

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

**REGULAR MEETING OF THE CITY COUNCIL
COUNCIL CHAMBERS, CITY HALL
Wednesday, April 3, 2024
6:30 p.m.**

1. Pledge of Allegiance.
2. Roll Call.
3. Draft unapproved minutes of the Regular Meeting of the City Council held March 20, 2024.
4. Members of the public may be heard on matters for Council consideration that do not appear on the agenda.
5. Consideration of proposed revisions of the Rules and Regulations of the City of Rye Police Department.
 - Policy 320 – Standards of Conduct
6. Consideration of proposed additions to the Rules and Regulations of the City of Rye Fire Department.
 - Policy 608 – Hazardous Materials (HAZMAT) Training
 - Policy 609 – Hearing Conservation and Noise Control Training
 - Policy 610 – Heat Illness Prevention Training
 - Policy 612 – National Incident Management Systems (NIMS) Training
 - Policy 613 – Repetitive Motion Injuries and Ergonomics Training
 - Policy 701 – Use of Department Vehicles
7. Police update.
8. Review of preliminary first quarter revenue results.
9. Review of City investments.
10. Update on the Boat Basin Dredge.
11. Home rule resolution supporting S8736 / A9138, extension of City of Rye Hotel Occupancy Tax.
Roll Call.
12. Consideration of License Agreement for improvements along the City's right of way at 2 Grace Church Street/19 Palisades.

13. Old Business/New Business.

14. Adjournment

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The next regular meeting of the City Council will be held on Wednesday, April 17, 2024, at 6:30 p.m. There will be a joint meeting of the City Council and School Board at 9:30 a.m. on Saturday, April 13, 2024.

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

UNAPPROVED MINUTES of the Regular Meeting of
the City Council of the City of Rye held in City Hall on
March 20, 2024, at 6:30 P.M.

PRESENT:

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

ABSENT:

JULIE SOUZA
Councilwoman

ALSO ATTENDING:

GREG USRY, CITY MANAGER
KRISTEN WILSON, CORPORATION COUNSEL
JON FLYNN, CITY ASSESSOR

The Council convened in a public meeting at 6:31 P.M. The meeting was streamed live at www.ryeny.gov for public viewing.

1. [Pledge of Allegiance.](#)

Mayor Cohn led the Pledge of Allegiance.

2. [Roll Call.](#)

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

3. [Draft unapproved minutes of the Regular Meeting of the City Council held March 6, 2024.](#)

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

RESOLVED to approve the draft unapproved minutes of the Regular Meeting of the City Council held March 6, 2024.

Adopted by the following vote:

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

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

No one from the public spoke.

5. [Open a public hearing to amend Chapter 177 “Taxation”, Article XIV, “Volunteer Firefighter Exemption” to provide for the real property tax exemption authorized by § 466-a of the Real Property Tax Law of the State of New York.](#)

City Assessor Jon Flynn gave an overview of the law changes.

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

No members of the public wished to speak on the issue.

Councilman Nathan made the motion, seconded by Councilwoman Jensen, to close the public hearing. The Council was in favor.

Councilman Nathan made the motion, seconded by Councilwoman Jensen, to amend Chapter 177 “Taxation”, Article XIV, “Volunteer Firefighter Exemption” to provide for the real property tax exemption authorized by § 466-a of the Real Property Tax Law of the State of New York.

ROLL CALL

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

6. [Open a public hearing to amend Chapter 177 “Taxation”, Article III, “Senior Citizens Exemption” to alter the income calculation used to determine exemptions and increase the income limits.](#)

City Assessor, Jon Flynn gave an overview of the law changes.

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

No members of the public wished to speak on the issue.

Councilwoman Goddard made the motion, seconded by Councilwoman Jensen, to close the public hearing. The Council was in favor.

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Councilman Nathan made the motion, seconded by Councilman Henderson, to amend Chapter 177 “Taxation”, Article XIV, “Volunteer Firefighter Exemption” to provide for the real property tax exemption authorized by § 466-a of the Real Property Tax Law of the State of New York.

ROLL CALL

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

7. [Open a public hearing to amend Chapter 177 “Taxation”, Article VIII, “Exemption for Persons with Disabilities and Limited Incomes” to alter the income calculation used to determine exemptions and increase the income limits.](#)

City Assessor, Jon Flynn gave an overview of the law changes.

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

No members of the public wished to speak on the issue.

Councilwoman Henderson made the motion, seconded by Mayor Cohn, to close the public hearing. The Council was in favor.

Councilman Henderson made the motion, seconded by Mayor Cohn, to amend Chapter 177 “Taxation”, Article XIV, “Volunteer Firefighter Exemption” to provide for the real property tax exemption authorized by § 466-a of the Real Property Tax Law of the State of New York.

ROLL CALL

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

8. [Nursery Field Public Discussion. \(In lieu of speaking publicly at the meeting, residents may submit written comments to \[nurseryfield@ryeny.gov\]\(mailto:nurseryfield@ryeny.gov\) which will be included in the public record\)](#)

Rebekah Thompson of The Field Fund of Martha’s Vineyard gave a presentation entitled, “Opportunities for Successful Grass Athletic Fields”.

The following residents asked questions of/addressed Rebekah Thompson:

- Matt Pymm, 93 Overlook Place
- Dan Adler, 62 Elmwood Ave.
- Brett Erlich, 91 Hillside Rd

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The following residents addressed the Council:

- Jeannette and Chris Cummins, 11 Thistle Lane
- Sue Drouin, 57 Morehead Dr.
- Paula Fung, 84 Elmwood Ave.
- Dorothy Lee, 2 Harding Dr.

Councilman Josh Nathan made a motion, seconded by Councilman Henderson, to extend the pause until the April 17, 2024, meeting. It was

RESOLVED to extend the pause on the Nursery Field project until April 17, 2024.

Adopted by the following vote:

ROLL CALL

AYES: Councilpersons Cunningham, Goddard, Henderson, Jensen, Nathan
NAYS: Mayor Cohn
ABSENT: Councilwoman Souza

9. [Manager's presentation of 2024 operational priorities](#)

City Manager, Greg Usry presented his operation priorities for 2024.

10. [Authorize payment of the balance of the 2023/2024 Rye Neck Union Free School District taxes collected by the City to the School District.](#)

On motion by Councilwoman Jensen, seconded by Councilman Nathan, it was

RESOLVED to authorize payment of the 12/31/23 Rye Neck Union Free School District balance of \$123,502.96.

ROLL CALL

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

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 27, 2024, 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 27, 2024, from 10:15 a.m. to 11:15 a.m.](#)

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- 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 27, 2024, from 9 a.m. to 12 p.m.](#)

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

RESOLVED to approve all Consent Agenda items.

Adopted by the following vote:

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

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

Nothing for Old Business/New Business.

12. [Adjournment](#)

On motion of Councilman Henderson, seconded by Councilman Nathan, and with the Council in favor, the meeting was adjourned at 8:55 PM.

Respectfully submitted,

Noga Ruttenberg
City Clerk



CITY COUNCIL AGENDA

DEPT.: Police Department

CONTACT: Michael A. Kopy, Commissioner of Public Safety

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

- Policy 320 – Standards of Conduct

FOR THE MEETING OF:

April 3, 2024

RECOMMENDATION: Approval of the listed policy.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:
Enhancement of the operational effectiveness of the Department.

BACKGROUND:

A copy of the proposed policy is attached. It has been provided to the Rye Police Association for review pursuant to the provisions of the collective bargaining agreement.

See attached.

Michael Kopy
Public Safety Commissioner
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Rye, New York 10580



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<http://www.ryeny.gov>

CITY OF RYE

Public Safety

To: Greg Usry, City Manager

From: Michael Kopy, Public Safety Commissioner

Date: 03/27/2024

Re: Police Department – Lexipol Policy

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

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

I will be available to answer questions when this policy is reviewed.

Policy 320 – Standards of Conduct

This policy establishes standards of conduct that are consistent with the values and mission of the Rye Police Department and are expected of all department members.

Standards of Conduct

320.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Rye Police Department and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this department or a member's supervisors.

320.2 POLICY

The continued employment or appointment of every member of this department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

320.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification. Members shall carry out their duties and responsibilities while on duty while using due diligence at all times.

320.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests solely with the member, who may subsequently be subject to discipline.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, department policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict will not be held accountable for disobedience of the lawful order or directive that was initially issued.

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The person countermanning the original order shall notify, both in person and then in writing, the person issuing the original order as well as that individual's supervisor, indicating the action taken and the reason.

320.3.2 SUPERVISOR RESPONSIBILITIES

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

- (a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.
- (b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
- (c) Directing a subordinate to violate a policy or directive, acquiescing to such a violation, or exhibiting indifference to such a violation.
- (d) Exercising unequal or disparate authority toward any member for malicious or other improper purpose.

320.4 GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and New York constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members must seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

320.5 DISCRETION

One of the most critical aspects concerning the use of police authority is that of discretion. Discretion, if used properly, can be a highly successful tool to resolve problems and conflicts. Discretion is necessary for many reasons. Among the most predominant is the lack of resources to deal with violations of many laws. Police must differentiate between:

- (a) Ambiguous and obsolete laws;
- (b) The effects of enforcement and community relations;
- (c) The role of police in society; and
- (d) The effectiveness and efficiency of the overall operation.

Officers may use discretion in many areas, such as:

Standards of Conduct

- (a) The arrest or release for minor violations;
- (b) Issuance of a summons or verbal warning;
- (c) Settling minor disputes;
- (d) When performing selective enforcement; and
- (e) When assigned to enforce a targeted (specific) violation.

The department recognizes limitations to this power. Therefore, officers must clear many decisions of an enforcement nature through a supervisor, such as:

- (a) Potential arrests in misdemeanor or felony situations;
- (b) Potential sensitive areas; and
- (c) Those areas defined by the department, the city or the district attorney's office that limit police officers' discretion as a matter of policy.

Officers do not have any discretion when:

- (a) Given a lawful order;
- (b) Dealing with compliance of department rules and regulations; or
- (c) Dealing with specific laws mandating certain actions by the police.

320.6 MANDATORY ACTIONS

All members of the City of Rye Police Department will:

- (a) Be responsible for the humane treatment and safe keeping of prisoners in custody or detained in Headquarters over which said member has supervision.
- (b) Answer the Department landline phones promptly, stating in a courteous manner the command or the division, rank or title and surname.
- (c) Shall perform their assigned duties as expeditiously as possible. Once assigned to a detail an officer shall respond directly to that location unless a more emergent situation arises while en route.
- (d) When assigned to uniform duty, wear the regulation uniform unless otherwise directed by competent authority.
- (e) Notify the desk officer whenever they leave their assigned post, vehicle or assignment.
- (f) Make only authorized and necessary transmissions on Department radios.
- (g) Take meal period at the designated time, for a period not exceeding 30 minutes and remain available and subject to recall during meal.
- (h) Have on file their current address including apartment number, if any. Mailing address, if different, must also be on file. The current physical address must contain street, road, route number. Where a number is not assigned, a physical description as to how to locate the residence is required. Current telephone number must be on file.
- (i) Report immediately, in writing, changes in address or telephone number.

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- (j) Submit all necessary reports on time and in accordance with established departmental procedures. Reports shall be truthful and complete.
- (k) No member shall work more than 16 hours in any given 24 hour period except under emergency conditions and with the approval of a Division Commander. Officers must have a minimum of 8 hours between their next shift after working 16 hours or more. Supervisors on duty will make every attempt to ensure officers have an 8 hour break between a 16 hour shift and their next tour. This minimum can be waved by a Lieutenant or the Commissioner of Public Safety.
- (l) Use Department equipment, uniforms, badges or firearms in the performance of off-duty employment, except as otherwise approved by the Commissioner of Public Safety.
- (m) Allow use of depiction of themselves in regulation uniform in any advertising of any commodity or commercial enterprise, without the permission of the Commissioner of Public Safety.
- (n) Give rank, surname, and shield number to anyone requesting them.

