

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

**REGULAR MEETING OF THE CITY COUNCIL
COUNCIL CHAMBERS, CITY HALL
Wednesday, November 8, 2023
6:30 p.m.**

Please note: The Council will convene at 5:00 p.m. and it is expected they will adjourn into Executive Session at 5:01 p.m. to discuss pending litigation, personnel matters, and pending contracts.

1. Pledge of Allegiance.
2. Roll Call.
3. Draft unapproved minutes of the Regular Meeting of the City Council held October 18, 2023.
4. Report of recent Police Department activity by Commissioner Kopy.
5. Report of recent Fire Department activity by Commissioner Kopy.
6. Acknowledgment of Rye PD accreditation.
7. Consideration of proposed policies for the City of Rye Fire Department:
 - Policy 310 – Disposition of Valuables
 - Policy 325 – Child Abuse
 - Policy 326 – Adult Abuse
 - Policy 327 – News Media and Community Relations
 - Policy 410 – Juvenile Firesetter Referrals
8. Resolution to dispose of certain equipment purchased through the 1033 program.
9. Presentation of the proposed FY 2024 Budget by the City Manager and Comptroller.
10. Consideration to set a public hearing on the 2024 Budget for December 6, 2023.
11. Set a public hearing to adopt a Local Law to override the State enacted tax levy limitation for December 20, 2023, if necessary.

12. Consideration to set a public hearing for November 15, 2023, to:
 - a) Adopt a local law to add a new chapter 192, "Videoconferencing" to allow members of public bodies of the City of Rye which are subject to Public Officers Law, Article 7, to participate in meetings via videoconferencing.
 - b) Adopt policies and procedures for the conduct of any hybrid meeting which involves participation by a member exercising the right to participate remotely under Open Meetings Law § 103-a.
13. Consideration to set a public hearing for November 29, 2023, regarding the City's potential project to replace an existing grass athletic field with a synthetic turf field on a City-owned property located at 421 Milton Road in the City of Rye, New York.
14. Members of the public may be heard on matters for Council consideration that do not appear on the agenda.
15. Authorization to transfer \$65,000 from Contingency to the Legal Account for the remainder of 2023.
Roll Call
16. Consideration to accept a tree donation at the Rye Arts Center from Rye's nonprofit and community organizations in honor of Robin Jovanovich's service to the community.
Roll Call
17. Appointments to Boards and Commissions by the Mayor with Council approval.
18. Old Business/New Business.
19. Adjournment

* * * * *

The next regular meeting of the City Council will be held on Wednesday, November 29, 2023, at 6:30 p.m.

There will be a Budget Work Session on November 13 at 6:00 pm and a Special Meeting of the City Council in conjunction with a Budget Work Session on November 15, 2023, at 6:00 p.m.

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

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

PRESENT:

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

ABSENT:

None

ALSO ATTENDING:

GREG USRY, CITY MANAGER
KRISTEN WILSON, CORPORATION COUNSEL
BRIAN SHEA, ASSISTANT CITY MANAGER
CHRISTIAN MILLER, CITY PLANNER
JOE PECORA, BOAT BASIN COMMISSION CHAIRMAN

The Council convened at 5:30 PM. And entered into Executive Session at 5:31 P.M. to discuss pending litigation, personnel matters, and pending contracts. The Council reconvened in a public meeting at 6:33 P.M. The meeting was streamed live at www.ryeny.gov for public viewing.

1. [Pledge of Allegiance.](#)

Mayor Cohn led the Pledge of Allegiance.

2. [Roll Call.](#)

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

3. [Draft unapproved minutes of the Regular Meeting of the City Council held October 4, 2023.](#)

On motion by Councilwoman Souza, seconded by Councilwoman Johnson, it was

RESOLVED to approve the draft unapproved minutes of the Regular Meeting of the City Council held October 4, 2023.

Adopted by the following vote:

AYES: Councilpersons Fontanes, Henderson, Johnson, Nathan, Souza, Stacks
Mayor Cohn
NAYS: None
ABSENT: None

4. [Flooding Update.](#)

Mayor Cohn spoke regarding flooding updates in the City of Rye.

5. [Consideration of a Resolution adopting a SEQR Negative Declaration and Finding of LWRP Coastal Consistency for the construction of new sidewalks on Forest and Manursing Avenues.](#)

- Todd Smith, 241 Forest Avenue, spoke regarding concerns he had about the project.
- City Planner, Christian Miller, gave updates on the plans.

On motion by Councilwoman Souza, seconded by Councilman Nathan,

Adoption of a SEQRA Negative Declaration and Determination of LWRP Coastal Consistency in Connection with the Construction of New Sidewalks on Forest and Manursing Avenues Between Apawamis and Davis Avenues

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

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

WHEREAS, the Proposed Action is located within the Waterfront Revitalization Area Boundary as identified in the City's 1991 Local Waterfront Revitalization Program (LWRP); and

WHEREAS, as required by Chapter 73, *Coastal Zone Management Waterfront Consistency Review*, of the Rye City Code, the Planning Commission is required to provide an advisory opinion to the City Council as to the consistency of the Proposed Action with the policies of the LWRP; and

WHEREAS, at its February 1, 2023, meeting, the City Council declared its intent to be Lead Agency with respect to the State Environmental Quality Review (SEQR) and referred the Proposed Action to the Planning Commission for its advisory review and comment; and

UNAPPROVED MINUTES – Regular Meeting - City Council
October 18, 2023

WHEREAS, in at its February 14, 2023, meeting, the Planning Commission found that the Proposed Action is consistent with the 44 policies of the City’s LWRP; and

WHEREAS, an Environmental Assessment Form was presented to the City Council; and

WHEREAS, after circulation of a notice of intent and having no objection from any involved agency, the City Council hereby declares that it is the Lead Agency for the environmental review of this proposed action; and

WHEREAS, the City Council has reviewed the Environmental Assessment Form (EAF), LWRP Coastal Consistency Application, Coastal Assessment Form and the latest revised plans; and

WHEREAS, as part of its review and deliberations the City Council considered public comments at its January 18, February 1, October 4, 2023 and October 18, 2023 meetings;

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

BE IT FURTHER RESOLVED that the City Council finds that based on its review of the coastal consistency application, the City’s LWRP and the advisory opinion of the Rye City Planning Commission that the proposed action is consistent with the coastal consistency policies of the City’s LWRP and the provisions of Chapter 73, *Coastal Zone Management Waterfront Consistency Review*, of the Rye City Code; and

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

Adopted by the following vote:

ROLL CALL

AYES: Councilpersons Fontanes, Henderson, Johnson, Nathan, Souza, Stacks
Mayor Cohn
NAYS: None
ABSENT: None

6. [Overview of 2023 Boat Basin and Channel Dredge.](#)

City Manager, Greg Usry, presented the overview of the 2023 Boat Basin and Channel Dredge, and there was discussion amongst the Council.

