

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

**REGULAR MEETING OF THE CITY COUNCIL
COUNCIL CHAMBERS, CITY HALL
Wednesday, April 12, 2023
6:30 p.m.**

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

Please note: The Council will convene at 6:00 p.m. and it is expected they will adjourn into Executive Session at 6:01 p.m. to discuss pending litigation, personnel matters and pending contracts.

1. Pledge of Allegiance.
2. Roll Call.
3. Draft unapproved minutes of the Regular Meetings of the City Council held March 1 and March 15, 2023.
4. Flooding Update
5. Consideration of proposed additions to the Rules and Regulations of the City of Rye Fire Department:
 - Policy # 804 - Patient Medical Record Security and Privacy
 - Policy # 805 - Personnel Records
 - Policy # 806 - Release of HIPAA Protected Information
 - Policy # 903 - Personal Alarm Devices
 - Policy # 904 - Hazard Communications
 - Policy # 905 - Illness and Injury Prevention Program
6. Consideration of a request by Friends of Rye Nature Center (FRNC) for a new deck in accordance with the license agreement with the City of Rye.
7. Presentation by Spring For Rye regarding planted trees.
8. Resolution to issue credit to certain members of the Rye Golf Club.
9. Resolution to amend the 2023 Adopted Fees and Charges for the Rye Golf Club 2022 Pool Membership category.
Roll Call.

10. Members of the public may be heard on matters for Council consideration that do not appear on the agenda.
11. Open the public hearing to amend Chapter 191, Article III “Parking Regulations” of the City Code to alter parking restrictions at the City Hall lot.
12. Resolution to amend the 2023 Adopted Fees and Charges for the Clerk’s office. Roll Call.
13. Set a public hearing for April 26, 2023, to adopt a new local law to amend Chapter 191 “Vehicles and Traffic” by adding a new Part 4 “Residential On-Street Parking Permit System” and adding Article IX “Residential On-Street Parking Permit Regulations” to the Code of the City of Rye. (Mead Place parking district)
14. Resolution authorizing the City Manager to retain attorney Joel R. Dichter, Esq. of Dichter Law LLC for an amount of \$30,000 for professional fees and services regarding Veolia water rate increases.
Roll Call
15. Award bid for Rye Recreation Summer Camp Bus Services.
Roll Call

CONSENT AGENDA

- a) Consideration of a request by the American Legion Post 128 and the Ladies Auxiliary of Post 128 to approve a parade to commemorate Memorial Day to be held on Monday, May 29, 2023, from 9:30 a.m. to 10:30 a.m.
 - b) Consideration of a request by the American Legion Post 128 and the Ladies Auxiliary of Post 128 to hold a Memorial Day Ceremony on the Village Green event to be held on Monday, May 29, 2023, from 10:15 a.m. to 11:15 a.m.
 - c) Consideration of a request by the American Legion Post 128 and the Ladies Auxiliary of Post 128 to have a food truck on Haviland Lane at the Memorial Day event to be held on Monday, May 29, 2023, from 9 a.m. to 12 p.m.
16. Appointments to Boards and Commissions by the Mayor with Council approval.
 17. Old Business/New Business.
 18. Adjournment

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There will be a joint meeting of the City Council and the School Board on Saturday, April 22, 2023 at 9:00 a.m.

The next regular meeting of the City Council will be held on Wednesday, April 26, 2023, at 6:30 p.m.

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

DRAFT UNAPPROVED MINUTES of the
Regular Meeting of the City Council of the City of
Rye held in City Hall on March 1, 2023, at 6:00 P.M.

PRESENT:

MAYOR COHN
LORI FONTANES
BILL HENDERSON
CAROLINA JOHNSON
JOSHUA NATHAN
BENJAMIN STACKS
Councilmembers

ABSENT:

JULIE SOUZA, Councilmember

The Council convened at 6:00 P.M. Councilwoman Johnson made a motion, seconded by Councilman Henderson, to enter into executive session to discuss litigation and personnel matters. The Council reconvened in a public meeting at 6:30 P.M.

1. Pledge of Allegiance.

Mayor Cohn led the Council and public in the Pledge of Allegiance.

2. Role Call.

City Clerk Carolyn D'Andrea called the roll and there was a quorum.

3. Draft unapproved minutes of the Regular Meeting of the City Council held February 15, 2023, and the Special Meeting of the City Council held February 6, 2023.

Mayor Cohn stated there were not enough Councilmembers present at tonight's meeting who were also present at the February 6th meeting to approve that set of minutes. Ms. D'Andrea noted there were substantive changes to the February 15, 2023 minutes that had been previously circulated to the Council.

Councilwoman Johnson made a motion, seconded by Councilman Henderson and unanimously carried, to adopt the unapproved minutes of the Regular Meeting of the City Council held February 15, 2023.

Councilwoman Johnson commented that at the meeting on February 15, 2023, Councilman Nathan stated that he had not heard of a tree subcommittee in the 14 months he has been on the Council. She directed the Council to meeting minutes from January 2022 where there was discussion the Flag Lot Subdivision Law, and said that everyone was made aware of the tree subcommittee. Subsequently, Councilwoman Johnson stated that she and Councilman Nathan spoke over coffee where they again discussed the tree subcommittee.

Councilman Nathan replied that he has always been enthusiastic about saving trees, and that what he said was that in 14 months he was not aware of substantive work by the tree committee, that if he was somehow on record saying he had never heard of the tree committee, he must have misspoken, that regardless his statement was about the lack of substantive work. Councilwoman Johnson stated that she had explained why the committee had to start and stop, which Councilman Nathan said was completely acceptable. He thought the meeting on February 15th seemed positioned as the culmination of substantive work he was not aware of. He then stated that he was enthusiastic for the Council's work, supported everyone's enthusiasm, and that he supported work on tree legislation, but people's passion got ahead of process.

Mayor Cohn explained that he was not present at the February 15th meeting due to a preplanned vacation. With respect to the effort to mitigate the moratorium to clear-cut 40 mature trees on an unkempt lot at Turf Avenue, the mayor was made aware of the tree clearing only because it happened behind his home. On the same day he learned the City's jurisdictional position and the possibilities for relief. He notified the Deputy Mayor and recused himself. The trees were cleared the next day, before any Council action or meetings. He attended the next Council meeting, and the purpose of the meeting was to schedule a public hearing. The mayor stated he and his pro-action colleagues Councilmembers Johnson, Stacks, and Souza did the right thing in taking steps to mitigate tree cutting, and certainly they would have been criticized for ignoring the issue.

Regarding the Board of Ethics "Confidential Advisory Opinion" requested by three Councilmembers unwilling to take action against the impending tree destruction, Mayor Cohn thought the opinion displayed profound disrespect for process, fact, and for the people whose conduct it criticizes. It disenfranchised the mayor's neighbors and cut them off from timely Council assistance simply because they are his neighbors. The mayor referred to headlines about the BOE opinion, and noted the BOE refused to speak to anyone it criticized, which he maintained was a fatal flaw in the Board's fairness and accuracy. The video from the February 6th meeting could have answered questions.

The mayor thought the opinion was full of misstatements and omissions. He said he became aware of the clear-cut because he happened to see a man in the woods behind his house who was there to price the clear-cut that would happen within a week. Mayor Cohn said that Corporation Counsel suggested a special meeting to be noticed immediately in an effort to beat the clock; it was not the mayor's idea, though he did support it. Public notice was sent out the next day.

Mayor Cohn stated there had been massive and constant public concern expressed about tree removal which motivated recent legislation that curbed flag lots and steep slopes. The BOE suggested there was not a preconcerted neighbor outcry to the Council before the Deputy Mayor called the meeting, but that was not a possibility given the short timeframe. Site-specific and general public concern about the clear-cut was evident in the February 6th meeting though called on 72 hours' notice.

Mayor Cohn said that the BOE wondered why similar speed was not invoked in the passage of two prior moratoriums, though they had distinctly different factual settings. In those two cases the Council did not have notice of an instant, immediate threat. Mayor Cohn said that the Board

seemed to assume there was a special meaningful benefit to the mayor in seeking a moratorium, which the mayor believed was remedied by his recusal the day he discovered the plan to clear-cut. The ethics cases distributed by Corporation Council show financial or employment benefit to be at issue and potentially justify recusal of a member of a body, not the whole body.

Mayor Cohn stated the moratorium would not save the unkempt woods behind his house, and neither would a new tree law, it would modify the extent of tree removal. The mayor's interest was only to save as many trees as possible, and he recused himself to make sure that interest was appropriate. He thought it was unreasonable for the Board to say that even after his recusal immediate action by the rest of the Council was tainted, and it was also unreasonable to say the February 6th meeting was tainted when the clear-cut had already happened. He said he did not wish to dignify the conduct of Councilmembers Nathan, Henderson and Fontanes with a response.

Mayor Cohn stated that five years ago when he became mayor he had a wish to get things done, and Rye has been doing just that. Residents have chided the City for both moving too slowly and too quickly. Investment of time and energy was required for COVID and Ida flooding. Flag lot and steep slope restrictions in early 2022 were a result of a review promised just before COVID. Rock removal and leaf blower laws took precedence, as well as the annual budget cycles. A new draft tree law should soon be public.

Councilman Nathan asked what the emergency meeting was for if there was no benefit from Council action. Mayor Cohn replied some trees may have been saved and they would have created a rational program for saving trees around construction.

Councilwoman Fontanes asked Corporation Counsel Kristen Wilson if recipients of BOE's "confidential" opinion were allowed to share the contents. Ms. Wilson replied that it was up to the recipients how they shared the content, with the understanding that recipients' identities were redacted. She understood that three Councilmembers conferred after receiving the opinion and something was decided with respect to dissemination. Mayor Cohn said it was a document labeled "confidential" and surmised it was distributed with BOE's intention to keep it confidential. Mayor Cohn cited a separate provision in the Code of Ethics that obliged each officer to keep confidential documents confidential.

4. Flooding Update.

Mayor Cohn provided updates on a variety of flood projects and efforts:

Ramboll Work - The City retained Ramboll Engineering to work on a number of flood-related items, most importantly a review of the Blind Brook Watershed and the library of prior studies, and created a multi-factored matrix to allow prioritization of flood mitigation projects. This work was the basis for collaboration with a funding consultant, DCMC, on a FEMA Brick Grant application currently in process, and would provide additional study and potential design and study of a berms retention project on the SUNY Purchase campus, study of potential enlargement of the Bowman Upper Pond, the raising of Bowman Dam, and the review of City rules and regulations relevant to flood readiness. Mayor Cohn reported that Ramboll may now help with criticisms raised in the berms project and to look preliminarily at potentially projects not

within the present FEMA application. Ramboll completes periodic engineering assessment of Bowman Dam. The current dam classification overstates the small flood control installation's risk and the City believes that reclassification is forthcoming.

Westchester Airport and Environs - Contrary to prior reports, the City learned that the airport runoff retention basins were overwhelmed by Hurricane Ida. Presently, there are two retention basins. One requires dredging to restore capacity, and a third has been discussed but not in planning. The airport experienced surface water flooding from Connecticut, and it is unclear if the surface water flows into Blind Brook.

The City initiated a conversation with the County about creating the third retention pond and are working with Rye Brook to determine if they are also concerned about Connecticut runoff at the airport. City Manager Greg Usry commented that there was a meeting today with SUNY regarding their own study of the campus and direct runoff from the airport, and they engaged the Construction Fund to assist them, but there were no new updates from Rye Brook in terms of airport runoff being a mutual concern.

DEC Resilient Stream Study - The Council previously reviewed a draft of the study which clearly states that many of the bridges, culverts, and channel features on Blind Brook are inadequate. DEC proposed gradual replacement or renovation to ease the issue, but cautioned that upstream mitigation should be prioritized over the most substantive remediations within the City of Rye to avoid increasing flood damage.

US Army Corps of Engineers - Regarding repairs to the Blind Brook Watershed, the City began discussions with the Corps in 2019 in collaboration with DEC, resulting in the Corps' 2021 federal interest determination. Then the Corps to go forward with the CAP-205 study which may cost \$1 million and require funding from both federal and local governments. The federal government reserved \$700,000 toward CAP-205 but only \$500,000 may be allocated to the study phase. Rye was seeking State partnership in the cost of CAP-205 at \$15 million, and it was likely that an Army Corps Blind Brook Watershed project would exceed that figure. Current thinking was to pursue the CAP-205 program and seek congressional help in converting to a larger-scale general investigation study.

Department of Interior NRCS Flood Plain Buyout Program - The City's interest in this federal program that buys out homes to restore flood plains ceased after what appeared to be a conclusion that Rye's home prices are too high for the program. Areas of likely buyout would not produce the concentrated flood plain restoration sought by the program.

New York Rising Projects - The Milton Road drainage project and Bowman Upper Pond cleaning were winding down. The stream gauge stanchions have been placed, with the gauges to follow.

Other Sources of Funding - With the help of City advisors, including Washington and Albany consultants, Envision, the City will be seeking other sources of federal funding to support ongoing work, such as the data collection and algorithm development needed to utilize the Blind

Brook stream gauges. The City will also seek access to NY State funding that may be made available pursuant to the Environmental Bond Act and County funding to the extent available.

City Manager Greg Usry added that a grant application was submitted to the New York Bridge Program. One of the bridges identified in the DEC study was the Locust Avenue Bridge which was in need of replacement in the next five to seven years. The City sought the grant to fund replacement of the bridge that would be redesigned for compliance with the watershed and standard bridge requirements.

5. Update on Capital Projects.

City Planner Christian Miller provided an update on Capital Projects prioritized by the City. The planning for DPW's Building 5 was currently focused on solar and geothermal energy features. The preliminary analysis was favorable regarding cost versus return on investment. The BAR review was complete, and next were SEQR and LWRP, which required were required by the Council, and Mr. Miller reminded councilmembers they did preliminary work that was referred to the Planning Commission, and there was a favorable recommendation with respect to those requirements. Construction should begin in fall of 2023. The mayor noted the price tag for Building 5 used to be \$5 million, and asked if the current \$7 million price tag was likely to change. Mr. Miller expected the cost would not change, and reminded the mayor that it reflected the investment of solar and geothermal energy. The next cost estimate will be the bid.

Next to Building 5 was Building 7, the old salt shed, and the design was complete. Construction mobilized this week, but there was lead time on the required trusses. Mr. Miller estimated Building 7 would be finished in late spring/early summer 2023.

The new DPW salt shed project was broken up into several phases. The first phase, site work, was done by DPW. The project started with the removal of the soil stockpiling. Various elements will require bidding, such as the prefab materials DPW will use to build the walls, and the related earth work. In the summer there will be more bidding for the construction of the salt shed itself, including the foundation. Then the Council will review the project for final SEQR and LWRP. The salt shed plan received a favorable review from the Planning Commission.

Councilmember Henderson noted previous discussions about adding a flood gate to the salt shed. Mr. Miller confirmed the flood doors were included in the plan, though the salt shed would be substantially above flood elevation.

City Planner Miller said that the DPW fuel tank was scheduled for summer construction. It may be possible to piggyback on a contract from another municipality.

Mr. Miller also reported that designs of the Forest Avenue sidewalks were nearly finished. Comments received at the last meeting were under consideration and put a slight a slight delay on the plans. The project will need additional survey and design work to confirm some of the design elements. Mr. Miller confirmed for Councilwoman Fontanes that most of the planning energy was being spent on analysis of the sidewalk crossings.

For the City Hall HVAC upgrade, locations for the condenser units would not obscure any windows and would be placed behind a fence. Supply-chain issues affected the project, and Mr. Miller estimated the project would not start before Spring 2024.

Regarding the Channel dredge, the basin was scheduled for dredging in October or November. Mr. Usry said the City would need to provide two surveys to the Coast Guard to make a final determination, and those would be submitted in the next two weeks.

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

Mayor Cohn invited residents to speak on matters that do not appear on the agenda.

