

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

**REGULAR MEETING OF THE CITY COUNCIL
COUNCIL CHAMBERS, CITY HALL
Wednesday, October 26, 2022
6:30 p.m.**

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

1. Pledge of Allegiance.
2. Roll Call.
3. Draft unapproved minutes of the Regular Meeting of the City Council held October 12, 2022.
4. Recognition of the Garden Club of Rye for plantings and beautification of the Square House grounds.
5. Flooding Update.
6. Rose/Bedrock Presentation.
7. Financial update on Q3 results.
8. Continue the public hearing to create a new local law, Chapter 122, "Landscapers and Leaf Blower Regulations".
9. Set a public hearing to consider a local law to add a new Chapter 89 "Fats, Oils and Grease Abatement" to the Code of the City of Rye, New York Regarding the Regulation, Inspection and Enforcement of Fat, Oil and Grease Handling and Disposal for Food Establishments.
10. Consideration of proposed Rules and Regulations of the City of Rye Fire Department:
 - a. Policy #101 – Fire Safety Authority
 - b. Policy #300 – Performance of Duties
 - c. Policy #302 – Incident Management
 - d. Policy #306 – Fireground Accountability
 - e. Policy #307 – Rapid Intervention
 - f. Policy #328 – Line-of-Duty Death and Serious Injury Investigations

11. Residents may be heard on matters for Council consideration that do not appear on the agenda.
12. Resolution to declare certain City equipment as surplus.
13. Appointments to Boards and Commissions by the Mayor with Council approval.
14. Old Business/New Business.
15. Adjournment

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The next regular meeting of the City Council will be held on Wednesday, November 9, 2022 at 6:30 p.m.

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

DRAFT UNAPPROVED MINUTES of the
Regular Meeting of the City Council of the City of
Rye held in City Hall on October 12, 2022, at 6:30
P.M.

PRESENT:

JOSH COHN, Mayor
BILL HENDERSON
EMILY HURD
CAROLINA JOHNSON
JOSHUA NATHAN
BENJAMIN STACKS
Councilmembers

ABSENT:

JULIE SOUZA

The Council convened at 6:10 p.m. Councilman Henderson made a motion, seconded by Councilwoman Hurd, to enter into executive session to discuss litigation and personnel matters. At 6:29 P.M., Councilman Henderson made a motion, seconded by Councilwoman Hurd, to exit executive session and commence the regular meeting of the City Council. The meeting began at 6:33 P.M. The meeting was streamed live at www.ryeny.gov for public viewing.

1. Pledge of Allegiance.

Mayor Cohn called the meeting to order and invited the Council to join in the Pledge of Allegiance.

2. Roll Call.

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

3. Draft unapproved minutes of the Regular Meeting of the City Council held September 14, 2022, and the Special Meeting of the City Council held September 28, 2022.

Mayor Cohn amended the September 14th, 2022 minutes, to include that Rye Recreation sheltered 40 residents post-Ida, under agenda item 6. The Deputy City Clerk confirmed there were ministerial changes made to the minutes which have since been amended. Councilwoman Johnson made a motion, seconded by Councilwoman Hurd, to draft the unapproved minutes of the Regular Meeting of the City Council held September 14, 2022

Mayor Cohn and the City Council confirmed there were no changes to the Special Meeting held on September 28, 2022. Councilwoman Johnson made a motion, seconded by Councilwoman Hurd, to draft the unapproved minutes of the Special Meeting of the City Council held September 28, 2022.

4. Flooding Update.

Mayor Cohn reminded City Council that going back to September 15th there was a City Council work session with Ramboll and DCMC, the funding consultant, as well as Catherine Parker, Dr. Byrne, representatives of the Village of Rye Brook, of SUNY Purchase, state elected officials, and many Rye residents. At the work session a plan was presented to apply for FEMA funds through New York DHSES to support the construction of water retention berms on SUNY Purchase grounds, to study potential Bowman Dam enhancement and upper pond extension, and to review City building code standards relevant to flood resiliency. Other projects may be pursued.

Mayor Cohn said the deadline for these grants is early November. On October 3rd, the Mayor sat with City Manager Greg Usry and City Engineer Ryan Coyne in a virtual meeting with DEC and engineering firm SLR to review a first draft of DEC's study of the Blind Brook watershed, prioritizing bridges, culverts, and channels along the brook. DEC concluded that virtually all of the landscape features are undersized, contributing to immediate approximate flooding, and potentially more systemic effects as seen in the twin I-95 and MTA culverts, where flood water backup extends to the Village of Rye Brook.

The mayor maintained it will take long-term action with respect to improving bridges and culverts along Blind Brook. Expanding the I-95 and MTA culverts would be a huge but dramatically beneficial undertaking. DEC said Rye cannot start that process without upstream mitigation measures such as the SUNY berms project. Flood plain enhancement was a measure analyzed by NRCS and they deemed it difficult in Rye due to the compactness of the community and the high real estate values of the properties that would need to be cleared to revert the land to passive park use.

Mayor Cohn reported that there was a very positive meeting on October 11th of the Rye Brook Village Trustees who voted in support of the SUNY berms project. The Trustees reserved the right to continue to eyeball the figures as project plans develop. They also voted in support of Rye's application for FEMA funding. Mayor Cohn thanked Mayor Klein, the Trustees, and Rye Brook Manager Christopher Bradbury. Elected representatives Shelley Mayer and Steve Otis were arranging \$500,000 in State funding for Rye's neighborhood stormwater management projects, for which the City was very thankful.

The environmental bond act on the ballot in the upcoming election will product funding for flood mitigation, and the mayor anticipated the referendum will pass. Councilman Nathan thought a Council resolution in support of the bond act would inspire voters to turn the ballot over and keep voting. The mayor explained demonstrative resolutions are not common practice for the Council. Councilman Henderson would like to read the bond act before voicing his support, and Mr. Usry explained that it provided State funds for local projects without cost to the City, to be used for projects like flood remediation and acquisition of environmentally sensitive lands. Mr. Usry would be happy to provide an outline of the matching obligations in the future.

Councilman Henderson was curious why the DEC report focused only on bridges, then asked if there was more to come as far as upstream mitigation efforts. Mr. Usry confirmed the

report only dealt with impediments to water flow, and that it was a draft of the final report. Councilwoman Johnson added that it validated Rye hiring their own engineering firm. Mr. Usry reiterated SLR's assertion that any work done south of the 95 culverts should not be done without upstream mitigation work, otherwise it will shift the flooding from Indian Village to the downtown business district. The Council discussed continuing the work with Ramboll beyond November.

5. Adjourn until October 26, 2022 the public hearing to create a new local law, Chapter 122, "Landscapers and Leaf Blower Regulations".

Mayor Cohn updated the City Council that the agenda item was adjourned because a new draft was not available for the current meeting. Councilman Nathan made a motion, seconded by Councilman Stacks and unanimously carried, to adjourn the public hearing to create a new local law, Chapter 122, "Landscapers and Leaf Blower Regulations" to the October 26, 2022 meeting.

6. Authorization for City Manager to sign retainer agreement with Sive, Paget and Riesel to provide legal services in the matter of Verizon Wireless v. The City of Rye.

Mayor Cohn highlighted the long-standing dispute starting with Verizon's request to position wireless antennas in a residential area. The mayor asked for a change in the retainer agreement: a 30-day term of payment rather than two weeks.

Councilman Nathan made the motion, seconded by Councilman Stacks and unanimously carried, to authorize the City Manager to sign a retainer agreement with Sive, Paget, and Riesel to provide legal services in the matter of Verizon Wireless v. The City of Rye.

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

No residents wished to be heard.

8. Consideration to refer to the BAR an application from T-Mobile Northeast, LLC to modify an existing facility located at 66 Milton Rd that does not substantially change the physical dimensions of the current facility.