320.7 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient department service.

320.7.1 LAWS, RULES AND ORDERS

- (a) Violation of, or ordering or instructing a subordinate to violate, any policy, procedure, rule, order, directive or requirement, or failure to follow instructions contained in department or City manuals.
- (b) Disobedience of any legal directive or order issued by any department member of a higher rank.
- (c) Violation of federal, state, local or administrative laws, rules or regulations.

320.7.2 ETHICS

- (a) Using or disclosing one's status as a member of the Rye Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.
- (b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.
- (c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).
- (d) Acceptance or solicitation of fees, gifts or money contrary to the rules of this department and/or laws of the state.

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- (e) Offer or acceptance of a bribe or gratuity.
- (f) Misappropriation or misuse of public funds, property, personnel or services.
- (g) Any other failure to abide by the standards of ethical conduct.

320.7.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

Equal Employment Opportunity Policy:

1. The Civil Rights Act of 1964 and the New York Human Rights Law provide the legal basis for equal employment opportunity to all without regard to race, color, religion, sex, age, national origin, disability or marital status. It is the policy of the department to treat each person with respect, dignity and integrity due them as an individual and to prohibit discrimination in all phases of the employer-employee relationship.
2. The department shall prohibit discrimination against any person in recruitment, appointment, training, promotion, retention, discipline, or any other aspect of personnel administration for reasons of political or religious opinions or affiliations or because of race, color, national origin, sexual orientation, disability, marital status, or age except where specific age, sex, or physical requirements constitute a bonafide occupational qualification necessary to properly and efficiently function on the job, or because of any other non-merit factor.
3. It is the responsibility of each member of the department to ensure the opportunity for equal employment and to maintain a nondiscriminatory work environment.
4. The department is an Equal Employment Opportunity employer committed to the intent and spirit of this procedure. All employees are encouraged to report any complaints.

320.7.4 RELATIONSHIPS

- (a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.
- (b) Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.
- (c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.
- (d) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.

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- (e) Associating on a personal, rather than official, basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this department.
- (f) Must not associate or fraternize with known criminals, unless that person is a family member, and at no time will police related information be discussed.

320.7.5 ATTENDANCE

- (a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness.
- (c) Excessive absenteeism or abuse of leave privileges.
- (d) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without reasonable excuse.

320.7.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

- (a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the member's position with this department.
- (b) Disclosing to any unauthorized person any active investigation information.
- (c) The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Commissioner of Public Safety or the authorized designee.
- (d) Loaning, selling, allowing unauthorized use, giving away, or appropriating any department property for personal use, personal gain, or any other improper or unauthorized use or purpose.
- (e) Using department resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and non-subpoenaed records.

320.7.7 EFFICIENCY

- (a) Neglect of duty.
- (b) Unsatisfactory work performance including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.
- (c) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.
- (d) Unauthorized sleeping during on-duty time or assignments.

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- (e) Failure to notify the Department within 24 hours of any change in residence address or contact numbers.
- (f) Failure to notify the Personnel Department of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

320.7.8 PERFORMANCE

- (a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation.
- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive, or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document.
- (c) Failure to participate in investigations, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.
- (d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.
- (e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.
- (f) Engage in illegal gambling anywhere except in the performance of duty.
- (g) Improper political activity including:
 - 1. Unauthorized attendance while on-duty at official legislative or political sessions.
 - 2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty or on department property.
- (h) Engaging in political activities during assigned working hours.
- (i) Any act on- or off-duty that brings discredit to this department.

320.7.9 CONDUCT

- (a) Failure of any member to promptly and fully report activities on the member's part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.
- (b) Unreasonable and unwarranted force to a person encountered or a person under arrest.
- (c) Exceeding lawful police officer or peace officer powers by unreasonable, unlawful, or excessive conduct.

Rye Police Department

Rye Police Department Policy Manual

Standards of Conduct

- (d) Unauthorized or unlawful fighting, threatening, or attempting to inflict unlawful bodily harm on another.
- (e) Engaging in horseplay that reasonably could result in injury or property damage.
- (f) Discourteous, disrespectful, or discriminatory treatment of any member of the public or any member of this department or the City.
- (g) Use of obscene, indecent, profane, or derogatory language while on-duty or in uniform.
- (h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.
- (i) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.
- (j) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel, or the services or property of others; unauthorized removal or possession of department property or the property of another person.
- (k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any collective bargaining agreement or contract, including fraud in securing the appointment or hire.
- (l) Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency, or morale, or tends to reflect unfavorably upon this department or its members.
- (m) Obligate the Department financially in any manner except as authorized by the Commissioner of Public Safety.
- (n) Lend to another person their identification cards or badges.

320.7.10 SAFETY

- (a) Failure to observe or violating department safety standards or safe working practices.
- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver license, first aid).
- (c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
- (d) Unsafe firearm or other dangerous weapon handling including loading or unloading firearms in an unsafe manner, either on- or off-duty.
- (e) Carrying, while on the premises of the work site, any firearm or other lethal weapon that is not authorized by the member's appointing authority.
- (f) Unsafe or improper driving habits or actions in the course of employment or appointment.
- (g) Any personal action contributing to a preventable traffic accident.
- (h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

Standards of Conduct

320.7.11 INTOXICANTS

- (a) Consume intoxicants on duty or in uniform on/off duty, or 5 hours prior to reporting for duty.
- (b) While on duty, Officer will not enter a premise serving intoxicants except for meal or performance of duty.

320.7.12 LEGISLATIVE RESTRICTIONS

Officers are prohibited from the following activities by New York statute:

- (a) Having an interest in the manufacture or sale of alcoholic beverages (Alcoholic Beverage Control Law § 128).
- (b) Using one's position or authority to aid or oppose any political party (Election Law § 17-110).
- (c) Holding an office in, being employed by, owning or conducting business at a pari-mutuel race track (Racing, Pari-Mutuel Wagering and Breeding Law § 107).
- (d) Violating any applicable provisions of Article 4 of the Public Officers Law and Article 18 of the General Municipal Law including:
 - 1. Accepting gifts of \$75 or more in value (General Municipal Law § 805-a)
 - 2. Disclosing confidential information obtained in the course of official duties (Public Officers Law § 96)
 - 3. Receiving payment for official acts except as authorized by law (Public Officers Law § 67)
 - 4. Failing to disclose an interest in any contract or business with the employing governmental entity (General Municipal Law § 801)
 - 5. Failing to disclose an interest in property for which a variance is requested (General Municipal Law § 809)

320.7.13 RESTRICTIONS

- (a) Officers are allowed to engage in outside employment for a maximum of 20 hours a week.
- (b) Such employment will not interfere with their obligation to be called for duty at any time of day or night for emergencies, special assignment and overtime duty.
- (c) Officers who desire to engage in outside employment will annually complete and submit a Secondary Employment Request Form to the Office of the Commissioner of Public Safety by May 1st (see attached).
- (d) The Secondary Employment Request will contain the position, employer, location, duties, hours of work and total hours of work per week.
- (e) All members of the City of Rye Police Department are prohibited from performing secondary employment while on sick or injured leave, while assigned to modified duty or if deemed chronic sick (G.O. 116.4).

Rye Police Department

Rye Police Department Policy Manual

Standards of Conduct

- (f) A Police Officer working off duty within the City of Rye limits and in public view, such as working traffic or in the business district, will wear the full police uniform with shield and firearm.
- (g) No officer will work inside a private business or private property side job while wearing a police uniform.
- (h) Regulations 6 and 7 above may be modified by the prior written approval of the Commissioner of Public Safety or his/her designee.
- (i) An officer working off duty in uniform will be under the supervision of the Commissioner and on duty Tour Supervisors.



CITY COUNCIL AGENDA

DEPT.: Fire Department

CONTACT: Michael A. Kopy, Commissioner of Public Safety

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

- Policy 608 – Hazardous Materials (HAZMAT) Training
- Policy 609 – Hearing Conservation and Noise Control Training
- Policy 610 – Heat Illness Prevention Training
- Policy 612 – National Incident Management Systems (NIMS) Training
- Policy 613 – Repetitive Motion Injuries and Ergonomics Training
- Policy 701 – Use of Department Vehicles

FOR THE MEETING OF
April 3, 2024

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



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<http://www.ryeny.gov>

CITY OF RYE Public Safety

To: Greg Usry, City Manager

From: Michael Kopy, Public Safety Commissioner

Date: 03/27/2024

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 608 – Hazardous Materials (HAZMAT) Training

The purpose of this policy is to establish training that will meet state requirements regarding the Rye Fire Department Hazardous Materials (HAZMAT) response program.

Policy 609 – Hearing Conservation and Noise Control Training

The purpose of this policy is to establish and maintain hearing conservation and noise control training for members exposed to noise above levels predetermined by federal and New York law.

Policy 610 – Heat Illness Prevention Training

The purpose of this policy is to establish and maintain a training program that complies with best practice for the prevention of heat illness in members who are exposed to high-heat conditions.

Policy 612 – National Incident Management Systems (NIMS) Training

The purpose of this policy is to establish training requirements for members to successfully operate under the Incident Command System (ICS) and the National Incident Management System (NIMS) pursuant to New York Law.

Policy 613 – Repetitive Motion Injuries and Ergonomics Training

The purpose of this policy is to minimize the occurrence of work-related motion injuries (RMIs) through work site evaluation, control of exposures and training of members whose assigned duties have a risk of RMIs.

Policy 701 – Use of Department Vehicles

The purpose of this policy is to establish the procedures for the off-duty use of department take-home vehicles.

Hazardous Materials (HAZMAT) Training

608.1 PURPOSE AND SCOPE

The purpose of this policy is to establish training that will meet state requirements regarding the Rye Fire Department Hazardous Materials (HAZMAT) response program. This policy identifies the level of training members must receive, when additional or supplemental training is required, and the training records required to comply with New York law (29 CFR 1910.120; Labor Law § 27-a; 12 NYCRR § 800.3).

608.2 POLICY

It is the policy of the Rye Fire Department that any member whose duties include a role in the HAZMAT response program shall receive training to the level at which they are expected to operate in a HAZMAT environment or at an incident involving hazardous materials.

608.3 TRAINING REQUIREMENTS

HAZMAT training shall be based on the duties and functions to be performed by each member. This includes training specific to the Incident Commander (IC), awareness or operations level, and HAZMAT technician or specialist.

Competencies required for all new members shall be conveyed to them through training before participating on an incident. Any member who participates or is expected to participate in an emergency response involving HAZMAT shall objectively demonstrate competency in the following areas.

608.3.1 FIRST RESPONDER AWARENESS

First responder awareness level training should be provided to all individuals who are likely to witness or discover a hazardous substance release and who have been trained to initiate an emergency response sequence by notifying the proper authorities of the release. A member with this level of training should demonstrate competency in the understanding and recognition of a hazardous substance release.

608.3.2 HAZMAT FIRST RESPONDER OPERATIONS (FRO)

First responder operations (FRO) level training should be provided for individuals who respond to releases or potential releases of hazardous substances as part of the initial response to the site for the purpose of protecting nearby persons, property, or the environment from the effects of the release. A member with this level of training is trained to respond in a defensive fashion without actually trying to stop the release. This member's function is to contain the release from a safe distance, keep it from spreading, and prevent exposures.

608.3.3 HAZMAT TECHNICIAN

HAZMAT technician level training should be provided to all individuals who respond to releases or potential releases of hazardous substances for the purpose of stopping the release. A member

Hazardous Materials (HAZMAT) Training

with this level of training would assume a more aggressive role by approaching the point of release in order to plug, patch, or otherwise stop the release of a hazardous substance.

608.3.4 HAZMAT SPECIALIST

HAZMAT specialist level training should be provided to all individuals who respond with, and provide support to, HAZMAT technicians. A member with this level of training has a more direct or specific knowledge of the various hazardous substances requiring containment. A HAZMAT specialist may also act as a site liaison to government authorities regarding site activities.