Brooke Packard, 26 Oakwood Avenue, wanted to correct statements made at the last Council meeting. She did not think three councilmembers were playing politics, that they employed a political strategy to disrupt a cycle of feckless moratoriums. The communication system of speaking at a podium at meetings was inadequate, and the three-minute time limit that was ableist and applied haphazardly. She said it was a one-way supplication followed by the finessing of residents' concerns by consultants. Rye citizens had little agency regarding ordinances that impact their lives. The Council must find better platforms for communication that respect residents' expertise. The Council should verify the details given by those who speak at the podium. She found incorrect addresses in published meeting minutes. She claimed to have an email wherein Ms. D'Andrea told her meeting minutes "do not reflect the truth," and Ms. D'Andrea replied to Ms. Packard that she never she made that statement and offered to circulate the accurate email to the Council. Ms. Packard said she thought the City had the resources to fact-check a speaker's claims.

Bonnie Counsel, 14 Fairlawn Street, recounted her attendance at a recent meeting of the BAR to discuss proposed demolition of a house at 26 Fair Lawn Street, and the very large house planned in its place. Each request and suggestion made on the size and design of the house was met with a comment by the architect that the builder, not in attendance, "wouldn't want that." She asked the Council why the builder got to decide what kind of house goes into the neighborhood. She thought Rye was owned not by people but by developers, realtors, and landscapers, and the people no longer had a voice. She said that zoning laws and codes have been weakened by developers and contractors who get the rules bent in their favor. Long-term Rye residents watched as their neighborhoods have been negatively impacted by felled trees, rock chipping, and flooded streets because houses were built too large by developers who found loopholes. Then the City could only allowed to tax half the square footage on a house causing all the disruption. She encouraged the Council to close the loopholes, which would help smaller homes be built, and middle-income people could afford to move to Rye. There were too many closed-door deals between realtors and developers that kept middle-income people out of Rye, and she wondered if it was by design. She was tired of seeing nice houses demolished.

Sue Drouin, 57 Morehead Drive, said she has lived and worked in Rye as a landscape designer and that she has worked on several public projects to promote sustainable and resilient landscaping, pollinator pathways, and rain gardens to reduce runoff going to Long Island Sound,

and she served on the Rye Sustainability Committee for many years. She acknowledged and supported the Council's endeavor to protect trees. She looked forward to seeing the City's ideas to preserve, protect, and increase Rye's existing tree canopy. Regarding the Oakland Beach Avenue property, she commented that the existing lot was subdivided to build two new houses. Almost all the trees were removed before a site plan was submitted. Ms. Drouin advised the Council to take an inventory of the trees. Some home builders made a point to work around existing trees. Others want to clear the space for practical reasons. Mature trees might help a house sell quicker but does not earn home builders more money. She suggested the Council consider what they will do about large property owner exemptions to tree laws, and create a new tree commission that included expert arborists and conservationists to spearhead community awareness.

Mike Buccieri, 57 Waters Edge, commented about the decayed state of the windows and doors of the Rye Police Station. He noted the \$17 million of renovations Mr. Miller discussed for the City, and that the windows and doors of the police station could be painted for \$7,000. Mr. Buccieri said that thousands of people walk past the police station due to its proximity to the train station, but more importantly, the building did not do justice to the proudly dressed policemen and policewomen who walked through the door every day. He asked the Council to consider cleaning up the police station as a matter of respect and pride for the police force and the City.

Addressing Mr. Buccieri's comments, Mr. Usry said that the capital presentations at tonight's meeting do not reflect the million dollars spent on the police department in the last 12 months on radio communication equipment, three police cars, a new bathroom in the firehouse, exterior repainting of the building, and other millions of dollars of improvement throughout the City. Mr. Usry explained that Rye underspent on maintenance for decades, and last year the City put in place a vehicle maintenance plan for the first time. A supervisor has been added to oversee the entire City infrastructure for maintenance needs. Mr. Buccieri reiterated that police officers deserved a better-looking building.

7. Award bid for Contract #2023-01 Solid Waste Container Service Contract for the removal and disposal of the City's street sweepings and city-producing garbage.

Mr. Usry explained that every five years the City was required to re-bid a contract for its garbage and street sweepings. The contract included refuse collection from Rye streets and parks to be hauled away and disposed at the County facility, and the disposal and transport of City street sweepings to a special facility. Due to oil and other substances found on street debris it could not go to the County facility.

Councilwoman Johnson made the motion, seconded by Councilman Henderson, to award the bid for Contract #2023-01 for the removal and disposal of the City's street sweepings and city-producing garbage.

ROLL CALL

Ayes: Councilmembers Fontanes, Henderson, Johnson, Nathan, Stacks
Nays: None

Absent: Councilwoman Souza

CONSENT AGENDA

- a) Consideration of a request by the Jarden Corporation for use of city streets on Sunday, September 24, 2023, from 7:00 a.m. to 6:00 p.m. for the annual Westchester Triathlon.
- b) Consideration of a request from the Recreation Department for permission to close a section of Purchase Street for the 70th Annual Celebration of the Halloween Window Painting Event on Sunday, October 22, 2023.
- c) Consideration of a request by the Recreation Department to hold the Annual Food Truck Festival Saturday, September 9, 2023.
- d) Consideration of a request by the Recreation Department to hold the 47th Annual Turkey Run on Saturday, November 25, 2023.

Councilwoman Johnson made the motion, seconded by Councilman Stacks, to approve all items on the Consent Agenda, and the Council was in favor.

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

Mayor Cohn announced Maureen Powers of the Zoning Board of Appeals intended to withdraw from her position within the month. On behalf of the Council, the mayor thanked Ms. Powers for her service. With Council approval, Mayor Cohn approved Philip Moyles to fill the unexpired term of the Board of Appeals, expiring on December 31, 2023.

9. Old Business/New Business.

Councilwoman Fontanes thanked the City staff and Traffic and Pedestrian Safety Committee for the wonderful new pedestrian crossings in Rye. Rye Town Park had more than she expected, and she frequently used the one Milton Road. She asked Mr. Usry to pass her appreciation on to City staff.

10. Adjournment.

Councilwoman Johnson made the motion, seconded by Councilman Nathan, to adjourn the City Council meeting at 7:34 P.M., and the Council was in favor.

Respectfully submitted,

Carolyn D'Andrea
City Clerk

DRAFT UNAPPROVED MINUTES of the
Regular Meeting of the City Council of the City of
Rye held in City Hall on March 15, 2023, at 6:30
P.M.

PRESENT:

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

The Council convened at 5:30 P.M. Councilwoman Souza made a motion, seconded by Councilman Stacks, to enter into executive session to discuss litigation and personnel matters. The Council reconvened in a public meeting in Council Chambers at 6:30 P.M.

1. Pledge of Allegiance.

Mayor Cohn led the Council and public in the Pledge of Allegiance.

2. Role Call.

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

3. Draft unapproved minutes of the Regular Meeting of the City Council held March 1, 2023, and the Special Meeting of the City Council held February 6, 2023.

Ms. Pietrosanti confirmed there were non-substantive changes made to the March 1, 2023 minutes of the Regular Meeting of the City Council. The minutes were not approved due to disagreement among councilmembers about changes to statements made about the tree committee by Councilman Nathan, who maintained the revisions were regarding the sequence of statements, not the content. The minutes will be recirculated and reviewed by Council before approval.

Councilwoman Johnson made the motion, seconded by Councilman Stacks, to approve the minutes of the Special Meeting of the City Council held February 6, 2023. The motion was favored by a quorum of four councilmembers in attendance at the Special Meeting (Mayor Cohn, Councilmembers Johnson, Souza, Stacks); the councilmembers not in attendance on February 6th abstained (Councilmembers Fontanes, Henderson, Nathan).

4. Consideration of proposed revisions of the Rules and Regulations of the City of Rye Police Department:

- a) Policy #1001 - Performance Evaluation
- b) Policy #1000 - Recruitment and Selection

Rye Police Commissioner Kopy reminded the Council that Police and Fire Department policies and procedures were still being reviewed and updated, and he presented the newest proposed revisions for the Police Department. Policy #1001 codified the existing State and County procedures regarding recruitment and selection. Policy #1000 codified State and County procedures for proper documentation of performance evaluations. Commissioner Kopy confirmed for Mayor Cohn that the City would continue to hire only the best possible candidates. Councilman Henderson expressed concern that these types of policies may not be followed. Commissioner Kopy maintained the intentions of the Police and Fire Departments were to always follow regulations, and while some things may fall by the wayside, performance evaluations would never.

Commissioner Kopy commended the detectives and police officers in Rye for their swift and successful investigation of the recent robbery at the Marriott.

4a. Update on the City of Rye's banking and investment relations and process.

This agenda item was added in response to the recent failure of Silicon Valley Bank (SVB) and Signature Bank. City Manager Greg Usry gave the Council an update on Rye's banking and investment relations and process. At any given time, Rye holds \$50-75 million from school, City, and County taxes collected. Between 2018 and 2023, SVB grew from assets of \$20 billion to \$240 billion due to an ease in regulations of mid-size banks by Congress. Markets for tech and private equity have been impacted over the past six months and the banks experienced substantial withdrawals. SVB invested \$20 billion of hard assets into long-term treasuries, then took losses as interest rates increased over nine months. On March 8th/9th, SVB sold their entire portfolio for a \$2 billion loss, which caused a fear-driven run on the bank. The federal government stepped in and made all depositors whole regardless of their FDIC limits.

City Manager Usry continued and said that the City of Rye was primarily bound to State law and State comptroller regulations in terms of investments, deposits, and types of institutions. Rye held money with Webster Bank, Customer Bank, and the investment vehicles NYCLASS and NYLAF, which are secured by collateral, and in both cases a maturity limit of less than a year in which they can collateralize investments. Mr. Usry said that he and City Comptroller Joe Fazzino have been in contact with Webster Bank and Customer Bank; those deposits were in money market accounts, also secured by State-compliant collateral, not FDIC. Rye will maintain close monitoring and ongoing conversations with their banks. Mr. Usry reassured the Council that there were no indications that the SVB and Signature bank failures were contagious or systematic.

5. Flooding Update.

There were no new items to add to the updates Mayor Cohn provided at the March 1, 2023 Council meeting.

6. Ramboll presentation and authorization for City Manager to execute an agreement with Ramboll for an amount not to exceed \$125,000 from the Capital Projects Reserve Account for the 2023 collection of stream gauge data.

Piotr Domaszczyński, Ramboll engineer, presented updates on the continuous effort on flood resiliency in Rye. Construction of three Blind Brook monitoring systems would be finished by the end of March. Monitoring the brook would provide vital data in the planning of flood mitigation. The Upper Pond and Bowman Dam were excellent flood mitigation opportunities for Rye. Prior studies indicated the sluice gate installed at the Bowman Dam could be utilized during significant rainfall events. Ramboll would devise an algorithm for the sluice gate based on data collected from the monitoring system. Mayor Cohn added that the algorithms gave Rye the opportunity to adjust the level of water in Bowman Dam on a predictive basis.

Councilman Henderson asked if monitoring would continue indefinitely or stop once the algorithm was created, and Mr. Domaszczyński replied the system was designed to stay in operation for many years. Ramboll proposed to revisit the City's needs on an annual basis. Councilwoman Johnson said conditions of the watershed could change depending on developments upstream such as the airport adding or closing detention basins. Mr. Usry said Ramboll would need years to gather data to inform the algorithm for the sluice and the matter would not be back before the Council in 12 months. Councilwoman Souza asked why Ramboll needed \$750,000 to build the algorithm when there was no data, and she questioned the proposed \$40,000 for remote data collection.

Mr. Domaszczyński continued with his presentation of the proposed tasks within the project Blind Brook Watershed monitoring and flood mitigation project.

Task 1: Data Collection and System Health Monitoring. The system status would be checked remotely daily, and downloaded and characterized on a weekly basis. Data and monitoring updates will be provided to the City via weekly emails and biweekly phone calls for a duration of one year. The proposed analysis of 10 rainfall events per year was an estimate based on need and cost.

Task 2: Scheduled Maintenance. Ramboll will coordinate with the City to visit the sites twice per year to perform visual inspections and needed maintenance such as battery. The monitoring system will be entirely electronic and subject to damage from the elements.

Task 3: Unscheduled/Emergency Maintenance. The first year of system operation will be covered under warranty by the primary contractor. Ramboll will monitor system health and coordinate with the City and contractors until the system is fully operational. If necessary, the City can authorize Ramboll to use an agreed-upon allowance to coordinate warranty claims. City Manager Usry clarified that the Council was not being asked to budget the unscheduled maintenance; the City engineer will determine whether maintenance issues can be resolved locally or by Ramboll.

Task 4: Model Calibration and Algorithm Testing. The estimated duration of calibration and algorithm testing was 3-5 years, and it was dependent on sufficient rainfall to inform the algorithm. The sluice gate had the potential to provide measurable benefits, but it required a significant period of building system understanding. Ramboll will first calibrate the hydrologic model based on hypothesis and test flooding events using a safe "digital twin" environment.

Councilman Nathan asked how effective use of the sluice gate would have benefitted Rye during storms like Irene or Ida, and Mr. Domaszczyński responded that the correct algorithm could lower water by a foot during larger rain events. The sluice gate controlled the pump which was the crucial element of the system. Councilwoman Souza was concerned about spending \$70,000 to collect data for one year when it may take five years to collect sufficient data.

Councilwoman Fontanes asked City Manager Usry to explain for the public's benefit why the City was utilizing a consultant as a vendor, and Mr. Usry thought vendor was not the right characterization. The City was permitted to procure professional services without bids under unique circumstances. Ramboll's involvement in all aspects of bespoke flood mitigation efforts in Rye led Mr. Usry and the city engineer to believe they should continue providing services. Councilman Johnson added the City received only one bid for the stream gauges.

Mr. Domaszczyński explained that the Upper Pond was considered a water storage area. Considering the lengthy process and considerable spend, Councilman Nathan asked if there was a quicker method of managing the pond. Mr. Domaszczyński replied that Ramboll will jump into the analysis quickly and will meet with the City to review collected data. He advised against waiting to start data collection because it only pushed the decision further away. Mayor Cohn supported gathering two years of data.

City Manager Usry clarified that the request before the Council was to authorize funds for time and materials, and simply authorizing the release of funds did not mean they were spent immediately. Councilwoman Souza suggested committing \$75,000 to start calibration efforts but felt there was no need to tie up \$125,000 that could be used for something else. Mr. Domaszczyński was optimistic Ramboll could work with the City on the proposed amount.

Councilwoman Souza made the motion, seconded by Councilwoman Johnson, to authorize the execution of an agreement with Ramboll for an amount not to exceed \$75,000 from Capital Projects for the 2023 collection of stream gauge data and other algorithm preparation activities.

ROLL CALL

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

7. Presentation by the Rye Golf Club on public access to fee information.

Mayor Cohn reminded the Council of their invitation to Rye Golf Club (RGC) to discuss the public availability of fee information. The 2023 fees were approved and budgeted in November and will not be discussed in the agenda item. The mayor confirmed for Councilman Henderson that members of the public were welcome to comment on the fees, and Councilwoman Souza suggested sharing public comments with the Golf Club Commission that will put forward recommendations for next year's fees.

Mr. Chris Correale, General Manager of Rye Golf Club (RGC), confirmed that Council's request was fulfilled; the fee schedule was made public on ryegolfclub.com, or via the City of Rye website. Mr. Correale shared an email sent to each renewing member in 2023 that included a link to the fees and the handbook, and there are printed copies at the Membership Office.

Councilman Henderson commented on the substantial public discussion about the rates being 39% higher for new members than existing members in 2022-23. He asked if the Golf Club had a plan for next year's rates. Terry McCartney, Rye Golf Commission Chairman, replied that fees have historically been reviewed annually by the Club's Finance Committee, and the public will be given a chance to comment when the fees are brought to the Council in October or November. There were RGC cap-ex projects in excess of \$15 million with only \$3 million in the bank. Bids for cap-ex projects were being resubmitted with changes due to inflation and commodity delays. The RGC Finance Committee was setting goals for the next year that will be voted upon at the next meeting.

Councilman Henderson noted that the fee increase for 2022-23 totaled around \$200K and wondered it would have been less troublesome and more helpful to the cap-ex projects if RGC charged every member \$300 more instead of generating funds entirely from new members. He asked if they considered such an option; RGC representatives replied they think about it every year and have not stopped thinking about it since the meeting in December.

