. Mr. Bishop was hesitant to make a prediction, but was optimistic because the Majority Leader of the US Senate supported the project. Mr. Schultz explained that the funding was for one year of data collection at Bowman Avenue Dam. He confirmed for Councilwoman Fontanes that hacking concerns from 2013 inspired the prioritization of cybersecurity.

Mr. Schultz presented the Upper Pond Clearing Study. Mr. Bishop spoke with the Corps of Engineers who were prepared to engage but had a long approval process. The Corps required local cost share that was complicated to apportion. Envision saw multiple opportunities for long-term storm water grants.

Ms. Lovelace outlined the recently passed Environmental Bond Act which provided \$4.2 billion in funding for climate change mitigation, restoration and flood risk reduction, water quality improvement, resilient infrastructure, open-space land conservation, and other proposals. Securing Environment Bond Act funds will require buy-in from the City of Rye as stipulated. Ms. Lovelace explained to Councilwoman Souza that City buy-in meant providing research and documentation, and working with Envision to navigate the City’s stance on hot topics to leverage support State and Federal support. City Manager Greg Usry said local infrastructure studies related to the Environmental Bond Act had been conceptual and needed to be taken a step further.

Other projects with Envision were the Nature Center entrance reconfiguration and bridge replacements at Locust Ave, Orchard Ave, Boston Post Road, and Highland Road. Councilman

Henderson noted some of the bridges were recently fixed, and the City may prefer to request and spend money for upstream work instead of fixing the bridges twice. Envision would begin coastal zone management funding efforts in the next few months. Councilman Nathan asked if the elaborate and expensive Hix Park challenge was within the scope of the funding request, and City Manager Usry replied affirmatively. The City had a rough estimate of the Hix Park project but needed to push forward the handful of stormwater projects that affect the largest number of residences and have the most available funding.

Mr. Schultz described future project development with the US Fish and Wildlife Service, NRCS Emergency Watershed Protection Program, and FEMA. Sidewalk and road projects funded by NYSDOT can be leveraged if they impact clean water infrastructure or storm runoff reduction. Envision and the City can pursue grant funds for studying and installing energy efficiency measures like solar or geothermal, and funds for waterfront revitalization initiatives. Councilman Stacks if the City could be reimbursed for project investments, and Mr. Bishop replied that the argument could be made with the Corps if the City has already invested in certain projects.

Councilwoman Souza noted references to property acquisition in the presentation, and City Manager Usry explained that in the NRCS program if there is property on a floodplain that continually floods, the City will receive federally matched dollars to acquire the property, clear it, let it exist as a flood plane, and purchased properties must be contiguous. There was discussion about this concept not necessarily being a viable option in the Rye community with the relatively high market values of property, the fact that multiple properties would need to be acquired to make a real difference, and other factors.

5. FEMA Financial Recovery Update.

Noga Ruttenberg, Assistant to the City Manager, joined the meeting to explain the ongoing work for FEMA reimbursement. Ms. Ruttenberg with other city staff has worked to submit numerous claims to FEMA for reimbursement of recently-declared disasters. The City of Rye was eligible for 100% reimbursement for project costs associated with presidentially declared disasters Isaias, Ida, and the COVID-19 pandemic. The recovery and reimbursement requests were approximately \$176,500 for COVID-19, \$578,000 for Isaias, and \$2.4 million for Ida. The City was reimbursed \$1.38 million total for the disasters with \$1.78 million pending. City Manager Usry explained to Councilwoman Souza that once the City received confirmation that FEMA signed off on reimbursement they will advance the tennis court project. The standard timeframe for a FEMA response has varied, but all reimbursement claims have been submitted.

6. Presentation of the 2022 preliminary financial results.

Joe Fazzino, City Comptroller, stated that the ongoing audit of the General Fund began the first week of April, and final results will be presented in July by the auditors. The 2022 General Fund totals were as follows: \$27.5M in property taxes; \$18.4M in revenues other than property taxes; \$48.3M in operating expenditures; \$5.25 in capital investment. The 2022 Unassigned Fund balances was \$4.88M which was 10.2% of the 2023 budgeted expenses. January 1, 2023, the CAPEX Reserve was \$7.4 million.

Revenues other than property taxes were \$3.75M over budget for 2022. Salaries and wages showed the largest gap in actual versus budget at \$910,650, attributed to vacancies filled in Q1 of '23; vacancies were also responsible for \$188,132 under budget for health insurance. Mr. Fazzino asserted there had not been a normal year for sales since the 1% rate increase and budgets were still conservative during an inflationary period. The conservative budget for 2021 kept the City balanced for 2022.

Capital investments in 2022 included \$2M for the City fleet management program, \$1.85M for street resurfacing, \$150K for annual sewer maintenance, and there was \$1.8M transferred to the Capital Reserve Account.

7. Capital Projects Finance Plan Update.

City Manager Usry stated that the 2022 total project expenses were \$41M, and noted the estimate was somewhat dated. Most of the expenses related to the DPW building projects and the sanitary sewer improvements in progress. The DPW salt shed, Building 7, and fuel depot construction projects were underway, and Building 5 will begin demolition in the fall. City Manager Usry confirmed for Councilwoman Fontanes that the DPW property had been marked for wetlands.

Miscellaneous projects to begin in winter 2024 include a new HVAC system for City Hall and work on Forest Ave sidewalks. The police and court facility and the Theodore Fremd Wall were longer-term projects that have outdated cost estimates. Total funding sources for 2022 were \$42.76M and consisted of bond proceeds, CAPEX reserves, grants, and projected state and city budget monies. City Manager Usry maintained that the capital projects budget was relatively balanced.

8. Open the public hearing to amend Chapter 187 “Trees” of the Rye City Code. [OR Discussion of revised draft of law to amend Chapter 187 “Trees” of the Rye City Code].

Councilwoman Johnson thanked the City staff for being involved in tree policymaking. She stated that the Tree Committee, consisting of three members of the Council, did not have a quorum of the Council, and therefore complied with the open meetings law to work on this draft. The Sustainability Committee was acknowledged for their support, as well as Tracy Stora of the Conservation Commission Advisory Council (CCAC), and Nick Everett, Chair of the Planning Commission. A draft was circulated to the CCAC and Planning Commission. Also acknowledged were ISA-certified independent arborist Wayne Cahilly and consultant George Profis from NY State DEC. Councilwoman Johnson stated that changes to the draft law were circulated to Council members at every iteration.

Councilwoman Souza made the motion, seconded by Councilman Stacks, to open the public hearing to amend Chapter 187 “Trees” of the Rye City Code. Councilman Henderson asked what the anticipated schedule was for public hearings at future meetings. Councilwoman Souza replied there was no expectation and every issue took its own time course, and Councilwoman Johnson hoped it would be sooner rather than later. Councilwoman Fontanes was appreciative of

the subcommittee's hard work. Councilman Henderson maintained that a tree law affecting every property owner in Rye should be carefully considered, not rushed.

The motion to open the public hearing was unanimously supported.

City Planner Christian Miller gave an overview of existing tree regulations in Rye that established protections for trees on public and private property. Trees that were regulated on private property measured at least 8 inches in diameter at breast height (DBH), on land abutting public property, and protected trees required owner consent and BAR designation. Currently, tree removal requests were submitted to DPW, approved by the City Naturalist, and were administered by the Tree Foreman. Tree removal permit criteria required that trees were dead, diseased, or dangerous to other trees, or interfered substantially with permitted property use. Any appeals were made to the BAR. Mr. Miller confirmed for Councilman Henderson that the guidelines only apply to the front yard.

The proposed law followed the same format of regulating public and private trees. City property and ROWs were not subject standards required for private property, and public property such as school districts were not subject to the law. Regulated trees would now be defined as "protected" at 8-inch DBH and "significant" at 30-inch DBH, which applied to all trees on all private property in Rye. A tree removal permit must be filed with the Building Department.

Mr. Miller explained that 50% of private properties in Rye were 10,000 ft² or less, and every tree on private property fell into a category. Category 1 was tree removal "by-right;" property owners could fell up to three protected trees without question, one of which could be a significant tree. Category 2 was Dead and Dangerous trees, and there was no limit to the amount of dead and dangerous trees property owners could apply to have removed. Requests would be approved by the Building Inspector after consultation with the City Arborist. The term "clear-cutting" has been removed from the language.

City Planner Miller continued and explained that Category 3 outlined the process of appeals to the Building Department/Inspector. Category 4 was for tree removal exceeding the limits of Category 1 or 2, tree removal associated with land development, and language would not change regarding tree removal for proposed subdivisions. Category 5 established that expedient removal of storm-damaged trees only needed approval from the City Manager. The appellate board would be the Planning Commission, not the BAR. Mr. Miller commented that flag lots and subdivision requests were decreasing every year.

Councilwoman Fontanes asked about clarification within the new law that a restoration plan for trees would now be considered by the Planning Commission, and not the BAR. City Planner Miller explained that the Planning Commission review process included review of applications at regularly scheduled, publicly noticed meetings. Application materials and meeting agendas will be posted online, but there will not be public hearings for every application, or notice to the neighbors. Trees to be removed must be considered dead, diseased, dangerous, or invasive. If the subject trees are healthy, the Planning Commission will decide if they substantially interfere with permitted use of the property where reasonable tree preservation accommodations cannot be

made. The Planning Commission can impose conditions on applications, and the property owner will be required to replant trees when others are removed.

Proposed enforcement and penalties for tree removal violations included increased fines for property owners and tree removal contractors, restoration plans for illegal removals, and withholding of future permits. Mr. Miller emphasized that the City preferred compliance over penalties. Mr. Miller explained that “clear cutting” was removed from the draft law. Creating a definition for clear-cutting was unwieldy and ultimately did not happen, as it did not work in context within the needs of Rye. Instead, the City decided to set by-right limits with clearly-outlined application and appeal procedures.

Mr. Miller explained to Councilman Henderson that the Planning Commission will consider a variety of aspects in their decisions to approve tree private property tree removal beyond the by-right limits. The property owner must consider replanting other trees on their property; if there is no room, there is a provision to contribute to a City tree fund. Councilman Henderson suggested a discussion of cost/benefit of implementing the proposed tree legislation.

Brian Baldwin, 2 Club Road, and General Manager at the Apawamis Golf Club, asked if Rye Golf Club would have exemptions because it was public property. Councilwoman Johnson said there were no plans to make exemptions for large commercial properties, but Mr. Baldwin asked the Council to consider it, and to consider who would be financially responsible for tree consultants and other costs. He requested that Apawamis, the other golf club in town, and other larger properties, were afforded the same consideration.

Daniel Greto, 56 Sonn, identified himself as a lifelong Rye resident and certified arborist for 30 years. said he plants 12-inch trees, so if that tree dies he will need a permit to a remove the just-planted tree. He gave the example of a cluster of 12 hemlock trees greater than 8 inches in diameter at 49 Maple Ave, a property less than 10,000 ft². The bottoms of the trees were gone with only foliage above, and they no longer served a purpose on the property. The draft law would add layers of legislation to a simple removal job. The law did not include language about emergencies such as an uprooted tree falling on a home. The Council should consider permitting regulated invasive trees such as the Norway Maples seen around Rye, and consider law changes in greater depth before approval.

Kari Black, 62 Allendale, commented that if the new tree removal code were to protect adjacent property values and eliminate clear-cutting, she applauded the effort, but if it was for environmental concerns, including flood remediation, she wondered if they were missing the opportunity to make a larger impact by not requiring public resources to be held equally accountable. She wanted to know who the municipal properties answer to or if they act independently.

Lisa Chen, 296 Milton Rd, thanked the Council for their efforts for necessary tree preservation in Rye. She did not agree with slowing the process down because the law was comprehensive and considered a lot of feedback. She asked if the building inspector had the right to not approve an application even if it fit within the table of limitations. She said the Council should consider extenuating circumstances like a property owner’s systematic removal of trees

every 12 months. Ms. Chen appreciated the procedures about tree removal for land development, but she found the plan for tree preservation and protection measures to be vague, which she said was not consistent with other highly defined and standardized areas of the law.

Kate Briggs, 1 Walnut Street, acknowledged the hard work of the Tree Committee but thought the public does not yet have enough information. She felt that the changes to the lax tree law was a shock to some residents. She was concerned the City offices would be inundated with applications and was also concerned about significant costs to homeowners. On current landscaping projects she planted trees in anticipation of removing other trees, so she wanted to know if those will be considered in replanting requirements. If a storm-felled tree ended up on a different neighbor's property it was unclear who would be responsible for the removal and replacement costs. Residents only had four months to get used to the leaf blower changes, and Ms. Briggs thought more time should be spent working out foreseen kinks in the proposed law.