7. [Consideration of a resolution to complete the funding mechanism for the Boat Basin Dredge Project.](#)

On motion by Councilman Nathan, seconded by Councilwoman Souza,

RESOLUTION OF THE RYE CITY COUNCIL AMENDING “RESOLUTION OF THE RYE CITY COUNCIL AUTHORIZING THE CITY MANAGER TO TAKE ALL NECESSARY STEPS TO SIGN A CONTRACT WITH CLEAN EARTH TO PROCESS AND DISPOSE OF THE MILTON HARBOR DREDGE MATERIAL IN 2023” TO ALLOCATE FUNDS FOR THE BOAT BASIN DREDGE AND TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A LOAN AGREEMENT WITH THE BOAT BASIN COMMISSION FOR THE TERM OF FIVE YEARS TO COMPLETE THE FUNDING MECHANISM FOR THE BOAT BASIN DREDGE

WHEREAS, the City of Rye City owns and operates the De Pauw Municipal Boat Basin in Milton Harbor; and

WHEREAS, the dredging of the Federal channel has commenced, and it is anticipated it will be completed this year; and

WHEREAS, on September 28, 2022, the Rye City Council adopted a resolution authorizing the dredging of the Boat Basin and allocating the funds necessary to undertake that portion of the project; and

WHEREAS, as the Boat Basin dredge project has progressed, it has become necessary to restructure the allocation of funds needed to finance the project;

NOW, THEREFORE, BE IT RESOLVED, the Rye City Council hereby authorizes the transfer of \$535,000 from the Basin Enterprise Fund to the Federal Channel Dredge Project Fund as reimbursement to the City for fifty percent (50%) of the equipment mobilization cost approved by the City Council and paid in 2022; and

BE IT FURTHER RESOLVED, the Rye City Council hereby authorizes the appropriation of \$2.665 million from the Basin Enterprise Fund for the Basin Dredge Project; and

BE IT FURTHER RESOLVED, the Rye City Council hereby authorizes the appropriation of the 2023 Basin Enterprise fund net income (estimated to be \$570,000) for the Basin Dredge Project; and

BE IT FURTHER RESOLVED, the Rye City Council hereby authorizes the appropriation of \$177,000 received from FEMA for silting related to Tropical Storm Ida for the Basin Dredge Project; and

BE IT FURTHER RESOLVED, the Rye City Council hereby authorizes the appropriation of \$100,000 received from FEMA for silting related to Tropical Storm Ida for the Federal Channel Dredge Project; and

BE IT FURTHER RESOLVED, the Rye City Council hereby authorizes the City Manager to enter into and execute a loan agreement with the Boat Basin Commission for a loan amount not to exceed \$500,000 from the General Fund for a term of five (5) years at an interest rate of five percent (5%) and at such other terms and conditions deemed appropriate by the City Manager for the Boat Basin Dredge Project.

Adopted by the following vote:

ROLL CALL

AYES: Councilpersons Fontanes, Henderson, Johnson, Nathan, Souza, Stacks
Mayor Cohn
NAYS: None
ABSENT: None

8. [Consideration of a resolution to establish the 2024 Budgeted Fees and Charges for the Boat Basin.](#)
- Boat Basin Commission Chairman, Joe Pecora, presented the 2024 Budgeted Fees and Charges for the Boat Basin.

On motion by Councilwoman Johnson, seconded by Councilwoman Souza,

RESOLUTION OF THE RYE CITY COUNCIL TO ADOPT NEW BOAT BASIN FEES AND CHARGES FOR FY2024 FOR THE De PAUW MUNICIPAL BOAT BASIN

WHEREAS, the City of Rye owns and operates the De Pauw Municipal Boat Basin in Milton Harbor; and

WHEREAS, pursuant the Charter of the City of Rye the City Council has the authority to adopt new fees and charges; and

WHEREAS, after an examined analysis of the associated fees and charges for the Boat Basin, it has been determined that an increase in those fees and charges is necessary to offset costs; and

WHEREAS, a list of those fees and charges have been furnished to the City Council and attached herein; and

WHEREAS, the Boat Basin Commission approved these fees and charges on October 17, 2023;

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby adopts the proposed 2024 fees and charges as detailed herein.

Adopted by the following vote:

ROLL CALL

AYES: Councilpersons Fontanes, Henderson, Johnson, Nathan, Souza, Stacks
Mayor Cohn

NAYS: None

ABSENT: None

9. Continue the public hearing to amend Chapter 177 “Taxation”, Article III, “Senior Citizens Exemption” to alter the income calculation used to determine exemptions.

On motion by Councilwoman Souza, seconded by Councilwoman Johnson, it was

RESOLVED to adjourn the public hearing to a date to be announced at a later time.

Adopted by the following vote:

AYES: Councilpersons Fontanes, Henderson, Johnson, Nathan, Souza, Stacks
Mayor Cohn

NAYS: None

ABSENT: None

10. Continue the public hearing to amend Chapter 177 “Taxation”, Article VIII, “Exemption for Persons with Disabilities and Limited Incomes” to alter the income calculation used to determine exemptions.

On motion by Councilwoman Souza, seconded by Councilwoman Johnson, it was

RESOLVED to adjourn the public hearing to a date to be announced at a later time.

Adopted by the following vote:

AYES: Councilpersons Fontanes, Henderson, Johnson, Nathan, Souza, Stacks
Mayor Cohn

NAYS: None

ABSENT: None

11. [Members of the public may be heard on matters for Council consideration that do not appear on the agenda.](#)

UNAPPROVED MINUTES – Regular Meeting - City Council
October 18, 2023

- Louis Tolve, 251 Park Avenue, spoke on concerns regarding sidewalks and potential traffic on Forest Avenue.
- 12. [Consideration of a request from SOUL RYEDERS for use of City streets on Sunday, May 19, 2024, from 7:30 am – 11:00 am for a half-marathon/5k fundraising event.](#)
- Lesley Findlay, Director of Operations for SOUL RYEDERS, spoke about their first fundraising event last spring and what’s to come for their second annual event.