Councilman Henderson expressed concern that there was inaccurate and missing information on the Golf Club website, and Mr. Correale explained that website upgrades would be finished in 6-8 weeks. Councilman Henderson thought people should be able to track the wait list numbers. Corporation Counsel Kristen Wilson was willing to discuss what could be published as far as personal information of wait list members. Mr. Correale said he was happy to discuss the wait list process with anyone who asked.

Councilman Henderson referred to a quote by Mr. McCartney in the *Rye Record* that "although Rye Golf is a public facility, we're more akin to a private club. The exception is our landlord is the City of Rye," and that Mr. McCartney viewed charging new members more than existing members as an initiation fee to help keep dues down and enable the Club to pay for needed improvements. Mr. McCartney confirmed the gist of the quote was true but he did not have a recording of the conversation.

The mayor objected to Councilman Henderson's divergence from the agenda item topic of transparency on RGC member fees. Councilwoman Johnson suggested questions would be better suited for the upcoming RGC Commission meeting. Councilman Nathan asked RGC representatives what members were being told about fees today and going forward. Mr. Correale replied that he explained the current policy and how it was created to anyone who asked. Councilman Nathan wished to hear Councilman Henderson's questions while the topic was at hand, but Mayor Cohn closed the matter by thanking the Golf Club for implementing the requested transparency on fee information.

The mayor invited public comment.

Joseph Donley, 78 Allendale Drive, neighbor to Rye Golf Club, said he has also been a member of the Club. He stated the two-tier pricing policy was unfair, unprincipled, and arbitrary. The Club asserted that fee policies have been done the same way for 15 years and they were just tweaking it now to apply to the second year, but when Mr. Donnelly asked to see documentation he was provided one document that did not support their assertion. RGC's two-tier policy depended on when the policy was sent in. Over the years the policy morphed into even if a new member applied before March 15th they had to pay the higher rate. Applying the fee increase to the second year was a dramatic, unprecedented change.

James Fee, 3 Ormond Place, commented that since it was March 15th there should be data forthcoming on the blow-up-in-the-face experimental policy the Council approved in December, at the same meeting where the RGC Commission representative responded to fee increase opposition by stating he "didn't understand why we're protecting people who aren't asking for protection. In the name of fairness, the fairness should extend to Rye Golf members who need the projects done." Mr. Fee said the 2022 members also needed the projects done, but fairly. He cited former Councilwoman Hurd's assertion at the December meeting that new members were unaware they were paying more than other members due to the lack of transparency. Mr. Fee thought the problem was the fact the Council approved the rates in the City budget. He said that Rye citizens should not be charged different rates for the same service, and what should be a source of joy instead bred angst and division.

Marisa Duvoisin, 45 Oakwood Avenue, was unaware of the price discrepancy when her family joined the Rye Golf Club in 2022. She found the new member fees patently unfair and would feel the same way had they joined in 2021. When she became aware of the discrepancy she reached out to RGC multiple times before the deadline, but she never received a response. She thought if the Golf Club continued with the rates they will lose members but the length of the wait list meant they probably would not care.

Ed McGann, 62 Allendale Drive, said he and his wife were members of the RGC class of '22. He said that when he joined, there was a lack of transparency about fees and how they worked. He was told in it was a tradition of paying more in the first year and in the second year the same rate as everybody else. He said that the changes were not made public on the website. He found it odd that RGC's justification was that fees were raised due to additional expenses impacted by inflation when members who joined prior to 2021 only had a 4% increase which was not equal to the inflation rate. He said that new members were paying for the wear and tear inflicted by the old members. He appreciated Mr. Correale's responsiveness, and he applauded the Council for their efforts for greater transparency and encouraged them to push back about fees that made no sense.

Dan Furlong, 59 Pondview Road, asked if there had ever been such an increase at Rye Golf Club in one year. He said he doubted there had been, which was an indicator of the unfairness of the rate increase. He said that nobody would have stood for it before and many would not stand for it now.

David Klerr, 21 Chester Drive, said he was a new member of the club in 2022. He echoed other residents about the inherent unfairness and discriminatory nature of the fees. He said that the fact that so many people attended the Council meeting indicated that there was passion and

hurt within the community. He said that neighbors were pitted against one another. He advised the Council to think about equity and fairness to the community, because that was not what everyone was feeling.

Michael Kotcher, 216 Purchase Street, felt that he had to consider joining a private club, as the RGC potential to increase the fees for this class of members \$2,000 each year. He found it unfortunate that residents were pitted against each other. He wondered why it was even being discussed because the increase should be flat across the board, and he would consider other clubs in the meantime.

E.J. Scott, 3 Eldredge Court, neighbor to the golf course, has young children who loved to play golf on the RGC course. He joined in 2021 and he thought the fees were unfair. He thought it was right to be talking about transparency. He has attended RGC meetings for 18 months and remarked that this has been brewing for some time.

Nilesh Mandhare, 337 Park Avenue, joined the Golf Club in 2022 and paid the full fee, unaware at the time there were two tiers. He was only made aware by the *Rye Record* article. When he received the renewal email he specifically asked when two-tier rates drop off, and he was told it is what it is, and he decided not to join based on principle. In regard to a comment that was made about not penalizing members before 2021 because they have been members since '67, he wondered if he will also be reimbursed by RGC if he remains a member for the next 50 years.

Councilman Henderson said some of councilmembers are passionate about trees, but his passion was golf. He stated RGC was not a private club though some people thought it was. The City of Rye owned and operated the property and employed the general manager and other key staff. The assets and liabilities of the Rye Golf Enterprise Fund were the assets and liabilities of the City. The bookkeeping and auditing of the Golf Club was performed by the Rye City entities. Golf club procurement and contracting practices all follow Rye City processes and were executed by Rye City employees.

Councilman Henderson maintained the City of Rye was more than a landlord, it was an advisory committee governed by the City Council to bear the responsibility of ensuring the Golf Club was run and maintained in the best interest of all Rye citizens. He said that every citizen should pay be able to pay comparable fees. He also that that the City Council needed to provided effective oversight and not permit only insiders to control Rye Golf. Councilman Henderson blamed the situation on the Council's lack of effective oversight and the hands-off approach to RGC. The significant disparity in rates at the Club should have prompted a thorough talk during the budget session in December, but Councilman Henderson said he was denied the opportunity. He said it was an issue of fundamental fairness between a government and its citizens.

Councilman Henderson said that he spoke with Councilman Nathan and Councilwoman Fontanes, and they requested the rate disparity be put on the agenda for the regularly scheduled April 26th City Council meeting. The discussion should include financial data and other information from City staff so they understand the financial impact on the Club. Mayor Cohn took the request under consideration. The Council understood that the Golf Club Commission will return to the issue before the next budget. Councilman Henderson replied that if the discussion

was not allowed at the April 26th meeting he and his colleagues would invoke their rights under the City Charter Section C67A to call a special meeting of the Council on April 26th at 5:00 before the regular City Council meeting.

Councilwoman Johnson asked a threat was being made when the mayor was considering the request. Councilman Henderson reiterated that three councilmembers thought the meeting was important and they would force the meeting if necessary. Councilman Nathan's concern was that citizens relied on information provided by the Golf Club when they joined and he requested Corporate Counsel explain at the April 26th meeting about Council's options and risks regarding that reliance. Councilman Nathan said he regretted supporting the Council's decision in December to approve the fee schedule. He felt there was a lack of awareness among citizens and Council that the fees were not being handled properly, but now they understood the full picture.

Councilwoman Souza took exception to Councilman Nathan's claims of a lack of awareness. She revisited her warning to RGC representatives at the December meeting that the strategy was risky and may have consequences. Councilman Nathan said that even though RGC provided fee transparency, the prevailing issue was that the citizens relied on something, it was unfair, and it should not be punted to next year's budget planning.

Councilwoman Johnson thought the Council should allow the Rye Golf Club Commission time to hash out their response. Councilman Henderson said he asked the Golf Club to reconsider the rates and come back and they decided not to do that. He said he asked for a private meeting to talk about the rates and no one agreed. He asked for a separate hearing about the rates and was told it can only be done as part of an overall budget vote. He maintained the importance of a special discussion bolstered by financial data and input from Counsel so the Council could vote and potentially return the \$200,000 of elevated fees.

Lindsay Lorraine, 68 Allendale Drive, said that 18 months ago she and her neighbors and 400 other concerned residents signed a petition about 120 trees that were tagged for potential removal by the Rye Golf Club for the rerouting of holes 4, 5, and 6. Mayor Cohn held a private meeting for concerned residents, but there was no emergency meeting called to address the clear-cutting. She stated that Mr. Stacks, the Rye Golf Commission liaison for the City Council, was not able to attend Council meetings and Rye Golf Commission meetings because they often occurred at the same time, and suggested they needed another liaison.

Mayor Cohn replied that he was aware of diseased tree cutting under the Rye arborist's supervision, but he was not aware of any plan moving forward for holes 4, 5, and 6. Mr. McCartney added that updates on 4, 5, and 6 are provided at almost every Golf Club Commission meeting for the past year, but they were still waiting on a hydrologist's report and had not moved forward on the project. Councilwoman Fontanes said she would follow up about the hydrology report being available at the meeting the Council was invited to attend.

8. Adjourn the public hearing to amend Chapter 187 "Trees" of the Rye City Code.

Mayor Cohn stated the draft of Chapter 187 "Trees" before the Council was preliminary.

Councilman Stacks made the motion, seconded by Councilwoman Johnson, unanimously carried by the Council, to adjourn the public hearing to amend Chapter 187 “Trees” of the Rye City Code and set the public hearing for Chapter 187, “Trees,” for April 26, 2023.

Suki Van Dyke, 62 Garden Drive, commented about the adjournment of the public hearing on the tree legislation. She said that she and other citizens were in attendance because they were told there would be a public hearing, and only informed the night before that it would not happen. She expressed displeasure at the recent setting of an emergency public meeting with respect to the property that abutted the Mayor’s property. She felt that the public was into seeing the issue as tree legislation instead of abuse of power.

Ms. Van Dyke asked Councilwoman Souza if she still thought the cut trees were the fault of councilmembers who did not attend the emergency meetings. She asked Councilwoman Johnson for evidence of the tree committee meetings and discussions that she had referenced. Ms. Van Dyke thought the mayor and councilmembers who supported him owed the members of the Ethics Board, other councilmembers, and the public an apology. She encouraged consensus instead of attacking each other to get things done for the City of Rye.

9. Presentation of initial working draft of an amendment in its entirety of Chapter 187 “Trees” of the Rye City Code.

Councilwoman Johnson explained that the Tree Committee was formed by the mayor and had been working since the spring of 2021 to update Chapter 187. The work will be evidenced in emails and other documents. Original subcommittee member Richard Mecca identified clear-cutting as a primary concern, specifically when a parcel was subdivided into flag lots. Due to the outcry of neighbors about 95-97 Oakland Beach Avenue neighbors, plus the subdivision of the lot and the disturbance of the steep slopes, the Council called for a moratorium and went into action.

Councilwoman Johnson continued and said that the current draft takes care of clear-cutting while allowing for thoughtful development. There must be a review of which department was best suited to administer the law and determine the best processes available. The city engineer, planner, and counsel provided input, as well as CCAC, the Planning Commission, and the Sustainability chairs. Councilwoman Johnson noted the draft was a bit rushed because there was no moratorium to provide more time to gather more input.

The Tree Committee will be required to hire an experienced arborist, preferably an independent one. The draft includes differentiation in allowances based on property side, taking into consideration DBH and condition of trees and specimen. The Planning Commission would best decide on proposed tree removals as they already oversaw tree preservation plans, and the CCAC has a voice on that commission. The process has been streamlined so homeowners have access to permits as quickly as possible, and there is relief in case of emergencies.

Councilwoman Johnson encouraged the community to send any questions and comments to the Tree Subcommittee members Ben Stacks, Julie Souza, and Carolina Johnson.

Councilman Henderson said he appreciated the work but could not recall one discussion regarding what the legislation was attempting to solve. He worried the draft was too extensive.

He suggested a full discussion would help create a roadmap and get the entire Council on board. Councilwoman Johnson described some of the work behind the scenes prompted by Mr. Mecca's assertion about clear-cutting and flag lots, but then rock chipping legislation took precedence. Attention was back on drafting Chapter 187 and Councilwoman Johnson agreed homeowners' rights should be balanced with tree protection. Councilman Henderson thought the draft as written could potentially affect every homeowner in Rye, and thought it was a good idea for the Council to discuss it before voting.

Councilwoman Fontanes took exception to the use of the term "clear-cutting" as defined in the draft as 30% or more. She maintained clear-cutting was done in a forest for harvesting trees, and Mr. Mecca told her when he joined the Tree Subcommittee he would be the voice for private property rights, but she did not believe he was a forestry expert. Clear-cutting meant different things to people, and she thought the Council should understand what they were solving for and their definitions. Mayor Cohn clarified that it was a preliminary draft put out to the public because of a promise made to deliver a tree law in an impossibly short period of time. After input from Council, a draft was revised and brought to public hearing, but that was not the case for the meeting at hand.

Councilman Nathan agreed that taking the time to workshop the draft made sense because it may be one of the most far-reaching laws in terms of impact on Rye residents. Councilwoman Johnson noted the rush due to lack of a moratorium. Councilwoman Souza again encouraged everyone to funnel questions to the subcommittee. Councilman Nathan would prefer to save his questions for experts, and he was concerned for homeowners and liabilities. He agreed it should be a high priority but it should be workshopped in between meetings to gain understanding of the issues.

Corporation Counsel Kristen Wilson presented more details on the draft. Existing tree regulations on public property include regulations on damage to and maintenance of public trees, prohibited trees on or near public property, rules for planting on public property and rights-of-way, and the approval authority of Public Works and the tree foreman. Private property regulations apply for trees with a minimum 8 inches diameter, trees in yards abutting public property, and protected trees that require owner consent and BAR designation. Trees eligible for removal must be causing hardship or danger, be dead, diseased, or threatening other trees, or substantially interfering with permitted use of the property. Appeals can be sent to the BAR.

Ms. Wilson presented the proposed tree regulations on public property. The draft distinguished public and private property throughout so it was clear what was semi-exempt from certain requirements and other regulations applying to private property. Regulations provided for the protection and planting of public trees were similar to current law. The approval authority was still the tree foreman. City property and rights-of-way were not subject to standards required for private property. Other public property were not subject to the law, such as state, county, town, and school districts. Proposed tree regulations on private property include regulations on a "protected tree" of 8-inch-or greater DBH, or 30-inch DBH for a "significant tree," and was applicable anywhere on the property, unlike the current regulations which was typically the front yard setback.

Councilwoman Johnson clarified that these were the subcommittee's definitions of the terms used in the law. There was no established definition of protected tree. The terms can be self-defined because it is municipal law. Councilwoman Souza confirmed they checked other municipal laws and she thanked members of the community who sent useful links for subcommittee reference. Councilman Henderson thought it was an incredible expanse of the law to include regulated trees on the entire property.

Ms. Wilson explained the five categories of type trees outlined in the draft and their specific regulations and approval authorities. Category 1 was Permitted with Notification Only. Category 2 was Dead, Diseased, Dangerous, and Invasive. Category 3 was Clear-Cutting. Category 4 was Land Development Activities. Category 5 was Building Inspector Appeals. The Commission can consult with the City's arborist and can impose conditions on applications to protect trees to be preserved. The draft included required tree restoration and guidelines for the approved tree restoration plans. There were increased fines for violation, penalties to property owners and tree removal contractors, and permits and C/Os can be withheld, all subject to the judge's discretion in an enforcement proceeding. The City of Rye desired compliance, not violations and penalties. Mr. Usry added that the draft is in the agenda packet, as well an email to submit comments.

Councilman Henderson had questions about the administrative burden of the law with its expanded protection of trees. There were costs borne by homeowners; he recommended a cost-benefit analysis. He cautioned against moving too quickly because it was not an emergency situation. Councilwoman Johnson countered that tree cutting been an emergency for a very long time, as evidenced by Oakland Beach and more recent cutting issues brought to her attention. She felt it was more important to create a law quickly and revise it later than slow down the process. Councilman Henderson suggested focusing on clear cutting for flag lots before implementing regulations on entire private properties.