608.3.5 HAZMAT INCIDENT COMMANDER

HAZMAT IC level training should be provided to all individuals who could be responsible for all decisions relating to the management of a HAZMAT incident.

608.3.6 HAZMAT EMERGENCY RESPONSE PLAN

An emergency response plan shall be developed by the City pursuant to New York law and implemented to address pre-emergency planning and coordination with additional responders prior to the commencement of emergency response operations. The plan will identify members' roles, lines of authority, and communications for all members. The plan shall be in writing and available for inspection and copying by employees, their representatives, and the New York State Public Employee Safety and Health Bureau (PESH). The plan shall be presented to the New York State Office of Fire Prevention and Control (OFPC) for review and approval (General Municipal Law § 204-f; General Municipal Law § 209-y).

608.3.7 HAZMAT ANNUAL REFRESHER TRAINING

Members who receive an initial level of training in accordance with this policy shall receive annual refresher training of sufficient and necessary content and duration to maintain their competencies, or shall demonstrate competency in those areas at least yearly.

608.4 BASELINE PHYSICAL FOR HAZMAT TEAM MEMBERS

Members of an organized, designated HAZMAT team and HAZMAT specialists shall receive a baseline physical examination. Federal and New York law require that medical examinations and consultations be made available to members of HAZMAT teams within prescribed time periods. All members of a designated HAZMAT team shall receive medical examinations and consultations on the following schedules (29 CFR 1910.120; Labor Law § 27-a; 12 NYCRR § 800.3):

- (a) Prior to assignment
- (b) At least once every 12 months
- (c) At termination of employment or reassignment to duties not covered by this policy
- (d) As soon as possible upon notification that the employee has developed signs or symptoms indicating possible overexposure to hazardous substances or health hazards

Hazardous Materials (HAZMAT) Training

- (e) As soon as possible upon notification that the employee has been injured or exposed above the permissible exposure limits or published exposure levels in an emergency situation

The frequency of a member's examinations may be increased if the examining physician determines that it is medically necessary. Medical examinations should include medical and work history. Emphasis should be placed on any symptoms related to the handling of, or exposure to, hazardous substances or health hazards. Medical examinations should address fitness for duty, especially as it pertains to wearing personal protective equipment under conditions that may be encountered on-duty. The content of medical examinations should be made available to the member as determined by the attending physician.

608.4.1 HAZMAT MEDICAL SURVEILLANCE

Members of an organized and designated HAZMAT team and HAZMAT specialists shall receive a baseline physical examination and be provided with medical surveillance.

Any emergency response member who exhibits signs or symptoms which may have resulted from exposure to hazardous substances during the course of an emergency incident, either immediately or subsequently, shall be provided with medical consultation.

Accurate records of the medical surveillance required by this policy shall be retained for the duration of the member's employment plus 30 years. This record shall contain at a minimum:

- (a) The name of the member.
- (b) The physician's written opinions, recommended limitations, and results of examinations and tests.
- (c) Any member medical complaints related to exposure to hazardous substances.
- (d) A copy of the information provided to the physician by the Department, with the exception of department policies and PESH standards.

608.5 TRAINING RECORDS

The Training Lieutenant shall be responsible for maintaining records of all HAZMAT training provided to members. Records should include but are not limited to:

- (a) Dates of the training sessions.
- (b) A list of the topics or a summary of the content of the training sessions.
 - 1. Specific content required by regulation covered
 - 2. Manufacturer's recommendations (as applicable)
 - 3. Manufacturer's operations/service/maintenance manuals (as applicable)
- (c) The names or other identifiers and job titles of all members who received the training.
- (d) The names, certificate numbers, and qualifications of persons conducting the training.
- (e) Demonstration that learning took place (e.g., evaluation, quiz, test).

Rye Fire Department

Policy Manual

Hazardous Materials (HAZMAT) Training

The Training Lieutenant should maintain the training records in accordance with established records retention schedules.

Hearing Conservation and Noise Control Training

609.1 PURPOSE AND SCOPE

The purpose of this policy is to establish and maintain hearing conservation and noise control training for members exposed to noise above levels predetermined by federal and New York law (29 CFR 1910.95; Labor Law § 27-a; 12 NYCRR § 800.3).

609.2 POLICY

It is the policy of the Rye Fire Department to promote member health and safety by establishing hearing conservation and noise control training and requiring member participation. The hearing conservation program shall include parameters for unprotected permissible noise exposure limits, monitoring guidelines, hearing protection equipment and training, and documentation of the department's efforts.

609.3 RESPONSIBILITIES

The following procedures shall comprise the hearing conservation and noise control training for the Rye Fire Department. The Training Lieutenant shall be responsible for ensuring that all members are enrolled in the training. Lieutenants shall be responsible for ensuring that members attend scheduled testing and training.

609.3.1 NOISE EXPOSURE LIMITS

The Rye Fire Department shall ensure that each member is provided with, and utilizing, protection against the effects of noise exposure any time the sound levels exceed those shown in 29 CFR 1910.95.

609.3.2 HEARING PROTECTORS

If control measures fail to reduce sound levels to an acceptable level for the amount of exposure, the Department shall provide personal protective equipment to all members subject to the noise exposure and require that it be used.

The Department shall ensure proper initial fit and correct use of hearing protectors and shall provide training in the use and care of the equipment.

609.3.3 HEARING PROTECTOR ATTENUATION

The Rye Fire Department shall evaluate hearing protector attenuation for the specific noise environments in which the protector will be used. Evaluation methods shall be consistent with those described in 29 CFR 1910.95. The Department will provide more effective hearing protectors where necessary.

Hearing Conservation and Noise Control Training

609.3.4 MONITORING

The Rye Fire Department shall monitor noise levels in the workplace by either area monitoring or personal monitoring that is representative of a member's exposure, to enable the proper selection of hearing protectors.

609.3.5 AUDIOMETRIC TESTING PROGRAM

The Rye Fire Department shall provide audiometric testing and evaluation to all members who are exposed to noise levels in excess of those permissible. The Department shall provide baseline audiometric testing (preceded by at least 14 hours without exposure to workplace noise) within six months of the first noise exposure, and annually thereafter.

Each member's annual audiogram shall be compared to that member's baseline audiogram to determine if the audiogram is valid and if a standard threshold shift has occurred.

All audiometric testing shall be conducted by properly trained audiometric professionals in compliance with federal and state testing requirements.

609.4 TRAINING RECORDS

The Training Lieutenant shall be responsible for maintaining records of all hearing conservation program training provided to members. Records should include, but are not limited to:

- (a) The dates of the training sessions.
- (b) A list of topics or a summary of the content of the training sessions.
- (c) The names or other identifiers and job titles of the members who received the training.
- (d) The names, certificate numbers and qualifications of persons conducting the training.
- (e) Copies of baseline and annual audiometric testing and evaluation documents.

The Training Lieutenant shall maintain the training records in accordance with established records retention schedules.

Heat Illness Prevention Training

610.1 PURPOSE AND SCOPE

The purpose of this policy is to establish and maintain a training program that complies with best practice for the prevention of heat illness in members who are exposed to high-heat conditions. This policy identifies which members must receive training, the required curriculum, supervisory training and responsibilities, and training record documentation.

610.1.1 DEFINITIONS

Definitions related to this policy include:

Acclimatization - The temporary adaptation of the body to work in the heat. Acclimatization peaks in most people within four to 14 days of working at least two hours per day in the heat.

Heat-related illness - A serious medical condition resulting from the body's inability to cope with a particular heat load and includes, but is not limited to, heat cramps, heat exhaustion, heat syncope (temporary loss of consciousness usually related to insufficient blood flow to the brain) and heat stroke.

610.2 POLICY

It is the policy of the Rye Fire Department to promote member health and safety by establishing a heat illness prevention training program and requiring member participation. In addition to the safety precautions described in the Heat Illness Prevention Program Policy, the Department shall ensure that effective training is provided to members before the member begins work that should reasonably be anticipated to result in heat illness.

610.3 TRAINING REQUIREMENTS

Training shall be provided to all members whose duties may include exposure to high-heat conditions and shall include:

- (a) The environmental and personal risk factors for heat illness.
- (b) The department's procedures for the prevention of heat illness.
- (c) The importance of frequent consumption of small quantities of water and electrolyte replacement fluid, up to four cups per hour, when the work environment is hot and members are likely to be sweating more than usual in the performance of their duties.
- (d) The importance of acclimatization.
- (e) The different types of heat illness and the common signs and symptoms of heat illness.
- (f) The importance of members immediately reporting to a supervisor, directly or through others, symptoms or signs of heat illness in themselves or in coworkers.
- (g) The department's procedures for responding to symptoms of possible heat illness, including how Emergency Medical Services (EMS) will be provided if necessary.

Heat Illness Prevention Training

- (h) The department's procedures for contacting EMS and, if necessary, for transporting members to a place where they can be reached by an EMS provider.
- (i) The department's procedures for ensuring that, in the event of an emergency, clear and precise directions to the work site can and will be provided to other emergency responders.

610.4 SUPERVISOR TRAINING REQUIREMENTS AND RESPONSIBILITIES

Supervisors shall be provided additional training on the following topics prior to supervising members who will be working in the heat:

- (a) The procedures to follow to implement the applicable provisions in this policy
- (b) The procedures to follow when a member exhibits symptoms consistent with possible heat illness, including emergency response procedures
- (c) The procedures for moving or transporting a member to a rendezvous location accessible to an EMS provider, if necessary

610.5 TRAINING RECORDS

The Training Lieutenant shall be responsible for maintaining records of all heat illness prevention training provided to members. Records should include, but are not limited to:

- (a) The dates of the training sessions.
- (b) A list of the topics or a summary of the content of the training sessions.
- (c) The names or other identifiers and job titles of all members who received the training.
- (d) The names, certificate numbers and qualifications of persons conducting the training.

The Training Lieutenant should maintain the training records in accordance with established records retention schedules.

National Incident Management System (NIMS) Training

612.1 PURPOSE AND SCOPE

The purpose of this policy is to establish the training requirements for members to successfully operate under the Incident Command System (ICS) and the National Incident Management System (NIMS) pursuant to New York law (9 NYCRR § 5.26).

612.2 POLICY

It is the policy of the Rye Fire Department to utilize NIMS/ICS in order to effectively manage personnel and resources when responding to a wide range of emergency incidents. All Rye Fire Department members whose job duties may include a role in emergency management or incident response shall be appropriately trained to the NIMS standards to improve all-hazards capabilities nationwide.

612.3 PROCEDURE

All department personnel with job duties that include a direct role in emergency management or incident response must complete the Federal Emergency Management Agency (FEMA) NIMS IS-700 course.

Additional training is available on an as-needed basis, depending on the regional role of the Department or the role of a member within the Department as follows:

- (a) Entry Level:
 - 1. FEMA IS-700: NIMS, An Introduction
 - 2. ICS-100: Introduction to ICS or equivalent
- (b) First Line, Single Resource, Field Supervisors:
 - 1. IS-700, ICS-100, and ICS-200: Basic ICS or its equivalent
- (c) Middle Management: Strike Team Leaders, Bureau Supervisors, Emergency Operations Center (EOC) Staff:
 - 1. IS-700, IS-800: National Response Framework, an Introduction; ICS-100, ICS-200, and ICS-300: Intermediate ICS for Expanding Incidents
- (d) Command and General Staff, Area Emergency and EOC Managers:
 - 1. IS-700, IS-800, ICS-100, ICS-200, ICS-300, and ICS-400: Advanced ICS

Refresher training will be offered on a regular basis to ensure that NIMS/ICS knowledge and skills are maintained, especially for personnel who are not regularly involved in complex multijurisdictional incidents nationwide (i.e., incidents that require responders to hold credentials under the National Emergency Responder Credentialing System).