David Kenney, attorney for T-Mobile, explained that the application was for replacement of antennas on the building at 66 Milton Rd. The new antennas would be slightly bigger but would be wrapped in new concealment film that better matched the building. Mr. Kenney believed the integrity of the film over time was not the problem, but that the original film was poorly matched. He assured the mayor that T-Mobile's application to the BAR included photos of the new antennas covered with the new film.

Addressing Councilwoman Hurd's questions about the weight of the new antennas, Mr. Kenney quoted from T-Mobile's structural report, "the existing antenna support systems are capable of supporting the proposed antenna configuration." Mayor Cohn asked what improved

services the antennas would facilitate. Mr. Kenney replied that it was an infrastructure investment to provide better services such as 5G; he will ask T-Mobile for specific details.

Councilman Henderson made the motion, seconded by Councilwoman Johnson and unanimously carried, to refer T-Mobile's application to the BAR.

9. Resolution to declare certain City equipment as surplus.

City Manager Usry explained that the City continued to search for obsolete and replaceable equipment. The Recreation Department requested to surplus a refrigerator that does not work and should be disposed of properly. If there are no public bids on the refrigerator, the City will scrap and replace it.

Councilwoman Hurd made the motion, seconded by Councilman Nathan and unanimously carried, to declare the Recreation Department's refrigerator as surplus.

ROLL CALL

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

10. Consideration of four appointments to the Boat Basin Commission, by the membership, for three-year terms.

Corporation Counsel Kristen Wilson confirmed for Mayor Cohn the appointment of four new members of the Boat Basin Commission. Three were residents and one was a non-resident, in accordance with the Commission regulations. Christian Magliano, Brendan Doyle, and Ronald Wexler were the resident members, and Steven Monaldo was the non-resident member. The mayor expressed gratitude for their service on behalf of City Council.

11. CONSENT AGENDA

- a. Consideration of a request by the American Legion Post 128 to conduct its usual Veterans' Day observance on the Village Green on Friday, November 11, 2022, from 10:30 a.m. to 11:30 a.m. In case of rain, the American Legion Post 128 requests the use of City Hall on that date and time.
- b. Consideration of a request by the Rye Free Reading Room for the use of the Village Green, City Hall Parking and Haviland Lane lot to host the Annual Vehicle Fair Sunday, May 21, 2023 from 11:00 a.m. to 3:00 p.m.
- c. Consideration of a request from the Rye Free Reading Room to have 3 food trucks on Haviland Lane for the Annual Vehicle Fair Sunday, May 21, 2023 from 11:00 a.m. to 3:00 p.m.

- d. Consideration of request from the Rye Free Reading Room to use the Village Green on Friday, September 22, 2023 from 2pm until Monday, September 25, 2023 at 11am for the Rye Children's Book Festival to be held on September 23, 2023.
- e. Consideration of a request from the Rye Free Reading Room to have 4 food trucks at the Rye Children's Book Festival on Haviland Lane by the Village Green on October 14, 2023 from 10am - 4pm.

Councilwoman Johnson made a motion, seconded by Councilwoman Hurd and unanimously carried, to approve the five Consent Agenda items.

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

Mayor Cohn acknowledged the resignation of Pam Hass from Sustainability, and he thanked Pam for her efforts. Mayor Cohn appointed Hillary Garland to Sustainability, and he was grateful for City Council's nods of agreement.

13. Old Business/New Business.

There were no old or new business items to discuss.

14. Adjournment.

Councilman Henderson made a motion, seconded by Councilwoman Johnson and unanimously carried, to adjourn the meeting at 7:11pm.

Respectfully submitted,

Carolyn D'Andrea
City Clerk



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: August 15, 2022

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Recognition of the Garden Club of Rye for plantings and beautification of the Square House grounds.

FOR THE MEETING OF:

October 26, 2022

RECOMMENDATION:

IMPACT: ☐ Environmental ☐ Fiscal ☒ Neighborhood ☒ Other:

BACKGROUND:





CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: October 26, 2022

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Flooding Update.

FOR THE MEETING OF:

October 26, 2022

RECOMMENDATION: That the City Council hear the update.

IMPACT: ☒ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

BACKGROUND:



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: October 17, 2022

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Presentation by Rose/Bedrock.

FOR THE MEETING OF:

October 26, 2022

RECOMMENDATION: That the Council hear the presentation.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND:



CITY COUNCIL AGENDA

DEPT.: Finance

DATE: October 20, 2022

CONTACT: Joe Fazzino, Deputy Comptroller

AGENDA ITEM: Presentation of the third quarter 2022 City Financial results.

FOR THE MEETING OF:

October 26, 2022

RECOMMENDATION: That the Council hear the presentation.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND:



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: October 12, 2022

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Continue the public hearing to create a new local law, Chapter 122, "Landscapers and Leaf Blower Regulations".

FOR THE MEETING OF:
October 26, 2022

RECOMMENDATION: That the Council continue the public hearing.

IMPACT: ☐ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

BACKGROUND: See attached law and proposed changes.

Summary of Differences: Leaf Blowers/Landscapers

	Previous Law	Proposed Changes
Permit	Landscaping permit not required	Landscapers must register ANNUALLY to operate within the City limits. <ul style="list-style-type: none"> • Proof of a valid and current Westchester County Home Improvement License and insurance information required • Stated and signed agreement that leaf blower laws are understood and will be followed • Landscaper Registration Tag issued and must be visible in vehicle
Permissible Dates to Operate Leaf Blowers and Other Lawn Equipment	October 1 and April 30 Weekdays 8 am – 8 pm Weekends 10 am – 6 pm	October 1 and April 30 Weekdays 8 am – 6 pm Weekends 10 am – 4 pm
Storm Exemption	Rye Department of Public Works may permit the use of leaf blowers from May 1 to September 30 for a period of time not to exceed seven days after significant storm events or during other emergency situations circumstances.	Rye Department of Public Works may permit the use of leaf blowers from May 1 to September 30 for a period of time not to exceed fourteen days after significant storm events or during other emergency situations circumstances.
Leaf Blower Noise	Gas and Electric leaf blower 85 db(A)	Gas and Electric leaf blowers 85 db(A) Effective January 2023, electric leaf blowers ONLY with maximum permitted intensity of 65 db(A)
Penalties	Owner of the property OR the person performing such violation shall be notified to suspend all work and be subject to a fine of not more than \$250 or imprisonment for a term of not more than 15 days, or both.	The party operating the leaf blower AND the party who employed the person to operate the leaf blower at the time of violation AND the party who owns the property where the violation occurs will be subject to a fine of \$250 for the first offense, a fine not to exceed the sum of \$350 for the second offense and revocation of the Landscaper's permit for the next 6 (six) months upon the third offense. Any Landscaper found operating without a permit or after the permit has been revoked, or a property owner on the third offense, shall be punished by a fine of up to \$1,500.

Leaf Blower Law Discussion – September 14, 2022

Shortly before our last meeting, the Council introduced for discussion the idea of amending our existing leaf blower law to permit the use of electric leaf blowers throughout the year and to permit the use of gasoline blowers only in spring and fall cleanup periods. More time to discuss this idea was promised and will be available at the September 14 meeting as the predicate to later circulation of a revised draft leaf blower law.

Included in this agenda package is our original discussion draft of a revised law, which we hope will serve as a useful tool in considering the following questions:

1. Should the City move to a more permissive regime with respect to electric blowers?
2. Enforcement of our existing leaf blower law is problematic. Our original discussion draft law included a landscaper permit regime intended to provide the City with a means to educate landscapers as to our City Code and a means to penalize landscapers who fail to comply. Would such a landscaper permit regime still be of interest if the new law becomes more permissive with respect to electric leaf blowers? Note, please, that the Police Department now is pursuing a strategy of ticketing leaf blower operators, their employers and the property owners in an effort to improve enforcement efficacy.
3. Should there still be special treatment/exceptions for large properties, clubs, schools, etc.?
4. Should the numbers of blowers permitted to be in operation at the same time on a property be varied according to how the blowers are powered?