Mayor Cohn stated there was a master plan in the budget for 2023 which was a precursor to review of zoning laws, but it was a long process. Councilwomen Johnson and Souza confirmed for Councilman Nathan that they referred to tree legislation and definitions used by many municipalities, not just one, and used input from the Sustainability Committee. Councilwoman Fontanes, informed by her time on the Sustainability Committee, agreed the City of Rye had specific geologic and environmental conditions to be considered, and that a variety of sources need to be consulted.

James Ward, 50 Reymont Avenue, thanked the Council for the hard work and bravery required to rewrite and pass the tree ordinance. He agreed with Councilman Henderson that more time was needed. He said there were certain parts of the law to carve out like zoning and public spaces, but there were also issues when it came to private property. He thought ordinances should limit what property owners can do to their trees, but it would take time to do it right. There were plenty of people in Rye that would be willing to volunteer to inventory trees to better determine policy effectiveness.

Mayor Cohn clarified for Councilman Nathan that he mentioned there was a master plan in the budget for 2023 based on the mayor's hope that the new law would be initiated.

Michael Kotcher commented that he used to work on a planning commission for projects in Chicago and he loved that they required a bond for certain developments; he wondered if that was Rye's practice. He said Chicago had a tough landscaping review process requiring implementation of green projects around town. Councilwoman Souza confirmed that was part of the proposed law, referring to a tree fund, but it involved tree placement issues.

10. Citizens may be heard on matters for Council consideration that do not appear on the agenda.

Mayor Cohn invited residents to be heard.

Kari Black, 62 Allendale, shared what she has learned by attending the Rye Golf Course Commission meetings over the last two years. As a Rye homeowner and a 2022 member of RGC, she had a vested interest in the success and ongoing livelihood of the club, and she did not wish her points to be construed as anti-RGC. RGC had a very full plate and a number of complex issues to work on, and it would benefit citizens of Rye for the Council to attend RGC Commission meetings. If the 120 trees tagged for removal on the golf course were in a known flood area there would have been enormous public outcry. RGC has asked for patience while it did its due diligence and it had been almost two years. She said that the public was unaware of the 2023 goals of the RGC. Ms. Black enumerated the needed projects at the Club. She said now was the critical time to proactively intervene and work with the RGC staff and Commission to address the issues.

Matt Cunningham, 502 Forest Avenue said he was a member of Rye Golf for 30 years who also served on the Finance Committee and the RGC Commission. He addressed Councilman Henderson's comment about the people who sit on the Finance Committee and the Golf Commission as being insiders. He said they were as transparent as they could be about information. The budget process was driven by City Hall and a timely basis based on future obligations, which were often higher than the private sector. The Finance Committee viewed it as an inflationary issue and they use the CPI Northeast Index to determine fees and budget. He thought restoring the pool was a huge priority and expense. He opposed Councilman Henderson's suggestion to pay back the \$200,000. He objected to Mr. Correale being asked to spend time preparing to present to the Council instead of attending to members, especially when he lacked an assistant manager.

Kate Briggs, 1 Walnut Street, raised the point that at the end of 2021 there was much effort and funding to plant trees around town. Last year there was a drought, and she thought they should pull back and make sure the City and DPW has the time, budget, and materials to attend to the trees. Water maintenance was required for newly planted trees, and they had to consider winter protection. She favored an immediate focus public property trees and addressing regular citizen property trees at a later date.

11. Consideration to set a public hearing for April 12, 2023, to adopt a Local Law to amend Chapter 191, Article III "Parking Regulations" of the Code of the City of Rye, by amending § 191-20 "Parking time limited" to add a new car park location under (D) One hour limit and add Library Lane under (E) Fifteen-minute limit.

City Manager Usry noted the difficulty of getting a parking space recently at City Hall during business hours. An inventory of parking spaces six weeks ago revealed that between City staff, library staff, and Square House volunteers, there were approximately 12 free spaces in the lot. After reviewing a variety of options, Mr. Usry met with the executive director of the YMCA, the library director, and City staff, and the fairest and easiest approach was to encourage turnover was to change the time limit on the spaces from two hours to one hour. The City will designate the spaces in the lane abutting the YMCA parking lot as 15-minute spaces to accommodate citizens quickly visiting the library or City Hall. There will be license plate readers for employees and Councilmembers.

Councilmember Souza made the motion, seconded by Councilwoman Johnson, to set the public hearing regarding parking changes for April 12, 2023. The Council unanimously favored the motion.

12. Authorize payment of the balance of the 2022/2023 Rye Neck Union Free School District taxes collected by the City to the School District.

City Manager Usry reminded everyone that the City was the tax collector for the County, Schools, and City, and for the School District the City was obligated to make payment whether payment was received or not, at which point the City can collect the unpaid taxes. The charter maintained that Council had to authorize the payment for Rye Neck School District every year; it was an operational obligation for the Council to vote upon.

Councilwoman Souza made the motion, seconded by Councilwoman Johnson, to authorize payment of the balance of the 2022/2023 Rye Neck Union Free School District taxes collected by the City to the School District, in the amount of \$301,213.89.

ROLL CALL

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

13. Adoption of the 2023 County property tax rates.

Mr. Usry explained it was an administrative action for the Council, on behalf of the City as assessor/collector, to adopt County property tax rates.

Councilwoman Souza made the motion, seconded by Councilwoman Johnson, to adopt the following resolution:

RESOLVED, that the tax rates for the amounts of Westchester County, Blind Brook Sewer District, Mamaroneck Valley Sewer District and Refuse Disposal District charges for the fiscal year beginning January 1, 2023, shall be as follows:

Westchester County

Levy \$25,993,378
Taxable Assessed Value 147,766,496
Taxable Rate per \$1,000 Assessed Value 175.908468

Blind Brook Sewer District

Levy \$5,298,260
Taxable Assessed Value 144,716,932
Taxable Rate per \$1,000 Assessed Value 36.611196

Mamaroneck Valley Sewer District

Levy \$795,727
Taxable Assessed Value 19,918,884
Taxable Rate per \$1,000 Assessed Value 39.948373

Refuse Disposal District No. 1

Levy \$3,100,144
Taxable Assessed Value 149,036,729
Taxable Rate per \$1,000 Assessed Value 20.801208

And be it further,

RESOLVED, that the Council does hereby certify to the City Comptroller the above stated levies and tax rates for Westchester County, Blind Brook Sewer District, Mamaroneck Valley Sewer District and Refuse Disposal District No. 1 charges, and the City Comptroller is hereby directed to apportion and extend against each taxable property listed upon the assessment roll of the City of Rye for 2023 at the rates specified, the amount of taxes required to produce the total sums certified and to render tax notices for, and receive and collect, the several sums computed and determined, and, it is further

RESOLVED, that the tax warrant of Westchester County be signed by the Mayor and directed to the City Comptroller to collect the amount of said taxes with interest as provided by law and any special assessment heretofore authorized and approved.

ROLL CALL

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

14. Authorization for the City Manager to enter an Intermunicipal Agreement with the County of Westchester for Enhanced 911 Service.

Mr. Usry explained that every five years the Council was asked to reauthorize the intermunicipal agreement between the City and the County as it related to “60 Control” which was the 911 emergency dispatch operation housed at the County. Dependent upon the nature of the call and whether it comes from a cell phone or a land line, it either goes directly to or is rerouted

through 60 Control and correctly routed to the Fire Department or mutual aid responses. Every municipality in the County had an agreement with 60 Control, and it was an integral part of the emergency response system. The Council was requested to authorize another five-year agreement.

Councilman Stacks made the motion, seconded by Councilwoman Johnson, to authorize an intermunicipal agreement with the County of Westchester for enhanced 911 service. The Council unanimously favored the motion.

CONSENT AGENDA

- a) Consideration of a request by the Rye Chamber of Commerce for the use of City streets for the Annual Sidewalk Sale to be held on Thursday, July 20, 2023, through Saturday, July 22, 2023, from 9:00 a.m. to 5:00 p.m.
- b) Consideration of a request by the Rye Chamber of Commerce for the use of City Car Park #2 on Sundays from May 7, 2023, through December 3, 2023, from 6:30 a.m. to 2:30 p.m. for the Rye Farmers Market.

Councilwoman Souza made the motion, seconded by Councilwoman Johnson, to approve both Consent Agenda items.

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

Mayor Cohn announced appointments to boards and commissions:

- Playland Advisory Committee:
 - Kimberly Higgins, for a term ending 12/31/23
 - Brandon Reddington, for a term ending 12/31/24
 - Lucinda McKinnon, for a term ending 12/31/25
 - Caroline Cameron, for a term ending 12/31/25
 - John Eagan, for a term ending 12/31/24
 - William Walsh as Chair, for a term ending 12/31/23
- Landmarks Committee:
 - Guy Dempsey, for a term ending 12/31/25
 - Nancy Everett, for a term ending 12/31/25
 - Rex Gedney, for a term ending 12/31/23
 - Maurio Sax, for a term ending 12/31/24
 - Peter Tuneski, for a term ending 12/31/25
 - Chris Maloney as representative of the Historical Society, for a term ending 12/31/24

The Council nodded in approval of the appointments.

16. Old Business/New Business.

Mr. Usry confirmed that the Con Ed project on Purchase Street would wrap up today as scheduled, though it would take a few days to remove equipment, and there was one business owner who still needed to provide access. The regulator on Purchase Street next to the Rye Country Store was relocated off the street, the regulators at the other end of Purchase Street will have to remain, and the City was working with Con Ed in terms of how to properly change their appearance. Mr. Usry estimated the repaving work, including cobblestone and sidewalks, would be finished before the Little League Parade. Councilwoman Souza appreciated the cooperation between the City, store owners, and Con Ed.

Councilman Nathan asked Mayor Cohn to share with the public his response to the governor's proposed housing regulations and zoning and any concerns about home rule. The mayor confirmed that within the governor's proposed budget there are proposals for certain mandatory provisions that would override municipal zoning rights and SEQRA review. Both the State Senate and Assembly issued papers taking contrary positions that pushed back against the governor's proposals, so there will be a process of negotiation and politicking. There will be strenuous work on the budget which was typically passed in June, and the mayor expected to hear more from both houses of legislature.

17. Adjournment.

Councilwoman Souza made a motion, seconded by Councilwoman Johnson, to adjourn the Regular Meeting of the City Council at 9:53 P.M. The Council unanimously favored the motion.

Respectfully submitted,

Carolyn D'Andrea
City Clerk



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: March 31, 2023

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Flooding Update.

FOR THE MEETING OF:

April 12, 2023

RECOMMENDATION: That the City Council hear the update.

IMPACT: ☒ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

BACKGROUND:



CITY COUNCIL AGENDA

DEPT.: Fire Department

DATE: March 20, 2023

CONTACT: Michael A. Kopy, Commissioner of Public Safety

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

- Policy # 804 - Patient Medical Record Security and Privacy
- Policy # 805 - Personnel Records
- Policy # 806 - Release of HIPAA Protected Information
- Policy # 903 - Personal Alarm Devices
- Policy # 904 - Hazard Communications
- Policy # 905 - Illness and Injury Prevention Program.

FOR THE MEETING OF:

April 12, 2023

RECOMMENDATION: Approval of the listed policies.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

Enhancement of the operational effectiveness of the Department.

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

See attached memo and new policies.

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



CITY OF RYE

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

Department of Public Safety

Memorandum

To: Greg Usry, City Manager
From: Michael A. Kopy, Public Safety Commissioner
Date: 4/12/2023
Re: Fire Department – Lexipol Policy

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

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

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

Policy 804 – Patient Medical Record Security and Privacy

The purpose of this policy is to establish appropriate administrative, technical and physical safeguards for patient medical records and to provide reasonable safeguards against prohibited uses and disclosures of protected health information (PHI) in accordance with federal and state law.

Policy 805 – Personnel Records

The purpose of this policy is to establish the maintenance of, retention of and access to personnel files in accordance with established law.



Policy 806 – Release of HIPAA Protected Information

The purpose of this policy is to establish a pre-authorization process for the release of a member's protected health information (PHI), which is protected by Health Insurance Portability and Accountability Act (HIPAA) regulations, in the event of an on-duty injury or illness.

Policy 903 – Personal Alarm Devices

The purpose of this policy is to safeguard members who are engaged in interior structural firefighting activities or other immediately dangerous to life and health (IDLH) conditions that require the use of a self-contained breathing apparatus (SCBA) by providing each member so engaged with a personal alarm device.

Policy 904 – Hazard Communications

The purpose of this policy is to protect the health and safety of department members who may be occupationally exposed to hazardous chemicals in the workplace.



Patient Medical Record Security and Privacy

804.1 PURPOSE AND SCOPE

The purpose of this policy is to establish appropriate administrative, technical and physical safeguards for patient medical records and to provide reasonable safeguards against prohibited uses and disclosures of protected health information (PHI) in accordance with federal and state law, to include the following:

- Health Insurance Portability and Accountability Act (HIPAA) (42 USC § 201 et seq.)
- 10 NYCRR § 800.15(a)

804.1.1 DEFINITIONS

Definitions related to this policy include:

Health information - Any information, whether oral or recorded in any form or medium, that is created or received by the Department and relates to a person's past, present or future physical or mental health or condition, or past, present or future payment for the provision of health care to a person (45 CFR 160.103).

Individually identifiable health information - Health information, including demographic information, created or received by the Department that relates to an individual's past, present or future physical or mental health or condition, the provision of health care to the individual, or the past, present or future payment for the provision of health care to an individual, that can either identify the individual or provide a reasonable basis to believe the information can be used to identify the individual (45 CFR 160.103).

Limited data set - PHI that excludes the following direct identifiers of an individual or of relatives, employers or household members of the individual (45 CFR 164.514(e)):

- Names
- Postal address information, other than town or city, state and zip code
- Telephone or fax numbers
- Email addresses
- Social Security numbers
- Medical record numbers
- Health plan beneficiary numbers
- Account numbers
- Certificate or license numbers
- Vehicle identifiers and serial numbers, including license plate numbers
- Device identifiers and serial numbers

Patient Medical Record Security and Privacy

- Web Universal Resource Locators (URLs)
- Internet Protocol (IP) address numbers
- Biometric identifiers, including finger and voice prints
- Full-face photographic images and/or any comparable images

Patient medical records - Department records or data containing any information identifying a patient.

Protected Health Information (PHI) - Individually identifiable health information that is created or received by the Department. Information is protected whether it is in writing, in an electronic form or communicated orally (45 CFR 160.103).

Protected Personal Information (PPI) - Information that includes, but is not limited to, PHI, pictures or other forms of voice or image recording, patient address, telephone numbers, Social Security number, date of birth, age or any other information that could be reasonably used to uniquely identify the patient or that could result in identity theft if released for unauthorized purposes or to unauthorized personnel.

804.2 POLICY

It is the policy of the Department to reasonably safeguard PHI and comply with HIPAA and the implementing regulations through the use of policy and procedures, system access security and passwords and limited physical access to hard copy files (45 CFR 164.530(c)).

804.3 RESPONSIBILITIES

Members shall protect the security, confidentiality and privacy of all patient medical records in their custody at all times.

Possessing, releasing or distributing PPI, including for unauthorized purposes, is prohibited and may violate HIPAA and/or other applicable laws. Members who have not received department training on the proper handling of these records shall not access patient medical records.

Members with occupational access to patient medical records shall be trained in the proper handling of PHI in accordance with the Health Insurance Portability and Accountability Act (HIPAA) Training Policy and shall reasonably ensure that no unauthorized person shall have access to PHI without the valid authorization of the patient, except as provided by law (45 CFR 164.530(b); 45 CFR 164.512).

804.4 PRIVACY OFFICER

The Career Captain shall designate a privacy officer who is responsible for all matters relating to the privacy of patient medical information, including PHI. The privacy officer shall (45 CFR 164.530):

- (a) Identify who may have access to PPI and PHI.
- (b) Resolve complaints under HIPAA.