National Incident Management System (NIMS) Training

612.4 TRAINING RECORDS

The Training Lieutenant shall be responsible for maintaining records of all NIMS training provided to members. Records should include but are not limited to:

- (a) The dates of the training sessions.
- (b) A list of the topics or a summary of the content of the training sessions.
- (c) The names or other identifiers and job titles of the members who received the training.
- (d) The names, certificate numbers, and qualifications of persons conducting the training.

The Training Lieutenant should maintain the training records in accordance with established records retention schedules.

Repetitive Motion Injuries and Ergonomics Training

613.1 PURPOSE AND SCOPE

The purpose of this policy is to minimize the occurrence of work-related repetitive motion injuries (RMIs) through work site evaluation, control of exposures and training of members whose assigned duties have a risk of RMIs.

613.2 POLICY

It is the policy of the Rye Fire Department that members shall be provided initial training any time their assigned duties have a risk of RMIs, as duties change and when members encounter new exposures to the risk of RMIs.

The Department shall correct any exposure that has caused an RMI in a timely manner. If the exposure cannot be corrected, the Department shall take steps to minimize member exposure to the degree feasible, considering engineering controls such as workstation redesign, adjustable fixtures or tool redesign and administrative controls such as job rotation, work pacing or work breaks.

613.3 TRAINING REQUIREMENTS

- (a) Members shall be provided training that includes, but is not limited to, an explanation of:
 - 1. The department's program to minimize RMIs.
 - 2. The exposures that have been associated with RMIs.
 - 3. The symptoms and consequences of injuries caused by repetitive motion.
 - 4. The importance of reporting symptoms and injuries to the Department.
 - 5. Methods used by the Department to minimize RMIs.
- (b) Refresher training should be provided on an annual basis.
- (c) Members shall receive RMI prevention training prior to performing duties that are known to be associated with the following circumstances:
 - 1. Work-related causation - RMIs have been predominantly caused (e.g., 50 percent or more) by a repetitive job, process or operation.
 - 2. Relationship between RMIs and the workplace - Members incurring RMIs were performing a job, process or operation of identical work activity. Identical work activity means that the members were performing the same repetitive motion task (e.g., word processing, assembly or loading).

Repetitive Motion Injuries and Ergonomics Training

3. The RMIs were musculoskeletal injuries that a licensed physician objectively identified and diagnosed.
4. The RMIs were reported by members to the Department in the previous 12 months.

613.4 ADDITIONAL TRAINING AND INFORMATION

Additional training and information should be provided to members:

- (a) When the work site evaluation is updated.
- (b) When exposure control measures are updated.
- (c) When the Department becomes aware of new work-related exposures associated with RMIs.

At a minimum, the Department should provide refresher training on an annual basis.

613.5 TRAINING RECORDS

The Training Lieutenant shall be responsible for maintaining records of all RMI prevention training provided to members. Records should include, but are not limited to:

- (a) The dates of the training sessions.
- (b) A list of the topics or a summary of the content of the training sessions.
- (c) The names or other identifiers and job titles of the members who received the training.
- (d) The names, certificate numbers and qualifications of the persons conducting the training.

The Training Lieutenant should maintain the training records in accordance with established records retention schedules.

613.6 MANDATORY REPORTING

The Department shall submit the mandated injury report annually for the previous 12-month period.

Use of Department Vehicles

701.1 PURPOSE AND SCOPE

The purpose of this policy is to establish the procedures for the off-duty use of department take-home vehicles. The use of take-home vehicles is an essential component of the department's recall program, which ensures resources are available in the event of an emergency or critical incident. To facilitate faster response to recalls or for other legitimate department needs, members may be authorized by the Public Safety Commissioner to take department vehicles home. These vehicles provide the means to respond directly to an incident without first diverting to a fire station to retrieve a vehicle and/or needed equipment.

701.1.1 DEFINITIONS

Definitions related to this policy include:

Emergency recall - A member's assignment requires immediate response during off-duty hours to other than the member's normal work location to handle an emergency action.

Investigative recall - A member's assignment requires timely response during off-duty hours to other than the member's normal work location to handle a fire investigation.

Take-home vehicle - A vehicle owned by the Department that is authorized for use during off duty hours.

701.2 POLICY

The Department provides vehicles for official business use and may assign take-home vehicles based on its determination of operational efficiency, economic impact to the Department, emergency and investigative recall, and other considerations.

701.3 PROCEDURE

Department members authorized to use take-home vehicles must adhere to the following guidelines:

- (a) Vehicles shall only be used for official business to allow members to respond to department-related business and recall to duty outside their regular work hours.
- (b) Members authorized to use take-home vehicles are to monitor the radio whenever they are operating the vehicle. They are to make appropriate notification or take appropriate action on any fire-related matter that may come to their attention via the radio or through personal observation.
- (c) Department members are prohibited from driving department vehicles any time their driving ability may be impaired by prescription or non-prescription drugs or alcoholic beverages.
- (d) Department take-home vehicles are to be left at a fire facility during vacations or other periods of leave in excess of seven days unless approved by the Public Safety Commissioner or the authorized designee.

Use of Department Vehicles

- (e) Department members shall not relinquish control of, nor allow any person to operate, department vehicles if that person is not a member of the Department

701.3.1 ASSIGNED VEHICLE AGREEMENT

Members who have been assigned a take-home vehicle may use the vehicle as directed by the Public Safety Commissioner for department related business. The member must be approved for an assigned vehicle by the Public Safety Commissioner and shall sign an agreement that includes the following criteria:

- (a) Except as may be provided by a collective bargaining agreement, time spent during normal commuting is not compensable.
- (b) Department-owned vehicles shall not be used for personal errands or other personal business unless approved by a supervisor for exceptional circumstances.
- (c) The Department should provide necessary care and maintenance supplies.
- (d) Vehicles shall be locked when not attended.
- (e) All department identification, portable radios and equipment shall be secured.

Members are cautioned that under Internal Revenue Service (IRS) rules, personal use of a department-owned vehicle may create an income tax liability to the member. Questions regarding IRS rules should be directed to the member's tax adviser.

The assignment of vehicles is at the discretion of the Public Safety Commissioner. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

701.3.2 VEHICLES SUBJECT TO INSPECTION

All department-owned vehicles are subject to inspection and/or search at any time by a supervisor. No member assigned to or operating such a vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

701.3.3 ACCESSORIES AND/OR MODIFICATIONS

No modifications, additions or deletions of any equipment or accessories shall be made to department vehicles without written permission from the designated vehicle manager.

701.3.4 TOLL ROAD USAGE

Members responding to an emergency or incident on toll roads, while on-duty, are exempt from paying the toll. All members passing through a toll facility during a response to an emergency shall draft a memo to the Career Captain or the authorized designee as soon as practicable explaining the circumstances.

Commuting or returning to the station after an emergency may not qualify for this exemption. Members operating department-owned vehicles are responsible for the toll charge. All members operating a take-home vehicle off-duty on a toll road shall pay all appropriate toll charges.



CITY COUNCIL AGENDA

DEPT.: Public Safety

CONTACT: Mike Kopy, Commissioner of Public Safety

AGENDA ITEM:

Police update.

FOR THE MEETING OF:

April 3, 2024

RECOMMENDATION: That the Council hear the update.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND:



CITY COUNCIL AGENDA

DEPT.: City Manager

CONTACT: Greg Usry, City Manager

AGENDA ITEM:

Review of preliminary first quarter revenue results.

FOR THE MEETING OF:

April 3, 2024

RECOMMENDATION: That the Council hear the presentation.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND:



CITY COUNCIL AGENDA

DEPT.: City Manager

CONTACT: Greg Usry, City Manager

AGENDA ITEM:

Review of City investments.

FOR THE MEETING OF:

April 3, 2024

RECOMMENDATION: That the Council hear the presentation.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND:



CITY COUNCIL AGENDA

DEPT.: City Manager

CONTACT: Greg Usry, City Manager

AGENDA ITEM:

Update on the Boat Basin Dredge.

FOR THE MEETING OF:

April 3, 2024

RECOMMENDATION: That the Council hear the update.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND:

See attached.

CITY OF RYE DREDGE UPDATE



April 3, 2024



2022-23 DREDGE OVERVIEW

In summer of 2022, the City finalized permits and plans for the first comprehensive dredge in 20 years.

- Federal Channel dredge Fall/Winter of 2022 with open water disposal
- Marina dredge Fall/Winter of 2023 with upland disposal
- Equipment staging and permitting costs split between the City (Channel) and Boat Basin