At Councilman Nathan's suggestion, arborist consultant Wayne Cahilly joined the public hearing to comment on his role. Mr. Cahilly said he does not live or own property in Rye and is able to look objectively at the process of tree removal law. He has been working with the Tree Committee to draft the new city law. He felt the draft was in good place but may need more adjustments. He acknowledged municipal tree codes needed to reflect the needs of both the residents and the town.

Councilwoman Johnson asked what Mr. Cahilly knew about tree removal fees in other municipalities. To his knowledge, he responded that permit fees in other municipalities were nominal and did not increase with a greater number of trees. The towns typically pick up a portion of the cost of tree removal. Every town had different regulations; for example, in Lewisboro property owners had the right to cut down any tree within 100 feet of their home. In Upper Nyack, every tree is managed, but their policies are liberal. Addressing a previous question, Mr. Cahilly confirmed there are formulas for tree protection zones, and if the zones were strictly followed there would be no building in those zones, so leaving the language loose provided opportunities for exceptions.

Councilman Nathan asked Mr. Cahilly to explain further about non-native trees, the Rye tree canopy compared to other municipalities, and what the law can accomplish for Rye. Mr. Cahilly said there was a push in the region for native trees, but that may not be the best course of action. Non-native species were less likely to be affected by new disease and harmful insects. He maintained that the most important aspect of tree health was whether the root system had the right type of soil to thrive in. Every town had different challenges. Some municipalities near Rye had no tree canopies, but Rye had a good mix of old and new trees. Councilman Nathan asked where Rye fell on the spectrum of liberal to draconian tree laws in the region, and Mr. Cahilly replied that Rye's draft law provided fairly benign and balanced mechanisms to protect trees.

A member of the public asked Mr. Cahilly for his definition of a dangerous tree, and he replied there was an ANC standard with a series of matrices that calculated risk level from low to extreme. Uprooted trees were considered imminent failures, and most imminent failures were considered as extreme risk. A high-risk tree may only be dangerous during significant wind events.

Risk assessment is a two part-process, first looking at the tree, then looking at target potential, or the likelihood that people or property will be in the target zone when failure occurs.

Mr. Cahilly shared the four questions that were asked when assessing tree risk. What is the largest part of the tree that is likely to fail in the survey period? Under what circumstances is that part most likely to fail? In what direction is it most likely to go? What is the likelihood that people or property will occupy the location under the conditions most conducive to failure? Tree samples and other scientific data can be collected and assessed to help make decisions on the health of the tree and the associated risks.

Mr. Greto returned to the podium to comment that there was no provision in the proposed law for how quickly tree removal permits will be expedited, while other municipalities included a timetable. With every tree having a different risk factor, client risk should also be considered. Many of his clients worry about trees near bedrooms and being told by the City if the tree can be removed or not. Mr. Greto thought these concerns should be considered in the draft law.

Ms. Briggs returned to the podium and shared her agreement with Mr. Cahilly about the suitability of certain non-native species and the importance of soil quality. She suggested there should be more consideration and better definitions of non-native trees. Regarding all the street trees that were planted last year in Rye, most of them had deteriorated by deer and drought, and she thought Rye needed more help in managing those trees to make sure they survive. She asked what happens if the ground is too frozen to remove stumps within three months of the tree being felled on City property, and Councilwoman Johnson clarified those were DPW procedures. Choosing trees based on soil and site conditions should be more important than if the species was native. There should be basic education for homeowners replacing their own trees.

Jessica Sciulli, 16 Hix Ave, said they chose their home because of the huge oak tree in the front yard. Sticks always fell from the oak, including two large branches that fell onto their cars. The tree was held by metal rods. They consulted an arborist and they were told they could save the tree and it would be fine. More branches fell, and one almost fell on their son. The tree was not deemed dangerous, but they filed a permit and had the tree removed. The tree was hollow and would have fallen in a storm. She asked the Council to consider who would be financially responsible if a tree was incorrectly deemed healthy and then caused injury or damage.

There was a ten minute recess.

Councilwoman Souza made a motion, seconded by Councilman Nathan, to adjourn the public hearing on Chapter 187 “Trees” until the May 24, 2023 meeting. The Council was unanimously in favor.

9. Open a public hearing to adopt a new local law to amend Chapter 191 “Vehicles and Traffic” by adding a new Part 4 “Residential On-Street Parking Permit System” and adding Article IX “Residential On-Street Parking Permit Regulations” to the Code of the City of Rye. (Mead Place parking district).

Councilwoman Souza made the motion, seconded by Councilman Nathan, to open the public hearing. The Council was unanimously in favor.

City Manager Usry summarized the new local law to add a parking district at Mead Place. The parking district would run only on the south side of the longest section of U-shaped Mead Place. Zoning code prohibited a parking district on the two short sections, which will remain open to public parking. The restricted long section of Mead Place fit 17-18 cars, and there were 18 residences on the street. One parking permit will be issued annually to each Mead Place residence, including residents on the short sections, for parking from 7:00a to 7:00p. City Manager Usry estimated the permit would be \$50 per year to cover administrative costs.

Meipo Chan, 42 Mead Place, thanked the Council for addressing the long-term parking and traffic problem on the street. She requested more than one permit per household and that a two-year permit will cut down on administrative needs. City Manager Usry replied the permit process was not finalized and length of permit would be considered, but there was only room for 18 cars on the street, and for the first attempt at a parking district the planning was done in an effort of fairness to residents. City Clerk Carolyn D'Andrea clarified that the Passport system allows residents the flexibility to go online and register additional cars per residence, but only one car can utilize the parking pass at a time.

Ellen Saya, 38 Mead Place, hoped the new law will greatly improve the traffic problem on Mead Place. She was surprised no one had been hurt considering the high rates of speed she regularly observed. Making the street one-way or a dead end has been discussed, though apparently they were not options, nor were speed bumps. Ms. Saya asked if any type of backtracking would be done if it turned out the restricted parking did not help the rate of traffic. She thought it was unnecessary to re-permit every year. Her home was undergoing massive construction due to Ida and she was concerned there would be nowhere for workers to park. Ms. Saya said the one-hour parking on the Theodore Fremd end of Mead Place was never enforced, and Councilwoman Souza replied there was always added enforcement when new laws were passed.

Sabrina Murphy, 27 Meade Place, spoke on behalf of the YMCA on Mead Place. She acknowledged the parking struggle in the neighborhood. She thanked the Council for their communication on the issue. The YMCA was partnering and investing in parking attendants in the lots to help the situation. City Manager Usry confirmed for Ms. Murphy that the law did not restrict parking on the weekends. She was happy there would still be public parking on half the street. She also wanted to know if the restricted parking zone would be reassessed, and Councilwoman Souza reassured her laws were revisited often.

Louise Murray, 43 Mead Place, thanked the Council for considering the parking district because there was hope it would keep the children safer with less people cruising for parking, which usually meant turning around in driveways and in the middle of the street. She also thought there should be two permits per household. There were neighbors with driveways that would rarely use restricted spaces, and there were neighbors whose cars did not fit in their driveways, and she believed the neighbors could be trusted to manage the spaces they had to work with.

Councilwoman Souza made a motion, seconded by Councilman Nathan, to adjourn the public hearing on the Mead Place parking district to the May 10, 2023 City Council meeting. The Council was unanimously in favor.

10. Councilman Henderson on Rye Golf Club.

Before Councilman Henderson was heard, Councilwoman Johnson read a note from Mayor Cohn, which can be heard at <https://ryeny.new.swagit.com/videos/224932> at 2:51:25. summarized as follows: as a publicly owned membership enterprise, Rye Golf Club was responsible for the cost of its operation. RGC was a unicorn because it was not a municipal golf course in the classic sense, nor a private club, and Rye citizens had been clear they did not wish for City taxes to pay for the pool and golf course. The club is operated as an enterprise fund, funded just by the users/ members of the club. The club must balance the needs and contributions of new and returning members with large capital expenses on the horizon. Elected volunteer commissioners had the appropriate discretion to vary rates and steer the self-funded enterprise in the space between county golf courses and private clubs. The 39% increase to a low membership rate still provided a great value proposition for Rye residents. Member dues were competitive with Harrison Meadows and a fraction of private club dues. The RGC Commission will come back to the Council in the fall with a longer-term view of the past and future. Mayor Cohn in his letter found no reason for the ongoing rate discussion. In December, all councilmembers voted in support of the 2023 budget, which included these rates. The letter said that the perpetuation of the issue appeared to be a flogging of the RGC, its volunteers, and disrespected the Council budget process to no positive end.

Councilman Stacks, Council liaison to the RGC Commission, read a statement disclosing that he was an RGC member and he had no idea of the effect of Council's vote on next year's rates. He will vote on the proposal tonight, but abstained from a prior vote because it credited the councilman the overage he voluntarily paid to avoid any potential conflict question, though he was eligible for the lower rate. He said he was in the same class as 2023 member. The current proposal holds no special ramifications for Councilman Stacks, and he noted the long history of RGC members sitting on the Council and voting on RGC matters. Councilman Stacks asserted that it was the first time since 2014 when the Golf Club instated yearly rate increases that there was a question about conflict of interest with councilmember liaisons who were RGC members.

Councilman Henderson stated that he had been misquoted in the *Rye Record*; he did not make comments about Councilman Stacks' conflict of interest. Councilman Nathan also did not feel there was an issue, though there was an attribution of a statement he was included in, and after Councilman Stacks pointed it out, Councilman Nathan wrote a letter to the *Rye Record* correcting the statement, which Councilman Stacks approved before it was sent, and a retraction was published. He remembered stating at the budget approval that 39% was high but he agreed with it based on the expected transparency and disclosure in 2023, which did happen. Productive discussions took place based on the transparency, and miscommunications were ironed out with Terry McCartney. He did not think anyone acted in bad faith. The Council heard and approved a credit system to reimburse new members.

Councilman Stacks asked for confirmation that there was no lingering doubt about conflict of interest that would result in an Ethics Committee referral, and Councilman Henderson replied that such a referral would not come from him, and it was not an issue up for discussion at the present meeting.

Councilman Henderson said that on March 15, 2023 during a discussion of fee transparency, he requested a chance to address the Council, and he thanked the mayor for putting it on the agenda. He was happy to see the request to give RGC joiners in 2022 a credit to bring them into parity with joiners in 2021 and previous renewing members, but that did not address the new members in 2023 paying 39% more. He presented a resolution to give new members in 2023 a similar credit which had been reviewed by Corporation Counsel Kristen Wilson and supported by Councilmembers Fontanes and Nathan.

Councilman Henderson thought the issue was a matter of fundamental fairness that all Rye residents pay the same amounts of money for any services provided by the Rye City Government, including the Golf Club. He said that no other public entities charged different fees for new Rye residents. Councilman Henderson shared a chart of fees and noted the substantial disparity in new member rates over the last few years. He advised against continuing the practice. The City could afford to credit the 2023 joiners, in fact, the RGC would come out \$59K ahead of budget, and quite a bit more if Lessings funds were received. Councilman Henderson suggested opening a public hearing and then voting on the presented resolution.

Councilman Stacks requested to read a statement from Terry McCartney, Chair of the RGC Commission, summarized as follows: Mr. McCartney did not support Councilman Henderson's resolution about 2023 new members and asked the City Council to vote against it. The 2023 budget was properly presented and approved. Revisiting the fee structure at the current juncture would cause major staff disruptions and unnecessary expense. He objected to inaccuracies in the memo accompanying the resolution, but he pledged to consider, but not necessarily agree with, Councilman Henderson's points during the 2024 budget process. Mr. McCartney did not attend the City Council meeting because it was scheduled at the same time as the RGC Commission meeting.

John Hobbins, 75 Oakland Beach Avenue, agreed with Councilman Henderson's stance on the matter. He cited Harrison Meadows and Lake Isle as examples of municipal golf courses that had the same rates for new and returning members, and he guessed RGC might be the only facility in New York that did not. Mr. Hobbins said he saw a trend of increasing operations control given to the RGC Commission who should not have the power to pick fees for a government-owned entity. He felt the City Council kept Golf Club issues at arm's length, and the Commission had not been transparent. There would be more capital to work with if all members paid the same rate.