Other issues/questions will be welcome.

CITY OF RYE

LOCAL LAW NO. __ 2022

A local law to add a new Chapter 122 “Leaf Blower Regulations” of the Code of the City of Rye to regulate the use of gas powered leaf blowers as follows:

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Section 1: Chapter 122, Leaf Blower Regulations

§ 122-1 Purpose.

The City Council finds that **motorized** landscaping activities generate noise, and more specifically the use of gas-powered leaf blowers can significantly increase the level of noise, particularly in the higher density neighborhoods of Rye. Gas powered leaf blowers also create pollution and contribute to global warming through the release of carbon emissions. Accordingly, it is the intent and purpose of this chapter to place limits on the use of gas-powered leaf blowers, while promoting the use of quieter electric-powered leaf blowers, with the ultimate objective of eliminating the use of gas-powered leaf blowers at the time when a more suitable and quieter technology becomes available.

§ 122-2 Definitions.

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

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

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

GAS LEAF BLOWER - a portable, handheld, or backpack-style device powered by an internal combustion engine using gasoline or other hydro-carbon fuel and used for the purpose of blowing, moving, removing, dispersing, vacuuming, or redistributing leaves, dust, dirt, grass clippings, cuttings, and trimmings from trees and shrubs or any other type of litter or debris.

Section 122-3 Use of Electric-Powered Leaf Blowers.

Effective January 2023, Electric Leaf Blowers may be used for landscaping activities on a year-round basis.

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

Effective January 1, 2023, Gas Leaf Blowers may only be used during the Fall and Spring Cleanup Seasons defined as from October 1 to December 15 and from March 1 to April 30. At all other times of the calendar year, the use of Gas Leaf Blowers is prohibited. Except in R-1 Residence Districts, and on lots greater than one acre in size, only one (1) Gas Leaf Blower may be utilized per lot during the Fall and Spring Cleanup Seasons as defined above.

§ 122-5 Hours of operation of motorized lawn equipment including leaf blowers.

1. Use of motorized lawn equipment, including lawn mowers, leaf blowers and other outdoor machine-powered equipment is permitted only between 8:00 a.m. and 6:00 p.m. on weekdays and 10:00 a.m. and 4:00 p.m. on weekends. The permitted hours described in this subsection will apply to the use of Gas Leaf Blowers during the Fall and Spring Cleanup seasons when the use of Gas Leaf Blowers is permitted.
2. The use of motorized lawn equipment, including lawn mowers, leaf blowers and other outdoor machine-powered equipment is not permitted on the following federal holidays (same as those listed §133-8(E)-: New Year's Day, Birthday of Martin Luther King, Jr., Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Yom Kippur, Thanksgiving Day, and Christmas Day.
3. The head of the Rye Department of Public Works may permit the expanded use of Gas Leaf Blowers for a period not to exceed fourteen (14) days after significant storm events or during other emergency situations.
4. The restrictions regarding the use of motorized lawn equipment, including lawn mowers, Gas Leaf Blowers and other outdoor machine-powered equipment in this Chapter shall not apply to the following entities and activities: municipal, schools, religious institutions, membership clubs, golf courses, hospital and retirement communities, cemeteries, and driveway/road paving and sealing activities.
5. Moving leaves or yard debris to City streets, public property, storm drains or abutting lots is prohibited at all times.

Deleted: and federal holidays.

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Deleted: (Third Monday in January)

Deleted: (Third Monday in February)

Deleted: (Last Monday in May)

Deleted: Juneteenth National Independence Day (June 19),

Deleted: (July 4)

Deleted: (First Monday in September)

Deleted: (Second Monday in October)

Deleted: (November 11)

Deleted: (Fourth Thursday in November)

Deleted: (December 25)

Deleted: use of Gas Leaf Blowers

§ 122-6 Enforcement.

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

§ 122-7 Penalties for offenses.

1. Gas Leaf Blowers - The following parties shall have committed a violation of this law if it is not complied with:
 - (1) The party(ies) operating the Gas Leaf Blower(s); and
 - (2) The party who employed the person(s) who operated the Gas Leaf Blower(s) at the time of violation; and
 - (3) The party who owns the property where the violation occurs.

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2. Conducting Motorized Landscaping Work outside of Permitted Hours – The following parties shall have committed a violation of this law if it is not complied with:
 - (1) The party(ies) operating the motorized landscaping equipment: and
 - (2) The party who employed the person(s) who operating the motorized landscaping equipment at the time of violation; and
 - (3) The party who owns the property where the violation occurs.
3. Any party violating any of the provisions of this chapter shall be guilty of a violation and, upon conviction thereof, shall be punished by a fine not to exceed the sum of \$250 for the first offense. A second offense shall be punishable by a fine not to exceed the sum of \$350 and a third offense shall result in a fine not to exceed the sum of \$1,500.

Section 2. Severability.

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

Section 3: Effective Date.

This local law will take effect on January 1, 2023.



POLICE DEPARTMENT

City of Rye, New York
21 McCullough Place
Rye, N. Y. 10580
Phone: (914) 967-1234
FAX: (914) 967-8341



Michael A. Kopy
Public Safety

Commissioner

December 8, 2021

To: Greg Usry, City Manager

From: Michael A. Kopy, Public Safety Commissioner

Subject: Leaf Blower Violations

During the month of November 2021, the Police Department responded to or observed 70 possible violations of Section 133-7 of the city code. These responses resulted in 36 summons being issued. No summons were issued for the remaining calls due to a variety of factors including:

- 1) the violators may have been gone prior to the arrival of the patrol, or
- 2) that a violation of the code ceased prior to the arrival of the patrol.

During the month of November 2020, there were 14 calls for potential violations of Section 133-7 with one summons issued.

I expect that enforcement levels will drop significantly during the month of December as the fall leaf clean up season ends.



CITY COUNCIL AGENDA

DEPT.: Planning/Building

DATE: October 7, 2022

CONTACT: Christian Miller, City Planner

AGENDA ITEM: Set a public hearing for October 26, 2022 to consider a local law to add a new Chapter 89 "Fats, Oils and Grease Abatement" to the Code of the City of Rye, New York Regarding the Regulation, Inspection and Enforcement of Fat, Oil and Grease Handling and Disposal for Food Establishments.

FOR THE MEETING OF:

October 26, 2022

**RYE CITY CODE,
CHAPTER 89 (New)
SECTION**

RECOMMENDATION: That the City Council review the attached draft local law and environmental assessment form (EAF) and set a public hearing on the draft local law for its next meeting on October 26, 2022.

IMPACT: ☒ Environmental ☐ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND:

Pursuant to a 2020 Stipulated Order, the City of Rye is required to implement a Fats, Oils and Grease (FOG) program to reduce and prevent the introduction of FOG into the City's sanitary sewer lines. As a component of the FOG program, the Stipulated Order requires the Rye City Council to adopt a local law requiring the routine inspection of grease generating properties (such as food establishments), the installation, regular maintenance and inspection of grease traps and enforcement mechanisms to insure the proper handling and disposal of fats, oils and grease. Attached hereto is the draft local law and environmental assessment form.

LOCAL LAW NO. _____-2022

A Local Law to Add a New Chapter 89 “Fats, Oils and Grease Abatement” to the Code of the City of Rye, New York Regarding the Regulation, Inspection and Enforcement of Fat, Oil and Grease Handling and Disposal for Food Establishments

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

Section 1. **The following new Chapter 89, titled “Fats, Oils and Grease Abatement” is hereby added to the Rye City Code:**

**Chapter 89
FATS, OILS AND GREASE ABATEMENT**

§89-1 Purpose.