Patient Medical Record Security and Privacy

- (c) Mitigate, to the extent practicable, any harmful effects known to the Department regarding any use or disclosure of PHI in violation of this policy or the HIPAA regulations.
- (d) Ensure members are trained in the proper handling of PHI in accordance with the Health Insurance Portability and Accountability Act (HIPAA) Training Policy.
- (e) Ensure technical and physical safeguards are implemented to maintain security and confidentiality of PHI and to allow access to PHI only to those persons or software programs that have been granted access rights.

804.5 PROCEDURE

Records containing PHI or PPI, including Pre-Hospital Care Reports (PCRs), shall be kept out of view unless the report is being completed during an incident, during input of information into the National Fire Incident Reporting System (NFIRS) or during processing or review at Rye Fire Department facilities by authorized personnel (45 CFR 164.530(c)).

804.6 SECURITY

All patient records containing PHI or PPI shall be kept secure at all times whether the record is in written, verbal, electronic or any other visual or audible format (45 CFR 164.306(a)).

Documents provided by a patient or caregiver will receive the same level of confidentiality and security as department records during the time department personnel retain possession of the documents.

No patient record, including documents and electronic images containing PHI, shall be visible to the public.

804.6.1 ELECTRONIC PHI SECURITY

All computer workstations and servers within the Department shall require appropriate security measures, such as user identification and login passwords, to access electronic documents, including electronic PHI (45 CFR 164.308(a)(5)).

Members with access to electronic data shall lock their workstations when left unattended and shall shut down their workstations when leaving for the day to prevent unauthorized access to electronic PHI (45 CFR 164.310; 45 CFR 164.312).

Remote access to department computer workstations requires that appropriate security measures be provided for access to PHI (45 CFR 164.312).

PHI may be transmitted electronically, provided the transmission occurs through a secure process that allows end-to-end authentication and the recipient is authorized to receive the information. Electronic transmission consists of email, file transfer protocol, Internet web posting and any configurable data stream. End-to-end authentication is accomplished when the electronic referral does not leave a secure network environment and the recipient is known, or when encryption and authentication measures are used between sender and recipient, thus verifying full receipt by the

Patient Medical Record Security and Privacy

recipient. Any electronic PHI traveling outside a secure network environment, via the Internet, requires encryption and authentication measures (45 CFR 164.312(e)).

804.6.2 HARD COPIES

Hard copies of PCRs shall be kept in a secured area when unattended by authorized personnel. An area of the Department is considered unattended when members are physically outside of the area and unable to maintain record security. This includes, but is not limited to, breaks, lunch or meetings outside the Department.

Hard copies of PCRs should be stored in a locked area whenever practicable for ease of record retention and retrieval.

Patient records shall not be removed from the Department without express authorization from the Records Access Officer.

804.7 PHI RECORD REQUESTS

The following procedures apply to PHI record requests:

- (a) Requests and subpoenas for copies of patient records shall be processed by the Records Access Officer.
- (b) The Records Access Officer or the authorized designee shall not release records containing PHI without a properly completed authorization to release medical records that is signed by the patient or legal representative of the patient.
 - 1. Verification that the person completing the authorization is the patient or the legal representative of the patient shall be made with government-issued identification and documentation (45 CFR 164.508(c)).
- (c) Unless the request for records is from the patient or the parent of a minor patient, PHI shall be redacted from the record. A photocopy of the record shall be distributed to the requestor.
- (d) Requests for records via a valid subpoena do not require that PHI be redacted.
- (e) Fulfilled records requests shall be placed in a sealed envelope for release to the requestor.
- (f) A full copy of the valid subpoena or authorization to release medical records form shall be maintained in the file with the PCR.

804.7.1 PROHIBITED DISCLOSURES OF PHI AND PPI

The Department shall not use or disclose PHI or PPI without authorization. Prohibited disclosures include any form of communication, except as permitted in this policy, including, but not limited to (45 CFR 160.103):

- (a) PHI or PPI contained in email or other forms of written communication.
- (b) Sharing of PHI or PPI on any website, blog or other form of social or public media.

Patient Medical Record Security and Privacy

- (c) Verbal discussions.
- (d) The use of any imaging device capable of capturing and storing still or moving images, such as digital or other cameras, video cameras, cellular telephones with picture-taking or video-recording capability or any other device with picture-taking or video-recording capability while engaged in patient care, while at the scene of a medical emergency or hospital, or at any time when such use could reasonably be expected to result in the inappropriate capture of PHI or PPI.

804.7.2 PERMITTED DISCLOSURES OF PHI AND PPI

The Records Access Officer may release records containing PHI or PPI without authorization from the patient under any of the following circumstances:

- (a) For the department's use to carry out treatment, payment, or health care operations (45 CFR 164.506).
- (b) Where the PHI is requested pursuant to a valid subpoena or court order (45 CFR 164.512(e)).
- (c) Where the PHI is part of a limited data set (45 CFR 164.514(e)).
- (d) Where the PHI is used for public health activities authorized by law, including when the information is necessary to report child abuse or neglect (45 CFR 164.512(b)).
- (e) Where the PHI is disclosed to a government authority because the person is believed to be a victim of abuse, neglect, or domestic violence (45 CFR 164.512(c)).
- (f) To law enforcement as provided in this policy (45 CFR 164.512(f)).
- (g) Where the Department believes that disclosure of the information is necessary to avert a serious threat to the health or safety of a person or the public (45 CFR 164.512(j)).
- (h) Where the PHI is required for workers' compensation purposes (45 CFR 164.512(l)).
- (i) Pursuant to one of the exceptions in Public Health Law § 3006-a (e.g., evaluating the performance of an ambulance service).

804.7.3 REQUIRED DISCLOSURES

The Department must disclose PHI when:

- (a) The PHI is requested by and provided to the individual to whom the PHI belongs (45 CFR 164.502(a)(2)).
- (b) The information is required by the U.S. Secretary of Health and Human Services to investigate compliance with HIPAA (45 CFR 164.502(a)(2)).

804.7.4 SUBPOENAS

Records containing PHI or PPI will be disclosed only if one of the following is present (45 CFR 164.512(e)(1)):

- (a) A court order or subpoena signed (or stamped) by a judge that requires no additional assurances or notification to the individual whose records are requested

Patient Medical Record Security and Privacy

- (b) A subpoena or discovery order signed by an attorney which requires additional proof of service that written notification has been given to the individual whose records are requested. In such a case, the subpoena or discovery order must be accompanied by a declaration by the requesting party showing that reasonable efforts have been made to ensure that notice has been provided to the individual whose records are being requested, or that there is a qualified protective order. No records relating to the person named in the notice will be produced until the time to respond to the notice has lapsed and no objections to the production of the materials requested have been made. If written notification to the individual is not provided, the declaration must establish all of the following:
 - 1. The requesting party has made a good faith effort to provide written notice to the individual.
 - 2. The notice includes sufficient information about the litigation or proceeding for which the PHI is requested to allow the individual to raise an objection.
 - 3. The time for the individual to raise objections to the court or tribunal has elapsed.
 - 4. No objections were filed or all objections have been resolved.
 - 5. In lieu of a declaration, records may be released if there is a court order or a stipulation by the parties to the litigation that both:
 - (a) Prohibits the parties from using or disclosing the PHI for any purpose other than the litigation or proceeding for which such information was requested.
 - (b) Requires the return to the Department or destruction of the PHI (including all copies made) at the end of the litigation or proceeding.

804.7.5 RELEASE OF PHI TO LAW ENFORCEMENT

The release of PHI to a law enforcement agency is permitted under the following circumstances:

- (a) In response to a law enforcement officer who completes the department's release of PHI to law enforcement form and requires the PHI (45 CFR 164.512(f)(1)):
 - 1. To report certain types of wounds or other physical injuries.
 - 2. In compliance with a court order or court-ordered warrant, subpoena or summons, a grand jury subpoena or an administrative request.
- (b) In response to a law enforcement officer who completes the department's release of PHI to law enforcement form for the purpose of identifying or locating a suspect, fugitive, material witness or missing person. In such a case, the Department may only disclose the following PHI (45 CFR 164.512(f)):
 - 1. Name and address
 - 2. Date and place of birth

Patient Medical Record Security and Privacy

3. Social Security number
4. ABO blood type and Rh factor
5. The character and extent of injuries
6. Date and time of treatment
7. Date and time of death, if applicable
8. A description of distinguishing physical characteristics

804.8 INDIVIDUAL RIGHTS

The privacy officer is responsible for ensuring the Department complies with all of the following rights of patients:

- (a) The right to request restrictions on certain uses and disclosures of PHI (45 CFR 164.522(a))
- (b) The right to receive their PHI confidentially (45 CFR 164.522(b))
- (c) The right to inspect and copy their PHI (45 CFR 164.524)
- (d) The right to request amendments to their PHI (45 CFR 164.526)
- (e) The right to receive an account of disclosures of PHI (45 CFR 164.528)

804.8.1 PHI AMENDMENT REQUESTS

Patients have the right to review their PHI records and, if necessary, to request that amendments be made. A patient must make a request in writing to have his/her medical record amended. Included in the request must be the patient's account of the incident and what specific amendment is being requested (45 CFR 164.526(b)(1)).

The privacy officer has the authority to deny the request for amendment where the PHI (45 CFR 164.526(a)(2)):

- (a) Was not created by the Department.
- (b) Is not part of the designated record.
- (c) Is not available for inspection by the requestor pursuant to 45 CFR 164.524.
- (d) Is accurate and complete.

Within 60 days of receipt of the request for amendment, the privacy officer must provide the basis for denial in writing or, in the case that the request is approved, provide notice of approval (45 CFR 164.526(b)(2)).

The time for response may be extended for up to 30 days with a written statement to the requestor identifying the reasons for the delay and the date by which the action will be completed (45 CFR 164.526(b)(2)).

Personnel Records

805.1 PURPOSE AND SCOPE

The purpose of this policy is to establish the maintenance of, retention of and access to personnel files in accordance with established law.

805.1.1 PERSONNEL RECORDS DEFINED

Personnel records shall include any record maintained under an individual member's name relating to:

- (a) Personal data, including marital status, family members, educational and employment history or similar information.
- (b) Medical history, including medical leave-of-absence forms, fitness-for-duty examinations, workers' compensation records, medical releases and all other records that reveal a member's past, current or future medical conditions to be stored with the Department privacy officer.
- (c) Election of employee benefits.
- (d) Outside employment, record of approval or disapproval.
- (e) Member advancement, appraisal or discipline.
- (f) Complaints or investigations of complaints concerning an event or transaction in which the member participated that pertain to the manner in which the member performed official duties.
- (g) Any information that if disclosed would constitute an unwarranted invasion of personal privacy.

805.1.2 EMPLOYEE RECORD LOCATIONS

Personnel records will generally be maintained in one of the following files:

Department file - Any file maintained in the office of the Department or the Department of Human Resources as a permanent record of a member's employment with the Department.

Bureau file - Any file maintained internally by a member's supervisor in an assigned division for the purpose of collecting information to prepare performance evaluations.

Supervisor log entries - Any written comment, excluding actual performance evaluations, made by a supervisor, concerning the performance or conduct of a member of the Department.

Training file - Any file containing the training records of a member.

Investigations file - Any file containing written comments regarding harassment or discrimination claims, misconduct claims, background investigations or reference check responses.

Medical file - Any separately maintained file that exclusively contains material relating to a member's medical history, stored with the Department privacy officer.

Personnel Records

805.2 POLICY

It is the policy of the Department to maintain the confidentiality of its members' personnel records.

805.3 REQUESTS FOR DISCLOSURE

All records kept by New York public agencies are considered public unless they are covered by specific disclosure statutes pursuant to the Freedom of Information Law (Public Officers Law § 85 et seq.).

Private personnel records that are exempt from public disclosure include but are not limited to (Labor Law § 203-d; Public Officers Law § 89(2)):

- (a) Applications for employment, including the personal references that were provided.
- (b) Residential addresses, personal electronic mail addresses, social network usernames, and telephone numbers.
- (c) Medical information.
- (d) Credit histories.
- (e) Social Security number.
- (f) Records regarding a member's status as a domestic violence victim, including any related leave of absence (Executive Law § 296).

Only written requests for the disclosure of any information contained in a member's personnel record will be considered. Since the format of such requests may be strictly governed by law, with specific responses required, all such requests shall be promptly brought to the attention of the Records Access Officer.

Upon receipt of a request for disclosure of personnel records, the member's supervisor shall be notified and shall be responsible for notifying the affected member as soon as practicable that such a request has been made.

The Records Access Officer shall ensure that an appropriate response to the request is made in a timely manner, in accordance with applicable law. In many cases, this may require assistance of the department's legal counsel.

All requests for the disclosure of personnel records that result in access to a member's file shall be logged in the corresponding file.

Nothing in this section is intended to preclude review of personnel files by the Public Safety Commissioner, Corporation Counsel or attorneys or representatives of the City in connection with official business.

805.4 RELEASE OF CONFIDENTIAL INFORMATION

Except as provided by this policy or pursuant to lawful process, no information contained in any confidential personnel file shall be disclosed to any unauthorized person without the express prior consent of the involved member or the written authorization of the Career Captain or the authorized designee.

Rye Fire Department

Policy Manual

Personnel Records

Personal information within disciplinary records, such as substance abuse assistance services and mental health services may be confidential if the information falls within the scope of Public Officers Law (Public Officers Law § 87(4-a); Public Officers Law § 87(4-b); Public Officers Law § 89(2-b); Public Officers Law § 89(2-c)).

805.5 MEMBER ACCESS TO OWN FILE

Any member may request access to his/her own personnel file during the normal business hours of the individual responsible for maintaining such files.

Any member seeking the removal of any item from his/her personnel file shall submit a written request to the Career Captain via the chain of command. The Department shall thereafter remove any such item, if appropriate, or as soon as practicable provide the member with a written explanation why the contested item will not be removed.

The request and the department's written response shall be retained, with the contested item, in the personnel file. Nothing herein shall require the removal of any item from the file.

Members may be restricted from accessing files containing any of the following information:

- Ongoing investigations, to the extent the Department, in its sole discretion, determines that disclosure could jeopardize or compromise the investigation, pending final disposition or notice to the member of the intent to discipline.
- Confidential portions of an investigation which have not been sustained against the member.

Release of HIPAA-Protected Information

806.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a pre-authorization process for the release of a member's protected health information (PHI), which is protected by Health Insurance Portability and Accountability Act (HIPAA) regulations, in the event of an on-duty injury or illness.

806.2 POLICY

It is the policy of the Rye Fire Department to allow members to complete a pre-authorization for the release of their PHI to a family member or other specific individual in the event the member becomes injured or ill on-duty.

806.3 GUIDELINES

The Career Captain or the authorized designee should ensure procedures are in place to address:

- (a) The right of members to voluntarily complete a pre-authorization for the release of PHI to specific individuals.
 - 1. See appendix A
- (b) Storage and security of completed pre-authorization forms.
- (c) Supervisor access to completed forms during both business and non-business hours.
- (d) Expiration and renewal requirements for the pre-authorization form.
- (e) Situations or circumstances in which members can expect the Department to release their PHI to the pre-authorized family member or other specific individual



State of New York
Department of Civil Service
Alfred E. Smith Office Bldg.
Albany, NY 12239

EMPLOYEE BENEFITS DIVISION
Instruction form for EBD-543
Authorization for Release of Health Information

(w) EBD-543I (7/08)

The attached EBD-543I form must be completed in its entirety. If you have any questions while completing the form please contact us at 1-800-833-4344.

Part A- This space requires providing the name and identification number of the New York State Health Insurance Program (NYSHIP) enrollee/subscriber (or dependent over the age of 18) if you wish to designate someone to be given information about you, put in **your** name and **your** social security number, or Survivor number, or COBRA number or your Alternate Identification number. The Alternate Identification number can be found on your Empire Plan health insurance card and begins with an 890... (If you are a dependent over the age of 18, you must note the identification number that you are covered under as well as your own social security number.) However, if you are enrolled in an HMO, please do not use your HMO identification number.

Part B- This section must be completed with the name(s) of person(s) or organizations you wish to authorize the Employee Benefits Division's release of information to concerning your health insurance enrollment record.

Part C- Information to be Released: You must check one of the two options. If you check the second option, you must describe any limitations you wish to place on information that you are permitting to be disclosed.