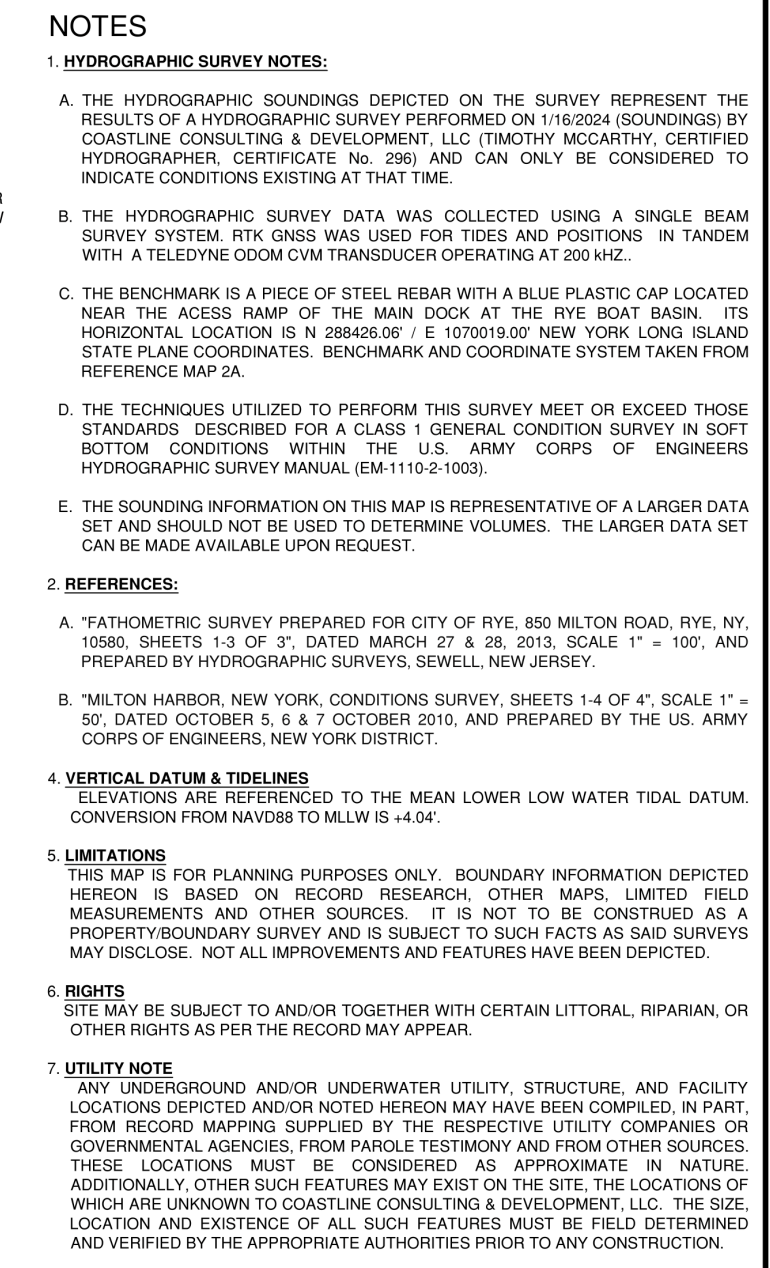
Permit Limitations

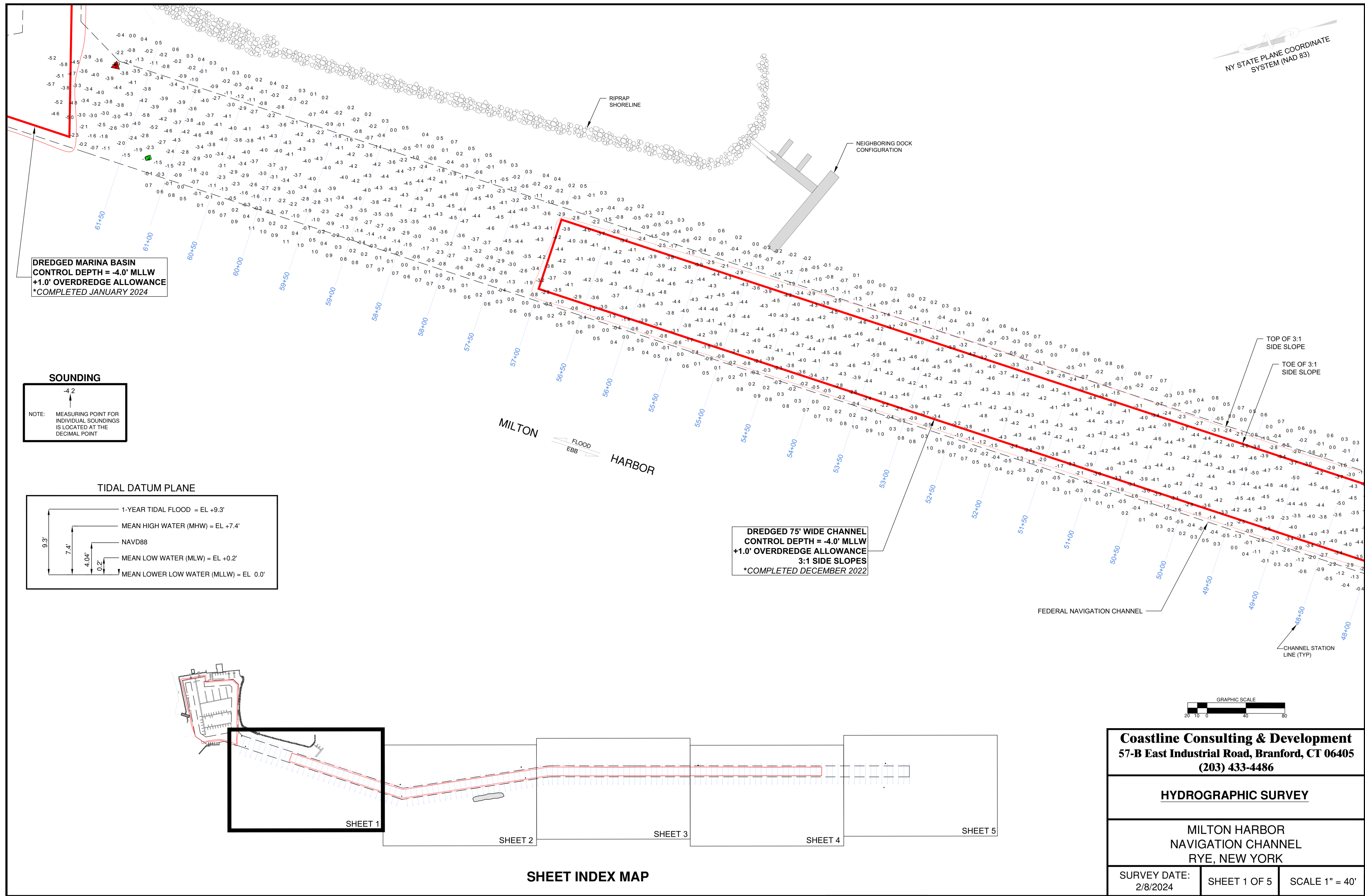
- Federal Channel – 21,000 cubic yards (later increased to 25,000)
- Boat Basin – 42,650 cubic yards

The 2022/3 Channel dredge removed 18,000 cubic yards of silt and achieved a depth of approximately four feet at mean low tide (some shallower areas)



The 2023/4 Basin dredge removed an estimated 18,000 cubic yards of silt and achieved an average depth of four feet at mean low tide.

During the Basin dredge all pilings and docks were removed and inspected (certain deficient pilings were replaced)





NY STATE PLANE COORDINATE
SYSTEM (NAD 83)

MILTON  FLOOD
EBB  HARBOR

DREDGED 75' WIDE CHANNEL
CONTROL DEPTH = -4.0' MLLW
+1.0' OVERDREDGE ALLOWANCE
3:1 SIDE SLOPES
*COMPLETED DECEMBER 2022

TOP OF 3:1
SIDE SLOPE
TOE OF 3:1
SIDE SLOPE

FEDERAL NAVIGATION CHANNEL

NAVIGATION
BUOY (TYP)

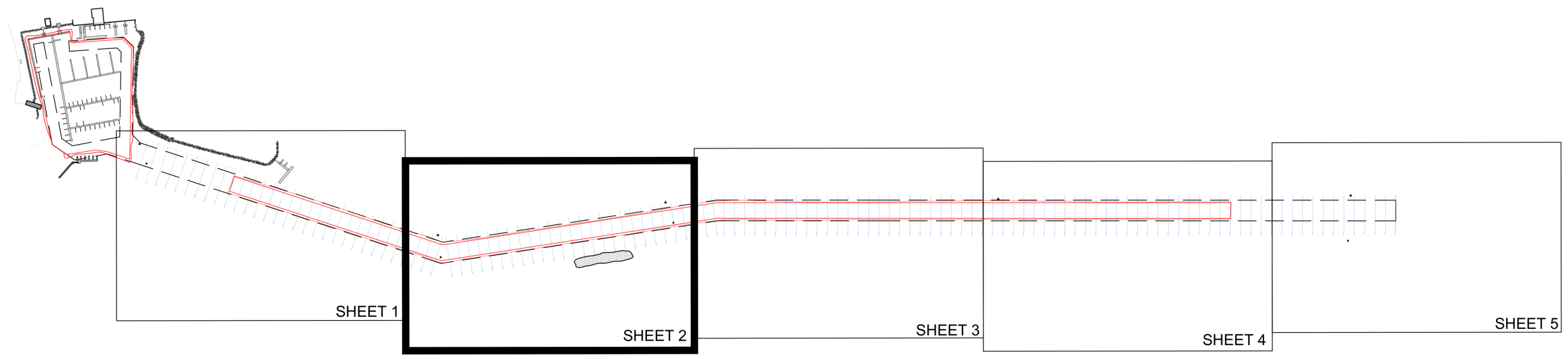
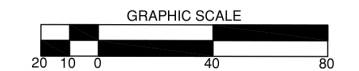
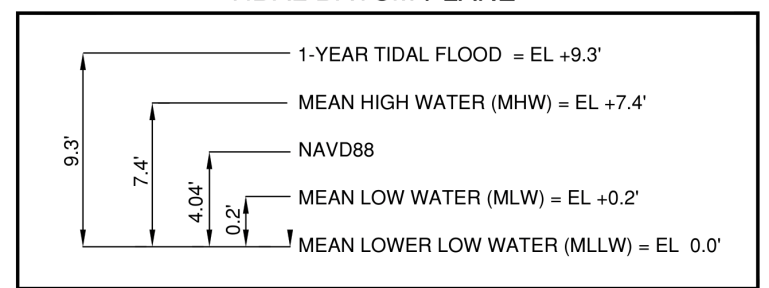
CHANNEL STATION
LINE (TYP)

MARSH OUTCROP

SOUNDING

-4.2
NOTE:
MEASURING POINT FOR
INDIVIDUAL SOUNDINGS
IS LOCATED AT THE
DECIMAL POINT

TIDAL DATUM PLANE



SHEET INDEX MAP

Coastline Consulting & Development
57-B East Industrial Road, Branford, CT 06405
(203) 433-4486

HYDROGRAPHIC SURVEY

**MILTON HARBOR
NAVIGATION CHANNEL
RYE, NEW YORK**

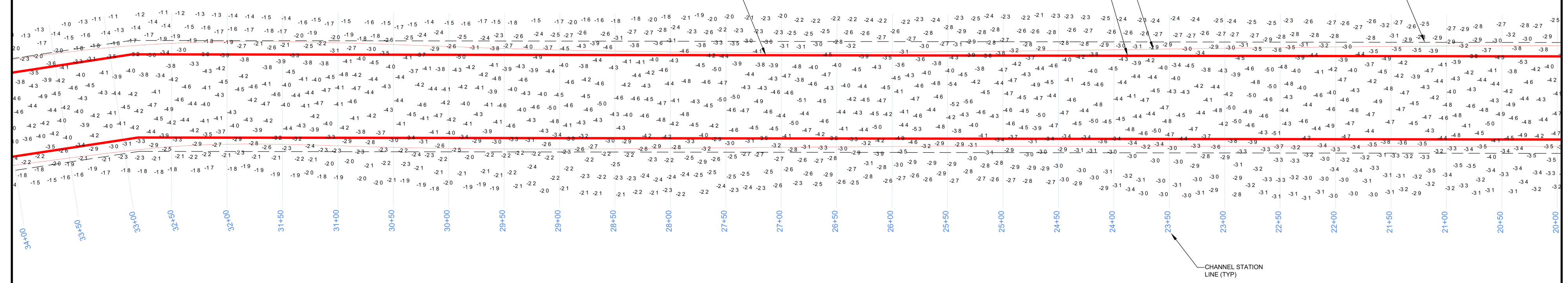
SURVEY DATE: 2/8/2024	SHEET 2 OF 5	SCALE 1" = 40'
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NY STATE PLANE COORDINATE
SYSTEM (NAD 83)

DREDGED 75' WIDE CHANNEL
CONTROL DEPTH = -4.0' MLLW
+1.0' OVERDREDGE ALLOWANCE
3:1 SIDE SLOPES
*COMPLETED DECEMBER 2022

TOP OF 3:1
SIDE SLOPE
TOE OF 3:1
SIDE SLOPE

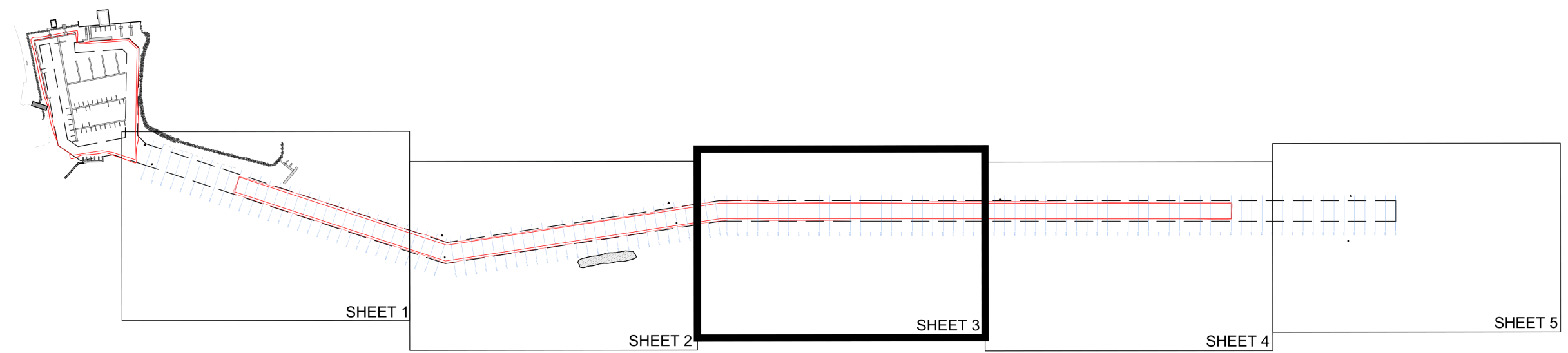
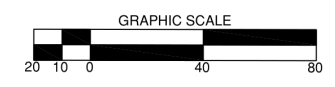
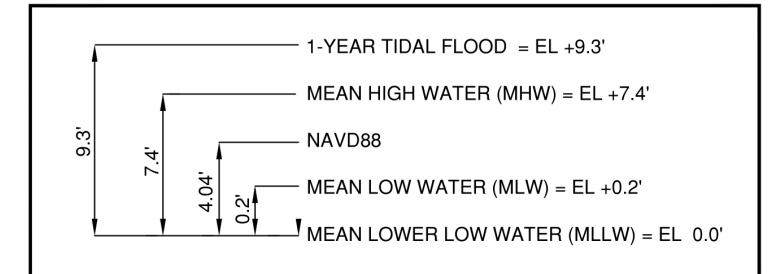
FEDERAL NAVIGATION CHANNEL



