

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

**REGULAR MEETING OF THE CITY COUNCIL  
COUNCIL CHAMBERS, CITY HALL  
Wednesday, September 18, 2024  
6:30 p.m.**

*Please note: The Council will convene at 5:30 p.m. and it is expected they will adjourn into Executive Session at 5:31 p.m. to discuss Playland Litigation.*

1. Pledge of Allegiance.
2. Roll Call.
3. Draft unapproved minutes of the Regular Meeting of the City Council held August 14, 2024.
4. Members of the public may be heard on matters for Council consideration that do not appear on the agenda.
5. Report of the City Manager.
6. Consideration of the proposed revisions of the Rules and Regulations of the City of Rye Police Department.
  - Policy # 347 – StarChase
  - Policy # 400 – Patrol
  - Policy # 401 – Bias-Based Policing
  - Policy # 402 – Line Up
  - Policy # 411 – Foreign Diplomatic and Consular Representatives
  - Policy # 601 – Sexual Assault Investigations
  - Policy # 610 – Facial Recognition Systems
  - Policy # 700 – Department-Owned and Personal Property
  - Policy # 701 – Personal Communication Devices
7. Resolution authorizing the City Manager to execute an inter-municipal agreement between the City of Rye and the County of Westchester for a RICIS System to allow for the electronic transmission and storage of criminal records and police blotter information.
8. Report of Council sub-committee on comprehensive plan and possible Council action.

9. Resolution authorizing the City Manager to transfer funds from the General Fund's Unassigned Fund Balance to the General Vehicle Replacement Account in the amount of \$1,085,000.
10. Resolution retroactively authorizing the City to lower the flag to half-mast on September 3, 2024.
11. Resolution to declare certain equipment as surplus.
12. Resolution retroactively authorizing the Rye Free Reading Room to have the Longford's ice cream truck at the Library/Haviland Lane on September 14, 2024.
13. Old Business/New Business.
14. Adjournment

\* \* \* \* \*

The next regular meeting of the City Council will be held on Wednesday, October 9, 2024, at 6:30 p.m.

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

*UNAPPROVED MINUTES* – Regular Meeting - City Council  
August 14, 2024

*UNAPPROVED MINUTES* of the Regular Meeting of the  
City Council of the City of Rye held in City Hall on  
August 14, 2024, at 6:30 P.M.

PRESENT:

JOSH COHN, Mayor  
KEITH CUNNINGHAM  
SARA GODDARD  
BILL HENDERSON  
JAMIE JENSEN  
Councilmembers

ABSENT:

JOSH NATHAN  
JULIE SOUZA  
Councilmembers

ALSO ATTENDING:

GREG USRY, CITY MANAGER  
KRISTEN WILSON, CORPORATION COUNSEL  
BRIAN SHEA, ASSISTANT CITY MANAGER  
JOE FAZZINO, DEPUTY COMPTROLLER  
RYAN COYNE, CITY ENGINEER

The Council convened in a public meeting at 6:41 P.M. The meeting was streamed live at [www.ryeny.gov](http://www.ryeny.gov) for public viewing.

1. [Pledge of Allegiance.](#)

Mayor Cohn led the Pledge of Allegiance.

2. [Roll 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 July 17, 2024.](#)

On motion by Councilman Henderson, seconded by Councilwoman Jensen and unanimously carried, it was

**RESOLVED** to approve the drafted minutes of the Regular Meeting of the City Council held July 17, 2024.

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

No one from the public spoke.

5. [Report of the City Manager.](#)

City Manager, Greg Usry, gave an update to the City Council on various items.

6. [Consideration of Rye Nature Center improvements.](#)

Christine Siller, Executive Director of the Rye Nature Center, gave an overview of its history, mission and future plans. She explained the proposed improvement plan.

Resident, Greg Wilson, of 11 Hammond Road, expressed his concern regarding one of the proposed access road options.

On a motion by Councilwoman Goddard, seconded by Councilman Henderson it was:

RESOLVED the City Manager is hereby authorized to sign a letter endorsing and approving the Rye Nature Center's NYS Office of Parks, Recreation and Historic Preservation's (OPRHP) Zoos, Botanical Gardens, and Aquaria (ZBGA) Capital Grant application.

Adopted by the following vote:

AYES: Councilpersons Cunningham, Goddard, Henderson, Jensen, Mayor Cohn  
NAYS: None  
ABSENT: Councilpersons Nathan and Souza

7. [Presentation of the 6-month financial results by Comptroller, Joe Fazzino.](#)

Deputy Comptroller, Joe Fazzino, gave a presentation on the 6-month financial results.

8. [Award Bid for Grasspave System Project \[Sterling Berms Project\] \(Contract #2024-08\).](#)

City Engineer, Ryan Coyne, explained the grass pave system materials is part of the Department of Public Works Disbrow Park parking lot improvement adjacent to Sterling Field. This bid is for the Department of Public Works to be able to purchase the materials needed to install the grass pave system themselves.

On a motion by Councilman Henderson, seconded by Mayor Cohn it was:

RESOLVED that the bid for Contract #2024-08 be awarded to Ferguson Waterworks in the amount of Thirty Thousand Two Hundred Thirty Dollars and Forty Cents (\$30,230.00).

Adopted by the following vote:

AYES: Councilpersons Cunningham, Goddard, Henderson, Jensen, Mayor Cohn  
NAYS: None  
ABSENT: Councilpersons Nathan and Souza

9. [Presentation of the City’s 5-year Capital Improvement Program.](#)

City Manager, Greg Usry, presented on the Capital Improvement Program.

10. [Report to the City Council on the Mead Place Parking District.](#)

City Manager, Greg Usry, presented an overview/update on the Mead Place Parking District and the Council discussed its relevancy to the Beach Parking District.

11. [Resolution of the City Council of the City of Rye authorizing the filing of a Green Resiliency Grant Program application.](#)

Assistant City Manager, Brian Shea, gave an overview of the inaugural round of the Grant Resiliency Grant Program application.

On a motion by Councilman Henderson, seconded by Councilwoman Goddard:

**Resolution of The City Council of the City Of Rye Authorizing the Filing of a Green Resiliency Grant Program Grant Application**

WHEREAS Governor Kathy Hochul announced \$60 million is available for the inaugural round of the Green Resiliency Grant (GRG) program to prioritize grants to flood-prone communities and help them undertake innovative green infrastructure projects such as green roofs, green streets, and permeable pavement.

WHEREAS the City has identified Car Park 2 in the City of Rye for green infrastructure upgrades including new biofiltration systems to treat stormwater runoff prior to entering Blind Brook as well as other green infrastructure improvements including the planting of new trees and other vegetation.

RESOLVED, that the City Council authorizes the City Manager, in line with his powers and duties, to sign the requisite Application Form in order to apply for funding through the Green Resiliency Grant Program from the New York State Environmental Facilities Corporation ("EFC") to enable improvements to Car Park 2 in the City of Rye and to authorize the undertaking of the project, if awarded, and

RESOLVED, that the City is seeking funding to support green infrastructure upgrades in Car Park 2 with a total project cost estimated at \$1,500,000; and

RESOLVED, that the City has identified the required 10% matching funds of total eligible project costs from its General Capital Projects Account; and

FURTHER RESOLVED, that this resolution acts as confirmation of all matching funds referenced are appropriated toward the project, authorizes the subsequent undertaking of the project, maximum total costs, and represents the City’s obligation to use the appropriated funds to meet the required local match for the requested grant.

Adopted by the following vote:

AYES: Councilpersons Cunningham, Goddard, Henderson, Jensen, Mayor Cohn  
NAYS: None  
ABSENT: Councilpersons Nathan and Souza

12. [Adoption of the 2024/2025 tax levy and tax rate for the Rye Neck Union Free School District.](#)

On a motion by Councilman Henderson, seconded by Councilwoman Jensen:

WHEREAS, the Rye Neck Union Free School District (District) has certified to the City of Rye Comptroller taxes in the amount of \$13,178,584 to be raised on property within the District located in the City of Rye, with established tax rates of \$1,102.626638 per \$1,000 of taxable assessed value on homestead property and \$1,358.667335 per \$1,000 taxable assessed value on non-homestead property, for the fiscal year beginning July 1, 2024 and ending June 30, 2025, now, therefore, be it

RESOLVED, that in accordance with the provisions of the City Charter, the City Comptroller is commanded to levy and collect said taxes, subject to any further amendments or approvals required by the Rye Neck Union Free School District.

Adopted by the following vote:

AYES: Councilpersons Cunningham, Goddard, Henderson, Jensen, Mayor Cohn  
NAYS: None  
ABSENT: Councilpersons Nathan and Souza

13. [Recognition of summer interns.](#)

City Clerk, Noga Ruttenberg, acknowledged and thanked Arein Delizia from Rye High School and Arav Ramaswamy from Rye Country Day School for their outstanding work as interns for the 2024 summer.