Lindsay Lorraine, 68 Allendale Drive, neighbor of the Golf Club, thought there was a governance issue. She said no person or entity wanted to take responsibility for how RGC was run. She felt there was a conflict in how RGC Commission meetings were set up, making it impossible for Councilman Stacks to attend the meetings. She said she was not sure the Commission always abided by open meeting laws, and objected to last minute agenda changes. She said she saw the same thing happening with the way the tree law was being written.

Charlie Davies, 20 Reymont Ave, Rye said he was a resident of 30 years, satisfied member of RGC for over 15 years, and Commission member from 2012-2017. He reminded the Council that for several trying years, the Golf Club lost money and was a liability to the City. He was worried the Council was headed down a slippery slope, cherry-picking policies they like and do not like, and asked who would make it right if the budget does not support reality. The pool needed major repair and it was still unclear how it would be funded. The rate hike and other fundraising measures were a result of the City not making bonds available to the Club.

Kathy Grainger Hobbins, 75 Oakland Beach, stated that the Golf Club Commission was an advisory board to the City Council and had no legal authority to make financial decisions on behalf of City-owned properties. They were deemed officers that work on behalf of the City. The Commission reports to the City Council, therefore the City Council was responsible for any changes, including increases. She thought it curious that the Commission meeting was changed at the last minute to prevent attendance at both meetings. She had yet to hear Rye residents support the inequitable rate increase. RGC was set up to be equitable and should be managed in that manner. She supported Councilman Henderson's notion that capital can be raised by increasing rates for everyone. She wanted the Council to open their minds and look at the facts and the people of Rye.

Councilwoman Johnson considered the increase an initiation fee and that the ongoing discussion was undermining the elected commissioners. She said the public disparagement of volunteer commissioners was unfair, and stressed the importance of staying faithful to the process. She said that the Commission acknowledged their miscommunication and credited new members, and they should be given space knowing the matter will be up for discussion after one year. Councilman Nathan summarized that the fee structure came out of a confusing process with transparency issues that had since been resolved, but the 2023 joiners had not been given a credit like 2022 joiners though they paid the same 39% increase, so he supported Councilman Henderson's resolution. Councilwoman Johnson argued that initiation fees were reasonable for new members and cited the YMCA as an example.

Mr. Hobbins returned to the podium and stated that municipal golf courses do not have initiation fees. Councilman Stacks raised the point that seniors, juniors, and young executives pay different rates, and no one was challenging that. Mr. Hobbins said it set up a precedent to charge different fees at places like the Boat Basin, and Councilman Stacks replied the precedent existed for nine years.

Councilman Stacks reminded the Council that in four months the 2024 Rye Golf Club budget would be before them, and the Club moved up their whole budget process to accommodate the discussion on the Council's timeline. The Commission agreed to be assisted by the City of Rye Finance Committee to walk through the process.

Mr. Davies returned to the podium to state that in 2012 there were 27 different categories of RGC membership because people were asking the Commission for special dispensations. This was an improvement to that time that had many categories of membership. All the membership dues paid for free activities for City services like the summer camp.

Councilman Nathan asked if the 100 new members who signed up for 2023 knew they were paying 39% more than other members. The issue was transparency, and the new members in 2022 and 2023 were not aware of the fee discrepancy. Councilman Stacks argued that the club was not a typical municipal course and therefore did not have to abide by those standards, and Councilman Henderson argued that it was a municipal club. Councilman Stacks suggested a public referendum to see if Rye voters wanted to make the club a municipal facility owned and run by the City, or run in the current manner. There was general discussion of the issue among councilmembers.

Councilman Henderson made the motion, seconded by Councilman Nathan, to adopt the following resolution:

WHEREAS, the City Council recently reviewed the Rye Golf Club fees for both renewing and new members; and

WHEREAS, the Rye Golf Club Commission recently recommended that any renewing member be charged the same rate regardless of the year they joined; and

WHEREAS, the City Council adopted a resolution providing a credit to any 2022 member (resident or non-resident) so that a 2022 member would be effectively charged the same rate as a 2021 or earlier member; and

WHEREAS, the City Council would now like to provide the same credit to 2023 Rye resident members so that all Rye resident members would be charged the same membership rate.

NOW, THEREFORE BE IT RESOLVED, that the Rye City Manager and Rye Golf General Manager are directed to provide credits to Rye residents joining Rye Golf Club in 2023 and who are not renewing members, to bring them into parity with the rates paid by 2021 and previous renewing Rye resident members. The credits will be provided in the following amounts:

- Rye City residents joining 2023 in the Resident Comprehensive category and paying \$7,192 will receive a credit of \$2,023 to bring them even with the 2021 and prior renewing members in the same category paying \$5,169.
- Rye City residents joining 2023 in the Resident Individual Daily Golf category and paying \$4,961 will receive a credit of \$1,394 to bring them even with 2021 and prior renewing members in the same category paying \$3,567.
- Rye City residents joining 2023 in the Resident Young Executive category and paying \$4,462 will receive a credit of \$1,254 bringing them even with 2021 and prior renewing members in the same category paying \$3,208; and

BE IT FURTHER RESOLVED, the credit will be distributed consistent with the plan recently enacted to provide credits to the 2022 joiners in these categories with the exception that the resolution only applies to resident member; AND

BE IT FURTHER RESOLVED, Rye City residents who join Rye Golf in 2023 after the date of this resolution and who are not renewing members will also be provided with a credit, consistent with the plan recently enacted to provide credits to 2022 joiners, so they will effectively be charged the same annual rate in 2023 as renewing members in their category of membership who joined in 2021 and prior years, AND

BE IT FURTHER RESOLVED, all Rye City residents joining in 2023 under the Individual Pool, Pool for 2 and Family Pool categories and who are not renewing members will be charged the same annual rates consistent with 2022 and 2021 joiners.

ROLL CALL

Ayes: Councilmembers Fontanes, Henderson, Nathan
Nays: Councilmembers Johnson, Souza, Stacks
Absent: Mayor Cohn

The motion failed.

11. Members of the public may be heard on matters for Council consideration that do not appear on the agenda.

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

12. Set a public hearing to adopt a Local Law to amend Chapter 161, Article III “Private Sanitary Sewer Laterals” by adding § 161-17.1 “Standards for connection to a common force main,” to the Code of the City of Rye.

City Manager Usry explained that the City Council would be setting a public hearing for the Council meeting in two weeks. Adopting the law was required by the County Department of Health to keep forced mains connected to a City line in compliance.

Councilwoman Souza made the motion, seconded by Councilwoman Johnson, to set the public hearing to adopt a Local Law to amend Chapter 161, Article III “Private Sanitary Sewer Laterals” by adding § 161-17.1 “Standards for connection to a common force main,” to the Code of the City of Rye. The Council unanimously approved the motion.

13. Resolution to amend the 2023 Adopted Fees and Charges for the Clerk’s office.

Ms. D’Andrea explained the amendment was for the all-day, all-night parking permits that allow residents who do not have access to driveways or off-street parking to park in city-owned lots instead of on streets. The resident annual permit was currently \$900, and the six month permit was \$500. This originally was set up to incentivize the purchase of an annual permit, which required less staff administrative time, and less time for the residents. However, since the pandemic, the City has offered residents a monthly permit that cost wise, works out to \$900 for one year. The amendment before the Council would streamline the fees and remove any perceived penalty for six-month permits. The loss to the City was minimal at \$250 out of the \$63,000 budget line.

Councilwoman Souza made the motion, seconded by Councilman Stacks, to amend the 2023 Adopted Fees and Charges for the Clerk’s office, changing the \$500 six month All Day/ All Night parking permit to \$450.

ROLL CALL

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

14. Resolution to appropriate \$25,000 from contingency for Arborist services.

City Manager Usry explained that the money would be used for consultation related to ongoing revision of the new tree law and several other matters.

Councilwoman Souza made the motion, seconded by Councilman Stacks, to appropriate \$25,000 from contingency for Arborist services.

ROLL CALL

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

CONSENT AGENDA

- a) Consideration of a request from the Rye Free Reading Room (RFRR) to use the Village Green for various events such as outdoor Wiggle Giggle, family story times, Robert the Guitar Guy, classical musical concerts, and other common library programs on various days from May 1, 2022 – October 31, 2023. RFRR will coordinate with City staff to ensure there is no interference with maintenance of the Village Green.
- b) Consideration of a request from the Rye Free Reading Room (RFRR) to use the Village Green on Friday, September 8, 2023, until Monday, September 11, 2023. The sale will take place Saturday and Sunday from 12 pm – 5 pm and the Village Green will be completely cleared by Monday morning.

Councilwoman Souza made the motion, seconded by Councilman Stacks, to approve both Consent Agenda items. The Council unanimously agreed.

15. Old Business/New Business

There was no old or new business.

16. Adjournment.

Councilwoman Souza made the motion, seconded by Councilman Stacks, to adjourn the City Council meeting at 10:34 P.M. The Council was in favor and the meeting was adjourned.

Respectfully submitted,

Carolyn D'Andrea
City Clerk



CITY COUNCIL AGENDA

DEPT.: Fire Department

DATE: May 4, 2023

CONTACT: Michael A. Kopy, Commissioner of Public Safety

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

- Policy # 205 – Training Policy
- Policy # 206 – Disclosure of Interest
- Policy # 208 – Solicitation of Funds
- Policy # 213 – Emergency Action Plan
- Policy # 304 – Traffic accidents involving Department vehicles
- Policy #1040 – Line of Duty Death
- Policy # 1041 – Line of Duty Death Notification
- Policy 1044 – Critical Incident Stress Debrief

FOR THE MEETING OF:

May 10, 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: 05/10/2023
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 205 – Training Policy

It is the policy of the department to administer a training program that will provide for the professional growth and continued development of its members. By doing so, the Department will ensure its members possess the knowledge and skills necessary to provide a professional level of service that meets the needs of the community.

Policy 206 – Disclosure of Interest

The purpose of this policy is to provide a uniform method for complying with the New York State law for disclosure if interests by designated members.



Policy 208 – Solicitation of Funds

The purpose of this policy is to ensure that fundraising activities associated with the Department are consistent with its mission, values and legal status. This policy applies to all fundraising activities involving the Department or the use of the Department name, insignias, equipment or facilities.

Policy 213 – Emergency Action Plan

The purpose of this policy is to provide for member and visitor safety in the event of an emergency at any department facility and to ensure compliance with the Code of Federal Regulations and New York regulations mandating all employers to develop and maintain an Emergency Action Plan and a Fire Prevention Plan.

Policy 304 – Traffic accidents involving Department vehicles

The purpose of this policy is to provide guidelines for the reporting and investigation of traffic accidents involving department vehicles and department personnel on official business. This policy applies to accidents involving any department owned vehicle and to accidents any time department business is being conducted, regardless of who owns the vehicle involved.

Policy 1040 – Line of Duty Death

The purpose of this policy is to provide the necessary guidelines and protocol for a line of duty death. It defines and describes the guidelines and responsibilities to be followed in the event of a line of duty death and can be escalated in the event of multiple deaths or when a number of department members are seriously injured.

Policy 1041 – Line of Duty Death Notification

The purpose of this policy is to describe the communication activities that should occur in the event a member is seriously injured or killed in the line of duty. The policy establishes a priority for notifications, outlines steps for conducting each set of notifications and identifies roles and responsibilities.

Policy 1044 – Critical Incident Stress Debrief

The purpose of this policy is to establish a Critical Incident Stress Debriefing program. The Rye Fire Department recognizes that during the course of performing job duties, members may become involved in or be exposed to incidents that have the potential to cause various forms of short or long term emotional trauma.



Training Policy

205.1 PURPOSE AND SCOPE

It is the policy of this department to administer a training program that will provide for the professional growth and continued development of its members. By doing so, the Department will ensure its members possess the knowledge and skills necessary to provide a professional level of service that meets the needs of the community.

205.2 POLICY

The Department seeks to provide ongoing training and encourages all members to participate in advanced training and formal education on a continual basis. Training is provided within the confines of funding, the requirements of a given assignment, staffing levels and legal mandates.

Whenever possible, the Department will use courses certified by the New York State Office of Fire Prevention and Control (OFPC), the U.S. Department of Homeland Security or other accredited entities.

205.3 OBJECTIVES

The objectives of the training program are to:

- (a) Reduce risk and enhance safety.
- (b) Enhance the level of emergency services to the public.
- (c) Increase the technical expertise and overall effectiveness of department members.
- (d) Provide for continued professional development of department members.
- (e) Promote professional development.