MILTON FLOOD HARBOR
EBB

SOUNDING
-4.2
NOTE: MEASURING POINT FOR
INDIVIDUAL SOUNDINGS
IS LOCATED AT THE
DECIMAL POINT

TIDAL DATUM PLANE



SHEET INDEX MAP

Coastline Consulting & Development 57-B East Industrial Road, Branford, CT 06405 (203) 433-4486		
HYDROGRAPHIC SURVEY		
MILTON HARBOR NAVIGATION CHANNEL RYE, NEW YORK		
SURVEY DATE: 2/8/2024	SHEET 3 OF 5	SCALE 1" = 40'

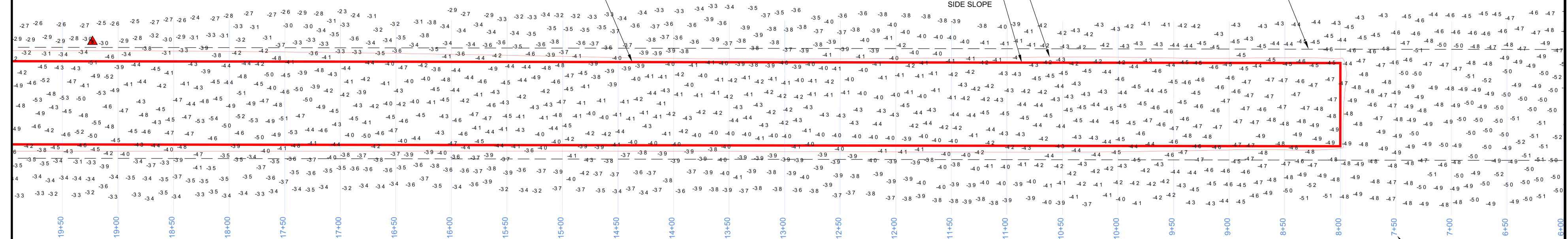
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FEDERAL NAVIGATION CHANNEL

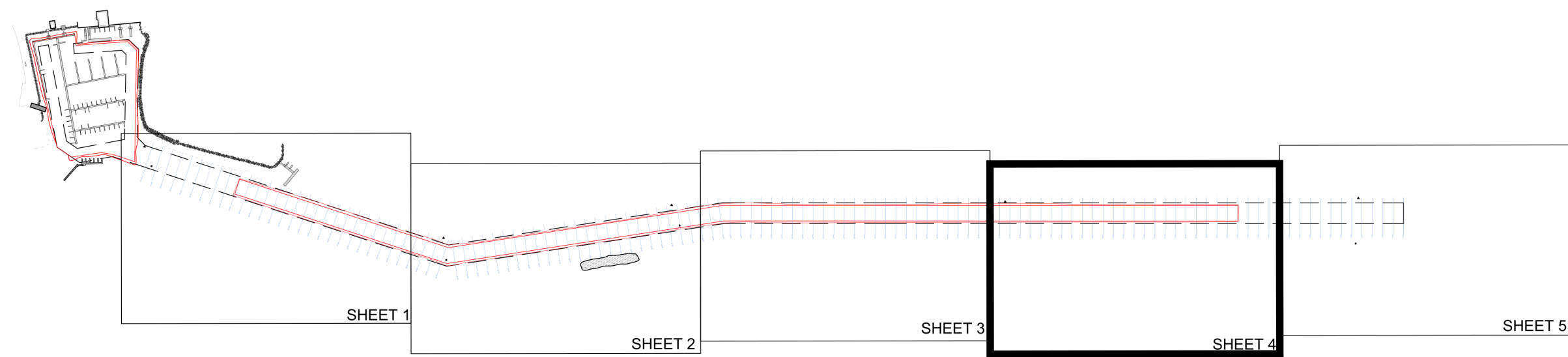
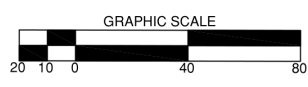
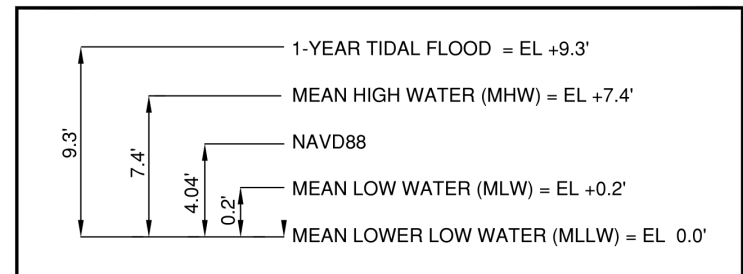


MILTON FLOOD EBB HARBOR

SOUNDING

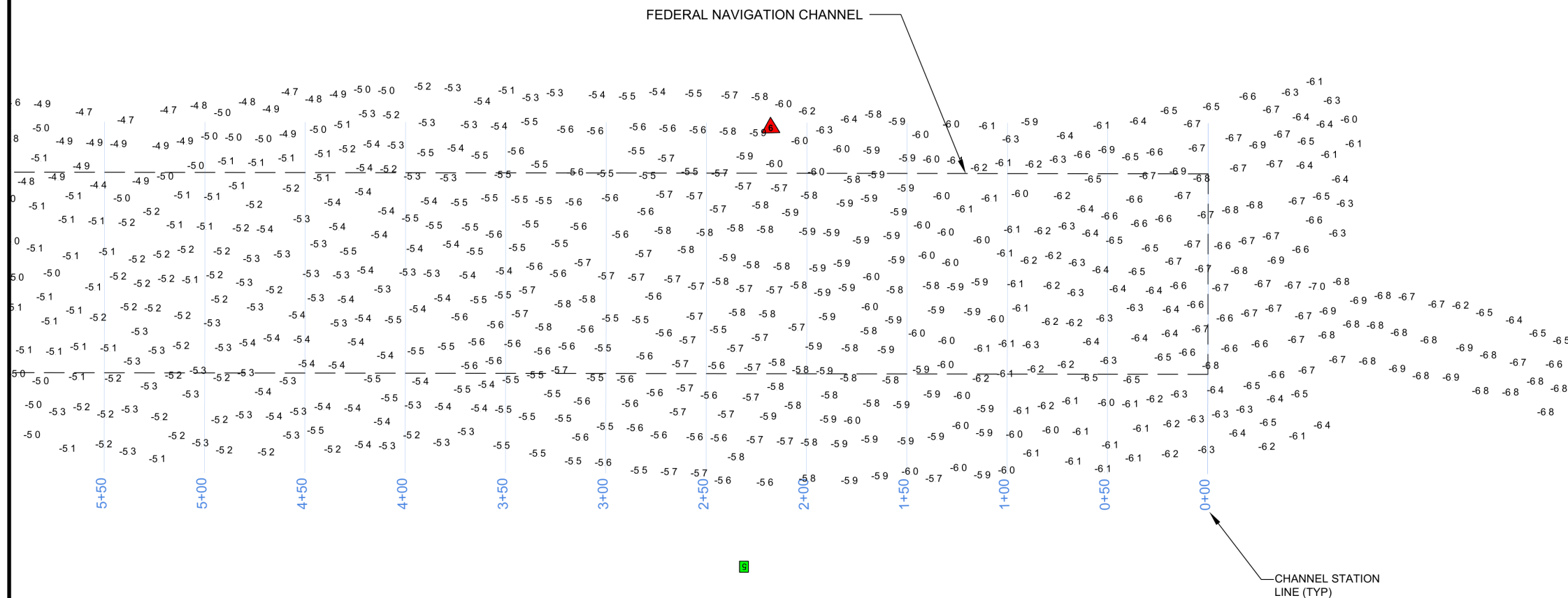
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TIDAL DATUM PLANE

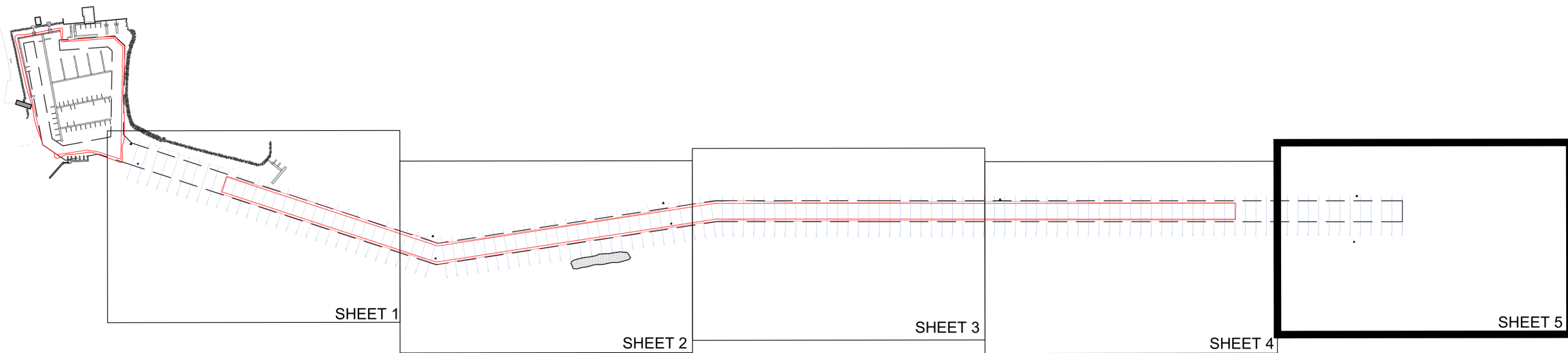


SHEET INDEX MAP

Coastline Consulting & Development 57-B East Industrial Road, Branford, CT 06405 (203) 433-4486		
HYDROGRAPHIC SURVEY		
MILTON HARBOR NAVIGATION CHANNEL RYE, NEW YORK		
SURVEY DATE: 2/8/2024	SHEET 4 OF 5	SCALE 1" = 40'



MILTON FLOOD EBB HARBOR



SHEET INDEX MAP

NOTES

1. HYDROGRAPHIC SURVEY NOTES:

- THE HYDROGRAPHIC SOUNDINGS DEPICTED ON THE SURVEY REPRESENT THE RESULTS OF A HYDROGRAPHIC SURVEY PERFORMED ON 2/8/2024 (SOUNDINGS) BY COASTLINE CONSULTING & DEVELOPMENT, LLC (TIMOTHY MCCARTHY, CERTIFIED HYDROGRAPHER, CERTIFICATE No. 296) AND CAN ONLY BE CONSIDERED TO INDICATE CONDITIONS EXISTING AT THAT TIME.
- THE HYDROGRAPHIC SURVEY DATA WAS COLLECTED USING A MULTI-BEAM SURVEY SYSTEM. RTK GNSS WAS USED FOR TIDES AND POSITIONS IN TANDEM WITH A TELEDYNE ODOM MB1 MULTI BEAM TRANSDUCER.
- THE BENCHMARK IS A PIECE OF STEEL REBAR WITH A BLUE PLASTIC CAP LOCATED NEAR THE ACCESS RAMP OF THE MAIN DOCK AT THE RYE BOAT BASIN. ITS HORIZONTAL LOCATION IS N 288426.06' / E 1070019.00' NEW YORK LONG ISLAND STATE PLANE COORDINATES. BENCHMARK AND COORDINATE SYSTEM TAKEN FROM REFERENCE MAP 2A.
- THE TECHNIQUES UTILIZED TO PERFORM THIS SURVEY MEET OR EXCEED THOSE STANDARDS DESCRIBED FOR A CLASS 1 GENERAL CONDITION SURVEY IN SOFT BOTTOM CONDITIONS WITHIN THE U.S. ARMY CORPS OF ENGINEERS HYDROGRAPHIC SURVEY MANUAL (EM-1110-2-1003).
- THE SOUNDING INFORMATION ON THIS MAP IS REPRESENTATIVE OF A LARGER DATA SET AND SHOULD NOT BE USED TO DETERMINE VOLUMES. THE LARGER DATA SET CAN BE MADE AVAILABLE UPON REQUEST.
- THE PLOTTED SOUNDINGS ARE REPRESENTATIVE OF THE **AVERAGE VALUE** OF A 3' x 3' CELL AND SORTED TO A 15' RADIUS TO FIT THE SCALE OF THE SURVEY.