On motion by Councilwoman Souza, seconded by Mayor Cohn, it was

RESOLVED to accept the request from SOUL RYEDERS for use of City streets on Sunday, May 19, 2024, from 7:30 am – 11:00 am for a half-marathon/5k fundraising event.

Adopted by the following vote:

AYES: Councilpersons Fontanes, Henderson, Johnson, Nathan, Souza, Stacks
Mayor Cohn
NAYS: None
ABSENT: None

- 13. [Acknowledgement of Milena Jovanovic as a new Volunteer Fire Fighter.](#)

The Council congratulated and thanked Milena Jovanovic for her hard word as a new Volunteer Fire Fighter.

- 14. Old Business/New Business.

Nothing for Old Business/New Business.

- 15. Adjournment

Councilwoman Souza made a motion, seconded by Councilwoman Jonhson to adjourn the meeting at 7:37 P.M., the Council was in favor and the meeting was adjourned.

Respectfully submitted,

Kayla Garritano
Interim City Clerk



CITY COUNCIL AGENDA

DEPT.: Public Safety

CONTACT: Mike Kopy, Commissioner of Public Safety

AGENDA ITEM: Report of recent Police Department activity by Commissioner Kopy.

FOR THE MEETING OF:

November 8, 2023

RECOMMENDATION: That the Council hear the report.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:



CITY COUNCIL AGENDA

DEPT.: Public Safety

CONTACT: Mike Kopy, Commissioner of Public Safety

AGENDA ITEM: Report of recent Fire Department activity by Commissioner Kopy.

FOR THE MEETING OF:

November 8, 2023

RECOMMENDATION: That the Council hear the report.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:



CITY COUNCIL AGENDA

DEPT.: Public Safety

CONTACT: Mike Kopy, Commissioner of Public Safety

AGENDA ITEM: Acknowledgment of Rye PD accreditation.

FOR THE MEETING OF:

November 8, 2023

RECOMMENDATION: That the Council acknowledge the PD accreditation.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: See attached.



**Division of Criminal
Justice Services**

September 15, 2023

Commissioner Michael Kopy
Rye City Police Department
21 McCullough Place
Rye, NY 10580

Dear Commissioner Michael Kopy,

The Division of Criminal Justice Services (Division), Office of Public Safety, is responsible for the administration of the Mandatory Certification Program on behalf of the Law Enforcement Accreditation Council (Council). Covered law enforcement agencies must comply with mandatory hiring practices and reporting requirements pursuant to Executive Law (EXC) §846-h (1)(d).

The Division is pleased to confirm that on 9/14/2023, the Council voted to approve and grant your agency's certification in accordance with the Mandatory Certification Program. Your agency's certification is valid through 2028.

Maintaining compliance to ensure your agency is eligible for recertification with the Mandatory Certification Program requires regular effort and should remain a priority. Division staff is committed to assisting your agency to ensure your success in maintaining certification.

Agencies can expect to receive the initial correspondence regarding your recertification approximately six months prior to your expiration date. Please do not hesitate to contact me with any questions or concerns. I can be reached by phone at (518) 485-1417, or by email at gabriele.marruso@dcjs.ny.gov.

Sincerely,

A handwritten signature in black ink that reads "Gabriele Marruso Jr." in a cursive script.

Gabe Marruso
Criminal Justice Program Specialist 2
Office of Public Safety



CITY COUNCIL AGENDA

DEPT.: Fire Department

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 310 – Disposition of Valuables
- Policy 325 – Child Abuse
- Policy 326 – Adult Abuse
- Policy 327 – News Media and Community Relations
- Policy 410 – Juvenile Firesetter Referrals

FOR THE MEETING OF:

November 8, 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

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

Department of Public Safety

Memorandum

To: Greg Usry, City Manager
From: Michael A. Kopy, Public Safety Commissioner
Date: 10/23/2023
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 310 – Disposition of Valuables

The purpose of this policy is to establish a process by which all valuables found at emergency incidents are held securely by the Fire Department members until the items can be turned over to the Police Department.

Policy 325 – Child Abuse

The purpose of this policy is to provide guidelines for the reporting of suspected child abuse.



Policy 326 – Adult Abuse

This policy provides members of the Rye Fire Department with guidance regarding when notification of suspected abuse of certain adults is to be made to the appropriate Adult Protective Services (APS) agency.

Policy 327 – News Media and Community Relations

The purpose of this policy is to provide guidelines for communicating with representatives of the media, community leaders, residents and businesses, and to establish procedures for interacting with media representatives at emergency scenes.

Policy 410 – Juvenile Firesetter Referrals

The purpose of this policy is to provide department personnel with resources for helping juvenile firesetters and their family receive the help they need.



Disposition of Valuables

310.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a process by which all valuables found at emergency incidents are held securely by the Department members until the items can be turned over to the police department.

310.2 POLICY

The Department does not have appropriate facilities for storing valuables for safekeeping. Therefore, alternatives to removing valuables from the scene of emergencies will be taken whenever practicable.

310.3 PROCEDURE

Any member encountering unsecured valuables, or any other item that a reasonable person would say has value, should immediately report it to the Incident Commander who will then report it to local law enforcement. Members should avoid taking possession of any unsecured valuables unless directed to by a supervisor, who should only do so under exigent circumstances, only if law enforcement is not available.

Child Abuse

325.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the reporting of suspected child abuse.

325.2 POLICY

It is the policy of the Rye Fire Department to ensure the appropriate Child Protective Services (CPS) agency is notified of suspected child abuse as required by law.

325.3 MANDATORY NOTIFICATION

A member of the Rye Fire Department who is an emergency medical technician (EMT) shall notify CPS when the member, acting in his/her professional capacity, has reasonable cause to suspect that a child is the subject of abuse or maltreatment (Social Services Law § 413). In addition, any other member of the Rye Fire Department may notify the police department when the member, acting in his/her professional capacity, has reasonable cause to believe a child is being abused or maltreated (Social Services Law § 414).