14. [Old Business/New Business.](#)

a. On a motion by Councilman Henderson, seconded by Councilwoman Goddard:

**Resolution to Accept the Terms of The Memorandum of Agreement Between The City Of Rye And CSEA Local 1000 AFSCME, AFL-CIO, City Of Rye Public Works Unit #9175, Westchester County Local 860**

Adopted by the following vote:

AYES: Councilpersons Cunningham, Goddard, Henderson, Jensen, Mayor Cohn  
NAYS: None  
ABSENT: Councilpersons Nathan and Souza

b. On a motion by Councilwoman Jensen, seconded by Councilman Henderson:

**Resolution to Accept the Terms of The Memorandum of Agreement Between The City Of Rye And CSEA Local 1000 AFSCME, AFL-CIO, City Of Rye Clerical Unit, Westchester County Local 860**

Adopted by the following vote:

AYES: Councilpersons Cunningham, Goddard, Henderson, Jensen, Mayor Cohn  
NAYS: None  
ABSENT: Councilpersons Nathan and Souza

c. On a motion by Councilwoman Jensen, seconded by Councilwoman Goddard:

**Resolution Authorizing Corporation Counsel to Sign the Supplement to Amended Stipulated Order In *Save The Sound, Et Al. V. City Of Rye***

WHEREAS, the City of Rye and Save the Sound have negotiated a supplement to the Amended Stipulated Order in the pending federal lawsuit *Save the Sound, et al. v. Westchester County, et al.* to address delays in project completion; and

WHEREAS, the City has identified, and Save the Sound has agreed that a third environmental benefit project (“EBP”) in lieu of financial penalties, among other things.

NOW, THEREFORE, BE IT RESOLVED that the City Council authorizes the Corporation Counsel to execute the negotiated Supplement to Amended Stipulated Order in the above-referenced matter.

Adopted by the following vote:

AYES: Councilpersons Cunningham, Goddard, Henderson, Jensen, Mayor Cohn  
NAYS: None  
ABSENT: Councilpersons Nathan and Souza

*UNAPPROVED MINUTES* – Regular Meeting - City Council  
August 14, 2024

On motion of Councilman Henderson, seconded by Councilwoman Goddard, and with the Council in favor, the meeting was adjourned at 8:44 PM.

Respectfully submitted,

Noga Ruttenberg  
City Clerk





# CITY COUNCIL AGENDA

DEPT.: Police Department

CONTACT: Mike Kopy, Commissioner of Public Safety

**AGENDA ITEM:** Consideration of the proposed revisions to the Rules and Regulations of the City of Rye Police Department.

- Policy # 347 – StarChase
- Policy # 400 – Patrol
- Policy # 401 – Bias-Based Policing
- Policy # 402 – Line Up
- Policy # 411 – Foreign Diplomatic and Consular Representatives
- Policy # 601 – Sexual Assault Investigations
- Policy # 610 – Facial Recognition Systems
- Policy # 700 – Department-Owned and Personal Property
- Policy # 701 – Personal Communication Devices

**FOR THE MEETING OF:**

September 18, 2024

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

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** The proposed policies have been reviewed by the Commissioner and the Rye Police Association for review pursuant to the provisions of the collective bargaining agreement.

See attached memo and policies.

Michael Kopy  
Public Safety Commissioner  
1051 Boston Post Road  
Rye, New York 10580



Tel: (914) 967-1234 ex 2011  
E-mail: [mkopy@ryeny.gov](mailto:mkopy@ryeny.gov)  
<http://www.ryeny.gov>

## **CITY OF RYE Public Safety**

---

**To:** Greg Usry, City Manager  
**From:** Michael Kopy, Public Safety Commissioner  
**Date:** 09/12/2024  
**Re:** Police Department – Lexipol Policy

---

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 347 – StarChase**

To establish guidelines and procedures for the training, inspection, authorization, deployment, and tracking of the StarChase Vehicle Mounted Launcher (“StarChase VML”) as a pursuit mitigation protocol and in accordance with department pursuit policy.

### **Policy 400 – Patrol**

The purpose of this policy is to define the patrol function and address intraorganizational cooperation and information sharing.

### **Policy 401 – Bias-Based Policing**

This policy provides guidance to department members that affirms the Rye Police Department's commitment to policing that is fair and objective.

### **Policy 402 – Line up**

This policy discusses the activity of line up and includes the tasks that should be accomplished during this short period.

### **Policy 411 – Foreign Diplomatic and Consular Representatives**

This policy provides guidelines to ensure that members of the Rye Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

### **Policy 601 – Sexual Assault Investigations**

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on victims.

### **Policy 610 – Facial Recognition Systems**

To establish guidelines and responsibilities for the use of automated systems which compare facial images against databases of biometric templates, which may result in a group of potentially matching facial images ranked by computer-evaluated similarity ("Facial Recognition Systems").

### **Policy 700 – Department-Owned and Personal Property**

Members of the Rye Police Department shall properly care for department property assigned or entrusted to them. Department-owned property that becomes damaged shall be promptly replaced.

### **Policy 701 – Personal Communication Devices**

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the Department or personally owned, while on-duty or when used for authorized work-related purposes.



## StarChase

### 347.1 PURPOSE AND SCOPE

To establish guidelines and procedures for the training, inspection, authorization, deployment, and tracking of the StarChase Vehicle Mounted Launcher ("StarChase VML") as a pursuit mitigation protocol and in accordance with department pursuit policy.

### 347.2 INSPECTION

Sworn Members assigned to a StarChase-equipped vehicle shall inspect the StarChase VML components at the beginning of their tour.

In the event that StarChase VML is damaged or inoperable, Sworn Members shall notify their supervisor and remove the StarChase VML from service if necessary.

Sworn Members assigned to a StarChase-equipped vehicle shall maintain the StarChase VML in accordance with the StarChase Manual.

### 347.3 AUTHORIZATION

Sworn Members are authorized to use StarChase at the point of pursuit and will notify the Desk Officer via applicable radio (Department/Countywide) of deployment at their earliest convenience.

Sworn Members with StarChase VML training and assigned to a StarChase-equipped vehicle are authorized to deploy StarChase in accordance with their training, based on available intelligence, (including the reason for the attempted stop) and in compliance with department policy. Members are encouraged to use StarChase whenever possible to reduce the risks associated with vehicle pursuits.

StarChase deployment may be authorized on cars, trucks, and trailers. StarChase shall not be used on motorcycles.

### 347.4 DEPLOYMENT

Sworn Members may only use StarChase in accordance with their StarChase training.

Sworn Members are authorized to use StarChase once a suspect vehicle fails to comply or at the direction of a Rye Police supervisor. When determining necessity officers shall evaluate all factors known regarding vehicle, operator, and need.

When authorized to deploy StarChase, Sworn Members will deploy a StarChase GPS tag toward the suspect vehicle.

In the event of a successful deployment, Sworn Members should consider the risks/benefits of continuing the pursuit in accordance with department policy.

NOTE: In certain instances, such as a slow speed pursuit with an erratic vehicle, Sworn Members may have to take other actions (i.e. boxing in a vehicle) even after a successful deployment in order to protect other motorists and pedestrians.

# Rye Police Department

## Rye Police Department Policy Manual

### *StarChase*

---

NOTE: Officers are encouraged to pursue tagged vehicles in a fashion that a reasonable person would no longer believe they are being pursued (ie. The police vehicle does not have lights activated and is not easily viewed by the tagged vehicle.) The Tour Supervisor may authorize continued pursuit with a successful dart.

In the event of an unsuccessful deployment, Sworn Members may attempt a second deployment.

#### **347.5 TRACKING**

Sworn Members shall broadcast via applicable radio (Department/Countywide) once they deploy StarChase.

It is expected that RTC will broadcast when a StarChase deployment is successful and continually update the tagged vehicle's location.

The desk officer or tour commander shall direct resources and officers to appropriate locations to stop the tagged vehicle in accordance with department policy.

#### **347.6 TERMINATION**

Once a pursuit is terminated the Tour Supervisor or officer involved will immediately notify RTC if there are any pending charges. Sworn Members may attempt to locate the device obeying all traffic laws, even if the pursuit is terminated, in order to retrieve departmental property.

NOTE: Every effort shall be made to have outside jurisdictions retrieve the dart.

#### **347.7 TRAINING**

Sworn Members who have successfully completed the StarChase VML training course shall use StarChase VML in accordance with this procedure.

## Patrol

### 400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the patrol function and address intraorganizational cooperation and information sharing.

### 400.2 POLICY

The Rye Police Department provides patrol services 24 hours a day, seven days a week and will prioritize responses to requests for emergency services using available resources to enhance the safety of the public and department members.

### 400.3 FUNCTION

Patrol will generally be conducted by uniformed officers in clearly marked law enforcement vehicles in assigned jurisdictional areas of Rye. The function of patrol is to respond to calls for assistance and reports of criminal activity, act as a deterrent to crime, enforce state and local laws, identify community needs, provide support and assistance to the community and respond to emergencies.

Patrol services include, but are not limited to:

- (a) Responding to emergency calls for service.
- (b) Apprehending criminal offenders.
- (c) Providing mutual aid and assistance to other agencies for emergency and law enforcement-related activities.
- (d) Preventing criminal acts, traffic violations and collisions, maintaining public order and discovering hazardous situations or conditions.
- (e) Responding to reports of both criminal and non-criminal acts.
- (f) Responding to routine calls for service, such as public assistance or public safety.
- (g) Directing and controlling traffic.
- (h) Carrying out crime prevention activities, such as residential inspections, business inspections and community presentations.
- (i) Carrying out community-oriented policing and problem-solving activities, including the application of resources to improve or resolve specific problems or situations and contacting or assisting members of the public in a positive way.
- (j) Identifying and/or responding to calls for service regarding hazardous highway conditions, requesting notification to the appropriate municipal or private agency regarding the hazard, and, if necessary, mitigating the hazard through the use of traffic flares or cones.

## Patrol

---

### **400.4 INFORMATION SHARING**

To the extent feasible, all information relevant to the mission of the Department should be shared among all divisions and specialized units on a timely basis. Members should be provided with opportunities on a regular basis to share information during the daily line ups and to attend line ups of other divisions or specialized units.

Additionally, information should be shared with outside agencies and the public in conformance with department policies and applicable laws. Members are encouraged to share information with other units and divisions.