- A. The discharge of fats, oils, grease, sand, grit and other harmful materials into the sanitary sewer system poses a threat to the health, welfare and safety of the residents and the environment of the City of Rye by reducing system reliability and requires additional maintenance efforts which increase cost.
- B. The purpose of this chapter is to aid in the prevention of sanitary sewer blockages, backups and obstructions from contributions and accumulation of fats, oils, and grease into the sanitary sewer system from industrial or commercial establishments, particularly food preparation and serving facilities.

§ 89-2 Applicability.

This chapter shall apply to all existing and new food establishments within the City of Rye.

§ 89-3 Definitions.

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

BUILDING INSPECTOR/FIRE INSPECTOR

The Fire Inspector, Building Inspector, Assistant Building Inspector of the City of Rye or City Engineer or their designee.

FATS, OILS, AND GREASE

Organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in the United States Code of Federal Regulations, 40 CFR 136, as may be amended from time to time.

FOOD ESTABLISHMENT

Any establishment which serves made-to-order food or beverages that generates fats, oils and/or grease as defined herein for dine-in, takeout, or delivery. Food establishments shall include, but are not limited to, restaurants, cafes, fast-food establishments and food

establishments within grocery stores, except as otherwise determined by the Building Inspector.

GREASE

A material comprised of fatty matter from animal or vegetable sources or hydrocarbons of petroleum origins.

GREASE TRAP/GREASE INTERCEPTOR

A device for separating and retaining waterborne fats, oils and grease and grease complexes prior to the wastewater exiting the trap and entering the sanitary sewer system. These devices also serve to collect settleable solids, generated by and from food preparation activities, prior to the water exiting the trap and entering the sanitary sewer system.

PERSON

Any individual person, firm, partnership, association, corporation, company, organization or legal entity of any kind, including public agencies and municipal corporations.

§89-4 Prohibited acts.

- A. Introduction of any additives into any establishment's wastewater system for the purpose of emulsifying fats, oils and grease is prohibited.
- B. Disposal of waste cooking oils into drainage pipes is prohibited. All waste cooking oils shall be collected and stored properly in receptacles such as barrels or drums for recycling or other acceptable methods of disposal.
- C. Discharge of wastewater from dishwashers to any grease trap or grease interceptor is prohibited.
- D. The use of biological additives for grease remediation or as a supplement to interceptor maintenance is prohibited, unless written approval from the Building Inspector.
- E. Discharge of wastes from toilets, urinals, wash basins and other fixtures containing fecal materials to lines intended for grease interceptor service is prohibited.
- F. Discharge of fats, oils and grease to toilets, urinals, wash basins and other fixtures is prohibited.
- G. Discharge into the sanitary sewer system of any waste which has fats, oils and grease as well as solid materials removed from the grease control device is prohibited. Grease removed from grease interceptors shall be waste hauled periodically as part of the operation and maintenance requirements for grease interceptors. Licensed waste haulers or an approved recycling facility must be used to dispose of fats, oils and grease, including waste cooking oil.
- H. Installation of food grinders are prohibited unless specifically allowed in writing by the Building Inspector.
- I. No food waste disposal unit or dishwasher shall be connected to or discharged into any grease trap.

§89-5 Installation of grease traps.

- A. Grease trap installation generally. The Building Inspector or Fire Inspector may at any time require the installation and/or relocation of an internal or external grease trap at a Food Establishment, as he/she may deem necessary to maintain a particular building sewer pipe, any lateral sewer pipe or sewer main pipe free from obstructions caused by fats, oils or grease emanating from the Food Establishment. Food Establishments required to install grease traps shall be given a reasonable amount of time to complete the installation.
- B. Grease trap installation in all Food Establishments.
 - (1) In every case where a Food Establishment is preparing or selling food, a suitable internal or external grease trap conforming to the applicable building and plumbing codes must be installed.
 - (2) The Building Inspector or Fire Inspector may require that a grease trap in a food establishment be upgraded to the then current-day industry standards.
 - (3) Food waste, including fats, oils, and grease, cannot be discarded into a slop sink, floor drain, toilet or any other plumbing fixture not connected to a grease trap.
- C. Additional requirements for new or remodeled Food Establishments. New or remodeled Food Establishments, at the discretion of the Building Inspector or Fire Inspector, may be required to install an external grease trap. For the purpose of this regulation, a remodeled Food Establishment is a Food Establishment that undergoes a renovation requiring the submittal of plans to the City Building Department.
- D. Grease trap requirements. Grease traps must be sized in accordance with the standards set forth in the Uniform Code of the State of New York.

§89-6 Grease trap maintenance.

- A. All grease traps shall be maintained by the food establishment at the Food Establishment's expense. Such maintenance shall be performed such that all grease traps shall be maintained to assure proper operation and efficiency. All food establishments shall have all grease traps cleaned before the amount of grease exceeds 25% of the grease capacity of the grease trap or once every month for internal grease traps and once every six months for external grease traps, whichever comes first.
- B. Maintenance of grease traps shall include the complete removal of all contents, including floating materials, wastewater, bottom sludge and solids. The decanting or discharging of removed waste back into the trap from which it was removed or any other grease trap, for the purpose of reducing the volume to be disposed, is prohibited.
- C. Written logs, as well as all service reports by third party maintenance/service/plumbing professionals, of any repairs, inspections, maintenance, cleaning and pumpings of the grease trap(s) and/or grease trap plumbing shall be maintained on-site by the food establishment. The written logs and service reports shall include the date of service, the type of service, by whom, and the signature of the person performing the service. Said logs and service reports shall be made available on-site to the Building Inspector upon demand.

- D. Any biological additive(s) placed into the grease trap or building discharge line, including, but not limited to, enzymes, commercially available bacteria, or other additives designed to absorb, purge, consume, treat, or otherwise eliminate fats, oils, and grease, shall in no way be considered as a substitution to the maintenance procedures required herein.

§ 89-7 Best management practices required.

All Food Establishments shall adhere to best management practices dealing with fats, oils, and grease disposal and shall educate their employees to these practices. Best management practices include, but are not limited to, the following:

- A. Training kitchen staff on fats, oils and grease handling practices. The food establishment shall maintain proper written documentation of all training, including the date of training, the training topic, name of attendees, and copies of any distributed training materials. Said documentation shall be made available to the Building Inspector upon demand.
- B. Hanging fats, oils and grease-handling posters in the kitchen.
- C. Instructing employees that food waste shall be disposed of in the trash and not in the sanitary sewer system.
- D. Providing ample paper towel dispensers for dry-wiping fats, oils and grease from spills, pots, frying, grilling equipment, and other surfaces saturated with fats, oils, and/or grease residue.
- E. Using strainer baskets in sinks to catch food waste.
- F. Directing all drains from fats, oils and grease-producing sources to a properly sized grease trap.
- G. Collecting and disposing of used fats, oils and grease through a licensed septage handler instead of pouring it down the drain.
- H. Capturing fats, oils and grease in ventilation and exhaust hoods.

§ 89-8 Storage and disposal.

- A. Storage.
 - (1) All waste fats, oils and grease and other related wastes requiring storage at the food establishment as a result of removal from grease traps or otherwise shall be collected and stored in a container(s) (i.e., fifty-five-gallon drums or such other suitable storage containers). The container(s) and the location of the container(s) shall be approved by the Building Inspector.
 - (2) No more than 110 gallons (two fifty-five-gallon containers) shall be stored on site unless otherwise approved by the Building Inspector.
 - (3) The container(s) shall be sealed, protected from the elements and provided with

secondary containment in case of leakage. The container(s) shall be screened from public view, such screening to be approved by the Building Inspector.