Part D- Purpose for Release of Information: You must place a check mark in the space in front of at least one of the lines. If you check the space in front of "Other", you must write in the purpose for the release of information. Checking "Per Your Request" will require submission by you of a request for each instance you wish the Employee Benefits Division to release information.

Part E – If you do not complete this section, the authorization will only remain in effect for 1 year from the signed document. If you place a check mark in front of "when the following event occurs:" you **must** designate an event; for example, "as long as I am covered in the NYSHIP," or "as long as I live."

Part F- You must sign and date the document; provide your identification number and your telephone number. If you are the parent or legal guardian of a child under the age of 18, put a check mark on the space preceding, "Parent or legal guardian of a child under the age of 18." If you are completing and signing this form as a representative for the enrollee (including a parent of a disabled child over the age of 18), you **must** provide documentation enabling you to act on that person's behalf. Such documentation might include, but not be limited to, a Power of Attorney or Court Order. Absence of required documentation will render this Authorization for Release of Health Information ineffectual.



**Department of
Civil Service**

ALBANY, NEW YORK 12239

EMPLOYEE BENEFITS DIVISION

New York State Health Insurance Program (NYSHIP) and New York Public
Employee and Retiree Long Term Care Insurance Program (NYPERL)
Authorization for Release of Health Information
(w) EBD-543 (3/11L)

AUTHORIZATION FOR RELEASE OF PROTECTED HEALTH INFORMATION

NOTE: The only persons who can complete and sign this form to authorize the disclosure of personal information are:

- The individual who is the subject of the information to be disclosed;
- A parent or legal guardian - only if the individual who is the subject of the information to be disclosed is a child under the age of 18; or
- A Personal Representative of the individual as designated through a Power of Attorney, Health Care Proxy, a court order, or other appropriate legal documentation.

Part A – Identify the Person Whose Information is to be Released

Name: _____ Identification #: _____

Part B – Person(s) or Organization(s) Authorized to Receive Information

Please complete this section with the person(s) or organization(s) you are authorizing to receive information about the person named in Part A.

Name: _____

Street Address: _____

City, State, Zip: _____

Name: _____

Street Address: _____

City, State, Zip: _____

Possibility of Re-disclosure: It is possible that the person or organization you have named to receive this information may re-disclose the information and, if so, the information may no longer be protected by the federal privacy rules of the Health Insurance Portability and Accountability Act of 1996.

Part C – Information to be Released

The New York State Department of Civil Service - Employee Benefits Division (EBD) maintains information regarding eligibility for and enrollment in the New York State Health Insurance Program (NYSHIP) and the New York State Public Employee and Retiree Long Term Care Insurance Program (NYPERL). This information includes, but is not necessarily limited to, names and identification numbers of all covered persons; health plan option (i.e. Empire Plan or the specific HMO in which you are enrolled); date of birth; address; premium and payment information; and employment information for purposes of determining eligibility. We do not maintain claims information or medical records.

____ I authorize the release of information maintained by EBD as described above.

____ I authorize the release of information maintained by EBD as described above, with the following limitations:
(Please describe)



State of New York
Department of Civil Service
Albany, NY 12239

EMPLOYEE BENEFITS DIVISION
New York State Health Insurance Program (NYSHIP) and New York Public
Employee and Retiree Long Term Care Insurance Program (NYPERL)
Authorization for Release of Health Information
(w) EBD-543 (03/11L)

Part D – Purpose of Disclosure

You must check one of the following to indicate a purpose for this release of information:

- ☐ Per my request
☐ To permit a family member or friend to act on my behalf
☐ Other _____

Part E – Expiration of Authorization

This authorization will remain in effect for twelve (12) months from the date of your signature unless another date or event that will cause the authorization to expire is specified below:

- ☐ When I am no longer enrolled in the New York State Health Insurance Program (NYSHIP) or the New York State Public Employee and Retiree Long Term Care Program (NYPERL)
☐ On ____ / ____ / ____
☐ When the following event occurs: _____

Terms for Termination/Revocation: You have the right to revoke this authorization at any time. However, your revocation will not affect any use or disclosure that we made in reliance upon your authorization before we learn of your revocation. You may revoke this authorization by writing to the NYSHIP/NYPERL Privacy Official at the address provided below.

Part F – Required Signature

I authorize release of the above-specified information. I understand that I am not required to sign this form in order to receive or to be eligible to receive health care benefits (enrollment, treatment, or payment).

Signature

Date

Identification #

Telephone #

If the person signing this form is not the individual whose information is being disclosed, please indicate your relationship to that person:

- ☐ Parent or legal guardian of a child under the age of 18
☐ Personal Representative (please attach documentation, i.e., Power of Attorney, Court Order, Health Care Proxy)

Mail this form to the following address:

NYS Department of Civil Service – Employee Benefits Division
Albany, NY 12239

PLEASE KEEP A COPY OF THIS FORM FOR YOUR RECORDS.

Personal Privacy Protection Law Notification: The information you provide on this form is requested for the principal purpose of authorizing the use and/or disclosure of protected health information pursuant to 45 CFR 164.508. Failure to provide the information may interfere with our ability to use or disclose protected health information necessary to administer NYSHIP and NYPERL. The information will be maintained by the Director of the Employee Benefits Division, Department of Civil Service, Albany, NY 12239. The information will be used in accordance with Public Officers Law section 96(1), also known as the Personal Privacy Protection Law. For information on the Personal Privacy Protection Law, call (518) 457-9375. If you have any questions regarding this form or your insurance coverage, please call (518) 457-5754 or 1-800-833-4344 between the hours of 9:00 a.m. and 3:00 p.m. Monday through Friday.

Personal Alarm Devices

903.1 PURPOSE AND SCOPE

The purpose of this policy is to safeguard members who are engaged in interior structural firefighting activities or other immediately dangerous to life and health (IDLH) conditions that require the use of a self-contained breathing apparatus (SCBA) by providing each member so engaged with a personal alarm device. Such devices may also be known as a Personal Alarm (or Alert) Safety System (PASS) device, an Automatic Distress Signal Unit (ADSU) or another telemetry system that is designed to monitor responder movement and alert others to a lack of movement.

903.2 POLICY

It is the policy of the Rye Fire Department to provide all members engaged in interior structural firefighting activities or other emergency operations that require use of an SCBA with a personal alarm device.

903.3 USE OF PERSONAL ALARM DEVICES

All personal alarm devices shall meet the requirements of the National Fire Protection Association (NFPA) 1982.

Members should wear a personal alarm device any time they are in atmospheres that are IDLH.

The Incident Commander (IC) shall apply personnel accountability measures to track the entry and exit of members from hazardous areas. A personal alarm device should be viewed as a last resort for members to summon help when they are unable to notify others that they are in distress.

903.4 MAINTENANCE OF PERSONAL ALARM DEVICES

All personal alarm devices shall be repaired and maintained by qualified members or service representatives in accordance with manufacturer recommendations.

Hazard Communication

904.1 PURPOSE AND SCOPE

The purpose of this policy is to protect the health and safety of department members who may be occupationally exposed to hazardous chemicals in the workplace.

904.2 POLICY

It is the policy of the Rye Fire Department to develop, implement and maintain a written chemical hazard communication program for members to use as a reference. The program shall minimally describe how department members will receive information and training on the criteria specified for labels and other forms of warning and Safety Data Sheets (SDS) (29 CFR 1910.1200; Labor Law § 27-a; 12 NYCRR § 800.3).

904.3 PROCEDURE

The Career Captain or the authorized designee should develop, implement and maintain a written chemical hazard communication program that includes, but is not limited to:

- (a) A list of hazardous chemicals known to be present in the workplace. The list may be compiled for the workplace as a whole or for individual work areas.
- (b) The methods the Department will use to inform and train members of the hazards of non-routine tasks and the hazards associated with chemicals in unlabeled pipes in member work areas.
- (c) The Department shall make the written chemical hazard communication program available, upon request, to members, to their designated representatives, to the New York State Public Employee Safety and Health Bureau (PESH) and to the National Institute of Occupational Safety and Health (NIOSH).
- (d) The Department shall establish a procedure to ensure that each container of a hazardous chemical is labeled, tagged or marked with the following information:
 1. Identity of the hazardous chemical
 2. Appropriate hazard warnings
 3. Name and address of the manufacturer, importer or other responsible party

904.4 SAFETY DATA SHEETS

The Department shall have an SDS for each hazardous chemical that is in use in the workplace. The SDS concerning a hazardous chemical shall be readily accessible to members and prepared in accordance with state and federal law.

904.5 TRAINING REQUIREMENTS

See the Hazard Communication Program Training Policy.

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



CITY OF RYE

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

Department of Public Safety

Memorandum

To: Greg Usry, City Manager
From: Michael A. Kopy, Public Safety Commissioner
Date: 4/12/2023
Re: Fire Department – Lexipol Policy Updates

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

Policy 905 – Illness and Injury Prevention Program.

This policy was originally adopted through the Council on January 18, 2023, but has since been updated by Lexipol. As you know, Lexipol was previously contracted to develop, *and update*, policies for the fire department based on nationwide standards and best practices, while also ensuring our policies are consistent with applicable state and federal laws.

Policy 905 has recently been updated and changed by Lexipol with minor changes and is now being forwarded for review and approval by the council.

I would recommend that approval be granted for minor, non-significant, changes be made at the Commissioner level, which will eliminate the need to return to the council every time a minor update is made.



Illness and Injury Prevention Program

905.1 PURPOSE AND SCOPE

The purpose of this policy is to establish an ongoing and effective plan to reduce the incidence of injury and illness for members of the Rye Fire Department.

Although this policy provides the essential guidelines for a plan that reduces injury and illness, it may be supplemented by department procedures outside the Policy Manual.

This policy supplements but does not ~~supersede, but supplements any related Citywide supersede any related Citywide~~ safety efforts.

905.2 POLICY

The Rye Fire Department will adopt an Illness and Injury Prevention Program (IIPP) in order to increase the safety of its members.

905.3 ILLNESS AND INJURY PREVENTION PROGRAM PLAN

The Health and Safety Officer (HSO) is responsible for developing an IIPP that shall include:

- (a) Workplace safety and health training programs.
- (b) Safety inspections.
- (c) Informing members of IIPP guidelines.
- (d) Recognizing members who perform safe work practices.
- (e) Member evaluation processes, including member safety performance.
- (f) A system ensuring that all safety and health policies and procedures are clearly communicated and understood by all members.
- (g) A communication system facilitating the continuous flow of safety and health information between supervisors and members. This system shall include:
 - 1. New member orientation, including a discussion of safety and health policies and procedures.
 - 2. Regularly scheduled safety meetings.
 - 3. Regular member review of the IIPP.
- (h) Establishing Division Safety Coordinators and defining their responsibilities.
- (i) Posting or distributing safety information.
- (j) A system for members to anonymously inform management about workplace hazards.
- (k) ~~A system for reviewing whether safety mandates are being met that relate to:~~
 - 1. ~~Communicable diseases (29 CFR 1910.1030; Labor Law § 27-a; 12 NYCRR § 800.3).~~
 - 2. ~~Respiratory protection (29 CFR 1910.134; 12 NYCRR § 800.3).~~

Rye Fire Department

Policy Manual

Illness and Injury Prevention Program

3. ~~Exit routes, Emergency Action Plans and Fire Prevention Plans (29 CFR 1910 Subpart E; 12 NYCRR § 800.3).~~
 4. ~~Workplace safety and violence prevention (Labor Law 27-b; 12 NYCRR § 800.6).~~
 5. ~~Workplace safety and loss prevention, when applicable (Workers' Compensation Law § 134; 12 NYCRR § 59-1.1 et seq.).~~
- (l) Availability of forms that address:
1. Identification, documentation, and correction of hazards, any unsafe condition or work practice, and actions taken to correct them.
 2. Investigations and corrective actions taken regarding individual incidents or accidents.
 3. Training records of each member, including the
 4. member's name or other identifier, training dates, type of training, and training providers.
- (m) Establishing a safety and health committee ~~comprised of Department Health Safety Officer, Career Captain, and Union representative~~ which will:
1. Meet
 2. regularly.
 3. Prepare a written record of safety and health committee meetings.
 4. Review the results of periodic scheduled inspections.
 5. Review investigations of accidents and exposures.
 6. Make suggestions to command staff for the prevention of future incidents.
 7. Review investigations of alleged hazardous conditions.
 8. Submit recommendations to assist in the evaluation of member safety suggestions.
 9. Assess the effectiveness of efforts made by the Department to meet standards.

The HSO must conduct and document a review of the IIPP at least annually.

905.3.1 REVIEW OF SAFETY MANDATES

The IIPP shall also include a process to review compliance with safety mandates. The process should include a review of safety mandates relating to:

- (a) Communicable diseases (see the Communicable Diseases Policy).
- (b) Respiratory protection (see the Respiratory Protection Program Policy).
- (c) Personal protective equipment (see the Personal Protective Equipment Policy).

Rye Fire Department

Policy Manual

Illness and Injury Prevention Program

- (d) [Emergency Action Plan and Fire Prevention Plan \(see the Emergency Action Plan and Fire Prevention Plan Policy\).](#)
- (e) [Walking-Working Surfaces \(see the Fire Station Living Policy\).](#)
- (f) [Workplace safety and violence prevention \(Labor Law 27-b; 12 NYCRR § 800.6\).](#)
- (g) [Workplace safety and loss prevention, when applicable \(Workers' Compensation Law § 134; 12 NYCRR § 59-1.1 et seq.\).](#)

905.4 ~~HEALTH SAFETY OFFICER RESPONSIBILITIES~~ DIVISION SAFETY COORDINATORS

~~Health Division~~ Safety ~~Officer~~ Coordinator responsibilities ~~include, but~~ include but are not limited to:

- (a) ~~Notifying the Career Captain of~~ Ensuring member compliance with injury and illness prevention guidelines and answering questions from members about this policy.
- (b) Training, counseling, instructing, or making informal verbal admonishments any time safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate under the Conduct and Behavior Policy.
- (c) Establishing and maintaining communication with members on health and safety issues. This is essential for an injury-free, productive workplace.
- (d) Completing required forms and reports relating to injury and illness prevention; such forms and reports shall be submitted to the Career Captain XXXX.
- (e) Notifying the HSO when:
 - 1. New substances, processes, procedures, or equipment that present potential new hazards are introduced into the work environment.
 - 2. New, previously unidentified hazards are recognized.
 - 3. Occupational injuries and illnesses occur.
 - 4. New and/or permanent or intermittent members are hired or reassigned to processes, operations, or tasks for which a hazard evaluation has not been previously conducted.
 - 5. Workplace conditions warrant an inspection.

905.5 HAZARDS

All members should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices, or procedures immediately in a timely manner. Members should make their reports to ~~the on-duty supervisor who shall notify the Career Captain of the hazard or unhealthy work environment by end of shift.~~ a supervisor (as a general rule, their own supervisors).

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner, based on the severity of the hazard. These hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering members or property, supervisors should protect or

Illness and Injury Prevention Program

remove all exposed members from the area or item, except those necessary to correct the existing condition.

Members who are necessary to correct the hazardous condition shall be provided with the necessary protection.

All significant actions taken and the dates they are completed shall be documented on the appropriate form. This form should be forwarded to the Career ~~Captain via~~ Captain XXXX via the chain of command.

The Career ~~Captain will~~ Captain XXXX will take appropriate action to ensure the IIPP plan addresses potential hazards upon such notification.

905.6 INSPECTIONS

Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards and permit mitigation of those hazards. A hazard assessment checklist should be used for documentation and to ensure a thorough assessment of the work environment.

The Health Safety Officer will ensure that the appropriate documentation is completed for each inspection.

905.7 RECORDS

Records relating to injury and illness prevention will be maintained in accordance with the established records retention schedule, as well as state and federal law.



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: April 4, 2023

CONTACT: Greg Usry, City Manager

AGENDA ITEM:

Consideration of a request by Friends of Rye Nature Center (FRNC) for a new deck in accordance with the license agreement with the City of Rye.

FOR THE MEETING OF:

April 12, 2023

RECOMMENDATION: That the Council consider the request.