205.4 TRAINING NEEDS ASSESSMENT

The Training Lieutenant will conduct an annual training needs assessment. The needs assessment will be reviewed by command staff. Upon approval by the Career Captain, the needs assessment will form the basis of the training plan for the following year.

205.5 TRAINING PLAN

A training plan will be developed by the Training Lieutenant and submitted to the Career Captain for approval. It is the responsibility of the Training Lieutenant to maintain, review and update the training plan on an annual basis, ensuring that all mandated training is achieved. All training records will be maintained in accordance with established records retention schedules (19 NYCRR § 427.4(e)).

Training Policy

205.6 TRAINING AUTHORIZATION

All training and drills shall be approved by the Career Captain or designee, either by signature, email or travel authorization where required. A narrative showing benefit to the City or professional development plan must be provided.

Disclosure of Interest

206.1 PURPOSE AND SCOPE

The purpose of this policy is to provide a uniform method for complying with the New York State law for disclosure of interests by designated members (General Municipal Law § 209-ee).

206.2 POLICY

Designated members shall comply with state requirements regarding disclosure of interests to the Rye Fire Department and the City (General Municipal Law § 209-ee).

206.3 DEPARTMENT RESPONSIBILITIES

The Career Captain shall designate a person to be the disclosure of interest officer for the Department, who shall be responsible for maintaining a list of all department members who are required to disclose their interests and ensure that written notice is provided to the members' supervisors and to the City.

Members in designated classifications are required to disclose certain economic interests, which may include actual or proposed contracts, purchase agreements, lease agreements or other agreements, including oral agreements, with the Rye Fire Department. Members shall publicly disclose the nature and extent of the interest in writing to the member's supervisor and to the City (General Municipal Law § 209-ee).

Solicitation of Funds

208.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that fundraising activities associated with the Department are consistent with its mission, values and legal status. This policy applies to all fundraising activities involving the Department or the use of the Department name, insignias, equipment or facilities.

208.1.1 DEFINITIONS

Definitions related to this policy include:

Fundraising - The collection of money through donations, sales or event programming for the purpose of charitable donation or organizational budget enhancement.

208.2 POLICY

It shall be the policy of this department that all fundraising activities involving on-duty members or use of department equipment for the financial benefit of the Department must be authorized by the Career Captain or the authorized designee prior to initiating solicitations.

Authorized fundraising activities should not indicate or imply that a donation will influence services provided by the Department. Members engaged in fundraising activities are expected to act ethically regarding the solicitation of funds, the interaction with donors or potential donors and the maintenance of fundraising records.

Members are prohibited from soliciting any goods or services from local businesses, groups or individuals for the purpose of providing incentives, prizes or giveaways to attendees of department-sponsored or hosted events, or to events when members attend as representatives of the Department.

208.3 GUIDELINES

Fundraising activities or events involving the Department should incorporate:

- (a) Compliance with applicable federal, state and local laws and regulations.
 - 1. Volunteer fire companies shall comply with the provisions of General Municipal Law § 204-a.
- (b) Compliance with department and governing-body policies.
- (c) A benefit to the Department that is consistent with the Department mission.
- (d) An accurate description of the purpose for which funds are requested.
- (e) A limitation on the frequency of solicitations to avoid placing undue pressure on donors.
- (f) Identification of the individual soliciting funds as a volunteer, a member of this department or a hired solicitor.

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Solicitation of Funds

- (g) An admonishment that encourages donors to seek independent advice if there is reason to believe that a proposed gift might significantly affect the donor's financial position, taxable income or relationship with other family members.
- (h) The assurance that donor requests to limit the frequency of contacts, to prohibit solicitation by telephone or other technology, and to reduce or cease sending printed or electronically transmitted material concerning the Department will be honored.
- (i) Respect of donors' privacy and a commitment that the Department will not sell donors' names and contact information.

Commercial or corporate sponsorship of fundraising activities or events may be allowed provided that it has been preapproved by the Career Captain or the authorized designee.

208.4 DEPARTMENT-SPONSORED EVENTS

The following also apply to department-sponsored fundraising events:

- (a) Fundraising events should be clearly identified by a sign indicating the name, product, service, price and purpose of the event.
- (b) At least one member should be present during the entire event.
- (c) Individuals participating in the event should be briefed and supervised to ensure their activities are consistent with this policy.
- (d) Individuals participating in the event should not be compensated by a commission or a percentage of the amount collected.
- (e) Funds raised should be deposited no later than the next business day.
- (f) All donors should receive a receipt for the amount of their donation. In efforts involving a less formal "drop" collection, receipts need not be issued unless requested.
- (g) Fundraising activities should not delay emergency response or otherwise compromise the mission of the organization.
- (h) Fundraising that takes place on public-owned or private property will be done with the knowledge and approval of the property custodian or owner.
- (i) Fundraising that occurs on public ways or near roadways will be coordinated with the responsible law enforcement agency for the protection of pedestrians, motorists and event participants. Proper safety apparel shall be worn when in roadways or traffic areas.

208.5 FUNDRAISING ON BEHALF OF OTHERS

Fundraising for the benefit of a nonprofit charitable third party (e.g., blood drive, burn victims, surviving families) having no direct affiliation with the Department is permissible provided that the fundraising standards and event prerequisites listed above are followed.

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Solicitation of Funds

Any materials associated with a third-party fundraising activity shall be approved by the Career Captain or the authorized designee prior to the activity. In addition, there should be a written agreement between the Department and the organizers of the activity that includes:

- (a) Written verification that the event is for a charitable purpose.
- (b) Assignment of responsibility to the organizers for all direct costs incurred for the event.
- (c) Assignment of responsibility to the organizers for the collection and reporting of any applicable taxes.
- (d) Written instructions regarding the maintenance of funds raised on behalf of others. The funds shall be maintained in a separate fund and not commingled with other department funds.

The Department reserves the right to require additional conditions including, but not limited to, evidence of insurance coverage or appropriate indemnification.

Emergency Action Plan and Fire Prevention Plan

213.1 PURPOSE AND SCOPE

The purpose of this policy is to provide for member and visitor safety in the event of an emergency at any department facility and to ensure compliance with the Code of Federal Regulations and New York regulations mandating all employers to develop and maintain an Emergency Action Plan (EAP) and a Fire Prevention Plan (FPP) (29 CFR 1910.38; 29 CFR 1910.39; 12 NYCRR § 800.3).

213.2 POLICY

The Rye Fire Department is committed to preparing for natural or human-created emergency incidents and providing for the safety of its members and visitors.

213.3 EMERGENCY ACTION PLAN AND FIRE PREVENTION PLAN

The Career Captain will develop and maintain an EAP and FPP to provide for the safety of department members and visitors in the event of an emergency. The EAP and FPP will address the specific requirements contained in applicable state and federal law (29 CFR 1910.38; 29 CFR 1910.39; 12 NYCRR § 800.3) and will address all buildings, facilities and regular places of work or visitor access that are controlled by the Department. The plan also will address actions that members of the Department must take to ensure their safety and that of visitors from fire and other emergencies.

- (a) The EAP shall be in writing and its elements shall include, but are not limited to (29 CFR 1910.38):
 1. Emergency evacuation procedures, including escape procedures and emergency escape route assignments.
 2. Procedures to be followed by members who remain to conduct critical facility operations before they evacuate.
 3. Procedures to account for all members and visitors after an emergency evacuation has been completed.
 4. Rescue and medical duties.
 5. Means of reporting fires and other emergencies.
 6. Names or job titles of persons or departments that can be contacted for further information or an explanation of duties under the plan.
 7. The alarm system that will be used to notify members and visitors in the event of a fire or other emergency situation.
 8. The types of evacuations to be used in emergency circumstances.
- (b) The FPP shall be in writing and its elements shall include, but are not limited to (29 CFR 1910.39):

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Emergency Action Plan and Fire Prevention Plan

1. A list of major fire hazards, handling and storage procedures for hazardous materials, potential ignition sources and their control procedures and the type of fire equipment necessary to control the hazard.
 2. Names and job titles of persons responsible for maintaining the equipment to prevent or control sources of ignition or fires.
 3. Names and job titles of persons responsible for control of fuel source hazards.
 4. Procedures to control the accumulation of flammable and combustible waste.
 5. Maintenance procedures for heat-producing equipment to prevent accidental ignition of combustible materials.
- (c) The written EAP and FPP shall be kept at each department workplace or facility and shall be made available for member and visitor review.

213.4 TRAINING

The Department will provide training supporting the EAP and FPP to all members and also to those persons who become members at the time they are assigned to the facility, as described in the Emergency Action Plan and Fire Prevention Plan Training Policy (29 CFR 1910.38(e); 29 CFR 1910.39(d); 12 NYCRR § 800.3).

Traffic Accidents - Department Vehicles

304.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the reporting and investigation of traffic accidents involving department vehicles and department personnel on official business. This policy applies to accidents involving any department-owned vehicle and to accidents any time department business is being conducted, regardless of who owns the vehicle involved.

304.2 POLICY

It is the policy of this department to investigate all department traffic accidents with the intent of learning the cause of the accident, identifying contributing factors and implementing corrective measures when appropriate.

304.3 REPORTING RESPONSIBILITIES

All department members involved in a traffic accident in a vehicle owned, leased, rented or borrowed by the Department, regardless of who owns the vehicle, shall immediately report the accident to the appropriate local law enforcement agency and notify an on-duty supervisor.

All department members involved in a traffic accident shall also complete and submit to the supervisor a report of the accident, in addition to any report taken by law enforcement. If the member is incapable, the immediate supervisor shall complete the form. Supervisors are responsible for notifying the Career Lieutenant of traffic accidents.

Once notified of a traffic accident, the Career Lieutenant is responsible for ensuring that the department investigation and review occurs prior to the end of the shift.

304.4 POST ACCIDENT INVESTIGATIVE RESPONSIBILITY

Traffic accidents subject to this policy will be classified, investigated and reviewed as follows:

- Career Lieutenant responds to scene
- Supervisor confirms local law enforcement has been notified for response and report
- Ensure treatment for any injuries
- If local law enforcement did not secure photographs, Career Captain will do so
- Memo of incident completed before end of subsequent shift.

304.4.1 ACCIDENT LEVELS

- (a) A Level I accident is any traffic accident involving:
1. Minor injury to any department member, a contract employee or an employee of another public agency when the injury does not result in treatment at an emergency treatment facility or in subsequent hospitalization.
 2. Minor damage to department property or vehicles.

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Traffic Accidents - Department Vehicles

3. Minor damage to non-department property or vehicles while conducting department business.
- (b) A Level II accident is any traffic accident involving:
1. Any injury to persons other than department members, except contract and other public agency employees noted in Level I.
 2. Any injury requiring immediate transport and treatment of any department member, contract employee or an employee of another public agency at an emergency treatment facility.
 3. Major damage to a vehicle owned or operated by the Department or major damage to department property.
- (c) A Level III accident is any traffic accident involving:
1. The death or anticipated disabling injury of a member of this department.
 2. The death or anticipated disabling injury of anyone other than a member of this department, a contract employee or other public agency employee when the traffic accident involves any department member, vehicle or property.

304.4.2 REVIEW TEAMS

Reviews shall be conducted by the on-duty Career Lieutenant or respective manager for Level I accidents.

Level II and Level III accidents will be reviewed by the Public Safety Commissioner, the Career Captain, a designated Health and Safety Officer or risk manager and a labor representative of the involved member.

304.5 ACCIDENT REPORTS

The investigation team leader is responsible for the preparation and completion of a written report that describes the traffic accident, any contributing factors, all persons and equipment involved and recommendations for preventing a recurrence.

Reports involving Level I accidents will be submitted through the chain of command to the Career Lieutenant in charge of the involved member. Reports involving Level II and Level III accidents will be submitted through the chain of command to the Career Captain.

Following review by the Public Safety Commissioner, the completed report and all related documentation from the investigation will be forwarded to the department's Records Access Officer for filing.

A completed report should include the following:

- (a) Investigation methods: Identify the members of the investigation team and the agencies involved in the investigation and describe the process of the investigation, including the names of any persons interviewed.