325.4 CONFIDENTIALITY

Reports of child abuse are confidential and will only be released in accordance with the Release of Records Policy (Social Services Law § 422).

Adult Abuse

326.1 PURPOSE AND SCOPE

This policy provides members of the Rye Fire Department with guidance regarding when notification of suspected abuse of certain adults is to be made to the appropriate Adult Protective Services (APS) agency.

326.2 POLICY

It is the policy of the Rye Fire Department to assist victims of adult abuse by making the proper notifications to those responsible for investigating these matters.

326.3 MANDATORY NOTIFICATION

A member who is an Emergency Medical Technician, when acting in his/her professional capacity shall, and any other member should, notify the Vulnerable Persons Central Register (VPCR) when the member has reasonable cause to believe that a vulnerable person is being abused (Social Services Law § 488; Social Services Law § 491)

Members of the Rye Fire Department should notify APS when the member suspects that a person with a physical or mental impairment is the subject of abuse. Any member that believes that an adult is in danger and needs immediate assistance, should contact law enforcement as soon as practical any time they suspect abuse that meets this criteria.

326.4 RELEASE OF REPORTS

Information related to incidents of adult abuse or suspected adult abuse shall be confidential and may only be disclosed pursuant to state law and the Release of Records Policy.

Requests for information about an incident referred to law enforcement should be referred to the investigating agency.

News Media and Community Relations

327.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for communicating with representatives of the media, community leaders, residents, and businesses, and to establish procedures for interacting with media representatives at emergency scenes. Additionally, this policy establishes an operating framework for integration of the Public Information Officer into the incident management system.

327.2 POLICY

It is the policy of the Rye Fire Department to establish and maintain a positive working relationship with the community and the media in order to effectively communicate timely and accurate information.

327.3 PRESS INFORMATION OFFICER DESIGNATION

As soon as practicable on incidents where news media are present and requesting information, the Incident Commander (IC) will designate a Public Information Officer if the Department does not have a full-time Public Information Officer. The Public Information Officer shall interface with and provide timely and relevant information to representatives of the community and media during critical command stages. A single Public Information Officer will typically be designated for each incident, including incidents operating under Unified Command and multijurisdictional incidents.

In multi-agency or multijurisdictional incidents, it may be necessary to establish multiple Public Information Officers and a Joint Information Center (JIC) with a Public Information Officer and Assistant Public Information Officer. In all cases, the Public Information Officer shall be responsible for coordinating the dissemination of information that has been approved by the IC for release to the media, the community, and other parties that may have been affected by the incident.

Upon arrival at the scene of the incident, the designated Public Information Officer will report to the IC, obtain an incident briefing, and be assigned the Public Information Officer radio designator for the incident.

327.4 DISSEMINATION OF INFORMATION

The Public Information Officer should gather and disseminate the following information as deemed appropriate:

- (a) Incident response information, including the number of units and personnel on-scene
- (b) Appropriate human interest or safety information
- (c) Nature of the incident and expertise of the fire personnel deployed (e.g., high-rise, technical rescue)
- (d) A description of any particular hazards present at the incident
- (e) Identification of life-saving or heroic acts that may have occurred
- (f) Projected duration of the incident

News Media and Community Relations

- (g) Approved evacuation notices and restricted areas

327.5 RESTRICTED INFORMATION

The Public Information Officer shall ensure that legally protected information is not released to the media. The Public Information Officer should consult with the IC or the authorized designee about any issues or concerns regarding legally protected information.

Refer to the Line-of-Duty Death and Serious Injury Notification Policy for additional considerations regarding communication with the media concerning a line-of-duty death or serious injury.

327.6 MEDIA INQUIRIES

All media inquiries received by incident personnel shall be forwarded to the Public Information Officer for response. The Public Information Officer will endeavor to provide accurate information that is available at the time, while clearly communicating that any such information is preliminary. The following communication strategies may be employed:

- (a) Reporters should be directed to assemble in a designated staging area to wait until additional information can be obtained.
- (b) If the Public Information Officer finds it necessary to remain with media representatives, the IC may be asked to assist in gathering information. Media representatives may be allowed to take photographs and video, provided they do not interfere with incident operations or create a safety hazard.
- (c) Prior to releasing the names or identifying information of persons seriously injured or deceased, the Public Information Officer shall confirm that the next-of-kin has been notified. Next-of-kin notifications are generally handled by law enforcement and/or hospital personnel. The Public Information Officer should contact County Control (60 Control) supervisor to confirm that notification has been made.
- (d) The names of deceased or seriously injured persons shall not be transmitted over the radio.

The Public Information Officer or the authorized designee should not speculate as to the cause of an incident.

327.7 MEDIA ACCESS AND SPECIAL TOURS OR BRIEFINGS

Authorized members of the media, local leaders, their representatives, and other visiting dignitaries may be provided access or tours of scenes of floods, storms, fires, earthquakes, explosions, or other emergency scenes when such access can be accomplished safely and when the IC has authorized such activities.

The Public Information Officer shall be responsible for scheduling and arranging special tours or briefings in accordance with established National Incident Management System (NIMS) procedures.

Access by the media is subject to the following conditions:

Rye Fire Department

Policy Manual

News Media and Community Relations

- (a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.
- (b) Media representatives shall be prevented from interfering with emergency operations and criminal investigations.
 - 1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the Public Information Officer or other designated spokesperson.
- (c) In the case of a fire incident, the Public Information Officer may escort media representatives on a tour of a fire-damaged area following knockdown and after receiving authorization from the IC, in coordination with operations personnel. The Public Information Officer will be responsible for ensuring that all media personnel wear proper protective clothing as warranted.

327.7.1 TEMPORARY FLIGHT RESTRICTIONS

If the presence of media or other aircraft pose a threat to public or personnel safety or significantly hamper incident operations, the IC should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through County Control (60 Control). The TFR request, either for a pre-planned operation or an unplanned incident, should include specific information regarding the perimeter and altitude necessary for the incident. The TFR should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration should be contacted (14 CFR 91.137).

327.8 NEWS RELEASES

News releases are documents specifically prepared for release to the media. News releases should be authored by the Public Information Officer and approved by the Career Captain, IC, or the authorized designee prior to release. News releases should be structured to facilitate use by the print media, typically containing no more than two pages of concise information. News releases should be formatted in accordance with the approved department standard.