IMPACT: ☐ Environmental ☒ Fiscal ☒ Neighborhood ☐ Other:

BACKGROUND: See attached.



April 6, 2023

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

Re: Request to build a "Nature Observation Deck"

Dear Greg,

Thank you for your continued support of Friends of Rye Nature Center (FRNC) and our efforts to improve the facilities and grounds.

Our 2023 budget includes an allocation to design and build a "Nature Observation Deck" adjacent to the current main classroom in the Carriage House (see attached pictures). This deck will serve as an outdoor learning area for current program users and a place for casual visitors to relax and bird watch. The deck, which includes an accessible ramp, was designed by Allen and Kilcoyne Architects, and will be constructed by the licensed contractor, Neri Home Improvements. Materials will be a combination of pressured treated wood and the sustainable composite, TimberTech. The total cost of this project is estimated to be \$51,000.

Per Section 6c of the license agreement between the City of Rye and Friends of Rye Nature Center, all capital improvements to the buildings and grounds over \$25,000 must be approved by the City of Rye before FRNC may proceed with pursuing any necessary permits.

We kindly and humbly request the City's permission to proceed with this improvement to the current Carriage House. We believe that it will add to our community's ability to access, engage, and enjoy the beautiful Rye Nature Center year-round.

FRNC looks forward to advancing this plan and working in collaboration with all necessary City departments to obtain proper permits. On behalf of the board and members of FRNC, I thank you for your consideration.

Sincerely,

Christine Siller
Executive Director

LOCATION OF DECK



COLOR/MATERIAL REFERENCE





CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: April 7, 2023

CONTACT: Greg Usry, City Manager

AGENDA ITEM:

Presentation by Spring For Rye regarding planted trees.

FOR THE MEETING OF:

April 12, 2023

RECOMMENDATION: That the Council hear the presentation.

IMPACT: ☐ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

BACKGROUND:



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: April 4, 2023

CONTACT: Greg Usry, City Manager

AGENDA ITEM:

Resolution to issue credit to certain members of the Rye Golf Club.

FOR THE MEETING OF:

April 12, 2023

RECOMMENDATION: That the Council adopt the resolution.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: See attached memo and resolution (last page).



CITY OF RYE Golf Club

Interoffice Memorandum

To: Greg Usry

From: Chris Correale

Date: April 6, 2023

Subject: **2022 Membership Dues Resolution**

At the March 22nd Commission meeting the commission passed the attached resolution. The following is a summary. The 2022 class was invited to renew their membership at the rate they joined plus the annual increase which was 4% in 2023. If passed Rye Golf Club will be offering the class of 2022 the opportunity to receive a one time credit in the amount of the difference between the fees charged for the class of 2022 and the 2021 and prior renewing rate. The club would be crediting a total of \$115,733 to the class of 2022 members. Additionally, twenty-two members of the 2022 class did not renew. Those members will be offered an opportunity to join the club and receive the same credit. If all twenty – two members join this will equal \$33,352 in dues revenue. The club has not yet started its pool membership renewal process. The resolution allows for the adopted fee schedule to be amended so that the class of 2022 pool members will have the opportunity to join at the renewal rate.

Terrence McCartney, Chair
Eliot Chait
Darren Johnson
Akhil Kumar
James Mulcahy
Angela Sposato
Alfred Vitiello



CITY OF RYE
Rye Golf Commission

**RESOLUTION RECOMMENDING THE MODIFICATION OF
THE 2023 RYE GOLF CLUB FEE SCHEDULE**

WHEREAS, the Rye Golf Club submitted a proposed fee schedule for the 2023 season (the “2023 Fee Schedule”) to the Rye City Council in the fall of 2022 as part of the City Council’s budget process; and

WHEREAS, the 2023 Fee Schedule established the fees for 2022 renewing members (the “Class of 2022”) and 2023 new members at the same rate (the “New Member Rate”); and

WHEREAS, the Rye Golf Club Commission now wishes to offer the Class of 2022 a credit towards the difference in the fee charged for the Class of 2022 and renewing members in the same category to be used for 2024 dues and/or during the 2023 season to pay for miscellaneous fees and charges; and

WHEREAS, this is a one-time credit (the “2023-2024 Credit”) and is NOT a refund of membership dues and is being recommended to allow the Class of 2022 the benefit of the lower renewing members rate.

NOW, THEREFORE, BE IT RESOLVED, that the Rye Golf Commission recommends that the City Council adopt a resolution amending the 2023 Fee Schedule on the following conditions:

- That the Class of 2022 be offered the opportunity to receive the one-time 2023-2024 Credit in the amount of the difference between the fees charged for the Class of 2022 and renewing members in the same membership category;
- That the 2023-2024 Credit be offered to all existing Class of 2022 members (resident and non-resident of all membership categories) and any member who could have signed up as a Class of 2022 member but opted not to;
- That the 2023-2024 Credit be offered as a credit toward 2024 membership fees and/or as a credit to be used this year for miscellaneous charges (e.g., cart fees, member charges);
- That each Class of 2022 member opting to accept the 2023-2024 Credit shall sign a waiver in which the member agrees not to commence litigation against the City or the Rye Golf Club for any membership fee dispute arising from the 2023 Fee Schedule;
- That all Class of 2022 pool members be charged the renewing member rate in 2023.

I certify that the foregoing resolution is a correct copy of the Rye Golf Club Commission resolution that was duly adopted on March 22, 2023.


Terrence McCartney
Chair, Rye Golf Commission

3/22/2023
Date

2022 Member Credits

| Membership Category | | Resident | | | |
|-----------------------|----|--------------|----------------------|--------------------------|----------------------|
| | | Adopted Fee | Revised Renewing Fee | Credit Per Membership | Total Credit |
| Comprehensive | 18 | \$ 7,192.00 | \$ 5,169.00 | \$ 2,023.00 | \$ 36,414.00 |
| Individual Daily Golf | 28 | \$ 4,961.00 | \$ 3,567.00 | \$ 1,394.00 | \$ 39,032.00 |
| Young Executive | 3 | \$ 4,462.00 | \$ 3,208.00 | \$ 1,254.00 | \$ 3,762.00 |
| Res Golf Totals | 49 | | | | \$ 79,208.00 |
| | | | | | |
| Membership Category | | Non-Resident | | | |
| | | Adopted Fee | Revised Renewing Fee | Credit Per Membership | Total Credit |
| Comprehensive | 3 | \$ 14,383.00 | \$ 9,188.00 | \$ 5,195.00 | \$ 15,585.00 |
| Individual Daily Golf | 6 | \$ 9,922.00 | \$ 6,432.00 | \$ 3,490.00 | \$ 20,940.00 |
| Young Executive | 0 | \$ 8,928.00 | \$ 5,788.00 | \$ 3,140.00 | |
| Non Res Golf Totals | 9 | | | | \$ 36,525.00 |
| | | | | Total 2022 Credit | \$ 115,733.00 |

2022 Golf Members Who Did Not Renew

| Membership Category | Resident | |
|----------------------------|-------------------------|------------------------|
| | Membership Count | Membership Dues |
| Comprehensive | 7 | \$ 5,169.00 |
| Individual Daily Golf | 9 | \$ 3,567.00 |
| Young Executive | 2 | \$ 3,208.00 |
| Res Golf Totals | 18 | \$ 11,944.00 |
| | | |
| Membership Category | Non-Resident | |
| | Membership Count | Membership Dues |
| Comprehensive | 2 | \$ 9,188.00 |
| Individual Daily Golf | 1 | \$ 6,432.00 |
| Young Executive | 1 | \$ 5,788.00 |
| Non Res Golf Totals | 4 | \$ 21,408.00 |
| Total | 22 | \$ 33,352.00 |

2022 Pool Membership Dues

2022 Membership Dues Prior to the Resolution

| | |
|------------------------------|---------|
| Resident Family Pool | \$2,324 |
| Resident Individual Pool | \$1,201 |
| Non Resident Family Pool | \$4,644 |
| Non Resident Individual Pool | \$2,402 |

2022 Members Dues After The Resolution

| | |
|------------------------------|---------|
| Resident Family Pool | \$1,664 |
| Resident Individual Pool | \$874 |
| Non Resident Family Pool | \$2,876 |
| Non Resident Individual Pool | \$1,378 |



CITY OF RYE

RESOLUTION RECOMMENDING CREDITS BE ISSUED TO CERTAIN MEMBERS OF THE RYE GOLF CLUB

WHEREAS, the Rye Golf Club submitted a proposed fee schedule for the 2023 season (the “2023 Fee Schedule”) to the Rye City Council in the fall of 2022 as part of the City Council’s budget process; and

WHEREAS, the 2023 Fee Schedule established the fees for 2022 renewing members (the “Class of 2022”) and 2023 new members at the same rate (the “New Member Rate”); and

WHEREAS, the Rye Golf Club Commission adopted a resolution on March 22, 2023 in which they recommended offering the Class of 2022 a credit towards the difference in the fee charged for the Class of 2022 and renewing members in the same category to be used for 2024 dues and/or during the 2023 season to pay for miscellaneous costs and expenses; and

WHEREAS, this is a one-time credit and is not a refund of membership dues and is being recommended to allow the Class of 2022 the benefit of the lower renewing membership rate.

NOW, THEREFORE, BE IT RESOLVED, that the City Council approves offering the Class of 2022 the ability to receive a one-time “2023-2024 Credit” for the difference in the fee charged for the Class of 2022 and renewing members in the same membership category;

AND BE IT FURTHER RESOLVED, that the 2023-2024 Credit be offered to all existing Class of 2022 Members (resident and non-resident of all membership categories) and any member that could have signed up as a Class of 2022 Member but opted not to;

AND BE IT FURTHER RESOLVED, that the 2023-2024 Credit be offered as a credit toward the 2024 membership fee or as a credit to be used this year for miscellaneous charges (e.g., cart fees, member charges);

AND BE IT FURTHER RESOLVED, that each Class of 2022 member opting for the 2023-2024 Credit sign a waiver in which the member agrees not to commence litigation against the City or the Rye Golf Club for any membership fee dispute arising from the 2023 Fee Schedule;

AND BE IT FURTHER RESOLVED, that each Class of 2022 member opting for the 2023-2024 Credit must do so by May 15, 2023.



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: March 22, 2023

CONTACT: Greg Usry, City Manager

AGENDA ITEM:

Resolution to amend the 2023 Adopted Fees and Charges for the Rye Golf Club 2022 Pool Membership category.

FOR THE MEETING OF:

April 12, 2023

RECOMMENDATION: That the Council adopt the amended fees.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: See attached.

2022 Pool Membership Dues

2022 Membership Dues Prior to the Resolution

| | |
|------------------------------|---------|
| Resident Family Pool | \$2,324 |
| Resident Individual Pool | \$1,201 |
| Non Resident Family Pool | \$4,644 |
| Non Resident Individual Pool | \$2,402 |

2022 Members Dues After The Resolution

| | |
|------------------------------|---------|
| Resident Family Pool | \$1,664 |
| Resident Individual Pool | \$874 |
| Non Resident Family Pool | \$2,876 |
| Non Resident Individual Pool | \$1,378 |



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: March 15, 2023

CONTACT: Greg Usry, City Manager

AGENDA ITEM:

Open a public hearing to adopt a Local Law to amend Chapter 191, Article III "Parking Regulations" of the Code of the City of Rye, by amending § 191-20 "Parking time limited" to add a new car park location under (D) One hour limit and add Library Lane under (E) Fifteen-minute limit.

FOR THE MEETING OF:

April 12, 2023

RECOMMENDATION: That the Council set the public hearing.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: See attached law.

DRAFT

LOCAL LAW NO. _____-2023

A Local Law to amend Chapter 191, Article III “Parking Regulations” of the Code of the City of Rye, by amending § 191-20 “Parking time limited” to add a new car park location under (D) One hour limit and add Library Lane under (E) Fifteen-minute limit.

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

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

New material is underlined and in blue.

§ 191-20 Parking time limited.

D. One-hour limit. The parking of vehicles is hereby prohibited in the following locations for a period longer than one hour between the hours of 7:00 a.m. and 6:00 p.m., except on Sundays:

| Name of Street | Side | Location |
|-----------------------|-------------|--|
| Cowles Avenue | | |
| Elm Place | North | Entire north side except 3 spaces closest to Theodore Fremd Avenue |
| Elm Place | South | |
| Haviland Lane | West | |
| Hillcrest Lane | Both | |
| Locust Avenue | Both | From the easterly end of Mead Place to Theodore Fremd Avenue |
| Mead Place | Both | Westerly portion off Locust Avenue |
| Mead Place | East | Easterly portion off Locust Avenue |
| Purchase Street | Both | From Boston Post Road to Natoma Street |
| Purdy Avenue | Both | From Third Street to First Street |
| School Street | West | |
| Theodore Fremd Avenue | South | From Elm Place to the entrance to Car Park No. 2 |
| Third Street | Both | From the commuter parking area to a point 100 feet north of Purdy Avenue |
| | | |

| | |
|----------------------------------|--|
| <u>Name of Car Park</u> | <u>Exceptions</u> |
| <u>City Hall Car Park</u> | <u>Except those cars that have employee parking permits</u> |

E. Fifteen-minute limit. The parking of vehicles is hereby prohibited in the following locations for a period longer than 15 minutes between the hours of 7:00 a.m. and 7:00 p.m., except on Sundays:

| Name of Street | Side | Location |
|-----------------------|-------------|---|
| Boston Post Road | East | From Central Avenue to Rectory Street |
| Car Park 2 | | Parking spots Nos. 239, 240, 241, and 242 along 14 to 16 Elm Place, excluding handicap space |
| Elm Place | North | 2 spaces on the north side closest to Theodore Fremd Avenue |
| First Street | West | 3 spaces along the west of First Street parallel to the building and the curb |
| Forest Avenue | West | From the southwest driveway of the service station to Elmwood Avenue |
| <u>Library Lane</u> | | <u>For the entire length of Library Lane along the curb between the driveway entrances to 1037 Boston Post Road</u> |
| Purchase Street | East | From Elizabeth Street southerly for 140 feet |
| Purdy Avenue | North | From the east side of the post office property to Third Street |
| Sylvan Road | South | 2 spaces on the south side closes to Midland Avenue |
| Third Street | East | From Purdy Avenue to the post office driveway |
| Third Street | West | From Purdy Avenue to a point 100 feet north thereof |

Section 2. Severability.

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

Section 3: Effective Date.

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



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: April 4, 2023

CONTACT: Greg Usry, City Manager

AGENDA ITEM:

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

FOR THE MEETING OF:

April 12, 2023

RECOMMENDATION: That the Council adopt the proposed fees.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: See attached resolution.

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



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

Office of the City Clerk

Memorandum

To: Greg Usry, City Manager
From: Carolyn D'Andrea, City Clerk
Date: 4/7/2023
Re: Recommended Update to the 2023 Fees and Charges Schedule

One Day Marriage Officials

The New York State legislature recently amended Domestic Relations Law to add Section 11-D "One-day Marriage Officiant License," which provides that, effective March 28, 2023, a town or city clerk shall issue a one-day marriage officiant license upon request. The law states that the Clerk is entitled to a fee of twenty-five dollars (\$25) for issuing a one-day marriage officiant license.

The City of Rye 2023 Fees and Charges schedule should therefore be amended to include this .

Domestic Relations Law, SECTION 11-D
One-day marriage officiant license
Domestic Relations (DOM) CHAPTER 14, ARTICLE 3

*** § 11-d. One-day marriage officiant license.**

1. A town or city clerk shall issue a one-day marriage officiant license upon request. Such one-day marriage officiant shall have the authority to solemnize a marriage which marriage shall be valid if performed in accordance with other provisions of law. Nothing herein contained shall nullify the authority of other persons authorized to solemnize marriages.

2. Such one-day marriage officiant shall be eighteen years of age or over and need not be a resident of the town or city to which they apply or a resident of the state. A one-day marriage officiant shall have the authority to solemnize a marriage anywhere in the state.

3. An applicant for a one-day marriage officiant license must apply for such license in the same town or city clerk's office as the couple to be married. Such applicant shall not be required to personally appear.