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Traffic Accidents - Department Vehicles

- (b) People, vehicles and equipment: List and identify all people, vehicles and equipment involved in the traffic accident.
- (c) Accident scene and environmental conditions: Describe the location, roadways, vehicle positioning, weather conditions, road/ground surface condition and/or visibility. Include diagrams, drawings, photographs and reports from any investigating law enforcement agencies.
- (d) Accident description: Describe the accident based on the facts gathered. Provide time frame sequence, movements, relative positioning, performance of vehicles and equipment and the actions of persons involved.
- (e) Policies and procedures assessments and recommendations: Identify any department policies and procedures that are relevant to the accident. Assess the effectiveness of such policies and procedures as applied to the accident and, with the intent of preventing future injury, property loss or liability, make recommendations regarding changes.
- (f) If it is determined that an employee may have violated any department policies or procedures, the Career Lieutenant should recommend that the matter be submitted for the initiation of possible administrative action.

Line-of-Duty Death

1040.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the necessary guidelines and protocol for a line-of-duty death.

The death of any department member while on-duty, while traveling in connection with such duty, or while engaged in firefighting or Emergency Medical Services (EMS) activities off-duty is considered a line-of-duty death. The death of any department member while undergoing medical treatment for any injury or disease potentially resulting from a job duty may be medically determined to be a line-of-duty death and for purposes of this policy may be handled as a line-of-duty death.

This policy defines and describes the guidelines and responsibilities to be followed in the event of a line-of-duty death and can be escalated in the event of multiple deaths or when a number of department members are seriously injured.

1040.2 POLICY

It is the policy of the Rye Fire Department to assist and support the family members and coworkers of fallen members to the extent reasonably practicable, while also investigating the cause of death, making appropriate notifications, and fielding press inquiries.

1040.3 RESPONSIBILITIES

1040.3.1 CAREER CAPTAIN

In the event of being notified of a line-of-duty death, the Career Captain or the authorized designee should:

- (a) Conduct briefings in order to communicate activities to the assigned officers.
- (b) Make an announcement to the Department at the appropriate time. Immediately after the announcement, all flags at fire stations and other department facilities should be lowered to half-staff and all badges should be shrouded. Flags should remain at half-staff and badges shrouded for a specified time, but in no event should that be for longer than 14 days.
- (c) Request that the Career Captain Bureau assemble personal data, such as date of birth, file photograph, marital status, dependents, and names of next of kin to facilitate the application for state and federal line-of-duty death benefits.
- (d) Assign a chief officer to act as the auditing officer to secure the personal effects of the deceased and deliver them to the Career Captain.
- (e) Assign a Family Support Liaison to facilitate communication between the deceased member's family and the Department.
- (f) Document all actions, contacts, requests, and other pertinent data.

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Line-of-Duty Death

- (g) Provide briefing to labor representatives regarding the incident and the deceased member only as is necessary to initiate labor organization benefits and honors.
- (h) Preserve any equipment, turnouts, and breathing apparatus used by the deceased firefighter for the investigation.

The Career Captain should determine the need to request outside resources to assist in the staffing or investigation of the incident, as needed.

1040.3.2 CAREER LIEUTENANT

In the event of a line-of-duty death, the Career Lieutenant or the authorized designee shall:

- (a) Secure the scene of the incident with the assistance of the Incident Commander, fire prevention personnel, and local law enforcement. Ensuring nothing is disturbed except at the direction of the lead law enforcement official.
- (b) Immediately notify the Public Safety Commissioner and the Career Captain.
- (c) Preserve any equipment, turnouts, and breathing apparatus used by the deceased firefighter for the investigation.
- (d) Preserve all tactical worksheets, video, and/or audiotapes for the investigation.
- (e) Gather all available information concerning the incident and circumstances leading to the death.
- (f) Consider the need for members at the incident to have access to Critical Incident Stress Debriefing (CISD) services.

1040.3.3 CAREER CAPTAIN BUREAU

The Career Captain Bureau is responsible for ensuring the security and proper disposition of a member's personal effects in the event of a line-of-duty death. Personal effects include all property owned by the deceased member that is kept on department property, as well as personal items carried by the member once those items have been released by investigators, in accordance with the Line-of-Duty Death and Serious Injury Investigations Policy.

In the event of a member's line-of-duty death, the following steps shall be followed in gathering and disposing of personal effects:

- (a) All personal effects at the station shall be taken to the Career Captain Bureau to be kept in a secure location.
- (b) The deceased member's vehicle will be secured at the work site and the keys forwarded to the Career Captain Bureau and secured.
- (c) A designee from the Career Captain Bureau should conduct an inventory of all personal items received and make a written report.
- (d) The next of kin will be given priority consideration to receive the member's property. Care should be exercised in selecting a tactful time for the delivery of personal effects to the next of kin. Documentation is required indicating the date, time, and location of the disposition of the property. The name and the relationship of the individual

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Line-of-Duty Death

accepting the property will also be noted. The documentation will be forwarded to the Career Captain Bureau for placement in the deceased member's personnel file.

- (e) Receive, inventory, and secure the deceased member's personal belongings and hold them until such time as the investigation team approves their release.
- (f) Establish the deceased member's survivor benefits (e.g. worker's compensation, life insurance, unused medical leave, retirement benefits, other salary pay, vacation pay).
- (g) Review the Public Safety Officers' Benefit Program to determine benefits and the process for securing benefits for surviving next of kin.
- (h) Assist and coordinate with the next of kin in the process of securing all of the benefits to which the survivor is entitled.
- (i) Should conduct all duties in accordance with the Family Support Policy

1040.4 LINE-OF-DUTY DEATH INVESTIGATIONS

For line-of-duty death investigation procedures, see the Line-of-Duty Death and Serious Injury Investigations Policy.

Line-of-Duty Death and Serious Injury Notification

1041.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the communication activities that should occur in the event a member is seriously injured or killed in the line of duty. The policy establishes a priority for notifications, outlines steps for conducting each set of notifications, and identifies roles and responsibilities.

1041.2 POLICY

It is the policy of the Rye Fire Department to ensure, to the extent reasonably practicable, that immediate and compassionate notification is made to the family of members who are seriously injured, hospitalized, or killed in the line of duty. The Department shall make it a priority to offer assistance and support to the member's family.

1041.3 PROCEDURE

- (a) For the purposes of this policy, a serious injury or hospitalization is defined as a medical condition that is life-threatening or has the potential to disable the member for a substantial period of time.
- (b) The Incident Commander (IC) or Career Lieutenant at the scene of the serious injury or death will immediately notify the Public Safety Commissioner and the Career Captain and provide the necessary information.
- (c) The Career Captain will be the point of contact for making assignments and will coordinate actions with Human Resources and others.
- (d) In the event of the death of a member, the Career Lieutenant must immediately initiate the procedures in the Line-of-Duty Death and Serious Injury Investigations Policy.

1041.4 DEATH NOTIFICATIONS

The Public Safety Commissioner, in coordination with the Career Captain or the authorized designee, will assign a two-person notification team. The team should:

- (a) Contact the Career Captain Bureau or Career Lieutenant to obtain information regarding the member's next of kin.
- (b) Call back operations staff, if necessary.

1041.4.1 NOTIFYING THE FAMILY

The team members should adhere to the following notification guidelines:

- (a) The team should not park directly in front of the family's home or workplace. The person who will make the notification should make introductions at the door and ask to be invited in.

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Line-of-Duty Death and Serious Injury Notification

- (b) In most cases, if a chaplain is part of the notification team, the chaplain should make the notification.
- (c) Notification should be made briefly and directly.
- (d) Information regarding precipitating factors or information that is provided should be based on what is known at that time.
- (e) Team members should communicate the support and sympathy of the Career Captain and all members of the Department.
- (f) Team members should ask family members whether they would like the team to notify other parties, such as clergy or grief counselors.

1041.4.2 NOTIFICATION OF FAMILY OUT OF THE AREA

If the immediate next of kin of the deceased employee lives out of the area, the Career Captain may make arrangements to have someone in the family's area make the notification. The Career Captain will make all attempts to have a representative of the Department present.

The following should be considered:

- (a) Whether the notification should be made by the local clergy or another person in the area who has a relationship with the family, or with the assistance of the local department/law enforcement.
- (b) Whether the fire department in the family's city of residence may be the most appropriate entity to make the notification or whether that department can assist in obtaining information about the family.
- (c) Whoever is selected to make the notification should be provided with the information contained in this policy.
- (d) The notification plan must include a coordinated telephone call with the family and the Career Captain.

1041.4.3 INTERNAL DEPARTMENT NOTIFICATIONS

The following internal notifications should be made in advance of any media release:

- (a) All members should be notified as soon as possible after the family notification is made.

1041.4.4 GOVERNING BODY AND LABOR NOTIFICATIONS

The Career Captain will ensure that additional notifications are made as required, after the next-of-kin notification. Notifications that are required as soon as practicable after a confirmed line-of-duty death or serious injury include the following:

- (a) Public Safety Commissioner
- (b) Employee labor representatives
- (c) City's human resources / personnel department
- (d) Other notifications as determined by the Public Safety Commissioner

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Line-of-Duty Death and Serious Injury Notification

1041.4.5 EXTERNAL NOTIFICATIONS

The following external notifications will be made:

- (a) Notification to the New York State Office of Fire Prevention and Control (OFPC) should be made for a line-of-duty death within eight hours (12 NYCRR § 801.39)
- (b) Notification to the New York State Department of Labor's Division of Safety and Health (DOSHS)
- (c) Notification to the National Institute for Occupational Safety and Health (NIOSH)
- (d) Notification to the U.S. Department of Justice Public Safety Officers' Benefit Program
- (e) Notification to the United States Fire Administration (USFA)
- (f) Notification to the National Fallen Firefighters Foundation (NFFF)
- (g) Notification to other agencies as mandated by federal and state law and local ordinance

1041.5 FAMILY SUPPORT

The Career Lieutenant should appoint a Family Support Liaison, who should refer to the Family Support Liaison Policy for duties and responsibilities.

In the event of a line-of-duty death, the Career Captain or the authorized designee should appoint a funeral detail officer to administer the Funerals Policy.

1041.6 NEWS MEDIA AND COMMUNITY RELATIONS

It is the policy of the Rye Fire Department to follow the News Media and Community Relations Policy when communicating with the media. In the case of a line-of-duty death, additional considerations include but are not limited to:

- (a) The employee's family must have received proper notification prior to any information regarding the identity of the deceased being released to the media.
- (b) All information must be validated prior to its release to the media.

The Public Safety Commissioner shall be the spokesperson on most aspects of these events. However, the announcement or confirmation of a line-of-duty death and/or the release of the employee's name should be made by the Career Captain or Public Safety Commissioner.

1041.7 SERIOUSLY INJURED OR HOSPITALIZED EMPLOYEE

Some of the notification and support procedures described in this policy for a line-of-duty death may be applied to any instance of an employee who has been seriously injured in the line of duty, except as noted below:

- (a) If the seriously injured employee has been taken to a hospital, the Career Captain should assign a Career Lieutenant who is not involved in the incident to go to the hospital and become the hospital liaison.

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Line-of-Duty Death and Serious Injury Notification

- (b) The Career Lieutenant should establish communications with the hospital and report regularly to the Career Captain on the employee's condition.
- (c) A representative of the employee's labor organization will also be sent to the hospital, if possible.

The hospital liaison and labor representative should work cooperatively for the benefit of the employee and the employee's family. In addition, the Career Captain should ensure close coordination with the treating medical facility.

Critical Incident Stress Debriefing

1044.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a Critical Incident Stress Debriefing (CISD) program. The Rye Fire Department recognizes that during the course of performing job duties, members may become involved in or be exposed to incidents that have the potential to cause various forms of short- or long-term emotional trauma.

1044.1.1 DEFINITIONS

Definitions related to this policy include:

Critical incident stress - A strong emotional, cognitive or physical reaction that has the potential to interfere with daily life, including physical and emotional illness, loss of interest in the job, personality changes, marital discord and loss of ability to function.

Critical Incident Stress Debriefing (CISD) - A standardized approach using a group format to provide education, an atmosphere and opportunity for emotional release through discussion, and support for members who are involved in emergency incidents under conditions of extreme stress. CISD is not a diagnostic or treatment process like that provided in counseling sessions by a mental health professional. Instead, it is a service that provides education and support.

1044.2 POLICY

It is the policy of the Rye Fire Department to implement a CISD program to provide support and professional intervention to members of this department following exposure to situations that are likely to create unusually strong emotional reactions.