2. REFERENCES:

- "FATHOMETRIC SURVEY PREPARED FOR CITY OF RYE, 850 MILTON ROAD, RYE, NY, 10580, SHEETS 1-3 OF 3", DATED MARCH 27 & 28, 2013, SCALE 1" = 100', AND PREPARED BY HYDROGRAPHIC SURVEYS, SEWELL, NEW JERSEY.
- "MILTON HARBOR, NEW YORK, CONDITIONS SURVEY, SHEETS 1-4 OF 4", SCALE 1" = 50', DATED OCTOBER 5, 6 & 7 OCTOBER 2010, AND PREPARED BY THE U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT.

4. VERTICAL DATUM & TIDELINES

ELEVATIONS ARE REFERENCED TO THE MEAN LOWER LOW WATER TIDAL DATUM. CONVERSION FROM NAVD88 TO MLLW IS +4.04'.

5. LIMITATIONS

THIS MAP IS FOR PLANNING PURPOSES ONLY. BOUNDARY INFORMATION DEPICTED HEREON IS BASED ON RECORD RESEARCH, OTHER MAPS, LIMITED FIELD MEASUREMENTS AND OTHER SOURCES. IT IS NOT TO BE CONSTRUED AS A PROPERTY/BOUNDARY SURVEY AND IS SUBJECT TO SUCH FACTS AS SAID SURVEYS MAY DISCLOSE. NOT ALL IMPROVEMENTS AND FEATURES HAVE BEEN DEPICTED.

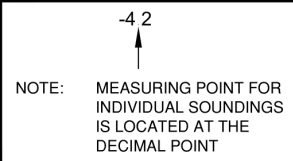
6. RIGHTS

SITE MAY BE SUBJECT TO AND/OR TOGETHER WITH CERTAIN LITTORAL, RIPARIAN, OR OTHER RIGHTS AS PER THE RECORD MAY APPEAR.

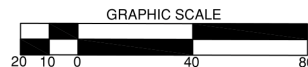
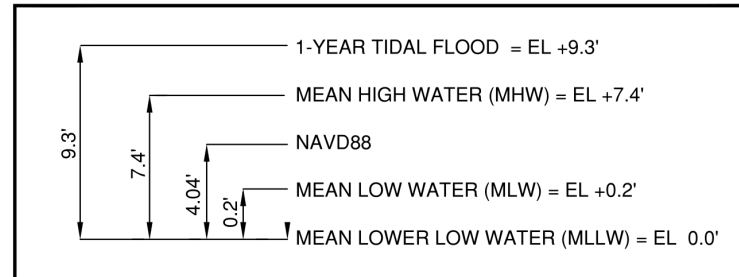
7. UTILITY NOTE

ANY UNDERGROUND AND/OR UNDERWATER UTILITY, STRUCTURE, AND FACILITY LOCATIONS DEPICTED AND/OR NOTED HEREON MAY HAVE BEEN COMPILED, IN PART, FROM RECORD MAPPING SUPPLIED BY THE RESPECTIVE UTILITY COMPANIES OR GOVERNMENTAL AGENCIES, FROM PAROLE TESTIMONY AND FROM OTHER SOURCES. THESE LOCATIONS MUST BE CONSIDERED AS APPROXIMATE IN NATURE. ADDITIONALLY, OTHER SUCH FEATURES MAY EXIST ON THE SITE, THE LOCATIONS OF WHICH ARE UNKNOWN TO COASTLINE CONSULTING & DEVELOPMENT, LLC. THE SIZE, LOCATION AND EXISTENCE OF ALL SUCH FEATURES MUST BE FIELD DETERMINED AND VERIFIED BY THE APPROPRIATE AUTHORITIES PRIOR TO ANY CONSTRUCTION.

SOUNDING



TIDAL DATUM PLANE



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HYDROGRAPHIC SURVEY

MILTON HARBOR
NAVIGATION CHANNEL
RYE, NEW YORK

SURVEY DATE: 2/8/2024 SHEET 5 OF 5 SCALE 1" = 40'



CITY COUNCIL AGENDA

DEPT.: City Manager's Office

CONTACT: Greg Usry, City Manager

ACTION: Home rule resolution supporting S8736 / A9138, extension of City of Rye Hotel Occupancy Tax.

FOR THE MEETING OF:

April 3, 2024

RECOMMENDATION: That the City Council approve the resolution.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: The City of Rye seeks to continue the authority granted since 2006 to impose a 3% daily room tax on hotel, motel, or similar place of public accommodation, necessary to raise non-property tax revenue to support City expenses including to offset the impacts of rising pension costs, healthcare costs and other expenses not fully discretionary. The tax expires this year and must be renewed. A home rule resolution is needed before the bill can advance in Albany to authorize the City of Rye to extend a room occupancy tax not to exceed 3%, for the three-year period ending on September 1, 2027.

PRIOR LEGISLATIVE HISTORY:

2006: A8015-B/S5387-A - Chapter 313 of the Laws of 2006
2009: A289/S1887 - Chapter 89 of the Laws of 2009
2012: A8556-C/S5902-B- Chapter 125 of the Laws of 2012
2015: A7265/S5072 -Chapter 204 of the laws of 2015
2018: A10516/ 58377-Chapter 166 of the laws of 2018
2021: A5370-A/S4368-Chapter 402 of the laws of 2021

S8736 MAYER Same as [A 9138](#) Otis

Text Versions: [S 8736](#)

S8736 MAYER Same as [A 9138](#) Otis

MAYER

Amd §2, Chap 89 of 2009

Extends the city of Rye's occupancy tax to September 1, 2027.

STATE OF NEW YORK

8736

IN SENATE

March 5, 2024

Introduced by Sen. MAYER -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend chapter 89 of the laws of 2009 amending the tax law relating to the imposition of an occupancy tax in the city of Rye, in relation to extending the effectiveness thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 2 of chapter 89 of the laws of 2009 amending the tax law relating to the imposition of an occupancy tax in the city of Rye, as amended by chapter 402 of the laws of 2021, is amended to read as follows:

§ 2. This act shall take effect immediately and shall expire and be deemed repealed September 1, [~~2024~~] 2027.

§ 2. This act shall take effect immediately.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [~~-~~] is old law to be omitted.

LBD14108-01-4

NEW YORK STATE SENATE
INTRODUCER'S MEMORANDUM IN SUPPORT
submitted in accordance with Senate Rule VI. Sec 1

BILL NUMBER: S8736

SPONSOR: MAYER

TITLE OF BILL:

An act to amend chapter 89 of the laws of 2009 amending the tax law relating to the imposition of an occupancy tax in the city of Rye, in relation to extending the effectiveness thereof

PURPOSE OR GENERAL IDEA OF BILL:

To authorize the City of Rye to extend a room occupancy tax not to exceed 3%, for the three-year period ending in 2027.

SUMMARY OF PROVISIONS:

Section 1202 of the tax law is amended to extend the authority of the City of Rye to enact such a tax for a three-year period, ending on September 1, 2027.

JUSTIFICATION:

The City of Rye seeks to continue the authority granted since 2006 to impose a 3% daily room tax on hotel, motel, or similar place of public accommodation, necessary to raise non-property tax revenue to support City expenses including to offset the impacts of rising pension costs, healthcare costs and other expenses not fully discretionary.

PRIOR LEGISLATIVE HISTORY:

2006: A8015-B/S5387-A - Chapter 313 of the Laws of 2006
2009: A289/S1887 - Chapter 89 of the Laws of 2009
2012: A8556-C/S5902-B- Chapter 125 of the Laws of 2012
2015: A7265/S5072 -Chapter 204 of the laws of 2015
2018: A10516/ 58377-Chapter 166 of the laws of 2018
2021: A5370-A/S4368-Chapter 402 of the laws of 2021

FISCAL IMPLICATIONS FOR STATE AND LOCAL GOVERNMENTS:

The City estimates revenues of \$190,000 per year minus implementation costs.

EFFECTIVE DATE:

This act shall take effect immediately and shall expire and be deemed repealed on September 1, 2027.



CITY COUNCIL AGENDA

DEPT.: City Manager

CONTACT: Greg Usry, City Manager

AGENDA ITEM:

Consideration of License Agreement for improvements along the City's right of way at 2 Grace Church Street/19 Palisades.

FOR THE MEETING OF:

April 3, 2024

RECOMMENDATION: That the Council consider the License Agreement.

IMPACT: ☐ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

BACKGROUND: See attached

Nancy Reade Everett
19 Palisade Road
Rye, NY 10580

March 19, 2024

RE: 2 Grace Church Street
License Agreements for Wall and Fence

Dear Mayor Cohn and Members of the City Council:

I grew up in 2 Grace Church Street and after my mother's death in 2021 my husband and I investigated renovating the house or rebuilding it with the intent of maintaining the look and character of the original house. After discussions with several architects it became clear that the best way to move forward was to rebuild the house maintaining the design characteristics but using new techniques and technologies such as geothermal heat and solar panels. In order to reduce the amount of impervious surfaces, we removed the detached two car garage and placed the garage under the new house. We are also removing over 1500 square feet of asphalt driveway and garage in the rear of the house and plan to replace this area with lawn, trees and shrubs. To accomplish this, we would like to raise the area where the driveway currently comes down a steep grade to Palisade Road by extending the existing retaining wall in the Palisade Road right of way at a height of four feet for 25 linear feet and connecting it to the existing wall that separates 2 Grace Church Street from our house at 19 Palisade Road. For this we will need a license agreement.

In order to build the wall we will need a temporary license to use approximately 30 linear feet of the sidewalk on the north side of Palisade Road as a staging area. We will restore the sidewalk when the wall is complete and the area behind the wall has been backfilled and landscaped.

The wall on the north side of the Palisade Road right of way starts at a height of three feet and rises to over ten feet. The wall was constructed by Rye in the early years of the twentieth century to accommodate trolley tracks from the village to Midland Avenue and then Rye Beach. The property line of 2 Grace Church Street is one to four feet from the face of the wall. We plan to install a four foot high smooth top black aluminum fence parallel to the wall to make it safe for future residents of 2 Grace Church Street. We would like to obtain a license agreement to locate the fence in close proximity to the back of the wall and not on the property line. This will eliminate a narrow landscape area that will be difficult and dangerous to maintain. The fence will act more as a safety railing than a property delineator.

To assist your decision making process we have attached a plan of 2 Grace Church Street showing the wall in brown, the sidewalk in yellow, and the fence in red. We have also included photographs of the existing wall, the area where we would like to extend the wall, and the type of fence we are proposing. Thank you for your attention to our requests.

Sincerely,

A handwritten signature in black ink, appearing to read "Nancy Reade Everett", with a long horizontal flourish extending to the right.