4. A town or city clerk shall be entitled to a fee of twenty-five dollars for issuing a one-day marriage officiant license. Such license shall be issued only after payment of such fee and submission of a completed application form.

5. The application form shall require the following information of the applicant: name, date of birth, address, email address and telephone number. The application form shall also require the following information of the parties to be married: names, dates of birth, and addresses as they appear on the application for a marriage license.

6. Such license shall only be valid for the parties to be married as stated on the application and shall expire upon the earlier of either completion of such solemnization or the expiration of the marriage license.

7. One-day marriage officiants shall be exempt from registration as required pursuant to section eleven-b of this article.

*** NB Effective March 28, 2023**



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: April 4, 2023

CONTACT: Greg Usry, City Manager

AGENDA ITEM:

Set a public hearing for April 26, 2023, to adopt a new local law to amend Chapter 191 "Vehicles and Traffic" by adding a new Part 4 "Residential On-Street Parking Permit System" and adding Article IX "Residential On-Street Parking Permit Regulations" to the Code of the City of Rye. (Mead Place parking district)

FOR THE MEETING OF:

April 12, 2023

RECOMMENDATION: That the Council set the public hearing.

IMPACT: ☐ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

BACKGROUND: See attached draft law.

DRAFT

LOCAL LAW NO. _____-2023

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

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

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

§ 191-50 Purpose, intent and findings.

- A. The City Council hereby finds that a residential parking permit system on Mead Place is necessary in order to preserve the character of the neighborhood, improving access to residences and parking for residents. Mead Place is a small horse-shoe shaped street that provides access to approximately 17 homes as well as small businesses and the Rye YMCA (the “YMCA”). The Mead Place neighborhood is within the Central Business District of Rye and is readily accessible to the downtown streets to shop and eat. Mead Place is also within walking distance to the Metro North Railroad station. The parking on Mead Place is free. Currently, with very limited exceptions, there is no overnight street parking in the City from November through March.
- B. The YMCA’s parking lot frequently overflows during peak a.m. and p.m. hours when programming and group exercise classes are running or during swim meets and gymnastic competitions. In order to address the overflow parking from the YMCA members as well as the public wishing to obtain free parking while commuting on Metro North or while shopping and dining downtown and to allow those residents on Mead Place the ability to park their vehicles on the street during the day without a time restriction, the City Council sought state legislation authorizing the creation of an on-street parking permit system for residents, which legislation was adopted and became effective on June 30, 2022, and codified in the New York State Vehicle and Traffic Law as section 1640-r.

§ 191-51. Definitions.

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

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

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

| Name of Street | Side | Location |
|----------------|------|-----------------------------------|
| Mead Place | Both | Between Locust Avenue on each end |

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

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

§191-53. Issuance of residential parking permits.

- A. Upon application and payment of the applicable fee, any person who is a resident and who meets the applicable requirements of this article shall be permitted one permit registered in the applicant's name. There is a maximum of one permit per residence in this parking permit area. The City Clerk shall establish guidelines to issue permits, including proof of residency.
- B. Permits issued under this article shall be specific for a single vehicle and shall not be transferred. The permittee shall immediately notify the City Clerk of any change or amendment from the information contained in the original application.

§191-54. Fees.

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

§191-55. Exemptions; Nonresident Parking Exception.

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

§ 191-56. Conflicts.

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

§ 191-57. Penalties for offenses.

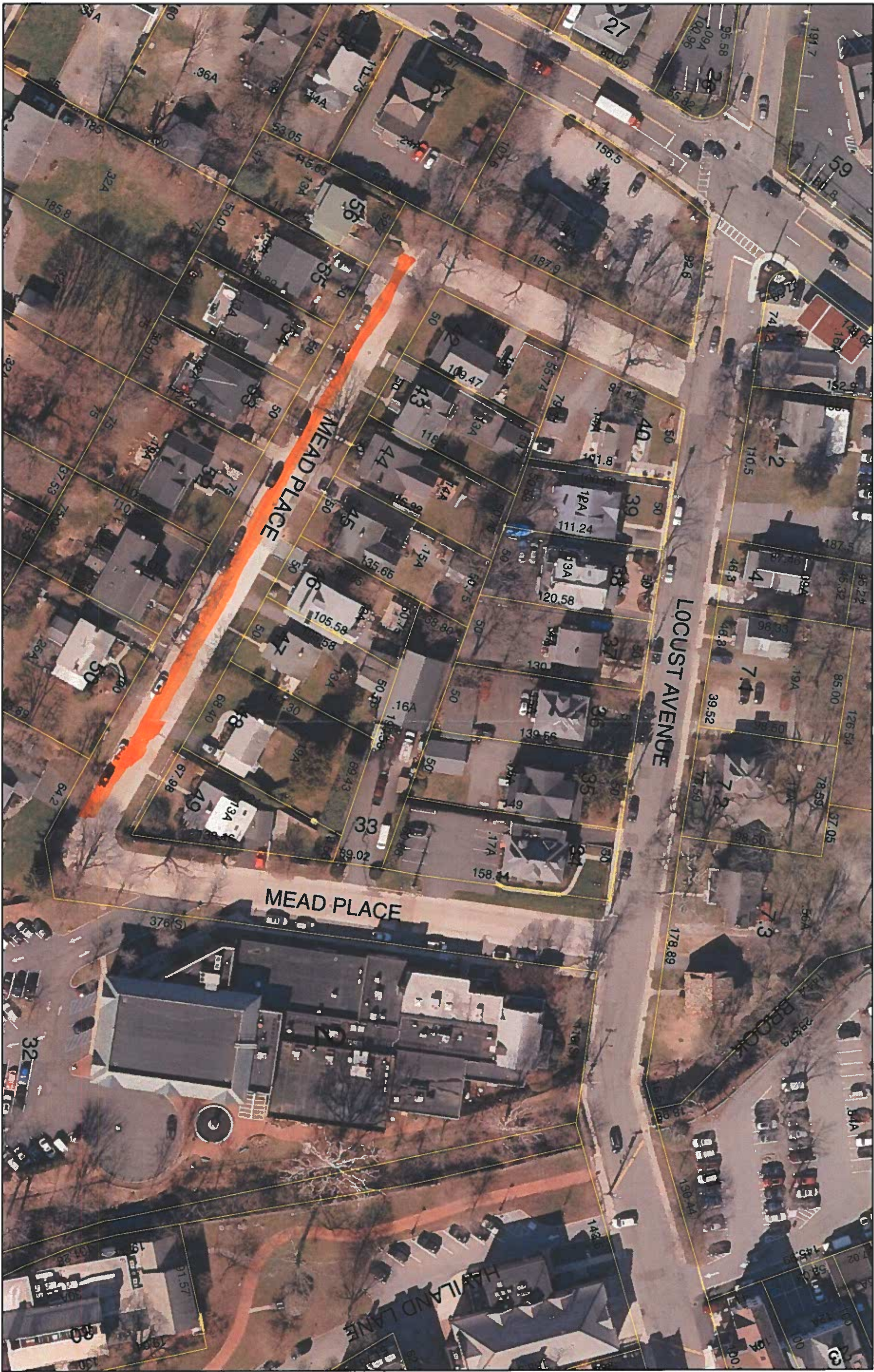
Any person violating any provisions in this article may, upon conviction, be punished by a fine set by resolution of the City Council.

Section 2. Severability.

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

Section 3: Effective Date.

This local law shall take effect June 1, 2023 after filing with the Secretary of State.





CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: April 1, 2023

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Resolution authorizing the City Manager to retain Dichter Law, LLC for an amount not to exceed \$30,000 for professional fees and services regarding water rate increases.

FOR THE MEETING OF:
April 12, 2023

RECOMMENDATION: RESOLVED that the Council authorizes the City Manager to retain Dichter Law, LLC for an amount not to exceed \$30,000 for professional fees and services regarding Veolia water rate increases.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: Please see attached from Joel R. Dichter.

DICHTER LAW LLC

**ATTORNEYS AT LAW
118 N. BEDFORD ROAD
SUITE 300
MOUNT KISCO, N.Y. 10549**

TELEPHONE: (212) 593-4202
FAX: (212) 994-5394
Website: www.dichterlaw.com

JOEL R. DICHTER
Dichter@dichterlaw.com

M E M O R A N D U M

TO: Greg Usry, City Manager, City of Rye

FROM: Joel R. Dichter

SUBJECT: Veolia Rate Case

DATE: April 3, 2023

Veolia Water Of New York (formerly Suez Water Westchester) has filed a rate case with the New York Public Service Commission (PSC). Veolia is requesting an increase of \$14.1 million for its Westchester operations, which equates to a 16.9% increase. However, the proposal would increase rates to City of Rye residents and businesses by even more, around 20% effective March, 2024.

Rate applications to the PSC are reviewed through administrative hearings. Interested parties may intervene, conduct discovery, present and cross examine witnesses, submit briefs and engage in settlement discussions. The PSC has eleven months to decide a rate case by a statutory deadline,

Historically, the City of Rye together with the Village of Rye Brook and Village of Port Chester have intervened through counsel before the PSC. I have had the privilege of representing the communities in past cases to advocate for just and reasonable rates for the municipalities. We have submitted an intervention in this case and have been named a party with full rights. Participation will require extensive time for discovery, preparing for hearings, rounds of briefs and settlement talks.

In Veolia's filing, they are once again moving towards consolidating all their operations into one rate schedule. In the prior case we were able to maintain separate rate divisions for Rye, Rye Brook and Port Chester (RD 2) from New Rochelle (RD 1). New Rochelle rates are higher than in RD 2 and consolidating rates would therefore negatively impact RD 2 customers. They had proposed one rate in the last case. While we were successful in holding that off, they are moving quickly towards unification for residential and commercial customers. In this case, Veolia is proposing to raise RD 2 rate by around 20% as compared to RD 1 rates that would rise 16% to move toward unification. For fire protection, the differences in rates between the districts is even more pronounced as recognized by Veolia and consolidation will have even more dramatic impact on RD 2 customers. Thus, the manner in which any increase ultimately granted by the PSC is allocated to the communities will be an important issue.

There are a number of other issues in this case that need to be addressed. The non revenue or unaccounted for water remains excessive even though the water company was allotted millions of dollars to solve this issue in past cases. We have not received a return on that investment. Some 25% of the water purchased from New York City and Connecticut to supply RD 2 customers is lost. As purchased water is by far the highest expense of providing service, review of purchased water expense to assure they are not excessive greatly impacts the rates.

With respect to planned system improvements to meet future demand, especially in Port Chester, they plan to spend \$48 million over the next several years (Two-thirds is to be paid for by developer and one-third or \$16 million will find its way into rates). We have no details on what comprises the \$48 million other than some line items on CapX five year plan I have requested the study in a document request through discovery.

Costs on some items have gone up sharply without explanation. There are numerous other rate design and cost items that require exploration as well as details on other construction projects.

The bottom line is that Veolia states they are currently earning 4.81% on its capital investments in Districts 1 and 2 combined. It is seeking a 7.54% rate of return,

including a 10.5% return on common equity. That is excessive compared to other utilities and a more reasonable level of profit can also be achieved by cost savings and not just raising rates. The \$14.1 million revenue increase is what they say is necessary to achieve the 7.54%. .

In the past, we have proceeded through an hourly rate with a cap. The ultimate cost of the last case was \$97,000. In this case, I am proposing a flat fee be considered of \$90,000 plus disbursements. The City of Rye's share would be \$30,000. If that is acceptable, it could be paid in three installments of \$10,000 in April, June and September or paid monthly. A good portion of the time occurs in the next few months. This is admittedly easier administratively for me and gives the communities more certainty as to the amount.

Thank you for the opportunity to once again represent your communities. Please let me know if you have any questions.



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: March 22, 2023

CONTACT: Greg Usry, City Manager

AGENDA ITEM:

Award bid for Rye Recreation Summer Camp Bus Services.

FOR THE MEETING OF:

April 12, 2023

RECOMMENDATION: That the Council award the bid to the recommended bidder.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

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

Erin Mantz
Recreation Superintendent
Rye, New York 10580



CITY OF RYE

Tel: (914) 967-2535
Fax: (914) 967-5521
E-mail: recreation@ryeny.gov
<http://www.ryeny.gov>

Recreation Department

Memorandum

To: Greg Usry, City Manager
From: Erin Mantz, Recreation Superintendent
Date: 4/4/2023
Re: 2023-02, Rye Recreation Summer Camp Bus Services

I recommend the bid be awarded to County Coach Corporation in the amount of \$79,975.00. County Coach Corporation was the only responsive bidder and can provide both School Bus and Coach Bus services.

County Coach has provided bus service for the Rye Recreation Camps for the past 38 years and has always been responsible; I have no reason to believe this will change.

| | |
|--|--------------|
| Item 1: One School Bus Shuttle for Staff Orientation | \$ 325.00 |
| Item 2: One School Bus Shuttle for Day Camp Swim Bus (24 days) | \$ 10,800.00 |
| Item 3: Four School Busses for Day Camp Trips (4 Trips) | \$ 10,800.00 |
| Item 4: Two Coach Busses for Camp 78 Trips (23 Trips) | \$ 58,050.00 |
| Total: | \$ 79,975.00 |

Budgeted camp fees will cover the bus fees.





CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: April 12, 2023

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Consideration of a request by the American Legion Post 128 and the Ladies Auxiliary of Post 128 to approve a parade to commemorate Memorial Day to be held on Monday, May 29, 2023, from 9:30 a.m. to 10:30 a.m.

FOR THE MEETING OF:

April 12, 2023

RECOMMENDATION: That the Council consider granting the request.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND:

The American Legion Post 128 and the Ladies Auxiliary of Post 128 is requesting the Council approve a parade to commemorate Memorial Day to be held on Monday, May 29, 2023 from 9:30 a.m. to 10:30 a.m.

See attached request from Robin Latimer of Rye American Legion Post 128.



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: April 12, 2023

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Consideration of a request by the American Legion Post 128 and the Ladies Auxiliary of Post 128 to hold a Memorial Day Ceremony on the Village Green event to be held on Monday, May 29, 2023, from 10:15 a.m. to 11:15 a.m.

FOR THE MEETING OF:

April 12, 2023

RECOMMENDATION: That the City Council approve the request.

IMPACT: ☐ Environmental ☐ Fiscal ☒ Neighborhood ☒ Other:

BACKGROUND:

This event is held annually on the Village Green without incident, complaints, or problems.



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: April 12, 2023

CONTACT: Greg Usry, City Manager

AGENDA ITEM: Consideration of a request by the American Legion Post 128 and the Ladies Auxiliary of Post 128 to have a food truck on Haviland Lane at the Memorial Day event to be held on Monday, May 29, 2023, from 9 a.m. to 12 p.m.

FOR THE MEETING OF:

April 12, 2023

RECOMMENDATION: That the Council consider granting the request.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND:

The American Legion Post 128 and the Ladies Auxiliary of Post 128 will host the parade and event to commemorate Memorial Day on Monday, May 29, 2023, from 9 a.m. to 12 p.m. They are requesting approval from the City Council for a food truck to be set up on Haviland Lane for the duration of the event.

Ruttenberg, Noga P.

From: Robin Latimer <latimerrp@gmail.com>
Sent: Monday, March 20, 2023 2:27 PM
To: Ruttenberg, Noga P.
Subject: Re: Memorial Day Ceremony

1. Parade

The Rye American Legion Post 128 Auxiliary respectfully requests to have a parade from Rye train station to Rye City Hall on Memorial Day, May 29, 2023. We plan to assemble at the train station around 8:30 and for the march to begin at 9:30am. We would then proceed down Purchase Street to Rye City Hall for the ceremony.

2. Ceremony

Rye American Legion Post 128 plans to conduct its usual Memorial Day observance on Monday, May 29 2023. We request to use the Village Green for the Memorial Day ceremony. Kindly grant us permission to use the Village Green for that purpose.

The ceremony will commence at 10:30 AM and will last for approximately one hour. Please provide a speakers' stand, PA system, and seating. Would you also be kind enough to see that City Hall's doors are unlocked so that members of the gathering have access to rest rooms?

Also, as in the past, we will have a food truck. Can they park on Haviland La.? Leila's Crepes will be there from 9am to 12N

Thank you for all you do,

Robin Latimer