1044.3 CISD PROGRAM

The Department should establish a committee responsible for implementing and managing the CISD program. The Career Captain or the authorized designee is responsible for appointing members to the committee who are representative of all levels of department personnel. The department's Health and Safety Officer serves as the committee chairperson.

State, local and peer organizations provide CISD programs and teams. These resources can prove beneficial and reduce costs.

Functions of the committee include, but are not limited to:

- Providing input and assistance to the development and implementation of the CISD program.
- Recommending the type and content of critical incident-related programs, workshops or seminars.
- Distributing CISD-related information to members.
- Providing the administrative and technical support needed to implement CISD activities.

Critical Incident Stress Debriefing

- Assisting in the recruitment and training of peer support personnel.
- Coordinating and following up on requests for CISD.

1044.4 CISD COMPONENTS

The CISD program should include pre-incident, on-scene and post-incident activities, including education, diffusion of emotional reactions and debriefing. The purpose of the program is to minimize the impact of stress on members following major incidents.

Ideally, CISD should incorporate the services of both peer support personnel and trained professionals, such as physicians, psychologists or counselors.

The program is intended to be consistent with the recommendations of the National Fire Protection Association (NFPA) and the Fire Service Joint Labor Management Wellness-Fitness Initiative, developed by the International Association of Fire Fighters (IAFF) and the International Association of Fire Chiefs (IAFC).

1044.4.1 ACTIVATION

The following are examples of incidents that may initiate a CISD response:

- Major disaster or mass casualty incidents
- Serious injury, death or suicide of a firefighter, police officer or other emergency service provider
- Serious injury or death of a civilian resulting from emergency service operations
- Death of a child or similar incident involving a profound emotional response
- Any incident that attracts unusually heavy media attention
- Loss of life following an unusual or extremely prolonged expenditure of emotional and physical energy by emergency services personnel
- Any unusual incident that produces an extreme, immediate or delayed emotional response
- Cumulative trauma from multiple incidents

Any time it has been determined that a critical incident has occurred and intervention may be needed, a CISD should be requested. The request may be made either directly to peer support personnel or through the CISD committee. Depending on the type and magnitude of the incident and services that may be needed, the CISD may be activated either during or after a critical incident.

All members are responsible for recognizing incidents that may need a CISD. Once an incident has been identified as a critical incident, a CISD should be initiated as soon as practicable.

Debriefing may be conducted anywhere there is ample space, privacy and freedom from distractions. Consideration should be given to including responders from other agencies who were

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Critical Incident Stress Debriefing

involved in the incident including, but not limited to, communications personnel, law enforcement officers and paramedics or ambulance personnel.

Any member may request peer support or professional help as needed, on an individual basis.

1044.4.2 CISD PROVIDERS

CISD providers should include mental health professionals and peer support members.

- (a) The duties and responsibilities of mental health professionals include the following:
 - 1. Supervise and advise on all clinical aspects of the program.
 - 2. Ensure the quality of CISD services.
 - 3. Offer clinical support and program guidance to the CISD committee and peer support personnel.
 - 4. Assist in the selection of new peer support personnel.
 - 5. Provide guidance to peer support personnel.
 - 6. Assist in training peer support personnel and with continuing education.
 - 7. Advise on the development of policy and written operational CISD protocols.
- (b) Mental health professionals involved in the CISD program should have the following qualifications:
 - 1. Be a licensed mental health professional.
 - 2. Be trained and experienced in a recognized CISD model.
 - 3. Demonstrate experience in counseling emergency services personnel.
- (c) The duties and responsibilities of peer support members include the following:
 - 1. Assist and support the CISD mental health professionals as necessary.
 - 2. Provide referrals to mental health professionals, where appropriate.
 - 3. Provide support and basic education to members and their families.
 - 4. Serve as a CISD provider with mental health professionals.
 - 5. Complete training and supervision necessary for the role.
- (d) Members involved in the CISD program as peer support personnel should have the following qualities:
 - 1. Good negotiating skills
 - 2. Ability to communicate effectively
 - 3. The respect and trust of peers
 - 4. Ability to maintain confidentiality

Critical Incident Stress Debriefing

5. Ability to adhere to established limits and criteria
6. Ability to learn about the psycho-social process
7. Good listening skills
8. Good rapport with fellow emergency workers
9. Sensitivity to the problems of others
10. Be an emergency service provider or a member of a related service
11. Possess experience and knowledge about the types of incidents and situations to which members may be exposed

Peer support personnel should participate in both initial and continuing education and training regarding CISD principles and procedures.

1044.5 DEBRIEFING

The form of CISD utilized should depend upon how early the intervention is activated and the nature of the incident. The use of one format does not preclude the use of others for the same critical incident.

Common formats for CISD include:

- (a) On-scene debriefing: Peer support personnel or mental health professionals respond to the scene as observers and advisers to watch for the development of acute reactions. They may offer encouragement and support, check on the well-being of personnel and allow for individual discussion of feelings and reactions.
- (b) Initial defusing: This usually takes place within a few hours of the incident and is generally facilitated by peer support personnel. It is an informal process encouraging open and free expression of feelings without a critique of the incident. The purpose is to stabilize involved members so they can go home or return to service.
- (c) Formal debriefing: Debriefing led by a CISD program mental health professional and peer support personnel that usually takes place 24 to 48 hours after the conclusion of the incident. Members involved in the critical incident are given the opportunity for free expression of feelings. This expression should be met with acceptance, support and understanding.
- (d) Follow-up debriefing: If deemed necessary, follow-up may be facilitated by the CISD mental health professional and peer support personnel several weeks or months after a critical incident. The main purpose is to resolve any issues or problems that were not initially resolved. The follow-up debriefing may include the entire group or a portion of those originally involved.

Regardless of the type of debriefing, CISD is not a critique of department operations at the incident. The CISD provides a setting in which members can discuss their feelings and reactions as a means

Critical Incident Stress Debriefing

to reduce the stress resulting from exposure to critical incidents. Performance issues should not be discussed during the debriefing.

No one has rank during a debriefing process. Everyone is equal.

Following any intervention, should members feel a need for additional assistance, contact may be made with peer support personnel or a CISD committee member to obtain information regarding a referral.

1044.6 ATTENDANCE

Only those involved in the incident and CISD team members should be present. Members directly exposed to the traumatic aspects of an incident are strongly encouraged to participate in CISD.

During debriefings, members involved should be out of service with radios, pagers or other distractions turned off.

1044.7 ROTATION OF PERSONNEL

Incident Commanders should minimize members' exposure at critical incidents by rotating or removing initial responding personnel from the immediate scene and reassigning them to less stressful operations as soon as possible. Members directly involved in critical incidents should be considered a high priority for immediate reassignment or removal from the scene. Relief from duty may also be considered.

Trained peer support personnel may make a request to their Lieutenant or Career Lieutenant for relief or reassignment during a shift to participate in CISD activities. The peer support personnel should provide a number of on-scene services, including on-site evaluation, encouragement and consultation. They should also be considered an available resource for assignment to rehab, medical or other areas as needed.

Circumstances of a critical incident may result in a recommendation that individuals or companies be taken out of service. The Career Lieutenant is responsible for making the appropriate arrangements.

Under no circumstances is being taken out of service to be construed as critical or negative. Personnel taken out of service are to be viewed as deserving of the same consideration as an injured firefighter.

1044.8 CONFIDENTIALITY

The Department considers all CISD interventions, regardless of type, as strictly confidential. Notes, other than those specifically identified in this policy, are prohibited. No audio or video recording may be made.

The only exceptions to confidentiality are those established in federal, state, or municipal law.

Critical Incident Stress Debriefing

1044.9 RECORD-KEEPING

Following a CISD intervention, the committee chairperson should prepare a summary report, notation should be included with the fire incident report, and forward it to the CISD program committee for statistical record-keeping. The report should be limited to the following information:

- (a) Incident date and time
- (b) Brief description of incident facts
- (c) Intervention date and location
- (d) Names of CISD members conducting the intervention
- (e) Numbers of participants from each agency involved

Names of participants should not be recorded.



CITY COUNCIL AGENDA

DEPT.: Police Department

DATE: May 4, 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 # 100 – Law Enforcement Authority for Police Officers
- Policy # 201 – General Orders

FOR THE MEETING OF:

May 10, 2023

RECOMMENDATION: Approval of the listed policies.

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 memo and new policies.

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



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Department of Public Safety

Memorandum

To: Greg Usry, City Manager
From: Michael A. Kopy, Public Safety Commissioner
Date: 5/5/2023
Re: Police Department – Lexipol Policy Changes

Reference the captioned subject, the attached policy changes are forwarded for review. As you know, the city contracted with Lexipol prior to my arrival to develop policies for the police 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 PBA) and made the appropriate changes where necessary.

I believe that the adoption of these policies are in the best interest of public safety in the City of Rye and I recommend that they be forwarded to the City Council for action. Below is a brief overview of the changes from both the current City Police Department policy, as well as what was submitted by Lexipol, for each section.

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

Policy 100 – Law Enforcement Authority for Police Officers

The purpose of this policy is to affirm the authority of the members of the Rye Police Department to perform their functions based on established legal authority.

Policy 201 – General Orders

The purpose of this policy is to establish guidelines for issuing General Orders.



Law Enforcement Authority for Police Officers

100.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of the members of the Rye Police Department to perform their functions based on established legal authority.

100.2 POLICY

It is the policy of the Rye Police Department to limit its members to only exercise the authority granted to them by law.

While this department recognizes the power of police and peace officers to make arrests and take other enforcement action, officers are encouraged to use sound discretion in the enforcement of the law. This department does not tolerate abuse of law enforcement authority.

100.3 POLICE OFFICER POWERS

Sworn members of this department are authorized to exercise police and peace officer powers pursuant to applicable state law. Members are reminded to comply with all applicable areas of the Criminal Procedure Law when making an arrest. Some important components are listed below.

100.3.1 ARREST AUTHORITY WITHIN THE GEOGRAPHICAL AREA OF EMPLOYMENT OF THE RYE POLICE DEPARTMENT

Members serving as police officers have arrest authority within the geographical area of employment of the Rye Police Department when:

- (a) In compliance with an arrest warrant pursuant to CPL § 120.60.
- (b) Without a warrant, when there is reasonable cause to believe an offense has been committed in the presence of the member (CPL § 140.10). For a petty offense, the offense must have been committed within the member's geographical area of employment or within 100 yards of the police officer's geographical area of employment.
- (c) Without a warrant, when there is reasonable cause to believe that the person committed a crime, whether or not in the member's presence (CPL § 140.10).

100.3.2 ARREST AUTHORITY OUTSIDE THE GEOGRAPHICAL AREA OF EMPLOYMENT OF THE RYE POLICE DEPARTMENT

A member serving as a police officer may arrest a person outside the geographical area of employment of the Rye Police Department:

- (a) Pursuant to a warrant; however, a warrant of arrest issued by a city court, a town court, or a village court may only be executed outside the county of issuance or any adjoining county if the warrant has the written endorsement of a local criminal court of the county in which the arrest is to be made (CPL § 120.70).
- (b) Without a warrant when there is reasonable cause to believe a crime has been committed anywhere in the state (CPL § 140.10).

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Law Enforcement Authority for Police Officers

- (c) Without a warrant when there is reasonable cause to believe that an offense has been committed in the presence of the officer.
 - 1. Arrests for petty offenses may be made when the petty offense occurred within the member's geographical area of employment or within 100 yards of the geographical area and (CPL § 140.10):
 - (a) The arrest is made in the county where the officer reasonably believes the offense was committed or in an adjoining county; or
 - (b) The arrest is made in the county where the individual is apprehended after continuous close pursuit as long as the pursuit began in the county where the officer reasonably believes the offense was committed or in an adjoining county.

100.4 INTERSTATE POLICE OFFICER POWERS

Police officer powers for officers of the Rye Police Department may be extended into other states:

- (a) As applicable under interstate compacts, memorandums of understanding or mutual aid agreements in compliance with the laws of each state.
- (b) When an officer is in continuous close pursuit into Connecticut, Massachusetts, New Jersey or Pennsylvania to arrest a person for a felony committed within the state of New York (Connecticut, C.G.S. § 54-156; Massachusetts, G.L. c. 276, § 10A; New Jersey, N.J.S.A. 2A:155-4; Pennsylvania, 42 Pa.C.S. § 8922; Vermont, 13 V.S.A. § 5042).
- (c) When an officer is in continuous close pursuit into Vermont to arrest a person for a felony or the offense of operating a motor vehicle while under the influence of intoxicating liquor committed within the state of New York (Vermont, 13 V.S.A. § 5042).