327.9 NEWS CONFERENCES

A news conference is a pre-scheduled event intended to highlight a newsworthy event, such as a promotion or opening of a new fire station; news conferences can also be used when a representative of the Department desires to make a public appearance. The Career Captain will determine the purpose and scope of the conference. Any accompanying news release will include details, such as the date, time, and location, and may reference other officials, dignitaries, or agencies that may be in attendance.

The Public Information Officer should prepare the news release and/or a prepared statement for the department spokesperson. The Public Information Officer shall make arrangements for the site, obtain required equipment, arrange for availability of the news release, identify photo locations, and provide escorts, as necessary. The conference may include a moderator or the

Rye Fire Department

Policy Manual

News Media and Community Relations

Public Information Officer, who should make introductory remarks and introductions, assist with any question-and-answer period that may follow, and conclude the conference.

Specific information should not be released prior to the conference. The Public Information Officer should notify appropriate department personnel of the date, time, and location of all news conferences. Department members attending the news conference should wear their dress uniforms as specified in the Uniform Regulations Policy. Attendance requirements will be determined by the Career Captain.

Juvenile Firesetter Referrals

410.1 PURPOSE AND SCOPE

The purpose of this policy is to provide department personnel with resources for helping juvenile firesetters and their families receive the help they need through education, diversion, assessment and psychological services, in cooperation with local nonprofit organizations.

410.2 REFERRALS

Any referrals will be forwarded to the Career Captain who will forward to the City of Rye Police Department.



CITY COUNCIL AGENDA

DEPT.: Commissioner of Public Safety

CONTACT: Mike Kopy, Commissioner of Public Safety

AGENDA ITEM:

Authorization for the Commissioner of Public Safety to dispose of equipment purchased through the 1033 Program.

FOR THE MEETING OF:

November 8, 2023

RECOMMENDATION: That the Council authorize the Commissioner of Public Safety to dispose of the equipment identified as obsolete in keeping with the 1033 program.

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 Commissioner of Public Safety to dispose of said equipment in accordance with the 1033 program and in a manner that will serve in the best interests of the City.

BACKGROUND: The LESO/1033 Program handles excess military property for use by local law enforcement agencies for legitimate law enforcement purposes. The type of property turned in ranges from military-specific equipment and vehicles to generic office furniture, computers, medical items and shop equipment.

Please see attached memo from Commissioner Kopy.

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



CITY OF RYE

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

Department of Public Safety

Memorandum

To: Greg Usry, City Manager
From: Michael Kopy, Public Safety Commissioner
Date: 10/31/2023
Re: 1033 Surplus

Attached is a spreadsheet of equipment that the Rye Police Department has acquired through the 1033 program. At this time, the Rye Police Department has determined that these items are no longer needed and would like to commence the sale of these items per the directives of the 1033 program. All proceeds received through the on-line auction or otherwise are required to be credited back to the 1033 program for future use.



November 1033 Auction

Diesel Generator

Quantity: 4



Small Tool Box

Quantity: 7



Shock Absorber

Quantity: 8



Hum V Seat

Quantity: 3



Large Tool Box

Quantity: 1



Boat Anchor

Quantity: 3



Duck Boat

Quantity: 1



Straps

Quantity: 40+



6 x 6 x 8 Conex Container - Black

Quantity: 1



Storage Containers 9 & 10

Quantity: 2



4 x 6 x 6 Conex Container

Quantity: 1



6 x 6 x 8 Conex Container - Tan

Quantity: 1



Fork Lift

Quantity: 1



File Safe

Quantity: 1



Storage Containers 3 & 4

Quantity: 2



Insulated Conex Container

Quantity: 1



Rolling Stairs

Quantity: 2



Bri-Mar Trailer

Quantity: 1





CITY COUNCIL AGENDA

DEPT.: City Manager

CONTACT: Greg Usry, City Manager

AGENDA ITEM:

Presentation of the proposed FY 2024 Budget by the City Manager and Comptroller.

FOR THE MEETING OF:

November 8, 2023

RECOMMENDATION: That the Council hear the presentation.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: This is an annual message.



CITY COUNCIL AGENDA

DEPT.: City Manager

CONTACT: Greg Usry, City Manager

AGENDA ITEM:

Consideration to set a public hearing on the 2024 Budget for December 6, 2023.

FOR THE MEETING OF:

November 8, 2023

RECOMMENDATION: That the Council set the public hearing.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: This is an annual hearing.



CITY COUNCIL AGENDA

DEPT.: City Manager

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Set the public hearing to adopt a Local Law to override the State enacted tax levy limitation, if necessary.

FOR THE MEETING OF:

November 8, 2023

RECOMMENDATION: That the Mayor and the Council set a public hearing to adopt a Local Law to override the State enacted tax levy limitation.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: New York State enacted a 2% tax cap on June 24, 2011. A provision in the law allows a municipality to override this tax cap under certain provisions including:

- Local governments may override the tax levy limit only by first passing a local law that allows for the tax levy limit to be exceeded.
- This override vote requires a 60 percent vote of the total voting power of the governing body to pass.
- In a case where a weighted vote is used to pass the budget, the override will require a 60 percent weighted vote of the local government 's governing body.
- The override vote must precede the vote on adoption of the budget although both votes may occur on the same day.

See attached draft Local Law.

LOCAL LAW NO. _____-2023

**A LOCAL LAW TO AUTHORIZING A PROPERTY TAX LEVY IN EXCESS OF THE
LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-C**

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

Section 1. Legislative Intent

It is the intent of this local law to allow the City of Rye to adopt a budget for the fiscal year commencing January 1, 2024 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3. Tax Levy Limit Override

The City Council of the City of Rye, County of Westchester, is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2024 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Severability

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

Section 5. Effective date

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



CITY COUNCIL AGENDA

DEPT.: City Manager's Office

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Set a public hearing to:

a) Adopt a local law to add a new chapter 192, "Videoconferencing" to allow members of public bodies of the City of Rye which are subject to Public Officers Law, Article 7, to participate in meetings via videoconferencing.

b) Adopt policies and procedures for the conduct of any hybrid meeting which involves participation by a member exercising the right to participate remotely under Open Meetings Law § 103-a.