- (4) All grease containers and surrounding areas must be kept in a sanitary condition at all times.

B. Disposal.

- (1) All waste fats, oils and grease and related wastes shall be removed from the food establishment only by a permitted septage handler.
- (2) All material removed from grease traps and hauling and disposal of fats, oils and grease and other related waste, shall be documented in the written log.
- (3) The food establishment is responsible for assuring that all waste fats, oils and grease and related wastes are disposed of in accordance with all federal, state and local disposal regulations.
- (4) In no way shall any waste fats, oils and grease and related wastes material be disposed of in any private or public portion of the City's sanitary sewer collection system.

- C. The food establishment shall maintain proper written documentation of fats, oils and grease and related wastes removed from the food establishment including copies of bills and other paperwork from any third-party septage handler, noting the name, address and phone number of the septage handler, the date and volume in gallons of the waste that was removed from the premises, and the signature of the septage handler in the written log and/or service report. Said documentation shall be made available to the Building Inspector upon demand.

§ 89-9 Records retention.

Retention of records. Each Food Establishment shall retain all training, inspection, maintenance, cleaning, pumpings and disposal records for review by the Building Inspector upon his or her request. Such records shall be retained by the Food Establishment for no less than three years.

§ 89-10 Inspections.

- A. The Building Inspector, Fire Inspector, or their designees shall have the authority to enforce the provisions of this chapter. These officials may enter upon any premises at any reasonable time to inspect for compliance.
- B. Upon written notification by the Building Inspector or Fire Inspector, the food establishment shall be required to perform the required maintenance or repair within the time period specified.
- C. The food establishment may be required to install, at its sole expense, additional controls to prevent discharges of undesirable materials into the wastewater collection system.
- D. Refusal to provide reasonable cooperation and access shall constitute a violation of this

chapter subject to enforcement as set forth below.

§ 89-11 Enforcement; violations and penalties.

- A. Notice of violation. When the City of Rye determines that a Food Establishment has violated or is in violation of a requirement or provision of this chapter, it may issue a written notice of violation to the Food Establishment. The notice of violation shall contain:
 - (1) The name and address of the landowner;
 - (2) The name and address of the Food Establishment;
 - (3) A statement specifying the nature of the violation;
 - (4) A description of the remedial measures necessary to bring the Food Establishment into compliance; and
 - (5) A statement of the penalty or penalties that shall or may be assessed against the person whom the Notice of Violation is directed.
- B. The Building Inspector, Fire Inspector, or his or her duly authorized designee, may issue a stop-work order, if, in the judgment of the Building Inspector or Fire Inspector, the operations on-site are not being performed in a safe and sanitary manner, are not in compliance with all approved plans, or are not otherwise in conformance with the requirements of this chapter.
- C. Recovery of damages. When the discharge from a Food Establishment causes an obstruction, damage, or any other impairment to the sanitary sewer system, or causes any expense, fine, penalty, or damage of whatever character or nature to the City, the City shall invoice the owner for same incurred by the City. All costs or expenses incurred by the City in connection with any such obstruction, damage, or any other impairment to the sanitary sewer system shall be assessed against the property on which the work was required to be done and shall be a lien against such property until paid, the same as any tax which the City is authorized to impose on properties within the City.
- D. Penalties. In addition to or as an alternative to any penalty provided herein or by law, any person committing an offense against the provisions of this chapter shall be guilty of a violation punishable by a fine not exceeding \$1,000. Each day's continued violation shall constitute a separate violation.

Section 3. Amend Chapter 52, *Appearance Tickets*, §52-2.A, §52-2.B, and §52-2.F Enforcement Responsibilities, as follows:

- A. Building Inspector and Assistant Building Inspector: Chapters 53, 68, 71, 72, 81, **89**, 93, 98, 100, 108, 117, 121, 133, 153, 161, 157, 166A, 170, 194, 195, 196 and 197 and the New York State Uniform Fire Prevention and Building Code.
- B. City Engineer and Assistant City Engineer: Chapters 71, **89**, 161, 167, 170, 173, 187, 194 and 196

F. Fire Inspector: Chapters 71, **89**, and 98 and the New York State Uniform Fire Prevention and Building Code.

Section 4. **Severability**

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

Section 5. **Effective Date.**

This Local Law shall take effect on January 1, 2023.

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10/21/22

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information				
Name of Action or Project:				
Project Location (describe, and attach a location map):				
Brief Description of Proposed Action:				
Name of Applicant or Sponsor:			Telephone:	
			E-Mail:	
Address:				
City/PO:		State:	Zip Code:	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO	YES
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<input type="checkbox"/>	<input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency?			NO	YES
If Yes, list agency(s) name and permit or approval:			<input type="checkbox"/>	<input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres				
4. Check all land uses that occur on, are adjoining or near the proposed action: <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) </div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): </div> <div style="margin-top: 5px;"><input type="checkbox"/> Parkland</div>				

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO <input type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/>	N/A <input type="checkbox"/> <input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO <input type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO <input type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest Agricultural/grasslands Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO <input type="checkbox"/>	YES <input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO <input type="checkbox"/>	YES <input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ _____	NO <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>
49. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: _____ Date: _____ Signature: _____ Title: _____		

Project:

Date:

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept “Have my responses been reasonable considering the scale and context of the proposed action?”

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the character or quality of the existing community?		
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?		
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?		
7. Will the proposed action impact existing:		
a. public / private water supplies?		
b. public / private wastewater treatment utilities?		
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?		
11. Will the proposed action create a hazard to environmental resources or human health?		

Project:

Date:

Short Environmental Assessment Form

Part 3 Determination of Significance

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency

Date

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)



CITY COUNCIL AGENDA

DEPT.: Fire Department

DATE: October 19, 2022

CONTACT: Michael A. Kopy, Commissioner of Public Safety

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

- Policy #101 – Fire Safety Authority
- Policy #300 – Performance of Duties
- Policy #302 – Incident Management
- Policy #306 – Fireground Accountability
- Policy #307 – Rapid Intervention
- Policy #328 – Line-of-Duty Death and Serious Injury Investigations

FOR THE MEETING OF:

October 26, 2022

RECOMMENDATION: Approval of the listed policies.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

Enhancement of the operational effectiveness of the Department.

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

See attached memo and new policies.

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



CITY OF RYE

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<http://www.ryeny.gov>

Department of Public Safety

Memorandum

To: Greg Usry, City Manager
From: Michael A. Kopy, Public Safety Commissioner
Date: 10/21/2022
Re: Fire Department – Lexipol Policy

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

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

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

Policy 101 – Fire Service Authority

The purpose of this policy is to affirm the legal authority of the Rye Fire Department and the individual members.

Policy 300 – Performance of Duties

The purpose of this policy is to establish daily performance expectations.



Policy 302 – Incident Management

The purpose of this policy is to establish operational guidelines for members of the Department to use in the management and mitigation of all-hazards emergency incidents.

Policy 306 – Fireground Accountability

The purpose of this policy is to increase firefighter safety by establishing accountability systems for keeping track of all personnel operating at the scene of an emergency incident.

Policy 307 – Rapid Intervention / Two-In Two-Out

The purpose of this policy is to increase firefighter safety by implementing procedures for safeguarding and rescuing firefighters who are operating in environments that are immediately dangerous to life and health. .

Policy 328 – Line of Duty Death and Serious Injury Investigations

The purpose of this policy is to provide guidelines for investigating a serious injury or line of duty death, documenting of the events leading to the injury or death and making recommendations directed toward preventing similar occurrences in the future.



Fire Service Authority

101.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the legal authority of the Rye Fire Department and the individual members.

101.2 POLICY

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

While the Rye Fire Department recognizes the authority of members granted to them, members will use sound discretion in the exercise of their authority, and this department does not tolerate abuse of authority.