### **400.5 CROWDS, EVENTS AND GATHERINGS**

Officers may encounter gatherings of people, including, but not limited to, civil demonstrations, public displays, parades, sporting events and civic, social and business events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action.

Generally, officers should consider seeking compliance through advisements and warnings for minor violations, and should reserve greater enforcement options for more serious violations or when voluntary compliance with the law is not achieved.

Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety concerns.

### **400.6 ASSIGNMENTS**

Maps of the service areas, organized into identifiable patrol areas, shall be made available to members assigned to patrol via paper or electronic copies.

Periodic review of staffing needs for patrol assignments to meet community needs will be conducted by the Commissioner of Public Safety or the authorized designee.

### **400.7 PATROL DIVISION COMMANDER RESPONSIBILITIES**

The Patrol Division Commander will be responsible for all matters pertaining to the operation of the Patrol Division:

- (a) His/her administrative duties will include planning, organizing and directing the activities of assigned personnel and maintenance of harmonious relationships with other police divisions and agencies.
- (b) He/she will promptly obey and transmit all orders of the Commissioner, ensuring uniform interpretation and full compliance.



# Rye Police Department

## Rye Police Department Policy Manual

### Patrol

---

- (c) He/she will exercise authority in proportion to his/her responsibility and be held accountable for the effectiveness of the Division.
- (d) Ordinarily, his/her hours of duty will be in accordance with the needs of the Division, but he/she will be available for duty at all times in case of special need or emergency.
- (e) He/she will familiarize himself/herself with administrative policy and execute effective programs for the efficient performance of the Division including:
  - a. Prevention and suppression of crime
  - b. Protection of life and property
  - c. Apprehension and prosecution of offenders
  - d. Preservation of the peace
  - e. Enforcement of regulatory measures
- (f) He/she will analyze crime and incident reports, using facilities of the Detective Division and Staff Services to determine trends as a basis for effective deployment of resources and direction of operations.
- (g) He/she will examine time and activity reports to insure proper deployment and control of division personnel.
- (h) He/she will be diligent in enforcing the observance of high ethical standards in the operations and conduct of division personnel.
- (i) He/she will collaborate with other division heads and staff officers for the purpose of:
  - a. Organizing and conducting a progressive program of personnel training
  - b. Improving personnel working conditions for maximum efficiency and morale
  - c. Adequately recognize outstanding personnel performance
  - d. Improving efficiency and cooperation in areas of common responsibility
  - e. Advancing public relations programs for promoting public confidence and support
  - f. Using personnel records for individual guidance and improvement
  - g. Insuring the proper economical use of Departmental property and equipment
  - h. Promoting personnel and vehicle safety
- (j) He/she will systematically investigate all cases of apparent or alleged misconduct by division personnel, preparing reports and reporting his/her findings to the Commissioner of Public Safety.
- (k) He/she will, when required, assist with inquiries and investigations involving members of the division.
- (l) He/she will, at all times, keep informed of the affairs and activities of his/her division and be assured that the duties of his/her subordinates are properly discharged.
- (m) He/she will, at irregular and unannounced times, visit all units and areas under his/her command; inspecting them for condition, efficiency of operation, and conformity with the rules and regulations, initiating corrective action or disciplinary measures as required.
- (n) He/she will exercise general supervision and inspection of all public places within the City and assure compliance of laws and ordinances.
- (o) He/she will insure prompt reporting to proper authority all instances of negligence, violation of law or other matters falling within the jurisdiction of Federal, State or local agencies.

# Rye Police Department

## Rye Police Department Policy Manual

### Patrol

---

- (p) He/she will submit required reports reflecting the problems, services and activities of the division.
- (q) He/she will insure that all necessary orders, instruction and communications are available for outgoing squads.
- (r) He/she will be responsible for the safe, expeditious movement of vehicles and the enforcement of laws, ordinances and regulations governing traffic.
- (s) He/she will be diligent to prevent overt acts arising from the development of group tensions, unlawful assemblies or strikes and take appropriate action.
- (t) He/she will be responsible for the repression of crime and the enforcement of laws, ordinances and regulations pertaining to criminal activities.
- (u) He/she will, with specific instructions, establish the required details and assignments necessary to carry out the functions related to his/her division. He/she will be guided in his/her assignment by the needs of the department and assign personnel where they will be most useful and efficient.
- (v) He/she will observe probationary patrol officers assigned to his/her division. Prior to the expiration of their probationary period, he/she will evaluate their appearance, intelligence, discipline, efficiency, initiative, general adaptability to police work and their overall ability to obtain desirable results, and advise the Commissioner. He/she will make recommendations as to whether or not, in his/her opinion, each individual officer should receive permanent appointment.
- (w) He/she will perform such other duties as may be assigned to him/her by the Commissioner of Public Safety.
- (x) He/she has overall responsibility for ensuring a safe and free flow of vehicle and pedestrian traffic in the City.
- (y) He/she will prepare annual performance evaluations of all ranking officers under his/her supervision and submit them to the Commissioner.
- (z) He/she will assist with payroll, budgeting, and acquisition/ maintenance of Patrol equipment (i.e. vehicles, radios, weapons, uniforms, first aid supplies, etc.).
- (aa) He/she will review reports for accuracy and any necessary follow up.
- (ab) He/she will serve as a point of contact for other departments within the City of Rye, other agencies, outside contractors and news agencies.
- (ac) He/she will directly supervise the Parking Enforcement Officers and any Patrol Officer that is not under the supervision of a Sergeant.
- (ad) He/she will oversee the 1033 Federal Excess Property Program.

#### **400.8 PATROL SERGEANT RESPONSIBILITIES**

Duties of Patrol Sergeant Supervisory members will be responsible for the enforcement of all laws and ordinances, department rules and regulations, orders, procedures, discipline, punctuality, attendance, appearance, good order and efficiency of members within their purview. Supervisory members will:

# Rye Police Department

## Rye Police Department Policy Manual

### Patrol

---

- (a) Perform specific duties and functions as assigned by his/her superior officer.
- (b) Obey all lawful orders.
- (c) Perform assigned tasks.
- (d) Provide leadership and guidance in developing loyalty and dedication to the police profession.
- (e) Train, direct, supervise and evaluate members in their assigned duties. Recommend remedial or disciplinary actions for inefficient, incompetent or unsuitable members.
- (f) Communicate orders, information and instructions.
- (g) Inform his/her relief of all necessary police matters.
- (h) Be present at prescribed roll calls.
- (i) At unannounced intervals, inspect personnel, vehicles and equipment.
- (j) Take appropriate action in regards to absentees and any deficiencies in patrol officers and equipment.
- (k) Insure that departmental resources are used effectively.
- (l) Insure that recovered property is handled in accordance with department orders.
- (m) Account for all monies and valuables received, processed and disbursed in conformance with department orders.
- (n) Inquire into the circumstances of all arrests to assure that all persons are handled in conformance with department order.
- (o) Know and conform to the current bail provisions of the Criminal Procedure Law.
- (p) Report promptly matters of police importance to his/her superior officer.
- (q) Insure that all appropriate City Departments are informed of emergencies which require their attention.
- (r) Direct activities of subordinate members for the purpose of achieving the objectives of the Police Department.
- (s) Perform those duties of the members of the Department that are applicable to him/her.
- (t) When in uniform maintain a military bearing and render military courtesy to superior officers.
- (u) The Patrol Sergeant will inspect the outgoing squad when acting as the Tour Supervisor.
- (v) The Patrol Sergeant will follow up complaints and see that they receive proper attention.
- (w) The Patrol Sergeant will patrol the entire City. He/she will visit each Patrol Officer at irregular intervals and supervise their activities.
- (x) The Patrol Sergeant will inspect, without delay, the activity sheets of Patrol Officers presented to him/her at the expiration of their tours of duty, certify such inspection by

# Rye Police Department

## Rye Police Department Policy Manual

### *Patrol*

---

his/her signature, record any pertinent information, and take the proper action with respect thereto.

- (y) He/she will review and approve or reject all reports and arrests generated during that tour for conformity with procedure, attention to detail and completion of pertinent information.
- (z) Serve as a role model for members under his/her command at all times, on and off duty.
- (aa) He/she will prepare and annual evaluation report of each member of his/her squad and submit them to the Patrol Commander.

# Bias-Based Policing

## 401.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Rye Police Department's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach and partnerships).

### 401.1.1 DEFINITIONS

Definitions related to this policy include:

**Bias-based policing or improper profiling** - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin (including limited English proficiency), religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement. This includes explicit and implicit biases (i.e., conscious and unconscious beliefs or attitudes towards certain groups).

## 401.2 POLICY

The Rye Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

## 401.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

## 401.4 MEMBER RESPONSIBILITIES

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for immediately reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any bias-based actions by another member.

### 401.4.1 REASON FOR CONTACT

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

## *Bias-Based Policing*

---

To the extent that written documentation would otherwise be completed (e.g., arrest report), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

### **401.5 SUPERVISOR RESPONSIBILITIES**

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.
  - 1. Supervisors should document these discussions, in the prescribed manner.
- (b) Supervisors should periodically review Mobile Audio/Video (MAV) recordings, portable audio/video recordings, Mobile Data Computer (MDC) data and any other available resource used to document contact between officers and the public to ensure compliance with this policy.
  - 1. Supervisors should document these periodic reviews.
  - 2. Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.
- (c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- (d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

### **401.6 ADMINISTRATION**

The Patrol Division Commander should review the efforts of the Department to provide fair and objective policing and ensure that regular training on the topic is provided to the entire department.

### **401.7 TRAINING**

Officers shall review this policy annually.