FOR THE MEETING OF:

November 8, 2023

RECOMMENDATION: That the Council set the public hearing,

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: On April 9, 2022, Governor Hochul signed legislation permitting municipalities to adopt a local law for hybrid meetings through **June 30, 2024**. In addition to the local law, the legislation requires public bodies to adopt a policy that follows new procedures and requirements for these meetings (with certain requisites including an in-person quorum).

LOCAL LAW

CITY OF RYE NO. _____-2023

A new local law to add a new chapter 192, “Videoconferencing” to allow members of public bodies of the City of Rye who are subject to Public Officers Law, Article 7, to participate in meetings via videoconferencing.

Section 1. Legislative Intent

It is the intent of this Local Law to give members of the City’s local public bodies, as such term is defined in Public Officers Law §103-a(1), the authority to participate in meetings via videoconferencing in a manner consistent with the authority granted in Public Officers Law § 103-a upon sufficient notice to the chair of said public body.

Section 2. Authority

This local law is adopted pursuant to Public Officers Law § 103-a which expressly permits the City Council to adopt a local law to authorize the use of videoconferencing for itself and all local public bodies, including committees and subcommittees, of the City which are subject to Public Officers Law, Article 7, known as “Open Meetings Law”. Members of such local public bodies may participate in meetings via videoconferencing from locations not accessible to the public so long as a quorum of the public body participates from locations where the public may be physically present and all conditions set forth in Public Officers Law § 103-a are met. For these purposes such local public bodies include the Architectural Review Board, the Board of Appeals, the Board of Assessment Review, the Boat Basin Commission, the City Council, the Conservation Commission Advisory Council, and the Planning Commission, and the Rye Golf Commission.

Section 3. Videoconferencing for Public Meetings

- (1) The City Council of the City of Rye hereby authorizes members of the City’s local public bodies to participate in meetings using videoconferencing technology in a manner consistent with Public Officers Law § 103-a so long as a quorum of the public body participates from locations where the public may be physically present.
- (2) The City Council shall promulgate and adopt by resolution written procedures governing member and public attendance, which may be amended from time to time, for the conduct of any meeting which involves participation by a member exercising the right to participate remotely under Open Meetings Law § 103-a.

Section 4. Other Remote Meetings Permitted Under Public Officers Law, Article 7

The provisions of this Local Law and Public Officers Law § 103-a do not limit the existing authority set forth in the Public Officers Law § 104(4) which allows all public bodies to

remotely connect multiple public locations from which members and the public may attend. The City's local public bodies who are subject to Public Officers Law, Article 7, may continue to hold proper open meetings by videoconferencing from multiple physical locations which are identified in the meeting notice, open to the public and connected remotely together by videoconferencing.

Section 5. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this Local Law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this chapter, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 6. Effective date.

This chapter shall take effect immediately upon filing with the Office of the Secretary of State of the State of New York.



CITY OF RYE

VIDEOCONFERENCING POLICY

A. Introduction

1. The City of Rye recognizes the benefits of having in-person meetings but understands there are circumstances which preclude certain members of a public body to meet in-person. As such, this policy shall allow members of the City's local public bodies to attend meetings using videoconferencing technology, when necessary. On November ____, 2023, the City Council, pursuant to Public Officers Law Section 103-a, adopted a local law to authorize the use of videoconferencing for itself and all local public bodies, including committees and subcommittees, of the City *which are subject to the New York State Open Meetings Law, Public Officers Law, Article 7*, pending request to and approval of the chairperson of said local public body. For purposes of this policy, the term "Hybrid Meeting" shall mean a meeting held with at least one member of the public body attending via videoconference.
2. This Videoconferencing Policy shall govern member and public attendance and participation where council/board/committee members attend the public meeting via videoconferencing pursuant to Public Officers Law Section 103-a. Any request for council/board/committee members to be allowed to attend a public meeting(s) using videoconferencing technology from a location not open to the public pursuant to Public Officers Law Section 103-a must be submitted in writing to the chairperson of the City's local public body. Such written request must identify the meeting(s) for which the request is being made along with a statement explaining the reason(s) for the request.
3. This Videoconferencing Policy shall be posted on the City website.
4. This policy shall apply to the City Council, Board of Appeals, Planning Commission, Board of Architectural Review, Board of Assessment Review, Boat Basin Commission and Rye Golf Commission.
5. Hybrid Meetings must take place in City Hall and all members of the public body who attend via videoconferencing must be present for the entire meeting.

B. Remote Meeting Attendance by Council and Applicable Boards and Commissions Listed Above

1. Members of the relevant public body shall be physically present at all meetings of such public body unless such member is unable to be physically present at any such meeting location due to the following extraordinary circumstances:
 - a. Disability;

- b. Illness;
 - c. Health Concerns;
 - d. Caregiving responsibilities; or
 - e. Other significant or unexpected factor or event which precludes the member's physical attendance at such meeting.
2. A quorum of the public body must conduct the public meeting from City Hall. A physical location is any location identified in the meeting notice that is open to in-person public attendance.
- a. For example, no less than four members of the City Council must conduct the meeting in the same physical location or locations where the public can attend the meeting. If two City Council members are sick and two City Council members are on vacation, the public meeting must be cancelled because only three City Council members are available to meet in-person (or in any physical location open to the public). All members cannot participate in the public meeting using videoconferencing from a location that is not open to in-person public attendance.
 - b. The City Council may conduct a meeting where two members attend the meeting from City Hall, two members attend using videoconferencing where their physical locations are open to the public and such locations have been identified in the meeting notice, and three members attend using videoconferencing where their location is not open to the public.
3. Council, Land Use Boards and Boat Basin or Golf Commission members wishing to attend a public meeting using videoconferencing technology from a location not open to the public pursuant to Public Officer's Law § 103-a, must submit the request to the chair of said public body as early as possible before the scheduled meeting that they are unable to be physically present at the meeting, shall give no more than the advance notice necessary to make arrangements and provide public notice.
4. The public notice for any public meeting where a member attends using videoconferencing from a location not open to the public pursuant to Public Officers Law § 103-a, shall inform the public that videoconferencing will be used, where the public can view and/or participate in such meeting, where required documents and records will be posted or available and identify the physical location or locations for the meeting where the public can attend. Public notice that meeting will be hybrid with the public zoom link posted must be made at least 72 hours in advance of the meeting.
- a. If a member of the public body plans to attend a meeting using videoconferencing technology from a location open to the public pursuant to Public Officers Law § 104(4), such member must advise the chair of such public body as soon as possible to ensure that the public body has enough time to post the required public meeting notice. The public notice for such meeting shall inform the public that

videoconferencing will be used and shall identify the locations for the meeting, and state that the public has the right to attend the meeting at any of the locations.