101.3 ORGANIZATIONAL POWERS

This department is authorized by New York law and applicable local ordinances to perform fire suppression and related services including, but not limited to:

- (a) Fire prevention and fire code enforcement.
- (b) Fire suppression services.
- (c) Fire cause and origin investigation.
- (d) Other Public Safety missions as directed by the Public Safety Commissioner or his designee.

101.4 FIREFIGHTER DUTIES AND RESPONSIBILITIES

Firefighters are sworn, appointed or elected members of this department and are authorized to exercise the following authority pursuant to applicable New York law:

- (a) Participate in a wide range of emergency and rescue activities, including but not limited to, extrication and heavy rescue
- (b) Perform fire suppression duties, including but not limited to, the suppression of structural, aircraft, marine, wildland, and other types of fires
- (c) Investigate the cause and origin of fires
- (d) Collect and preserve evidence when a fire is of a suspicious origin
- (e) Perform specialty services, including hazardous materials response, technical rescue, water rescue, and additional services as authorized by the command staff.
- (f) Provide fire code enforcement inspection and plan review services and support those functions
- (g) Provide public education and fire prevention activities and services
- (h) Other public safety duties as directed by the Public Safety Commissioner or his designee

Rye Fire Department

Policy Manual

Fire Service Authority

101.5 CONSTITUTIONAL REQUIREMENTS

When exercising their authority, members shall observe and comply with every person's clearly established rights under the United States and New York Constitutions.

101.6 SUPERVISORY AUTHORITY

The Public Safety Commissioner, or Career Captain or their designee, may relieve a member under his/her command from duty when, in his/her judgment, an offense committed is sufficiently serious to warrant immediate action. A report of such action shall be made immediately through the appropriate channels to the Public Safety Commissioner followed by written documentation of the charges, in accordance with department procedures. All such processes shall comply with established laws, rules, regulations, and applicable collective bargaining agreements.

Performance of Duties

300.1 PURPOSE AND SCOPE

This policy establishes daily performance expectations.

300.2 POLICY

It is the policy of the Rye Fire Department to provide safe and appropriate responses to emergency calls and for its members to provide professional and competent services.

300.3 RESPONSIBILITIES

All members should be familiar with and in compliance with the policies, standard operating procedures, classification specifications, duties as assigned and any other lawful instruction or order from a superior officer.

300.4 EMERGENCY RESPONSE

All members, upon receipt of any emergency alarm, shall immediately cease all activities and without delay report to their assigned apparatus, respond immediately to the fire or other emergency dispatched, and exert reasonable effort to perform to the best of their ability, given the totality of circumstances.

300.5 COMPETENT PERFORMANCE

Members should perform their duties in a manner which will maintain the highest standards of efficiency in carrying out the functions and objectives of the Department. Unsatisfactory performance may include, but is not limited to:

- Excessive or unauthorized leave
- Tardiness
- Demonstration of a lack of knowledge
- Failure to conform to the work standards established for the member's classification, grade or position
- Any other failure to demonstrate good conduct
- Insubordination
- Noncompliance with department policy, guidelines, rules, directives and orders
- Incompetence - performance and other fashions that are reasonably deemed to be inconsistent with the staff fire services.

Rye Fire Department

Policy Manual

Performance of Duties

300.6 SAFETY

All members will exercise reasonable precautionary measures and good judgment to avoid injury to themselves or others while on-duty. Members who witness or are made aware of unsafe behavior should take appropriate steps to report or prevent such actions.

300.7 DRIVER LICENSE

All members shall possess a valid state-issued driver license.

All members should be familiar with the state vehicle code, any manuals specific to driving or operating department apparatus and all other applicable department policies and procedures.

All members shall report to their supervisor any change in their driver license's status. Failure to maintain a valid driver license in accordance with an employee's current classification specification may result in disciplinary action.

300.8 PROPER COMPLETION OF WRITTEN COMMUNICATION

All members shall complete and submit all necessary reports, forms and memos on time and in accordance with any other applicable department policy or procedure.

Reports, forms and memos submitted by members shall be truthful and complete. No member shall knowingly enter or cause to be entered any inaccurate, incomplete, false or improper information.

300.9 FIRE DEPARTMENT IDENTIFICATION

Members shall carry their identification cards on their persons while on-duty.

Members shall furnish their names and department identification numbers to any person requesting that information, other than in situations in which the member's personal safety is at risk.

300.10 LOSS OF EQUIPMENT

Members shall report to their supervisor the loss or recovery of any department badge, identification card, manual, key or equipment. In the case of an equipment loss, a police report should be filed in the jurisdiction where the loss occurred.

Incident Management

302.1 PURPOSE AND SCOPE

The purpose of this policy is to establish operational guidelines for members of the Department to use in the management and mitigation of all-hazards emergency incidents (9 NYCRR § 5.26).

302.1.1 DEFINITIONS

Definitions related to this policy include:

All-hazards - An incident, natural or manmade, that warrants action to protect life, property, the environment, and public health or safety, and to minimize disruptions of government, social or economic activities.

302.2 POLICY

It is the policy of the Rye Fire Department to utilize the Incident Command System (ICS) or other National Incident Management System (NIMS)-compliant incident management system for managing all emergency incidents. All incident-related activities should be managed in accordance with established ICS/NIMS methods and procedures (9 NYCRR § 5.26).

302.3 INCIDENT MANAGEMENT

The Career Captain will ensure the Department adopts written ICS/NIMS procedures that are compatible with neighboring jurisdictions. These procedures will be available to members.

Emergency incidents shall be managed utilizing trained and qualified personnel for the specific tactical, supervisory or command level assignments.

Fireground Accountability

306.1 PURPOSE AND SCOPE

The purpose of this policy is to increase firefighter safety by establishing accountability systems for keeping track of all personnel operating at the scene of an emergency incident.

306.1.1 DEFINITIONS

Definitions related to this policy include:

Personnel Accountability Report (PAR) - A roll call of all operations members assigned to an incident at specified times; a PAR is designed to account for each member's location and activity and to verify his/her safety.

306.2 POLICY

It is the policy of this department that supervisors periodically account for members working under their direction at emergency incidents and that all members participate in accountability systems.

306.3 RESPONSIBILITIES

A personnel accountability system shall be established and implemented using thorough training procedures. This system should constantly monitor the status of all emergency personnel, both department members and personnel from assisting agencies, during emergency incidents from their arrival until their official release from the incident.

A personnel accountability system should be used primarily to track personnel, not resources. However, on small incidents one individual may be responsible for tracking both personnel and resources.

A written personnel accountability system, such as the Incident Command System (ICS) Form ICS-201 for Incident Commanders (ICs) or some similar process, should be used, and a status board should be maintained. Individual crew names shall be posted in a conspicuous location in the cab of department vehicles.

Supervisors are responsible for participation in the accountability system by tracking all personnel under their direction on emergency incidents. Personnel should be accounted for from the time of dispatch to the time of demobilization.

Supervisors should implement sufficient tracking methods for personnel at the individual, company, division, group and unit levels to account for personnel during all phases and at all locations of an incident, including travel between locations and assignments.

The IC should designate an accountability officer to monitor who is in charge of each area, what crews are assigned to each area, where each area is located and the area assignment.

Division or group supervisors should be assigned to keep track of all crews under their supervision. Lieutenants should know the location and assignment of each firefighter in their crew.

Fireground Accountability

All members are responsible for participating in the accountability system, including checking in at approved locations. This includes members who arrive on-scene individually or in privately owned vehicles.