## Line up

### 402.1 PURPOSE AND SCOPE

This policy discusses the activity of line up and includes the tasks that should be accomplished during this short period.

### 402.2 POLICY

Line up is intended to facilitate the accurate flow of information in order to enhance coordination of activities, improve performance and safety, and outline the expected actions of members.

### 402.3 LINE UP

All divisions and specialized units will conduct regular line up to discuss, disseminate and exchange information among department members, work groups and other organizations. A supervisor generally will conduct line up. However, the supervisor may delegate this responsibility to a subordinate member in his/her absence or for training purposes.

Line up should include, but is not limited to:

- (a) Providing members with information regarding daily activities, with particular attention given to changes in the status of:
  - 1. Wanted persons.
  - 2. Crime patterns.
  - 3. Suspect descriptions.
  - 4. Intelligence reports and photographs.
  - 5. Community issues affecting law enforcement.
  - 6. Major investigations.
- (b) Notifying members of changes in schedules and assignments.
- (c) Reviewing recent incidents for situational awareness and training purposes.
- (d) Providing training on a variety of subjects.
- (e) Conducting periodic personnel inspections.

Supervisors should also ensure that all members are informed about General Orders, Communication Orders, and any recent policy changes.

#### 402.3.1 RETENTION OF LINE UP TRAINING RECORDS

Line up training materials and a curriculum or summary shall be forwarded to the Patrol or Detective Lieutenant for inclusion in training records, as appropriate.

### 402.4 PREPARATION OF MATERIALS

The member conducting line up is responsible for preparation of the materials necessary for a constructive line up.

## *Line up*

---

### **402.5 TRAINING**

Line up training should incorporate short segments on a variety of subjects or topics and may include:

- (a) Review and discussion of new or updated policies.
- (b) Presentation and discussion of the proper application of existing policy to routine daily activities.
- (c) Presentation and discussion of the proper application of existing policy to unusual activities.
- (d) Review of recent incidents for training purposes.



# Foreign Diplomatic and Consular Representatives

## 411.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Rye Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

## 411.2 POLICY

The Rye Police Department respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

## 411.3 CLAIMS OF IMMUNITY

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

- (a) Notify a supervisor.
- (b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person's status.
- (c) Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol or, in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.
- (d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll-free at 866-217-2089, or at another current telephone number, and inform the center of the circumstances.
- (e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.

## 411.4 ENFORCEMENT ACTION

# Rye Police Department

Rye Police Department Policy Manual

## *Foreign Diplomatic and Consular Representatives*

---

- (a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.
- (b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.
- (c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.
  - 1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.
- (d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:
  - 1. Diplomatic-level staff of missions to international organizations and recognized family members
  - 2. Diplomatic agents and recognized family members
  - 3. Members of administrative and technical staff of a diplomatic mission and recognized family members
  - 4. Career consular officers, unless the person is the subject of a felony warrant
- (e) The following persons may generally be detained and arrested:
  - 1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents
  - 2. Support staff of missions to international organizations
  - 3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries
  - 4. Honorary consular officers

### **411.5 DOCUMENTATION**

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

### **411.6 DIPLOMATIC IMMUNITY**

Reference table on diplomatic immunity:

Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members

# Rye Police Department

## Rye Police Department Policy Manual

### Foreign Diplomatic and Consular Representatives

<b>Diplomatic Agent</b>	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity and inviolability)
<b>Member of Admin and Tech Staff</b>	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity and inviolability)
<b>Service Staff</b>	Yes (note (a))	Yes	Yes	Yes	No for official acts. Yes otherwise (note (a))	No immunity or inviolability (note (a))
<b>Career Consul Officer</b>	Yes if for a felony and pursuant to a warrant (note (a))	Yes (note (d))	Yes	No for official acts Testimony may not be compelled in any case	No for official acts Yes otherwise (note (a))	No immunity or inviolability
<b>Honorable Consul Officer</b>	Yes	Yes	Yes	No for official acts Yes otherwise	No for official acts Yes otherwise	No immunity or inviolability
<b>Consulate Employees</b>	Yes (note (a))	Yes	Yes	No-for official acts Yes otherwise	No for official acts Yes otherwise (note (a))	No immunity or inviolability (note (a))
<b>Int'l Org Staff (note (b))</b>	Yes (note (c))	Yes (note (c))	Yes	Yes (note (c))	No for official acts Yes otherwise (note (c))	No immunity or inviolability
<b>Diplomatic-Level Staff of Missions to Int'l Org</b>	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity and inviolability)

# Rye Police Department

Rye Police Department Policy Manual

## *Foreign Diplomatic and Consular Representatives*

---

<b>Support Staff of Missions to Int'l Orgs</b>	Yes	Yes	Yes	Yes	No for official acts Yes otherwise	No immunity or inviolability
--	-----	-----	-----	-----	---------------------------------------	------------------------------

Notes for diplomatic immunity table:

- (a) This table represents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.
- (b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety or the prevention of serious criminal acts.
- (c) A small number of senior officers are entitled to be treated identically to diplomatic agents.
- (d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

# Sexual Assault Investigations

## 601.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims (Executive Law § 838-a).

Mandatory notifications requirements are addressed in the Child Abuse and Adult Abuse policies.

### 601.1.1 DEFINITIONS

Definitions related to this policy include:

**Sexual assault** - Any crime or attempted crime of a sexual nature, to include, but not limited to, offenses defined in Article 130 of the Penal Law.

**SANE** - Sexual assault nurse examiner.

## 601.2 POLICY

It is the policy of the Rye Police Department that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

## 601.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

- (a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations (Executive Law § 838-a).
- (b) Conduct follow-up interviews and investigation.
- (c) Present appropriate cases of alleged sexual assault to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies, and medical personnel as needed.
- (e) Provide referrals to therapy services, victim advocates, and support for the victim.

## 601.4 REPORTING

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

## *Sexual Assault Investigations*

---

### **601.5 VICTIM INTERVIEWS**

The primary considerations in sexual assault investigations, which begin with the initial call to the Desk, should be the health and safety of the victim, the preservation of evidence and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

When possible, interviews of juvenile victims should be conducted at a Child Advocacy Center (Executive Law § 642-a).

All victims of sex offenses and/or incest should be interviewed in a private setting that provides for sight and sound separation from outside of the room. Only those persons relevant to the investigation should be allowed in the room, as provided by law (Executive Law § 642(2-a)).

Victims shall not be asked or required to take a polygraph examination (34 USC § 10451; CPL § 160.45).

Victims should be apprised of applicable victim's rights provisions.

#### **601.5.1 SEXUAL ASSAULT VICTIM'S RIGHTS**

Prior to the initial victim interview, or at the time a sexual offense evidence kit is collected, whichever is sooner, officers shall (Public Health Law § 2805-i; Executive Law § 838-a):

- (a) Provide the victim with a copy of the victim's bill of rights handout created by the Department of Health;
- (b) Offer to explain those rights or provide reasonable assistance to the victim with understanding the rights;
- (c) If a sexual offense evidence kit is collected, provide contact information for the crime victim liaison and the qualified investigator (if one has been assigned), to whom the victim could inquire about the status of testing.

### **601.6 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE**

The officer assigned to the investigation will secure the crime scene for processing by evidence personnel and either transport or have medical personnel transport the victim to Westchester Medical Center for treatment of any injuries and an examination to collect evidence by a SANE Nurse.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

## *Sexual Assault Investigations*

---

The evidence collection kits are provided by the hospital and will be collected by a SANE Nurse. The completed kits along with the victim's clothing will be handled as directed in the Evidence policy.

Victims who choose not to assist with an investigation, do not desire that the matter be investigated or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately.

### 601.6.1 TESTING REQUIREMENTS

Members investigating sexual assaults or handling related evidence shall submit all sexual offense evidence kits to an appropriate forensic laboratory for testing within 10 days of receipt (Executive Law § 838-a).

### 601.6.2 DNA TEST RESULTS

Members investigating sexual assault cases should notify victims of any DNA test results as soon as reasonably practicable.

Members investigating sexual assaults cases should ensure that DNA results are entered into databases when appropriate and as soon as practicable.

The Rye Police Department may temporarily delay the release of DNA match information that has been requested by a victim upon consultation with the prosecutor's office if all of the following circumstances are met (Public Health Law § 2805-i):

- (a) The information would be released prior to the arrest of a suspect.
- (b) The member documents the reason releasing information would compromise the investigation in a report.
- (c) The member provides written notification to the victim that releasing the information may compromise the investigation.

### 601.6.3 REPORTING REQUIREMENTS

A Detective Division supervisor shall ensure that a quarterly report is submitted to the Division of Criminal Justice Services containing the number of (Executive Law § 838-a):

- (a) Sexual offense kits received.
- (b) Sexual offense kits submitted for testing and how much time it took to submit each kit.
- (c) Sexual offense kits in the department's possession that have not been submitted for testing.

### 601.6.4 ELECTRONIC TRACKING OF SEXUAL OFFENSE KITS

The Detective Division supervisor shall establish procedures for the timely submission, tracking, and updating of sexual offense kits in the statewide electronic tracking system according to the rules and guidelines developed by the Division of Criminal Justice Services (Public Health Law § 2805-i).

## *Sexual Assault Investigations*

---

### **601.7 CASE REVIEW**

The Detective Division supervisor should ensure cases are reviewed on a periodic basis, at least annually, using an identified group that is independent of the investigation process. The reviews should include an analysis of:

- Case dispositions.
- Decisions to collect biological evidence.
- Submissions of biological evidence for lab testing.