5. Except in the case of executive sessions conducted pursuant to Public Officers Law § 105, the chair shall ensure that all members of the public body, including those attending via videoconferencing, can be heard, seen and identified, while the public meeting is being conducted, including but not limited to any motions, proposals, resolutions, and any other matter formally discussed or voted upon. Any board member attending a public meeting via videoconferencing technology shall have their video turned on for the duration of the meeting unless it is impractical under the circumstances.
6. During the public meeting, the chair shall announce the name or names of those members participating remotely. This information shall be included in the minutes.
7. Each public meeting conducted using videoconferencing shall be recorded and such recordings posted or linked on the public website of the public body within five business days following the meeting.
8. If videoconferencing is used to conduct a public meeting from locations not open to the public pursuant to Public Officers Law § 103-a, the public body shall provide the opportunity for members of the public to view such meeting via video, and to participate in proceedings via videoconferencing in real time where public comment or participation is authorized and shall ensure that videoconferencing authorizes the same public participation or testimony as in-person participation or testimony.
9. If a vote takes place during the public meeting, the remote attendee will be entitled to participate in the vote as usual.

C. Exemptions

1. The provisions of this Policy and Public Officers Law § 103-a do not limit the existing authority set forth in the Public Officers Law § 104(4) which allows all public bodies to remotely connect multiple public locations from which members and the public may attend a public meeting. The City's public bodies may continue to hold proper open meetings by videoconferencing from multiple physical locations which are identified in the meeting notice, open to the public and connected remotely together by videoconferencing pursuant to Public Officers Law § 104(4).
2. The in person participation requirements set forth in this Policy and Public Officers Law § 103-a(2)(c) shall not apply during a state disaster emergency declared by the Governor pursuant to Executive law § 28, or a local state of emergency proclaimed by the Mayor pursuant to Executive Law § 24, if the Governor or the Mayor determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the public body to hold an in person meeting.

D. Remote Meeting Etiquette for Council/ Board/ Committee Members

1. Council/Board/Committee members that attend a public meeting via videoconferencing technology are expected to comply with the following rules:
 - a. Announce at the beginning of the meeting if you must leave at a certain time. Attend the entirety of the meeting.
 - b. Mute yourself when not speaking.
 - c. Ensure your displayed participant name is correct.

E. Public Participation via Videoconferencing Technology

1. In meetings with the opportunity for public comment or question, questions will be answered in the order they are received and participants attending a meeting via videoconferencing technology shall be called upon to speak following in-person speakers.
2. Participants must use the “Raise Hand” function to verbally ask a question. To raise one’s hand, click the “Participants” button in the bottom toolbar, then click the “Raise Hand” button at the bottom of the “Participants” dialogue box. Participants who have joined the meeting solely via phone can dial *9 to raise their hand.
3. In meetings with the opportunity for public comment or question, remote meeting participants must wait until authorized to speak by the chair. Only remote speakers with a digital hand raised shall be called upon to speak.
4. Participants shall not type any questions or comments in the chat box. Please note, chats sent privately through a private chat box will show up on the administrator’s downloaded transcript.
5. Participants must mute themselves when not speaking to cut down on background noise.
6. Participation of legal services or other professionals/consultants via videoconferencing while all Board members are physically present does not trigger videoconferencing capabilities for the public at large.

McKinney's Consolidated Laws of New York Annotated
Public Officers Law (Refs & Annos)
Chapter 47. Of the Consolidated Laws
Article 7. Open Meetings Law (Refs & Annos)

McKinney's Public Officers Law § 103

§ 103. Open meetings and executive sessions

Effective: April 9, 2022

[Currentness](#)

(a) Every meeting of a public body shall be open to the general public, except that an executive session of such body may be called and business transacted thereat in accordance with [section ninety-five](#)¹ of this article.

(b) Public bodies shall make or cause to be made all reasonable efforts to ensure that meetings are held in facilities that permit barrier-free physical access to the physically handicapped, as defined in [subdivision five of section fifty of the public buildings law](#).

(c) [Eff. until July 1, 2024, pursuant to [L.2022, c. 56, pt. WW, § 4](#). See, also, subd. (c) below.] A public body shall provide an opportunity for the public to attend, listen and observe meetings in at least one physical location at which a member participates.

(c) [Eff. July 1, 2024, pursuant to [L.2022, c. 56, pt. WW, § 4](#). See, also, subd. (c) above.] A public body that uses videoconferencing to conduct its meetings shall provide an opportunity for the public to attend, listen and observe at any site at which a member participates.

(d) [As added by [L.2010, c. 40](#). See, also, subd. (d) below.] Public bodies shall make or cause to be made all reasonable efforts to ensure that meetings are held in an appropriate facility which can adequately accommodate members of the public who wish to attend such meetings.

(d) [As added by [L.2010, c. 43](#). See, also, subd. (d) above.] 1. Any meeting of a public body that is open to the public shall be open to being photographed, broadcast, webcast, or otherwise recorded and/or transmitted by audio or video means. As used herein the term “broadcast” shall also include the transmission of signals by cable.

2. A public body may adopt rules, consistent with recommendations from the committee on open government, reasonably governing the location of equipment and personnel used to photograph, broadcast, webcast, or otherwise record a meeting so as to conduct its proceedings in an orderly manner. Such rules shall be conspicuously posted during meetings and written copies shall be provided upon request to those in attendance.

(e) Agency records available to the public pursuant to article six of this chapter, as well as any proposed resolution, law, rule, regulation, policy or any amendment thereto, that is scheduled to be the subject of discussion by a public body during an open meeting shall be made available, upon request therefor, to the extent practicable at least twenty-four hours prior to the meeting

during which the records will be discussed. Copies of such records may be made available for a reasonable fee, determined in the same manner as provided therefor in article six of this chapter. If the agency in which a public body functions maintains a regularly and routinely updated website and utilizes a high speed internet connection, such records shall be posted on the website to the extent practicable at least twenty-four hours prior to the meeting. An agency may, but shall not be required to, expend additional moneys to implement the provisions of this subdivision.