Nancy Reade Everett

**CROZIER-GEDNEY
ARCHITECTS, P.C.**

ARCHITECTS • INTERIORS • SUSTAINABLE DESIGN

41 ELM STREET
SUITE 200
NEW YORK, NY 10002

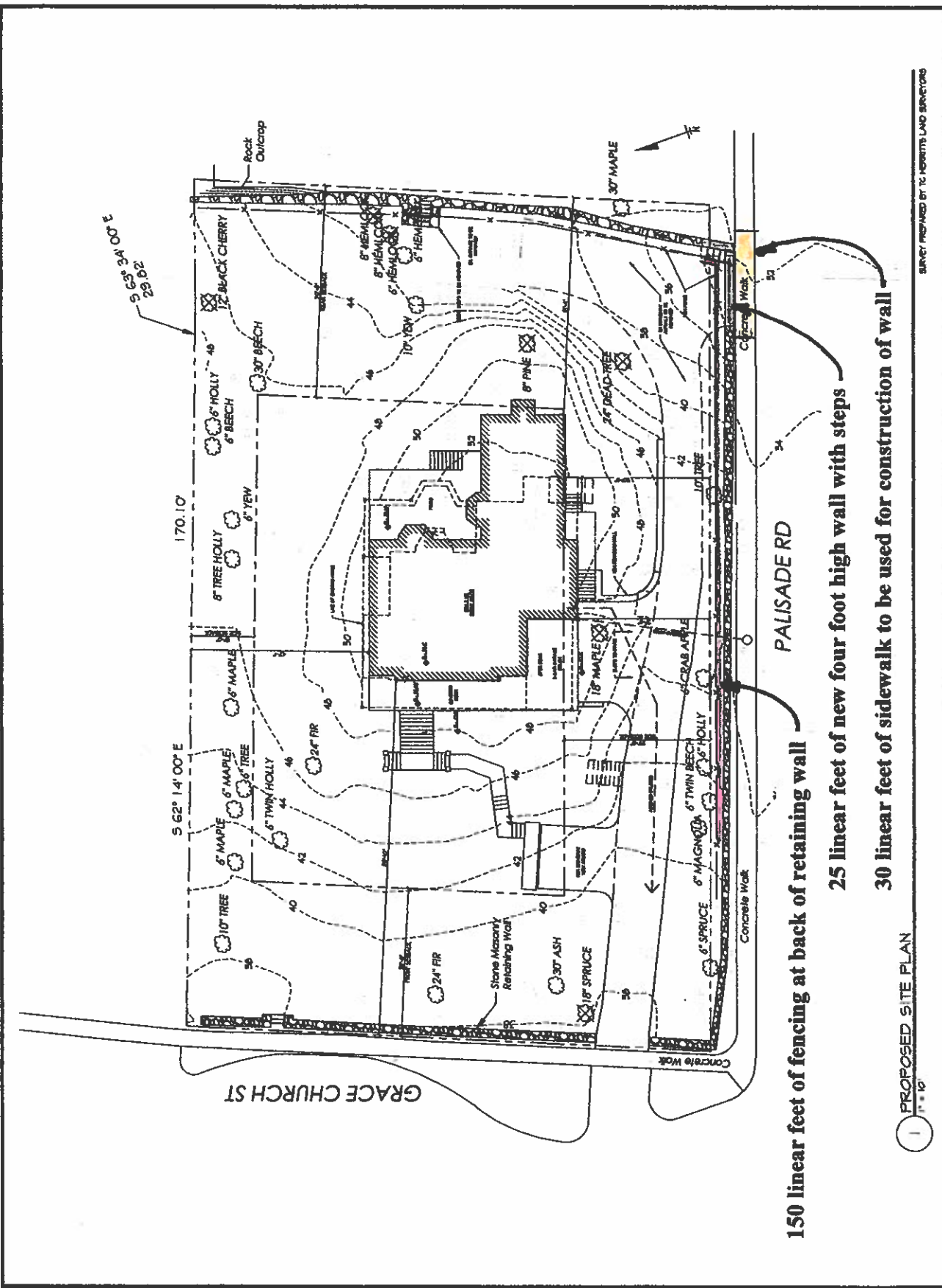
TEL: 212 463-4000
FAX: 212 463-4001

[illegible]

EVERETT RESIDENCE
2 GRACE CHURCH ST
RYE, NY

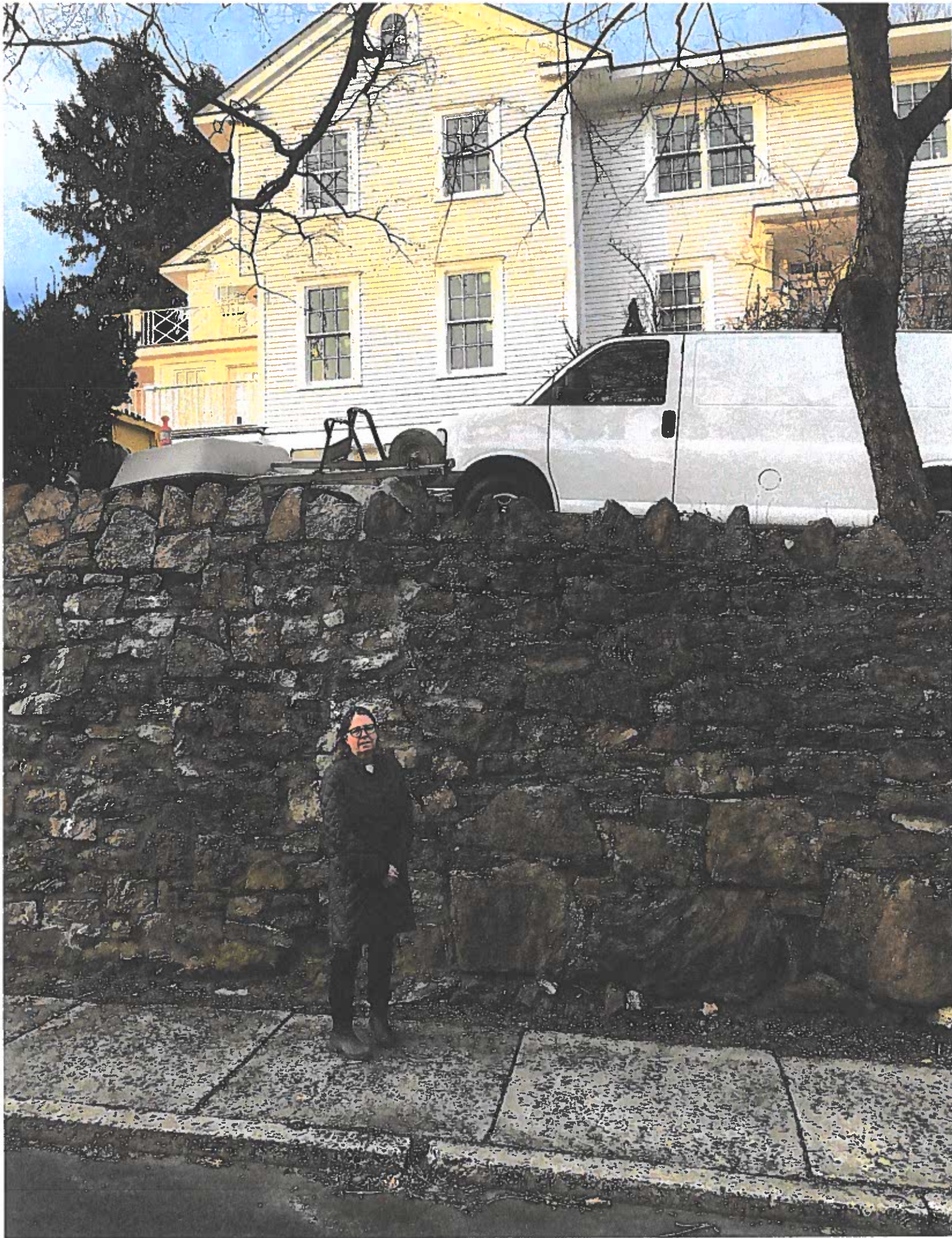
PROPOSED
SITE PLAN

NAME	4042
AS NOTED	
DATE	04.07.22
TIME	10:11
CLASS	R.S.B.
TEST NUMBER	
TEST NAME	T-01









**LICENSE AGREEMENT FOR WALL AND FENCE FOR 2 GRACE CHURCH STREET
(a/k/a 19 Palisade Road)**

This License Agreement ("Agreement") is made the _____ day of April, 2024, between the CITY OF RYE, having an address at 1051 Boston Post Road, Rye, New York 10580 ("Licensor" or "City") and Nancy Reade Everett, Trustee, having an address of 19 Palisade Road, Rye, New York 10580 ("Licensee")

WITNESSETH

WHEREAS, the Licensee is in the process of building a new residential structure at 2 Grace Church Street, Rye, New York also known on the current tax assessment map of the City of Rye as Sheet No. 146.11, Block 2, Lot 72.1, a corner lot in the R-2 Zone with frontage on Grace Church Street and Palisade Road; and

WHEREAS, the Licensee plans to remove the portion of the driveway that has access to a curb cut on Palisade Road and replace the driveway with landscaped open space which will require the construction of approximately 25 linear feet of a retaining wall four feet high with steps that will extend the existing wall at the back of the sidewalk and turn ninety degrees to tie into a second existing wall at the rear of the Licensee's property; and

WHEREAS, the Licensee will require a temporary license to use approximately 25 linear feet of the sidewalk area of Palisade Road to construct the retaining wall: and

WHEREAS, the Licensee would like to provide a side yard that is safe and can be easily maintained adjacent to the existing retaining wall along Palisade Road which has a maximum height of ten feet by constructing approximately 200 linear feet of a four-foot-high fence adjacent to the back of the retaining wall.

NOW THEREFORE, in consideration of a payment of \$10.00 (Ten Dollars), receipt of which is acknowledged by the City, the parties agree as follows:

1. The City hereby grants to the Licensee a temporary right, license and privilege to utilize a portion of the City owned sidewalk on the north side of Palisade Road to construct a continuation of the existing retaining wall for 25 linear feet no more than four feet high with steps to access the yard at 2 Grace Church Street as shown on Exhibit A. Licensee shall restore any disturbed areas to a condition equal to or better than existed prior to the license by the Licensee within 30 days of work being completed.
2. The City hereby grants to the Licensee the right and privilege to utilize a portion of the City owned Palisade Road right of way to construct approximately 200 linear feet of a four-foot-high fence at the back of the existing retaining wall adjacent to the sidewalk on the north side of Palisade Road. Licensee shall restore any disturbed areas to a condition equal to or better than existed prior to the work performed by the Licensee.

3. The Licensee, its successors, heirs or assigns, shall indemnify and save harmless the City and its employees, officers and agents, from all claims, suits and actions and all damages and costs to which they may be put by reason of death or injury to all persons or property of another resulting from unskillfulness, willfulness, negligence or carelessness in the installation of the improvements (including, but not limited to the sidewalk, curbing, wall and fence). The Licensee shall maintain liability insurance issued by an insurance company licensed to do business in the State of New York in form and amount deemed sufficient by the City Attorney and shall provide a certificate of insurance evidencing the same and which shall provide thirty days' notice of cancellation of the same to the City. Said policy of insurance and certificate shall name the City of Rye as additional insured.
4. The entire cost of constructing the improvements shall be the sole responsibility of the Licensee and the City shall have no financial obligation therein.
5. This Agreement shall inure to the benefit of and be binding on the successors and assigns in the interest of the Licensee, which covenant shall run with the land.

IN WITNESS WHEREOF, the parties to this Agreement have hereunto set their hands and seals the day and year first above written.

CITY OF RYE

By: _____
Greg Usry
City Manager

NANCY READE EVERETT, TRUSTEE

By: _____
Nancy Reade Everett
Trustee

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) ss:

On _____, 2024, before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity(ies), and that by his signature on the instrument, the individual, or the person or entity upon behalf of which the individual acted, executed the instrument.

Notary Public

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) ss:

On _____, 2024, before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity(ies), and that by her signature on the instrument, the individual, or the person or entity upon behalf of which the individual acted, executed the instrument.

Notary Public