When an arrest is made in another state, the officer shall take the person arrested before a judge, justice or magistrate of the judicial district or county in which the arrest was made without unnecessary delay.

A law enforcement officer of another state who enters New York in close and continuous pursuit of a person for committing an act that would be a crime if committed in New York has the authority to make the arrest under CPL § 140.55.

100.5 CONSTITUTIONAL REQUIREMENTS

All members shall observe and comply with every person's clearly established rights under the United States and New York Constitutions.

General Orders

201.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for issuing General Orders.

201.2 POLICY

General Orders will be used to modify policies of the Rye Police Department when an immediate need to adapt a policy or procedure exists, in order to best meet the mission of the Department. Applicable collective bargaining agreements and other alternatives should be considered before a General Order is issued.

201.3 PROTOCOL

General Orders will be incorporated into the Policy Manual, as required, upon approval pursuant to the Policy Manual Policy. General Orders will modify existing policies or create a new policy as appropriate and will be rescinded if incorporated into the manual.

The Patrol Division Commander or the authorized designee should ensure that all General Orders are disseminated appropriately. General Orders should incorporate the year of issue. All members will be notified when a General Order is rescinded or has been formally adopted into the Policy Manual.

201.4 RESPONSIBILITIES

201.4.1 COMMAND STAFF

Command staff shall periodically review General Orders to determine whether they should be formally incorporated into the Policy Manual and, as appropriate, will recommend necessary modifications to the Commissioner of Public Safety and the Accreditation Committee.

201.4.2 COMMISSIONER OF PUBLIC SAFETY

Only the Commissioner of Public Safety or the authorized designee may approve and issue General Orders.

201.5 ACCEPTANCE OF DIRECTIVES

All members shall be provided access to the General Orders. Each member shall acknowledge that he/she has been provided access to and has had the opportunity to review the General Orders. Members shall seek clarification as needed from an appropriate supervisor for any provisions they do not fully understand.



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: April 28, 2023

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Boat Basin and Rye Golf Club preliminary 2022 financial results.

FOR THE MEETING OF:

May 10, 2023

RECOMMENDATION: That the City Council hear the update.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: May 4, 2023

CONTACT: Greg Usry, City Manager

AGENDA ITEM:

Resolution to amend the 2023 Adopted Fees and Charges for police overtime reimbursable rates.

FOR THE MEETING OF:

May 10, 2023

RECOMMENDATION: That the Council adopt the proposed fees.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: See attached memo.

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



CITY OF RYE

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

Department of Public Safety

Memorandum

To: Joseph Fazzino, City Comptroller
From: Michael A. Kopy, Public Safety Commissioner
Date: 5/5/2023
Re: Police overtime reimbursement rate

I have reviewed the overtime reimbursement rate for the City of Rye Police Department members who are utilized at various construction projects throughout the City. I believe that the rate that is currently being charged does not cover all the necessary costs associated with said work details.

Specifically, labor costs have increased since the last reimbursement rate review. Additionally, the City is not currently charging for the use of police department vehicles at these work sites nor are the administrative costs that are essential to administer this program charged.

I would recommend the following:

- 1- Reviewing the actual cost for officers (by rank) so that we are being compensated for the actual rate the officers are paid.
- 2- Determining the rate for the use of vehicles during these details.
- 3- Determining and charging for all administrative costs associated with the overtime details.

I am available to discuss this matter further, if you have any additional questions.





CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: April 26, 2023

CONTACT: Greg Usry, City Manager

AGENDA ITEM:

Continue the public hearing to adopt a new local law to amend Chapter 191 "Vehicles and Traffic" by adding a new Part 4 "Residential On-Street Parking Permit System" and adding Article IX "Residential On-Street Parking Permit Regulations" to the Code of the City of Rye. (Mead Place parking district)

FOR THE MEETING OF:

May 10, 2023

RECOMMENDATION: That the Council open the public hearing.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: See attached draft law and memo for the City Manager.

Greg Usry
City Manager
1051 Boston Post Road
Rye, New York 10580



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<http://www.ryeny.gov>

CITY OF RYE
Office of the City Manager

Inter-Office Memorandum

To: Mayor Cohn and Rye City Council

From: Greg Usry, City Manager

Date: May 5, 2023

Re: Mead Place Parking District

Following the April 26 Council meeting and based upon public comments and questions, I am recommending a few changes to the proposed City Code regarding Mead Place. In recognition of the fact that residents have multiple cars, it is appropriate that we permit up to two cars per address (multiple cars can be registered, thereby allowing cars to be switched out, so long as only two are “permit active” at any given time). Being mindful that the total street parking can only accommodate approximately 18 vehicles, and that there are 17 homes in the proposed parking district, there will be times that parking is not available to all permit holders. However, this accommodation will make the parking more accessible for most. With the permit application, there will be acknowledgement that street parking is not guaranteed. However, the east and west legs of Mead Place remain open and available for all public parking, including Mead Place residents.

In consideration of the annual administrative cost of the permit, I am recommending an annual fee of \$25 per vehicle. This will cover the administrative expense of reviewing the registration, proof of street residency etc. This will need to be completed annually and is consistent with all other parking permits across the City. It is also only an administrative reimbursement and is the single lowest permit issued by the City for parking.

DRAFT

LOCAL LAW NO. _____-2023

A Local Law to amend Chapter 191 “Vehicles and Traffic” by adding a new Part 4 “Residential On-Street Parking Permit System” and adding Article IX “Residential On-Street Parking Permit Regulations” to the Code of the City of Rye.

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

Section 1. Chapter 191, titled “Vehicles and Traffic,” is hereby amended to add Part 4 “Residential On-Street Parking Permit System,” Article IX “Residential On-Street Parking Permit Regulations” to the Rye City Code as follows:

§ 191-50 Purpose, intent and findings.

- A. The City Council hereby finds that a residential parking permit system on Mead Place is necessary in order to preserve the character of the neighborhood, improving access to residences and parking for residents. Mead Place is a small horse-shoe shaped street that provides access to approximately 17 homes as well as small businesses and the Rye YMCA (the “YMCA”). The Mead Place neighborhood is within the Central Business District of Rye and is readily accessible to the downtown streets to shop and eat. Mead Place is also within walking distance to the Metro North Railroad station. The parking on Mead Place is free. Currently, with very limited exceptions, there is no overnight street parking in the City from November through March.

- B. The YMCA’s parking lot frequently overflows during peak a.m. and p.m. hours when programming and group exercise classes are running or during swim meets and gymnastic competitions. In order to address the overflow parking from the YMCA members as well as the public wishing to obtain free parking while commuting on Metro North or while shopping and dining downtown and to allow those residents on Mead Place the ability to park their vehicles on the street during the day without a time restriction, the City Council sought state legislation authorizing the creation of an on-street parking permit system for residents, which legislation was adopted and became effective on June 30, 2022, and codified in the New York State Vehicle and Traffic Law as section 1640-r.

§ 191-51. Definitions.

As used in this article, the following terms shall have the meaning indicated, unless the context clearly requires otherwise:

RESIDENT – an individual currently residing within the parking area based on the submission of adequate documentation in accordance with the provisions of this article.

RESIDENTIAL PARKING PERMIT AREA – Consisting of the following roadway on the following street(s) and sides of streets.

| Name of Street | Side | Location |
|----------------|------|----------|
|----------------|------|----------|

| | | |
|------------|------|-----------------------------------|
| Mead Place | Both | Between Locust Avenue on each end |
|------------|------|-----------------------------------|

§191-52. Designation of permit parking areas; permit required; hours.

- A. A residential parking permit system is hereby established within the residential parking permit area, as define herein.
- B. Except as otherwise provided herein, no person shall park a vehicle, nor allow a vehicle to be parked at any time, Monday through Friday between the hours of 7:00 a.m. to 7:00 p.m., excluding holidays, along any street that has been designated a residential parking permit area pursuant to this article.
- C. The City shall register the car within the City’s parking permit system and such permits shall be enforced by the City of Rye Police Department.

§ 191-53. Issuance of residential parking permits.

- A. Upon application and payment of the applicable fee, any person who is a resident and who meets the applicable requirements of this article shall be permitted one permit. **There shall be a maximum of two permits issued per household.** The City Clerk shall establish guidelines to issue permits, including proof of residency.
- B. The permittee shall immediately notify the City Clerk of any change or amendment from the information contained in the original application.

§ 191-54. Fees.

- A. The fees for residential parking permits shall be set by resolution by the City Council of Rye.
- B. The fees collected pursuant to this article shall be credited to the general fund of the City of Rye.

§ 191-55. Exemptions; Nonresident Parking Exception.

- A. Motor vehicles registered pursuant to §404-a of the New York State Vehicle and Traffic Law shall be exempt from any permit requirement established pursuant to this chapter.
- B. No permit shall be required on those portions of streets within the residential parking permit area where the adjacent properties are zoned for commercial or retail use.
- C. Notwithstanding anything to the contrary herein, vehicles without a permit may be parked in the non-residential parking permit area for a period not in excess of 90 minutes.

§ 191-56. Conflicts.

To the extent that the provisions in this article conflict with any other provisions in Chapter 191, the provisions herein control.

§ 191-57. Penalties for offenses.

Any person violating any provisions in this article may, upon conviction, be punished by a fine set by resolution of the City Council.

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 June 15, 2023 after filing with the Secretary of State.



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: April 26, 2023

CONTACT: Greg Usry, City Manager

AGENDA ITEM:

Open a public hearing to amend Chapter 161, Article III "Private Sanitary Sewer Laterals" by adding § 161-17.1 "Standards for connection to a common force main," to the Code of the City of Rye for May 10, 2023.

FOR THE MEETING OF:

May 10, 2023

RECOMMENDATION: That the Council open the public hearing.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

Please see the memorandum and draft local law attached.



CITY OF RYE
Department of Public Works

Interoffice Memorandum

To: Greg Usry, City Manager
From: Ryan Coyne, City Engineer *RC*
Date: April 20, 2023
Subject: Modification to the City's Sewer Code Requested by the WCHD

The Westchester County Health Department is requesting that the City modify its code to reflect a new requirement regarding sewer service connections.

By way of background, the property owner at 5 Manursing Way recently applied to the Health Department for a new sewer main extension that will be installed by them at their cost and turned over to the City for future ownership. The system is designed as a low pressure sewer forcemain whereby each residence will be required to install a pumping system on their property to connect to the new forcemain. This system is identical to those installed in Kirby Lane, Club Road, Drake Smith Lane, and others. This particular system is designed to accommodate all homes on Manursing Way for future connections and will provide physical connections for all properties between #5 and Forest Avenue, namely #s 2,3,5,6, and 10 Manursing Way. The remaining properties would require another extension of the forcemain in the street in order to connect in the future.

The Health Department is requiring that the City adopt a provision in its law that states that all connections to the system will be in accordance with the approved plans. In short, the system requires certain pumps and appurtenances to be installed on private property in order to properly function and meet Health Department requirements. The modification to the law will allow for the City to require and enforce that future property owners follow the approved plans when connecting to the sewer.

There is no additional burden on the City, financial or otherwise, to have this provision incorporated into the City's code. It will allow for more efficient approvals to connect to new sewer infrastructure, not only on Manursing Way but for all future properties subjected to WCHD approved sewer main plans.

Please feel free to contact me should you need additional information.

DRAFT

LOCAL LAW NO. _____-2023

A Local Law to amend Chapter 161, Article III “Private Sanitary Sewer Laterals” by adding § 161-17.1 “Standards for connection to a common force main,” to the Code of the City of Rye.

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

Section 1. Chapter 161, titled “Sewers,” Article III titled “Private Sanitary Sewer Laterals” is hereby amended in the Rye City Code as follows:

New material is underlined and in blue.

ARTICLE III
Private Sanitary Sewer Laterals

§ 161-15. Legislative intent.

The purpose of this article is to reduce infiltration and inflow into the sanitary sewer system operated by the City of Rye and exfiltration of sewage into groundwater and waterways by requiring inspection, testing, repair, replacement and ongoing maintenance of private sewer laterals by property owners in the City of Rye.

§ 161-16. Definitions.