306.4 REPORTING

Ongoing, routine strategic and tactical accountability at all emergency incidents, including wildland fires, should be accomplished through periodic reporting or visual observation. This can be accomplished through concise reports that include conditions, actions and needs, also called a CAN report. Members should also make the following reports:

- Emergency situations
- Inability to meet objective with revised timeline and/or resource requests
- Notification of completed actions
- Change in strategy
- Change in fire conditions, such as crossing planned control lines

306.4.1 PERSONNEL ACCOUNTABILITY REPORT (PAR)

For structure fires, a PAR should be conducted within the first 10 minutes of an incident and every 20 minutes thereafter for personnel at the scene. In addition, PARs should be conducted after any change in conditions that may alter or affect firefighter safety, such as an increase in fire conditions, fire crossing planned control lines or trigger points or after ordering an emergency evacuation of an area.

A PAR should be conducted for each division, group and organizational element where operations personnel are working. If any person involved in the operation is unaccounted for, emergency procedures, including notification to the IC, should be initiated.

The IC may discontinue regular PARs when incident stabilization is achieved and hazards are sufficiently reduced.

Rapid Intervention/Two-In Two-Out

307.1 PURPOSE AND SCOPE

The purpose of this policy is to increase firefighter safety by implementing procedures for safeguarding and rescuing firefighters who are operating in environments that are immediately dangerous to life and health (IDLH).

This policy applies to all members assigned to an incident and is designed to ensure immediate assistance for members who become lost, trapped or injured by adhering to the two-in/two-out standard and designating rapid intervention teams (RITs) also known as a firefighter assist and search teams (FASTs) (29 CFR 1910.134(g)(4); 12 NYCRR § 800.3).

307.1.1 DEFINITIONS

Definitions related to this policy include:

Immediately dangerous to life and health (IDLH) - Any atmosphere that poses an immediate threat to life, would cause irreversible adverse health effects or would impair an individual's ability to escape from a dangerous atmosphere. Interior atmospheric conditions at structure fires beyond the incipient stage are considered IDLH, as are a variety of rescue types.

Initial rapid intervention team (IRIT) - A team of at least two members located outside the IDLH atmosphere to initially monitor and provide emergency rescue for responders until a larger, more formalized rapid intervention team (RIT) is created. One of the two members may be assigned to an additional role, as long as the individual is able to perform assistance or rescue activities without jeopardizing the safety or health of any firefighter at the incident. An IRIT is also known as two-in/two-out.

Mayday - The nationally adopted "call for help" term used to indicate that an emergency responder is in a situation of imminent peril where he/she is in need of immediate help.

Rapid intervention team (RIT) - A formalized designated team of individuals or companies whose sole function is to prepare, monitor and provide for effective emergency rescue of responders in IDLH atmospheres.

307.2 POLICY

It is the policy of the Rye Fire Department to ensure that adequate personnel are on-scene before interior operations begin in any IDLH environment. However, nothing in this policy is meant to preclude firefighters from performing emergency rescue activities before an entire team has assembled.

307.3 PRE-DEPLOYMENT

Prior to initiating any fire attack in any IDLH environment with no confirmed rescue in progress, members should ensure that there are sufficient resources on-scene to establish two-in/two-out procedures (29 CFR 1910.134(g)(4)).

Rapid Intervention/Two-In Two-Out

- (a) Members should ensure that at least two firefighters using self-contained breathing apparatus (SCBA) enter the IDLH environment and remain in voice or visual contact with one another at all times.
- (b) At least two additional firefighters should be located outside the IDLH environment.
 - 1. One of the two outside firefighters may be assigned to an additional role so long as the individual is able to perform assistance or rescue activities without jeopardizing the safety or health of any firefighter working at the incident.

307.4 INITIAL DEPLOYMENT

During the initial phase of an incident, confirmed rescues should take priority. When a confirmed rescue is identified during the initial phase of an incident, emergency rescue activities may be performed before a designated IRIT has assembled.

All members operating in IDLH environments should be tracked and accounted for at all times.

307.5 RIT DUTIES

The RIT or FAST should be assembled from resources at the scene, or dispatched as a special team, whose sole function is to prepare for, monitor and provide effective emergency rescue for responders.

- (a) To the extent possible, visual and voice communication should be maintained between those working in the IDLH environment and the RIT outside the IDLH environment.
- (b) RIT members should not be involved in any other duties that divert attention or resources away from their primary mission of responder rescue.
- (c) Additional companies may be assigned to the RIT as conditions warrant. For large incidents with multiple points of entry, multiple RITs should be considered.

307.6 EMERGENCY DEPLOYMENT OF A RIT

When a Mayday firefighter-down or firefighter-missing broadcast is transmitted, all non-emergency radio traffic should be cleared from the radio channels that the missing or trapped firefighter is using. Non-affected personnel should switch to other tactical frequencies. At least two individuals should be dedicated solely to monitoring the tactical channel. One person should be responsible for gathering information on the identity, location and condition of the trapped or missing firefighter, while the second person should communicate with the trapped or missing firefighter and offer support on the tactical channel.

For an emergency deployment of a RIT, a Rescue Group Supervisor position should be activated to coordinate the rescue as well as any fire activities in support of the rescue effort. Other divisions and groups may support the Rescue Group Supervisor's efforts by diverting fire spread through horizontal or vertical ventilation to draw fire away from the affected rescue areas and by placing hose streams to check fire spread and protect rescue efforts.

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The RIT supervisor should notify the Rescue Group Supervisor before making entry for emergency rescue. The Rescue Group Supervisor should provide any assistance that is appropriate to the situation. Additional resources should be ordered as needed, including additional RITs, medical treatment and transportation groups or other organizational elements.

Line-of-Duty Death and Serious Injury Investigations

328.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for investigating a serious injury or line-of-duty death, documenting of the events leading to the injury or death and making recommendations directed toward preventing similar occurrences in the future.

328.2 POLICY

It is the policy of the Rye Fire Department to identify the causal factors pertaining to any event involving a serious injury or line-of-duty death, and to document and secure evidence which may be a factor in any regulatory actions or litigation resulting from the event. An investigation into the circumstances of the serious injury or line-of-duty death is separate and distinct from any investigation being conducted regarding the cause of a fire.

The Department may utilize external resources to assist or lead the investigation. These resources include:

- The New York State Department of Transportation (NYSDOT)
- The New York State Office of Fire Prevention and Control (OFPC)
- Local, county or state law enforcement
- Area fire department Fire Marshals
- The New York State Public Employee Safety and Health Bureau (PESH)

In the event an investigation utilizes multiple agencies, the Department will establish a Unified Incident Command program to facilitate the needs and activities of the investigation.

328.3 PROCEDURE

As soon as practicable after a serious injury or line-of-duty death has occurred, the Public Safety Commissioner or the authorized designee shall assign an investigation team to conduct an investigation into the circumstances of the event.

- (a) The Career Captain should function as the team leader and direct the investigation of the line-of-duty death or serious injury. The investigation team should report to the team leader, who is responsible for the management of the investigative process.
- (b) All members of the Rye Fire Department shall give their full and complete cooperation to the investigation team.
- (c) The PESH will conduct an investigation of incidents involving the death of an employee.
- (d) The Rye Fire Department should cooperate with all other government agencies that have a legal cause to be involved in the investigation of a line-of-duty death or serious

Line-of-Duty Death and Serious Injury Investigations

injury and should voluntarily share relevant information with other organizations working in areas of fire service occupational safety and health education and training. Participation by these agencies shall be at their own discretion, depending on the circumstances of the incident. These agencies may or may not produce their own reports of the incident with recommendations for corrective actions. These reports do not supersede the investigation team report.

- (e) The investigation team report and all related documentation shall be an internal Rye Fire Department administrative report.
- (f) Any public release of the report requires the approval of the Public Safety Commissioner or the authorized designee. Such release will generally be processed in accordance with the provisions of the New York State Freedom of Information Law (Public Officers Law § 85 et seq.).