(f) Open meetings of an agency or authority shall be, to the extent practicable and within available funds, broadcast to the public and maintained as records of the agency or authority. If the agency or authority maintains a website and utilizes a high speed internet connection, such open meeting shall be, to the extent practicable and within available funds, streamed on such website in real-time, and posted on such website within and for a reasonable time after the meeting. For the purposes of this subdivision, the term “agency” shall mean only a state department, board, bureau, division, council or office and any public corporation the majority of whose members are appointed by the governor. For purposes of this subdivision, the term “authority” shall mean a public authority or public benefit corporation created by or existing under any state law, at least one of whose members is appointed by the governor (including any subsidiaries of such public authority or public benefit corporation), other than an interstate or international authority or public benefit corporation.

Credits

(Formerly § 93, added L.1976, c. 511, § 1. Amended L.1977, c. 368, § 1. Renumbered § 98, L.1977, c. 933, § 2. Renumbered § 103, L.1983, c. 652, § 1. Amended L.2000, c. 289, § 3, eff. Aug. 23, 2000; L.2010, c. 40, § 1, eff. April 14, 2010; L.2010, c. 43, § 2, eff. April 1, 2011; L.2011, c. 603, § 1, eff. Feb. 2, 2012; L.2015, c. 519, § 1, eff. Jan. 10, 2016; L.2016, c. 319, § 1, eff. March 8, 2017; L.2021, c. 481, § 1, eff. Nov. 18, 2021; L.2022, c. 56, pt. WW, § 1, eff. April 9, 2022.)

Footnotes

1 See [Public Officers Law § 105](#).

McKinney's Public Officers Law § 103, NY PUB OFF § 103

Current through L.2022, chapters 1 to 841. Some statute sections may be more current, see credits for details.



CITY COUNCIL AGENDA

DEPT.: City Manager's Office

CONTACT: Greg Usry, City Manager

AGENDA ITEM:

Consideration to set a public hearing for November 29, 2023, regarding the City's potential project to replace an existing grass athletic field with a synthetic turf field on a City- owned property located at 421 Milton Road in the City of Rye, New York.

FOR THE MEETING OF:

November 8, 2023

RECOMMENDATION: That the Council set the public hearing,

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND:

For more information, click [here](#) or visit

<https://www.ryeny.gov/services/projects-and-information/nursery-field-project-information>



CITY COUNCIL AGENDA

DEPT.: City Manager

CONTACT: Greg Usry, City Manager

AGENDA ITEM:

Authorization to transfer \$65,000 from Contingency to the Legal Account for the remainder of 2023.

FOR THE MEETING OF:

November 8, 2023

RECOMMENDATION: That the Council authorize the transfer.

RESOLVED that the City Council authorizes the City Manager to transfer \$65,000 from Contingency to the Legal Account for the remainder of 2023.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: See attached memo.

City of Rye Law Department

Kristen K. Wilson, Esq.
Corporation Counsel



To: Mayor Cohn, Members of the Rye City Council

From: Kristen K. Wilson, Esq.
Corporation Counsel

Date: November 3, 2023

Re: *Request for transfer of money to Legal Services*

The Legal Services line in the 2023 budget needs to be increased to cover the following legal issues and obligations for the remainder of the year:

- Approximately 14 regular City Court calendars.
- Any separate hearings scheduled for various City Code violations.
- *Henry Gaillard v. The City Council of Rye and the Osborn Memorial Home.*
- *Westchester County/Standard Amusement v. City of Rye* – Appeal of Judge Minihan’s Order.
- *City of Rye v. Westchester County/Standard Amusements* – Article 78 Proceeding.
- *Save the Sound v. City of Rye, et al.*



CITY COUNCIL AGENDA

DEPT.: City Manager

CONTACT: Greg Usry, City Manager

AGENDA ITEM:

Consideration to accept a tree donation at the Rye Arts Center from Rye's nonprofit and community organizations in honor of Robin Jovanovich's service to the community.

FOR THE MEETING OF:

November 8, 2023

RECOMMENDATION: That the Council accept the donation.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: See attached.



November 1, 2023

Mr. Greg Usry, City Manager
Rye City Hall
1051 Boston Post Road
Rye, NY 10580

Re Tree in Honor of Robin Jovanovich's Service to the Community

Dear Greg:

On behalf of Rye's nonprofit and community organizations I am writing to respectfully ask the City's permission to plant a tree at the Rye Arts Center.

This tree would be a gift to the City of Rye from its nonprofits and community organizations in recognition of Ms. Jovanovich's advocacy and support to us throughout her tenure as publisher of the Rye Record. From sending photographers to our events to providing space and words about our organization's accomplishments and calendars, Ms. Jovanovich used her power as a publisher to cheer on the community's providers of art, culture, nature, parks, and youth programs.

We would use our own funds to purchase and install the tree. Ryan Coyne, City Engineer, has recommended this location for the tree and we will finalize plans with him once the Council approves our request. In addition to consulting with the City's arborist, we will work with Lucy Berkoff, a resident who, as you know, has been active in planting trees throughout Rye. The tree will be about five to seven feet in height and planted in mid to late November, pending any further investigation of the area and approvals. A ceremony honoring Ms. Jovanovich is scheduled for November 9, 2023, at the Jay Heritage Center.

Thank you for supporting this request. Please let me know what further information is required. A list of the nonprofits and community groups honoring Ms. Jovanovich is attached.

Sincerely,

Christine Siller
Executive Director

Rye Nonprofits Honoring Robin Jovanovich

Jay Heritage Center

Rye YMCA

Westchester Children's Museum

Friends of Rye Nature Center

Friends of Rye Town Park

Rye Historical Society

Rye Arts Center

SoulRyeders

SPRYE

The Osborn

Rye Free Reading Room

Rye Youth Council

Rye ACT

pRYEde

Friends of Edith Read Sanctuary

Giving Tree Local - Bread of Life

Wainwright House

Garden Club of Rye

Little Garden Club of Rye