As used in this article, the following terms are defined as follows:

DISCHARGE COMPLIANCE CERTIFICATE

A certificate issued by the Building Inspector based upon a plumber's certification stating that:

- A. All of the connections leading from the structures on the property to the public stormwater sewer lines and the public sanitary sewer lines comply with the requirements of the New York State Building Code, the Westchester County Sewer Act, the Westchester County Sanitary Code and the City Code;
- B. There are no culverts, drains, hoses, leaders, lines, pipes or pumps that discharge liquids into the sanitary sewer; and
- C. The sanitary sewer laterals leading from the structures on the property do not directly or indirectly allow inflow or infiltration into the City's public sanitary sewer lines.

EXFILTRATION

Raw sewage that leaks out of laterals into soil, groundwater and waterways.

INFILTRATION

Water other than wastewater that enters a sewer system (including sanitary sewer laterals or sewer service connections) from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow.

INFLOW

Water other than wastewater that enters a sewer system (including sanitary sewer laterals or sewer service connections) from sources such as, but not limited to, roof leaders, sump pumps, cellar drains, yard drains, area drains, foundation drains, drains from springs and swampy areas, manhole covers, cross-connections between storm sewers and sanitary sewers, catch basins, cooling towers, stormwaters, surface runoff, street washwaters and drainage. Inflow does not include, and is distinguished from, infiltration.

PLUMBER'S CERTIFICATION

A certification made to the City by a plumber licensed to do business within the County of Westchester that the plumber:

- A. Has inspected all of the connections leading from the structures on the property to the public stormwater sewer lines and the public sanitary sewer lines and that all such connections comply with the requirements of the New York State Building Code, Westchester County Sewer Act, the Westchester County Sanitary Code and the City Code;
- B. Has inspected the real property and found that there are no culverts, drains, hoses, leaders, lines, pipes or pumps that discharge liquids into the sanitary sewer; and
- C. Has inspected the sanitary sewer laterals leading from the structures on the property and determined that such laterals do not directly or indirectly allow inflow or infiltration therefrom into the City's public sanitary sewer lines, which inspection must include either a video record of a closed-circuit television (CCTV) inspection of the entire sanitary sewer lateral that has been provided to the City, or, in the case of a force or pump system, the results of a pressure test of the system; satisfactory, in either case, to the Building Inspector or his designee.

RENEWAL EVENT

Either a transfer of title to the real property, other than a transfer between family members in order to create a joint tenancy or tenancy in common, or an application for a building and/or plumbing permits for construction with a value that exceeds 50% of the assessed value of the property, including improvements. Renewal events shall occur provided no inspection has been conducted at the subject property in the five-year period prior.

SANITARY SEWER LATERAL or LATERAL

The sanitary sewer pipe running from the structures on a property conveying wastewater from the structure and connecting to the public sanitary sewer main.

§ 161-17. Standards for maintenance of sanitary sewer laterals.

- A. It is the sole responsibility of the private property owner to perform all required maintenance, repairs and replacements of sanitary sewer laterals in accordance with the requirements of this article and the requirements of the New York State Building Code, the Westchester County Sewer Act, the Westchester County Sanitary Code and the City Code.
- B. Laterals shall be kept free from roots, grease deposits and other solids which may impede the flow or obstruct the transmission of sewage.
- C. Laterals shall not exhibit any signs of infiltration.
- D. Laterals shall not exhibit any sign of exfiltration or leakage.
- E. Lateral pipe joints shall be tight and all lateral pipes shall be free of any structure defects such as breaks, openings, and voids.

[§ 161-17.1. Standards for connection to a common force main.](#)

[Connection to any common sanitary sewer force main shall be constructed strictly in accordance with plans, details, specifications, and standards approved by the City Engineer and the Westchester County Department of Health.](#)

§ 161-18. Correction or abatement.

- A. If at any time any sanitary sewer lateral is found by the Building Inspector or City Engineer to not be in compliance with the requirements of § 161-17, the owner of the property must cause all necessary repairs made to bring the lateral into compliance. Unless the Building Inspector and City Engineer allow additional time for good cause shown, the owner of the property must undertake to complete the required repairs to the satisfaction of the Building Inspector and City Engineer or their designees within 60 days of the sooner of becoming aware of the noncompliance, or receiving notice from the City or otherwise, including an inspection by a plumber done in connection with providing a plumber's certification, that the lateral is not in compliance.
- B. If the owner fails to complete the repairs and bring the lateral into compliance within the time required, the City may enter upon the property and complete the required work, and the cost of doing so will be billed to the owner of the property, and in the event of nonpayment, will be a lien on the property which can be collected and enforced as part of, and in the same manner as, City taxes.
- C. Upon completion of the repairs, the owner must provide to the Building Inspector and City Engineer a detailed invoice specifying the repairs made and reflecting payment for the repairs and a plumber's certification, and must obtain from the Building Inspector a discharge compliance certificate.

- D. An owner may choose to correct the noncompliance by replacing the sanitary sewer lateral. Any new sanitary sewer lateral, whether installed to correct a noncompliance or otherwise, must be installed in accordance with all applicable codes and regulations, including this article, and must be inspected by the Building Inspector, who will issue a discharge compliance certificate if the new lateral complies with the requirements of this article.

§ 161-18.1. Inspection upon renewal event.

- A. Each property owner must obtain a discharge compliance certificate prior to any renewal event as defined in § 161-16. Upon making an application for a discharge compliance certificate, the Building Inspector, City Engineer, or their designees shall have the right to inspect the property. If the plumber's inspection, the video required to be submitted, or the inspection by the Building Inspector or his designee indicates the lateral is not in compliance with the requirements set forth in § 161-16 above, the owner shall be required to correct the conditions not meeting the requirements and provide a plumber's certification and video indicating all conditions have been corrected and that the lateral is now in compliance with this article. Upon the Building Inspector and City Engineer determination that the lateral is in compliance, the discharge compliance certificate will be issued.
- B. If at the time of a renewal event or a required inspection the owner can prove that a discharge compliance certificate has been issued within the preceding five years, and there has been no significant change in the condition of the property, the Building Inspector may waive the requirement for a new discharge compliance certificate for that particular renewal event.

§ 161-18.2. Fees.

The fee for the issuance of a discharge compliance certificate shall be as set forth in the fee schedule adopted by the City Council.

§ 161-18.3. Penalties for offenses.

Any person, firm, association, or corporation which violates any of the provisions of this article or fails to complete remediation as required herein shall be guilty of a violation and, upon conviction, shall be punished by a fine of not more than \$500 or imprisonment for not more than 15 days, or both such fine and imprisonment. Each day the violation exists shall constitute a separate offense.

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: May 4, 2023

CONTACT: Greg Usry, City Manager

AGENDA ITEM:

Set a public hearing for May 24, 2023, to amend Chapter 191 "Vehicles and Traffic" by repealing section 191-38.1. "Resident meter parking permit zone" within Article VII "Off-Street Metered Parking" to eliminate resident-only metered parking zones.

FOR THE MEETING OF:

May 10, 2023

RECOMMENDATION: That the Council set the public hearing.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

Please see the memorandum and draft local law attached.

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



Tel: (914) 967-7371
Fax: (914) 921-2493
E-mail: cdandrea@ryeny.gov
<http://www.ryeny.gov>

Office of the City Clerk

Memorandum

To: Greg Usry, City Manager
From: Carolyn D'Andrea, City Clerk
Date: 5/3/2023
Re: Repeal of Chapter 191-38.1, "Resident Meter Parking Zone."

The green meters along the brook on Theodore Fremd (near Car Park 2) were once used for resident-only permits, as authorized by City Code Chapter 191-38.1. When enacted, this provision of the City Code enabled residents to purchase a permit (\$100 annually) from the Clerk's Office, and then pay the meters to park there on a daily basis, after 9:30 A.M. The intent was to accommodate "late comers" that were commuting from the train station. There are about ten meters or so in that location.

Our office has been studying this area and the need for parking within the City as a whole. The office has not sold a permit for this area since 2016 (at that time, the office sold one permit for the year). With the signs still posted indicating that a permit is required, city staff has observed that those spots are almost always empty. Considering the needs of the public, merchants, and commuters alike, we feel it necessary to remove the requirement to obtain a permit to park in this area, but still maintain the ability for the public to park for the day in these spots. This would allow this unused space to be utilized by an array of users who need a place to park, and hopefully alleviate some of the parking issues we have in the downtown.

[Type here]

A LOCAL LAW TO AMEND CHAPTER 191 (VEHICLES AND TRAFFIC) BY REPEALING SECTION 191-38.1. "RESIDENT METER PARKING PERMIT ZONE" WITHIN ARTICLE VII (OFF-STREET METERED PARKING) TO ELIMINATE RESIDENT-ONLY METERED PARKING ZONES.

Section 1. Section 191-38, Parking in metered zones, Article VII, *Off-Street Metered Parking*, of the Code of the City of Rye is hereby amended as follows:

§ 191-38. Parking in metered zones.

When any vehicle shall be parked in a space regulated by a parking meter, the operator thereof shall, upon entering such space, park such vehicle within the lines marked on the street, curb or parking area and, if the time is between the hours of 7:00 a.m. and 7:00 p.m. or between the hours of 9:00 a.m. or 9:00 p.m. in the off-street parking areas maintained by the City of Rye on City-owned lands known as Car Park No. 1, Car Park No. 2, Car Park No. 3, Car Park No. 4 and Car Park No. 5 on any day except Sunday, immediately deposit the parking meter fee in the parking meter regulating such space and actuate the mechanism of such meter as required by the directions thereon.

~~§ 191-38.1. Resident meter parking permit zone.~~

- ~~A.— No person shall be permitted to park an automobile or other vehicle or shall permit an automobile or other vehicle to remain in or upon the public parking places on land owned and controlled by the City of Rye and shown and designated on the Tax Map of the City of Rye as Sheet 146.07, Block 1, Lot 64, between the hours of 9:30 a.m. and 7:00 p.m. each day, except Sundays and legal holidays, unless the owner of such vehicle shall have a tag or license for resident meter parking and shall, upon entering such space, park such vehicle within the lines marked and immediately deposit the parking meter fee in the parking meter regulating such space and activate the mechanism of such meter as required by the directions therein.~~
- ~~B.— No parking shall be permitted from 3:00 a.m. to 9:30 a.m. in this resident meter parking permit zone.~~
- ~~C.— Any resident of the City of Rye desiring a resident meter parking permit shall, upon application to the City Clerk and payment of an annual fee to be set annually by the City Council before adoption of the budget for the following~~

~~year, receive a tag or license entitling that person to park an automobile or other vehicle in the location and places specifically designated for resident meter parking.~~

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 its adoption and filing with the Secretary of State.



CITY COUNCIL AGENDA

DEPT.: City Departments

DATE: May 4, 2023

CONTACT: Greg Usry, City Manager

AGNDA ITEM: Resolution to declare certain equipment as surplus.

FOR THE MEETING OF
May 10, 2023

RECOMMENDATION: That the City Council adopt the following resolution:

WHEREAS, the City has been provided with a description of equipment identified as being obsolete or will become obsolete during 2023, and,

WHEREAS, the City recommends that said equipment be declared surplus, now, therefore, be it

RESOLVED, that said equipment is declared surplus, and, be it further

RESOLVED, that authorization is given to the various departments to donate their inventory or to sell or dispose of said equipment in a manner that will serve in the best interests of the City.

IMPACT: Environmental Fiscal Neighborhood Other

BACKGROUND: Rye TV has provided the attached memo regarding equipment that needs to be surplus.

Most of this equipment has been replaced during the Council room upgrades. Several of the pieces are no longer functioning and the others have reached the end of life.

| Surplus List | SN |
|---|---------------|
| Viewsonic Monitor VP-3268-4K | VOE 190900110 |
| Sony Monitor PVM-14N5U | 6002110 |
| Sabine feedback | FBX 102110580 |
| Eagle Pan tilt Model PT-50 | 20629 |
| Eagle Pan tilt Model PT-55 | 21379 |
| Soundcraft ministage box 32i 5074418 | 30540917 |
| Eagle Pan tilt Model PT-50 | 20628 |
| Eagle Pan tilt PT-50 | 20632 |
| Hitachi HV-HD30 | 08X+0184 |
| Hitachi HV-HD30 | 08x0183 |
| Hitachi HV-HD30 | 08X0185 |
| Hitachi HV-HD30 | 08X0186 |
| CD Player Tascam | 9100124 |
| Videotex waveform monitor VSM-61 | 10970508 |
| Sony DSR-1800 | 100731 |