### **601.8 RELEASING INFORMATION TO THE PUBLIC**

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads or in safeguarding the public through the urging of preventive measures. The Detective Division supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.



# Facial Recognition Systems

## 610.1 PURPOSE AND SCOPE

To establish guidelines and responsibilities for the use of automated systems which compare facial images against databases of biometric templates, which may result in a group of potentially matching facial images ranked by computer-evaluated similarity ("Facial Recognition Systems").

## 610.2 POLICY

Facial Recognition Systems can be used to enhance public safety by assisting the Department with identification of unknown subjects. The Department shall use this technology in a manner that protects each individual's civil rights and civil liberties. Employees shall understand that Facial Recognition System output is merely a lead in any given case does not constitute, by itself and without further investigation or analysis, probable cause to make an arrest.

## 610.3 PERMISSIBLE USE

Only Employees trained to use the Facial Recognition Systems used by the Department and who possess knowledge and understanding of the Department's facial recognition policy and procedures, and an understanding of applicable laws and privacy protections ("Examiners") may use Facial Recognition Systems.

Examiners may use Facial Recognition Systems only for any of the following purposes:

- (a) To attempt to identify an individual(s) when such individual(s):
  1. has committed a criminal offense;
  2. is involved in or is planning definable criminal conduct or activity;
  3. is a possible missing person, crime victim, or witness to criminal activity;
  4. is deceased;
  5. is incapacitated and unable to communicate; or
  6. is under arrest and does not possess valid identification, is not forthcoming with valid identification or appears to be using someone else's identification or false identification.
- (b) To prevent, detect, and/or assess potential safety threats to members of the public and/or public officials.

Images contained in Facial Recognition Systems databases used to search against images submitted for identification must be lawfully obtained such as criminal history photographs that are not sealed or otherwise protected from such use.

Employees or members of any law enforcement agency acting in cooperation with the Department may submit to an Examiner images that originate from a lawful source, including law enforcement personnel and private citizens, for performance of facial recognition, provided that the images are relevant to an authorized purpose.

## *Facial Recognition Systems*

---

All computer-generated potential matches between a subject displayed in a submitted image and an identifiable person shall be visually evaluated by an examiner.

Examiners shall determine whether similarity exists between the subject and the identifiable person, through a manual or visual review of facial features such as the eyes, ears, nose, mouth, chin, lips, eyebrows, hair/hairline, scars, marks, and tattoos, to justify reporting an investigative lead.

When practicable, a second Examiner should review any potential identifications determined by the first Examiner.

Potential identifications made using Facial Recognition Systems shall be considered investigative leads only and shall not be deemed positive identification.

Examiners shall advise law enforcement personnel from other agencies who receive Facial Recognition Systems search results from the Department that such results are investigative leads only and do not establish probable cause to arrest, and should not be used as the sole basis for any warrant application.

Examiners may accept the submission of images from another law enforcement agency, in an attempt to identify individuals through the use of facial recognition technology, provided the following requirements are met:

- (a) all permissible and prohibited uses of this policy are adhered to; and
- (b) the submitting agency acknowledges that a facial recognition result is only an investigative lead and is not subject to be considered a positive identification of any subject.

Facial Recognition Systems search results, including personal information regarding potential identifications, may be disseminated to any law enforcement agency or official with a need to know such information in the performance of official duties, provided the dissemination is for an authorized use as delineated above, and is such dissemination is subject to all relevant Federal and New York State Laws regarding on privacy, confidentiality and Dissemination.

### **610.4 PROHIBITED USE**

The use of Facial Recognition Systems is restricted to approved legitimate law enforcement purposes as described above and any use of Facial Recognition Systems for personal or other non-official purposes is a violation of this policy.

Facial Recognition Systems shall not be used to identify any individual when the request for identification is based on images that were obtained by unlawful means and based solely upon the individual's:

- (a) religious, political, or social views or activities;
- (b) participation in a noncriminal organization or lawful event; or

## *Facial Recognition Systems*

---

- (c) race, creed, color, national origin, sex, marital status, sexual orientation, gender identity expression, disability, or any other protected characteristic recognized under Article 4 of the New York Civil Rights Law.

### **610.5 RECORDS**

All records, data, and information received or generated through any permissible use of Facial Recognition Systems, including facial recognition requests and images received, screenshots, printouts, and facial recognition software output, shall be maintained for audit purposes and conform to the provisions of the Department's privacy, disclosure and record retention policies.

Outputs of the Facial Recognition Systems will be provided to the requestor for inclusion with the case file.

The Commissioner of Public Safety shall assign a Lieutenant to evaluate and monitor the Department's use of Facial Recognition Systems and measure compliance of Examiners with this policy, including the performance of periodic and random audits and/or inspections.

Images submitted for identification shall not become part of the searchable Facial Recognition Systems database but will be maintained as part of the investigative case file.

## Department-Owned and Personal Property

### 700.1 POLICY

Members of the Rye Police Department shall properly care for department property assigned or entrusted to them. Department-owned property that becomes damaged shall be promptly replaced.

### 700.2 DEPARTMENT-ISSUED PROPERTY

All property and equipment issued by the Department shall be documented in the appropriate property sheet or equipment log. Receipt of issued items shall be acknowledged by the receiving member's signature. Upon separation from the Department, all issued property and equipment shall be returned. Documentation of the return shall be acknowledged by the signature of a supervisor.

#### 700.2.1 CARE OF PROPERTY

Members shall be responsible for the safekeeping, serviceable condition, proper care, proper use and replacement of department property that has been assigned or entrusted to them.

Intentional or negligent abuse or misuse of department property may lead to discipline including, but not limited to, the cost of repair or replacement.

- (a) Members shall promptly report, through their chain of command, any loss, damage to, or unserviceable condition of any department-issued property or equipment.
  - 1. A supervisor receiving such a report shall conduct an investigation and direct a memo to the appropriate Division Commander, which shall include the result of the investigation and whether misconduct or negligence caused the loss, damage or unserviceable condition.
  - 2. A review by command staff should determine whether additional action is appropriate.
- (b) The use of damaged or unserviceable property should be discontinued as soon as practicable, and the item replaced with a comparable item as soon as available and following notice to a supervisor.
- (c) Except when otherwise directed by competent authority or otherwise reasonable by circumstances, department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.
- (d) Department property shall not be thrown away, sold, traded, donated, destroyed or otherwise disposed of without proper authority.

## Personal Communication Devices

### 701.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the Department or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs), wireless-capable tablets, and similar wireless two-way communications and/or portable internet-access devices. PCD use includes but is not limited to placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games, and accessing sites or services on the internet.

### 701.2 POLICY

The Rye Police Department allows members to utilize department-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations.

### 701.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received, or reviewed on any PCD issued or funded by the Department and shall have no expectation of privacy in their location should the device be equipped with location-detection capabilities.

### 701.4 DEPARTMENT-ISSUED PCD

Department-issued or funded PCDs may not be used for personal business either on- or off-duty unless authorized by the Commissioner of Public Safety or the authorized designee. Such devices and the associated telephone number, if any, shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

### 701.5 USE OF PCD

- (a) Members may use a PCD to communicate with other personnel in situations where the use of radio communications is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid, or in lieu of regular radio communications.
- (b) Members will not access social networking sites for any purpose that is not official department business. This restriction does not apply to a personally owned PCD used during authorized break times.
- (c) Using PCDs to harass, threaten, coerce, or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

## *Personal Communication Devices*

---

### **701.6 SUPERVISOR RESPONSIBILITIES**

- (a) Monitoring, to the extent practicable, PCD use in the workplace and taking prompt corrective action if a member is observed or reported to be improperly using a PCD.
  - 1. An investigation into improper conduct should be promptly initiated when circumstances warrant.
  - 2. Before conducting any administrative search of a member's personally owned device, supervisors should consult with the Commissioner of Public Safety or the authorized designee.



# CITY COUNCIL AGENDA

DEPT.: City Manager

CONTACT: Greg Usry, City Manager

**AGENDA ITEM:** Resolution authorizing the City Manager to execute an inter-municipal agreement between the City of Rye and the County of Westchester for an RICl System to allow for the electronic transmission and storage of criminal records and police blotter information.

**FOR THE MEETING OF:**

September 18, 2024

**RECOMMENDATION:** That the Council consider the resolution.

RESOLVED the City Manager is authorized to execute the IMA with Westchester County to provide a RICl system.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** See attached Inter-municipal agreement.

Michael Kopy  
Public Safety Commissioner  
1051 Boston Post Road  
Rye, New York 10580



Tel: (914) 967-1234 ex 2011  
E-mail: [mkopy@ryeny.gov](mailto:mkopy@ryeny.gov)  
<http://www.ryeny.gov>

**CITY OF RYE**  
**Public Safety**

---

**To:** Greg Usry, City Manager  
**From:** Michael Kopy, Public Safety Commissioner  
**Date:** 9/13/2024  
**Re:** RICl Arrest/Booking System

---

Attached, for your review, is the proposed booking system from the County of Westchester.

This system is used to process all defendant's arrests in the city of Rye. The software is required by the District Attorney's office to receive complete defendant information. This technology has been utilized by Rye for many years and is a necessary component of the arrest process.

I recommend this proposal be approved at the next council meeting.



## **INTER-MUNICIPAL AGREEMENT**

**AGREEMENT**, made \_\_\_\_\_, 20\_\_ by and between

**THE COUNTY OF WESTCHESTER**, a municipal corporation of the State of New York, having an office and place of business in the Michaelian Office Building, 148 Martine Avenue, White Plains, New York 10601,

(hereinafter referred to as the "County")

and

**THE CITY OF RYE**, a municipal corporation of the State of New York, acting by and through the City of Rye Police Department, having an office and place of business at 21 Third Street, Rye, New York 10580.