328.4 INVESTIGATION TEAM

The investigation team shall consist, at a minimum, of the following team members, some of whom may fill more than one role:

- (a) Career Lieutenant
- (b) Fire investigator
- (c) Department Health and Safety Officer
- (d) Risk manager
- (e) Member of the Rye Police Department
- (f) Access to legal counsel as needed

Additional personnel may be added as required by the specific circumstances of the incident, including an investigative representative from the appropriate law enforcement agency.

328.4.1 DUTIES AND RESPONSIBILITIES

The duties of the investigation team include, but are not limited to, the following:

- (a) Gather and analyze all physical evidence related to the incident.
- (b) Interview all witnesses with direct or indirect knowledge of the circumstances.
- (c) Collect and preserve recordings and copies of radio traffic, telephone conversations, photographs, film, videotape, incident histories and other related information. The pertinent aspects of the radio and telephone recordings should be transcribed.
- (d) Consult with persons having special knowledge of the factors involved in the incident, including private sector experts and consultants.
- (e) Connect with other agencies involved in the investigation of the incident.
- (f) Establish and maintain ongoing communication between the team leader and the legal counsel for the Department.
- (g) Develop a written report of the incident, including conclusions and recommendations.

Line-of-Duty Death and Serious Injury Investigations

- (h) Coordinate activities with Fire Prevention to avoid interference with any criminal investigation.
- (i) Ensure that a post-mortem examination is conducted on any member who dies as a result of the incident as well as on any other deceased person who may have been contributory to the event.
- (j) Activate the Department or regional Critical Incident Stress Debriefing (CISD) team for any members adversely affected by the incident.

328.4.2 DOCUMENTATION

The investigation team should ensure that the scene where the line-of-duty death or serious injury occurred is documented, including diagrams, photographs and observations. When feasible, all witness interviews should be recorded or transcribed. When recording or transcription is not feasible, the investigator's notes of the interview should be preserved. In addition, the investigation team should:

- (a) Obtain, examine and secure all personal protective equipment (PPE), breathing apparatus and equipment used by the seriously injured or deceased employee.
 - 1. A complete physical description of the PPE, breathing apparatus and equipment shall be included in the report of the incident.
 - 2. A performance evaluation report conducted by a qualified professional on all safety equipment should be included in the report of the incident.
 - 3. For specific guidance on PPE involved in the incident, refer to the special incident procedure in the Personal Protective Equipment Policy.
- (b) Review and comment on the application of policies and procedures to the incident, the observance of policies and procedures and their effect on the situation. Recommend changes, additions or deletions to such policies and procedures.
- (c) Attempt to obtain any photographs, videotape or other information relating to the incident from news media or other sources. Such evidence should be obtained with the agreement that it will only be used for investigative and educational purposes.

328.5 FINAL REPORT

The investigation team should present the final report to the Career Captain. The Career Captain should determine the schedule and method of presentation of the final report.



CITY COUNCIL AGENDA

DEPT.: City Departments

DATE: October 18, 2022

CONTACT: Greg Usry, City Manager

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

FOR THE MEETING OF
October 26, 2022

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 2022, and,

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

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

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

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other

BACKGROUND: The Department of Public Works has provided the attached memo regarding various vehicles and equipment for surplus.

DATE: October 20, 2022

TO: Greg Usry, City Manager

FROM: Ryan Coyne, City Engineer *RC*

RE: Surplus Vehicles and Equipment

As discussed, we have developed a list of vehicles and equipment that are no longer useful to the Department of Public Works. Also included is a variety of vehicle parts that are no longer needed for the City's fleet. We are requesting that the council deem these items as surplus so that we can proceed to auction.

- **Vehicles and Equipment**

- Caterpillar 426B, Hours 5412 – Vin # 6KL00445
- 2008 - Ford Escape(white), Vin # 1FMCU59H38KC97395, Mileage 107,252
- 2005 Ford Crown Vic, Vin # 2FAHP71W35X167283, Mileage

- **Other miscellaneous equipment**

- 1998 – Little wonder high output blower 8HP
- 1998- Little wonder high output blower 9 HP
- 1999 - Toro 824 Snow thrower
- 2005 John Deere Jx75 hand mower
- 2011 - Epoke ITM60 spreader
- John Deere plow blade heavy duty 60 and assembly
- Honda HRX217 hand mower
- Pioneer brite stripe 1500 paint liner
- Pacer Trash pump - Model SE2PL
- Homelite Generator - 3500watt
- Honda trash pump - WT30X
- Sewer Rodder

- **Vehicle Parts**

- EG1Z-2552-A / Housing
- 9W7Z-2C219-A / Control
- 5C3Z-3254-B / Seal Kit (3)
- EB5Z-19C836-A / Accumulator
- HC3Z-3A313-B /
- 5C3Z-7210-AAA / Lever
- BW7Z-18124-B / Shock Absorber
- BT4Z-3F885-AA / Switch
- BT4Z-3F884-AA / Switch
- FB5Z-18183-A / Bracket

- 7C3Z-3280-D / Rod
- AG1Z-5425557-AA / Moulding
- 7T4Z-19E616-C / Motor
- 26097679 / Actuator
- F8AZ-2853-AA / Cable
- 264-908 / Valve Cover
- 6C2Z-15264A01-AA / Latch
- 1611601 / Tail lamp assembly
- BW7Z-18125-B / Shock Absorber (2)
- 4C3Z-6A665-AC / Adaptor
- HC3Z-3A131-B / End
- HC3Z-3A131-H / Rod end
- H2MZ-1104-X / Wheel hub
- DG1Z-7210-F / Lever
- BT4Z-6B209-B / Tensioner
- AT4Z-9H486-A / Gasket
- E9AZ-5E241-A / Gasket
- F57Z-7212-A / Tube
- FB5Z-17A605-A / Hose
- BB5Z-17E814-A / Reinforcement
- BB5Z-17E814-B / Reinforcement
- XC3Z-7B155-CA / Trans fluid filter kit
- F6TZ-1960-AA / Gasket
- AG1Z-8A080-S / Tank
- 6W7Z-15A201-BA / Lamp
- DG1Z-19805-D / Blower Motor
- 6W7Z-9C915-A / Valve Asy
- 3C2Z6B209-AA / Tensioner
- BW7Z-18124-B / Shock Absorber
- 5W1Z-5415-AA / Insulator
- BB5Z-16A550-AA / Front mud flap
- YC3Z-7C410-AB / Hose
- AC3Z-1S175-A / Seal
- AT4Z-9H486-A / Gasket
- GG1Z-51483-A / Link
- GG1Z-51484-A / Link
- 8C3Z-8575-D / Thermostat
- BB5Z-7821572-B / Retainer
- 8L3Z-12A402-A / Boot (8)
- 22841381 / Hub
- 89018297 / Core
- H7302 / Brake parts
- H5628 / Brake parts
- CF90102C / manifold

- H7333 / Brake Parts
- 2017508 / Wheel cylinder assembly
- 2017507 / Wheel cylinder assembly
- H5585 / Brake parts
- H7322 / Brake parts
- 5C3Z-3254-A / Seal
- LM67000LA 902A1 / Bearing
- 3437-0 / Universal joint (3)
- 369 / U joint (2)
- 838-570 / U joint (4)
- PT4740 / Oil seal
- HPM1035 / Fuel pump
- IS-24-L / 24volt Solarizer
- AG1Z-5429076-AB / Molding
- 8C3Z-2513209-AB / Plate
- DG1Z-9448-A / Gasket (3)
- YC3Z-3A713-BA / Hoses
- BB5Z-7803145-AA / Molding
- BB5Z-78255A34-AA / Molding
- JR3758 / Gasket kit
- 270 421 alternator
- 321 676 alternator
- 421-222 starter
- AST-24666/shock absorber
- A19960lh alternator
- 141-348 starter x2