(hereinafter referred to as the "Municipality")

**WHEREAS**, the County has implemented a system called Westchester County Repository for Integrated Criminalistic Information ("RICI System") to allow for the electronic transmission and storage of criminal record and police blotter information;

and

**WHEREAS**, the type of information that is transmitted and stored on the system includes, but is not limited to, information related to a subject's arrest, booking, detention or incarceration including name, address, social security number, physical description, telephone number, fingerprints, palm-prints, photographs, and related data;

and

**WHEREAS**, the information is stored chronologically on a central computer maintained by the County and is shared by multiple law enforcement agencies having access to the system; and

**WHEREAS**, the Municipality is desirous of obtaining access to the RICl System and receiving supplemental computer services from the County; and

**WHEREAS**, the County agrees to provide such services upon the terms described below.

**NOW, THEREFORE**, in consideration of the mutual representations, covenants and agreements herein set forth, the County and the Municipality, each binding itself, its successors and assigns, do mutually promise, covenant and agree as follows:

**FIRST:** The County agrees:

(a) To provide and maintain a computer system and related equipment that will allow for the electronic transmission and storage of records relating to a subject's arrest, booking, detention or incarceration including name, address, social security number, physical description, telephone number, fingerprints, palm-prints, photographs, and related data. The system will allow for the two-way transmission of data between the Municipality, the County, the New York State Division of Criminal Justice Services ("DCJS") and other law-enforcement agencies.

(b) To maintain all parts of the RICl System under County control. The portion of the system "under County control" means the hardware or software associated with the central computer. "Maintenance" generally means support, upkeep, repair and periodic duplication or "back-up" of Municipality records in order to safeguard the data. Maintenance will be provided 24 hours per day, 365 days per year. The County will take reasonable measures to prevent or correct system trouble. "System trouble" is generally defined as the non-ability of any Municipality RICl System workstation to send or receive data from the central computer. If the County determines any system trouble to be within the portion of the system under Municipality

control, or within the jurisdiction of a third party, it will make appropriate notification to the Municipality or to such third party. The portion of the system “under Municipality control” means the hardware or software contained within the Municipality computer network. The “jurisdiction of a third party” means any hardware or software that is not within that portion of the system under County control or under Municipality control.

(c) To provide management control over the RICI System.

“Management control” means the authority to set and enforce (1) priorities; (2) standards for the selection, supervision, and termination of personnel in its employ; and (3) policy governing the operation of computers, circuits and telecommunications terminals or equipment used to process, store, or transmit criminal justice data, and guarantees the priority service needed by the criminal justice community. Management control includes, but is not limited to, the supervision of equipment, system design, programming, and operating procedures necessary for the exchange of criminal justice data.

(d) That authorized Municipality employees and authorized employees from other user law enforcement agencies may access, view or print any record contained in the RICI System relating to a subject’s arrest, booking, detention or incarceration including name, address, social security number, physical description, telephone number, fingerprints, palm-prints, photographs, and related data. Access by Municipality employees is strictly for business purposes relating to an official law enforcement function or to the administration or maintenance of the system. Any data so accessed may be used or disseminated only in accordance with all applicable federal, state or local laws or applicable rules and regulations, taking into account the type of record being used or disseminated including designation as adult, juvenile delinquent, sealed or similar restricted status.

(e) That all County employees having access to RICI System data have been the subject of a criminal background check for the purpose of ascertaining fitness to access criminal justice and police blotter information. The Department of Public Safety will determine the criteria to be used in ascertaining such fitness. Any person not meeting such criteria will be denied access to RICI System data.

(f) That all Municipality records maintained on the RICI System are owned by the Municipality. The Municipality will enter or edit its own records and has sole responsibility for the proper designation of its records as adult, juvenile delinquent, sealed or similar restricted status. The Municipality has sole responsibility for compliance with all court processes pertaining to any Municipality record contained in the system. The County will not enter or edit Municipality records, except at the request of the Municipality or as necessary for the administration or maintenance of the system.

**SECOND:** The Municipality agrees:

(a) To provide and maintain a computer system and related equipment that will allow for the electronic capture and transmission of records relating to a subject's arrest, booking, detention or incarceration including name, address, social security number, physical description, telephone number, fingerprints, palm-prints, photographs, and related data. The system will allow for the two-way transmission of data between the Municipality, the New York State Division of Criminal Justice Services ("DCJS") and other law-enforcement agencies.

(b) To maintain all parts of the RICI System under Municipality control. The portion of the system "under Municipality control" means the hardware or software associated with the Municipality computer network. The Municipality will take reasonable measures to prevent or correct system trouble. "System trouble" is

generally defined as the non-ability of any Municipality RIC System workstation to send or receive data from the central computer. If the Municipality determines the trouble to be within the portion of the system under County control, or within the jurisdiction of a third party, it will make appropriate notification to the County or to such third party. The portion of the system "under County control" means the hardware or software associated with the central computer. The "jurisdiction of a third party" means any hardware or software that is not within that portion of the system under Municipality control or under County control.

(c) To provide supervision and control over that portion of the RIC System under Municipality control. The term "supervision and control" generally means, but is not limited to, maintenance of security for terminals used to access RIC System data and the exercise of reasonable measures to ensure that only authorized personnel access criminal justice and police blotter information contained in the system.

(d) That authorized County employees and authorized employees from other user law enforcement agencies may access, view or print any record contained in the RIC system relating to a subject's arrest, booking, detention or incarceration including name, address, social security number, physical description, telephone number, fingerprints, palm-prints, photographs, and related data. Access by County employees is strictly for business purposes relating to an official law enforcement function or to the administration or maintenance of the system. Any data so accessed may be used or disseminated only in accordance with all applicable federal, state or local laws or applicable rules and regulations, taking into account the type of record being used or disseminated including designation as adult, juvenile delinquent, sealed or similar restricted status.

(e) That all Municipality employees having access to RICl System data have been the subject of a criminal background check for the purpose of ascertaining fitness to access police blotter and criminal justice information. The Department of Public Safety will determine the criteria to be used in ascertaining such fitness. Any person not meeting such criteria will be denied access to RICl System data.

**THIRD:** The Municipality agrees

(i) That except for the amount, if any, of damage contributed to, caused by or resulting from the negligence of the County, the Municipality shall indemnify and hold harmless the County, its officers, employees, agents and elected officials from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorneys' fees or loss arising directly or indirectly out of this Agreement; and

(ii) To provide defense for and defend, at its sole expense, any and all claims, demands or causes of action directly or indirectly arising out of this Agreement, unless caused by or resulting from the negligence of the County, and to bear all other costs and expenses related thereto.

**FOURTH:** The term of this Agreement will commence February 29, 2024 and terminate February 28, 2029, unless terminated earlier as provided herein.

**FIFTH:** Either party may cancel this Agreement on thirty (30) days written notice to the other party.

**SIXTH:** This Agreement shall not be enforceable unless signed by the parties and approved by the Office of the County Attorney.

**SEVENTH:** All notices given pursuant to this agreement shall be in writing and effective on mailing. All notices shall be sent by registered or certified mail, return receipt requested or by overnight courier and mailed to the following addresses:

To The County:

Terrance Raynor  
Acting Commissioner - Sheriff of Public Safety  
1 Saw Mill River Parkway  
Hawthorne, New York 10532

With a copy to:

County Attorney  
Michaelian Office Building, Room 600  
148 Martine Avenue  
White Plains, New York 10601

To The Municipality:

City of Rye  
21 Third Street  
Rye, New York 10580

or to such other addresses as may be specified by the parties hereto in writing.

**EIGHTH:** This Agreement constitutes the entire agreement between the parties hereto with respect to the subject matter hereof and shall supersede all previous negotiations, comments and writings. It shall not be released, discharged, changed or modified except by an instrument in writing signed by a duly authorized representative of each of the parties.

**NINTH:** This Agreement is entered into solely between, and may be enforced only by, the County and the Municipality; and this Agreement shall not be deemed to create any rights in third parties, or to create any obligations of a Party to any such third parties.

**TENTH:** Any delegation of duties or assignment of rights under this Agreement, without the prior express written consent of the County, is void.

**ELEVENTH:** The Agreement shall be construed and enforced in accordance with the laws of the state of New York.



**IN WITNESS WHEREOF**, the County and the Municipality have executed

this Agreement in triplicate:

**COUNTY OF WESTCHESTER**

By: \_\_\_\_\_

Terrance Raynor  
Acting Commissioner-Sheriff  
Department of Public Safety

By: \_\_\_\_\_

Name: \_\_\_\_\_  
City of Rye

Approved by the Board of Legislators of the County of Westchester on March 12, 2018  
by Act No. 2018-22.

Approved by the Board of Acquisition and Contract of the County of Westchester on the  
29th day of March, 2018.

Approved as to form and  
manner of execution:

\_\_\_\_\_  
Sr. Assistant County Attorney  
The County of Westchester

S:\Con\CARP\DPS\RICI IMA 2018

**MUNICIPALITY'S ACKNOWLEDGMENT**

STATE OF NEW YORK            )

) ss.:

COUNTY OF WESTCHESTER )

On this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_, before me, the undersigned, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she is the \_\_\_\_\_ of \_\_\_\_\_, the municipal corporation described in and which executed the within instrument, who being by me duly sworn did depose and say that he/she executed the same in his/her capacity, and that by his/her signature(s) on the instrument, the municipal corporation executed the instrument.

\_\_\_\_\_  
Notary Public                      County

**CERTIFICATE OF AUTHORITY**

(Municipality)

I, \_\_\_\_\_,  
(Officer **other than** officer signing contract)

certify that I am the \_\_\_\_\_ of the  
(Title)

\_\_\_\_\_  
(Name of Municipality)

(the "Municipality"), a corporation duly organized and in good standing under the

\_\_\_\_\_  
(Law under which organized, e.g., the New York Village Law, Town Law, General Municipal Law)

named in the foregoing agreement; that \_\_\_\_\_,  
(Person executing agreement)

who signed said agreement on behalf of the Municipality was, at the time of execution  
\_\_\_\_\_ of the Municipality, and that said  
(Title of such person),

agreement was duly signed for and on behalf of said Municipality by authority of its  
\_\_\_\_\_, thereunto duly authorized and  
(Town Board, Village Board, City Council)

that such authority is in full force and effect at the date hereof.

\_\_\_\_\_  
(Signature)

STATE OF NEW YORK )

ss.:

COUNTY OF WESTCHESTER)

On this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_, before me, the undersigned,  
personally appeared \_\_\_\_\_, personally known to me or  
proved to me on the basis of satisfactory evidence to be the individual whose name is  
subscribed to the above certificate and acknowledged to me that he/she executed the  
above certificate in his/her capacity  
as \_\_\_\_\_ of \_\_\_\_\_,  
(Title) (Municipality)  
the municipal corporation described in and which executed the within instrument.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
County

## **SCHEDULE "B"**

### **STANDARD INSURANCE PROVISIONS** **(Municipality)**

1. Prior to commencing work, and throughout the term of the Agreement, the Municipality shall obtain at its own cost and expense the required insurance as delineated below from insurance companies licensed in the State of New York, carrying a Best's financial rating of A or better. Municipality shall provide evidence of such insurance to the County of Westchester ("County"), either by providing a copy of policies and/or certificates as may be required and approved by the Director of Risk Management of the County ("Director"). The policies or certificates thereof shall provide that ten (10) days prior to cancellation or material change in the policy, notices of same shall be given to the Director either by overnight mail or personal delivery for all of the following stated insurance policies. All notices shall name the Municipality and identify the Agreement.

If at any time any of the policies required herein shall be or become unsatisfactory to the Director, as to form or substance, or if a company issuing any such policy shall be or become unsatisfactory to the Director, the Municipality shall upon notice to that effect from the County, promptly obtain a new policy, and submit the policy or the certificate as requested by the Director to the Office of Risk Management of the County for approval by the Director. Upon failure of the Municipality to furnish, deliver and maintain such insurance, the Agreement, at the election of the County, may be declared suspended, discontinued or terminated.

Failure of the Municipality to take out, maintain, or the taking out or maintenance of any required insurance, shall not relieve the Municipality from any liability under the Agreement, nor shall the insurance requirements be construed to conflict with or otherwise limit the contractual obligations of the Municipality concerning indemnification.

All property losses shall be made payable to the "County of Westchester" and adjusted with the appropriate County personnel.

In the event that claims, for which the County may be liable, in excess of the insured amounts provided herein are filed by reason of Municipality's negligent acts or omissions under the Agreement or by virtue of the provisions of the labor law or other statute or any other reason, the amount of excess of such claims or any portion thereof, may be withheld from payment due or to become due the Municipality until such time as the Municipality shall furnish such additional security covering such claims in form satisfactory to the Director.

In the event of any loss, if the Municipality maintains broader coverage and/or higher limits than the minimums identified herein, the County shall be entitled to the broader coverage and/or higher limits maintained by the Municipality. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the County.

2 The Municipality shall provide proof of the following coverage (if additional coverage is required for a specific agreement, those requirements will be described in the Agreement):

- a) Workers' Compensation and Employer's Liability. Certificate form C-105.2 or State Fund Insurance Company form U-26.3 is required for proof of compliance with the New York State Workers' Compensation Law. State Workers' Compensation Board form DB-120.1 is required for proof of compliance with the New York State Disability Benefits Law. Location of operation shall be "All locations in Westchester County, New York."

Where an applicant claims to not be required to carry either a Workers' Compensation Policy or Disability Benefits Policy, or both, the employer must complete NYS form CE-200, available to download at: <http://www.wcb.ny.gov>.

If the employer is self-insured for Workers' Compensation, he/she should present a certificate from the New York State Worker's Compensation Board evidencing that fact (Either SI-12, Certificate of Workers' Compensation Self-Insurance, or GSI-105.2, Certificate of Participation in Workers' Compensation Group Self-Insurance).

- b) Commercial General Liability Insurance with a combined single limit of \$1,000,000 (c.s.1) per occurrence and a \$2,000,000 aggregate limit naming the "County of Westchester" as an additional insured on a primary and non-contributory basis. This insurance shall include the following coverages:
  - i. Premises - Operations.
  - ii. Broad Form Contractual.
  - iii. Independent Contractor and Sub-Contractor.
  - iv. Products and Completed Operations.
- c) Commercial Umbrella/Excess Insurance: \$2,000,000 each Occurrence and Aggregate naming the "County of Westchester" as additional insured, written on a "follow the form" basis.

NOTE: Additional insured status shall be provided by standard or other endorsement that extends coverage to the County of Westchester for both on-going and completed operations.

- d) Automobile Liability Insurance with a minimum limit of liability per occurrence of \$1,000,000 for bodily injury and a minimum limit of \$100,000 per occurrence for property damage or a combined single limit of \$1,000,000 unless otherwise indicated in the contract specifications. This insurance shall include for bodily injury and property damage the following coverages and name the "County of Westchester" as additional insured:
  - (i) Owned automobiles.
  - (ii) Hired automobiles.
  - (iii) Non-owned automobiles.

3. All policies of the Municipality shall be endorsed to contain the following clauses:

(a) Insurers shall have no right to recovery or subrogation against the County (including its employees and other agents and agencies), it being the intention of the parties that the insurance policies so effected shall protect both parties and be primary coverage for any and all losses covered by the above-described insurance.

(b) The clause "other insurance provisions" in a policy in which the County is named as an insured, shall not apply to the County.

(c) The insurance companies issuing the policy or policies shall have no recourse against the County (including its agents and agencies as aforesaid) for payment of any premiums or for assessments under any form of policy.

(d) Any and all deductibles in the above described insurance policies shall be assumed by and be for the account of, and at the sole risk of, the Municipality.



# CITY COUNCIL AGENDA

DEPT.: City Manager

CONTACT: Greg Usry, City Manager

**AGENDA ITEM:** Report of Council sub-committee on comprehensive plan and possible Council action.

**FOR THE MEETING OF:**

September 18, 2024

**RECOMMENDATION:** That the Council hear the report of the Council sub-committee.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** See attached resolution and memo.



# CITY OF RYE

## RESOLUTION FOR COMPREHENSIVE PLAN INITIATION

WHEREAS, the City of Rye last engaged in “master” or comprehensive” planning in 1985; and

WHEREAS, a comprehensive plan is an important tool to be used by Rye residents and their government in taking actions over at least the coming decade; and

WHEREAS, a comprehensive plan (the “Plan”), among other things, will guide zoning and land use decisions; and

WHEREAS, in recent years, Rye experienced the COVID epidemic, which both forestalled the important community participation aspects of comprehensive planning and had important effects (perhaps still unfolding) on how Rye residents live and work; and

WHEREAS, City staff is now positioned to help move this important multi-year project,

NOW, THEREFORE, BE IT RESOLVED, that:

The Council hereby restores the dormant master plan committee as the Comprehensive Plan Committee (“CPC”).

The membership of the CPC shall consist of: 3 representatives of the Planning Commission, 1 representative of the Board of Appeals, 1 representative of the Board of Architectural Review, 1 representative of the Traffic and Pedestrian Safety Committee, 1 representative of the Board of Education, 1 representative of the Chamber of Commerce, 1 representative of the Rye Nature Center, and the Mayor and two Councilmembers. In each case, the chair or other senior member of a commission, board or organization shall be a preferred representative, if available. Subject to the foregoing, choice of representatives shall be in the discretion of each such commission, board or organization, including upon the resignation or other continuing unavailability of a representative. Representative choices in accordance with the foregoing shall be tendered to the City Council for formal recognition before acting on the CPC. The Mayor or his/her designee shall serve as Chairperson of the CPC and each member shall have one vote on any matter that is put to a vote.



The CPC shall maintain a written record of any substantive discussions and decision points, including any vote or consensus on specific points. The CPC shall be permitted to hold meetings in person, via video conference, or a hybrid approach. All meetings shall be noticed on the City's website.

The CPC shall be charged with selecting one or more consultants to guide the City through a broad and thorough comprehensive planning process executed in accordance with planning discipline best practices. The CPC's choice shall be submitted to the Council for hiring.

The CPC will work through the comprehensive planning process with and under the guidance of the consultant(s) and with the assistance of City staff, as appropriate, with ample outreach to all organizations and constituencies playing a material role in our City's life and to all residents generally.

The scope of the Plan is to be broad, and to reach at least all those topics covered in the City's "1985 Development Plan," with such additions or other changes as will conform to planning discipline best practices with respect to a city of our size and strength. In particular, we ask the Committee to consider long-term environmental sustainability and resilience, diversity of housing stock and encouragement of housing suitable for seniors and young adults, along with preservation of community character. We ask that the project not be rushed but presume that it can be completed within three years.

The CPC will be expected to make progress reports to the Council three times in each project year and to submit its Plan first in draft, and then in final form, each for Council approval.

The CPC will be expected to return to the Council for guidance with respect to any foundational matter not covered by this resolution.

Comprehensive Plan Memo to Council - September 12, 2024

A Council subcommittee consisting of Sara Goddard, Julie Souza and Josh Cohn has been looking at how to recommence the comprehensive (master) plan effort. A principal focus has been the 2017 effort, which was interrupted by a change in City administration and COVID and its aftereffect on the City. More specifically, a substantially new Council believed in 2018 that it should accrue greater experience before engaging in long-term municipal planning. The planning effort was to begin in 2020, but COVID interrupted our ability to have in-person community meetings and COVID's initial impact on Rye residents' work-life routines was overwhelming. Although diminished (the MTA lot now is usually near-full), the long-term impact of COVID on our City's life is still evolving and will be something that the comprehensive plan will need to consider.

An additional factor has been staff availability to devote to this substantial effort. City staff is now able to engage in a project that is likely to continue for several years.

The Council subcommittee, working with the City Planner and City Manager, reviewed the files from the 2017 effort, including those dealing with the request for consultant proposals and consultant choice. We also solicited a statement of interest from the consultant chosen in 2017.

The 2017 effort was organized and overseen by a broad committee representing a variety of community groups and interests. Although we found much good in the 2017 organizational work, we realized that much of the substantive work of collecting and applying community input would need to be redone. In a mere seven years, Rye has seen change and we need to build on an up-to-date experiential foundation. With that understanding came the understanding, advanced by the City Planner, that we should reinvigorate a broad comprehensive plan committee and ask that committee to review the 2017 organizational work and decide for itself if and how to review choice of consultant and the other project fundamentals. After all, the committee will be the laboring oar in the craft fashioned by those fundamentals.

That, then, is one part of our recommendation. Another<sup>^</sup> is the composition of this "Comprehensive Plan Committee." We suggest that Committee members be representative members of the committees, groups or organizations (a "constituency") listed below, in the numbers indicated. We think it best if the chair

or equivalent of each such constituency be the representative, if there is only one, or among the representatives otherwise. However, the membership of the constituency should choose its other representatives, if any, and a substitute for any chair or equivalent choosing not to participate. We suggest that all Committee members so selected be formally appointed to the Committee by the Council for the duration of the planning project. To the extent that a representative of a constituency must change, the constituency should be expected to choose the representative, again with a preference to having chairs or equivalents on the Committee.

The 2017 Committee had representatives of the Planning Commission (3), the Zoning Board of Appeals (1), the Board of Architectural Review (1), the Traffic and Pedestrian Safety Committee (1), the Board of Education (1), the Chamber of Commerce (1) and the Rye Nature Center (1), as well as the Mayor and two Councilmembers. It is important that the Committee be both adequately representative and not too large to be able to work efficiently. The Committee will be charged, of course, with getting input from other City committees, as well as from the complete range of interests and constituencies appropriate to the task

It is important that we share our initial ideas on scope and timing. We would ask that at least all topics covered in the City's most recent plan, the "1985 Development Plan," be covered, with a particular emphasis on long-term environmental sustainability and resilience, diversity of housing stock and encouragement of housing suitable for seniors and young adults, along with preservation of community character. We understand that the Committee will consider additional topic suggestions from the experienced consultant(s) to be hired and expect the project to take as broad a view as is appropriate to a City of our size and strength. In terms of timing, the 1985 Development Plan

took three years. We would imagine that a new plan will require about the same. We should expect periodic progress reports from the Committee (at least three each project year) and the presentation to the Council of both draft and final products - this subject to modification in consultation between Council and Committee.

The subcommittee looks forward to discussing this with the Council as a whole.

By: Sara Goddard, Councilmember; Julie Souza, Councilmember:  
Josh Cohn, Mayor.



# CITY COUNCIL AGENDA

DEPT.: City Manager

CONTACT: Greg Usry, City Manager

**AGENDA ITEM:** Resolution authorizing the City Manager to transfer funds from the General Fund's Unassigned Fund Balance to the General Vehicle Replacement Account in the amount of \$1,085,000.

**FOR THE MEETING OF:**

September 18, 2024

**RECOMMENDATION:** That the Council consider the resolution.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** See attached resolution.



# CITY OF RYE

## **AUTHORIZING THE TRANSFER OF FUNDS FROM THE GENERAL FUND'S UNASSIGNED FUND BALANCE TO THE GENERAL VEHICLE REPLACEMENT ACCOUNT IN THE AMOUNT OF \$1,085,000.**

WHEREAS, The City of Rye's General Fund Unassigned Fund Balance was \$6,180,470 as of December 31, 2023; and

WHEREAS, the City of Rye's Financial Policy requires funds in excess of 10% of the General Fund's budgeted appropriations, be allocated towards Capital Expenditures; and

WHEREAS, the City of Rye's 2024 General Fund Budgeted appropriations were \$50,934,981;

NOW, THEREFORE, BE IT RESOLVED, that the City Council agrees to transfer an amount of \$1,085,000 from the General Fund's Unassigned Balance to the General Vehicle Replacement Account.

ROLL CALL:

Ayes:

Nays:

STATE OF NEW YORK)  
COUNTY OF WESTCHESTER)  
CITY OF RYE)



# CITY COUNCIL AGENDA

DEPT.: City Manager

CONTACT: Greg Usry, City Manager

**AGENDA ITEM:** Resolution retroactively authorizing the City to lower the flag to half-mast on September 3, 2024.

**FOR THE MEETING OF:**

September 18, 2024

**RECOMMENDATION:** That the Council consider the resolution.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** See attached resolution.



# CITY OF RYE

## FLAG LOWERING FOR HERSH GOLDBERG-POLIN

WHEREAS, Hersh Goldberg-Polin was an American; and

WHEREAS, Hersh suffered the loss of his hand by Hamas terrorists in their October 7 attack on Israel; and

WHEREAS, Hersh was abducted by those terrorists; and

WHEREAS, Hersh was held under inhumane conditions as hostage by those terrorists; and

WHEREAS, after 11 months in captivity Hersh was brutally executed by those terrorists along with other hostages; and

WHEREAS, flying the U.S. flag at half-staff is a sign indicating the mourning of an individual whose passing has unusually great significance and whom we wish to honor;

NOW, THEREFORE, BE IT RESOLVED, that the City Council, which maintains and controls flagpoles on City property, retroactively approves the City's lowering of the flags on City flagpoles to half-staff from September 3, 2024 through September 4, 2024 to honor Hersh Goldberg-Polin and other Americans murdered by Hamas.

ROLL CALL:

Ayes:

Nays:

STATE OF NEW YORK)  
COUNTY OF WESTCHESTER)  
CITY OF RYE)





# CITY COUNCIL AGENDA

DEPT.: City Manager

CONTACT: Greg Usry, City Manager

**AGENDA ITEM:** Resolution to declare certain equipment as surplus.

**FOR THE MEETING OF:**

September 18, 2024

**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 2024, 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 listed Department Heads to donate or sell or dispose of said equipment in a manner that will serve in the best interests of the City.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

**BACKGROUND:** The DPW Superintendent and Assistant to the City Manager have provided the attached memos regarding equipment that the City needs to surplus.

Ryan Coyne, P.E.  
City Engineer  
1051 Boston Post Road  
Rye, New York 10580



Tel: (914) 967-7464  
E-mail: [rcoyne@ryeny.gov](mailto:rcoyne@ryeny.gov)  
<http://www.ryeny.gov>

**CITY OF RYE  
DEPARTMENT OF PUBLIC WORKS**

---

**To:** Greg Usry, City Manager

**From:** Ryan Coyne PE, City Engineer *RC*

**Date:** September 12, 2024

**Re:** Surplus Vehicles and Equipment

---

We are requesting that the Council deem the City's 2007 Dodge Caravan as surplus so that we can proceed to auction. This vehicle is no longer of use to the department.

Should you need additional information, please feel free to call me.

- 2007 Dodge Caravan, VIN 1D4GP25R97B229582



# CITY OF RYE

## MEMORANDUM

**TO:** Greg Usry, City Manager

**FROM:** John Sullivan, Assistant to the City Manager

**DATE:** September 12, 2024

**RE:** Lunchroom Furniture Surplus

---

The City Manager's Office would like to surplus three small tables and eight padded metal framed chairs used in the lunchroom/employee break room in City Hall. The tables and chairs have been stored in City Hall since new break room furniture arrived in August 2024 and are approximately 10 years old. The City Manager's Office will work with other departments to ensure the furniture is auctioned and/or disposed of as per the City's surplus policy.

---



# CITY COUNCIL AGENDA

DEPT.: City Manager

CONTACT: Greg Usry, City Manager

**AGENDA ITEM:** Resolution retroactively authorizing the Rye Free Reading Room to have the Longford's ice cream truck at the Library/Haviland Lane on September 14, 2024.

**FOR THE MEETING OF:**

September 18, 2024

**RECOMMENDATION:** That the Council consider the request.

**IMPACT:**  Environmental  Fiscal  Neighborhood  Other:

RESOLVED the Rye Free Reading Room's retroactive request to have the Longford's ice cream truck at the library/Haviland Lane on September 14, 2024, is hereby approved.

**BACKGROUND:** See attached request letter.



---

September 13, 2024

Honorable Joshua Cohn, Mayor  
Rye City Council

Dear Mayor Cohn:

As part of the 2024 Book Sale, we respectfully request permission to host one food truck from 12 to 2 on Saturday, September 14<sup>th</sup>. The vehicle will be parked on Haviland Lane, and no amplified sound would be used.

Thank you for your consideration of this request.

Sincerely,

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

Chris Shoemaker  
Library Director